

Recommendation Report for Outline Consent

REF NO:	WA/80/21/OUT
LOCATION:	Land East of Yapton Lane Walberton BN18 0LJ
PROPOSAL:	Outline application with all matters reserved (except access) for up to 75 No. dwellings. This application affects the setting of a listed building, affects the character & appearance of the Walberton Village Conservation Area & is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is in outline form for residential development for up to 75 dwellings and includes access with all other matters reserved. An indicative site layout accompanies the application and shows how the site could be developed. Approval for layout is not sought at this time and is to be reserved for subsequent approval. However, the indicative layout seeks to demonstrate the ability of the site to accommodate residential development (up to 75 dwellings) and the associated infrastructure necessary.
SITE AREA	7.6 ha
RESIDENTIAL DEVELOPMENT DENSITY	10 dwellings per hectare.
TOPOGRAPHY	Predominantly flat
TREES	There are notable trees within the site and along the boundaries of the site which are the subject of a Tree Preservation Order (TPO).
BOUNDARY TREATMENT	Vegetation and hedgerows bound the site.
SITE CHARACTERISTICS	The site comprises agricultural land. It is generally flat and gently sloping and located to the north east of the village of Walberton and is bounded by Yapton Lane to the west. To the south, the site is edged by a footpath with Walberton Farm. The site is in an open countryside setting, visually separate from the village with far ranging views across open countryside A small watercourse runs beyond the eastern boundary of the site.
CHARACTER OF LOCALITY	The area is rural in character with mainly detached residential properties on the opposite side of Yapton Lane. Farmland is accessible, through a network of public rights of way and permissive paths. Land in the northeast of the Parish of

Walberton falls within the South Downs National Park (SDNP). There is good access via public footpaths, without crossing a major road, to the parts of the SDNP south of the A27 (Binsted Woods and Tortington Common).

REPRESENTATIONS

The following is a summary of the representations received. Full comments are available to view on the Council website.

Walberton Parish Council - Objection.

- This site is not included in the very recently made Walberton Neighbourhood Development Plan (NDP).
- The scale of the proposed development is larger than the housing requirement and is not necessary to meet the requirement. Walberton Parish has already allocated in excess of its requirement as part of the made NDP.
- Development in this location would extend the settlement into open countryside and elongate the built-up area further.
- It would compromise the Gap between Walberton and Binsted and there are no natural defensible boundaries beyond Yapton Lane to the east and there would be a risk of further encroachment into open countryside. Gap maintenance is a core vision in the NDP and is referred to in NDP Policy HP1 2020.
- The views across the site will fall within in the 'protected views' policy (policy VE13) in the revised Neighbourhood Plan which may limit the development or the extent of the developable area.
- This site is not present in Arun District Council's (ADC's) HELAA (Housing & Economic Land Availability Assessment).
- The site is outside the Built-up Area Boundary, in conflict with NDP Policy HP1 2020 and ADC Local Plan policies C SP1 (Countryside) and SD SP2 (Built-up Area Boundary).
- The site is located in an area with an important local vista NDP Policy VE13 2020 (Views and Vistas).
- The application is premature as the exact route of the A27 Arundel Bypass is currently not known. The final route may run through it.
- No noise data has yet been presented as part of the application to take into account the potential impact on residents from the A27 Arundel Bypass as required by ADC Local Plan Policy QE DM1.
- The Air Quality Assessment (AQA) does not consider impacts of the potential A27 route at all.
- The addition of 75 dwellings will increase traffic through the village, in conflict with NDP Policy GA5 especially should the access to the A27 from the northern end of Yapton Lane be altered as per current National Highways proposals for the Arundel Bypass.
- The developer has not demonstrated that an alternative location for development in the Parish is not possible, in conflict with heritage NDP policy VE11.
- While the planning statement acknowledges a number of Grade II Listed Buildings in the vicinity of the site, it omits the Grade II* Listed St Mary's Church, Binsted, whose setting will be affected.
- 2/3 of the land in this application is classified as Grade 2 agricultural land and the remainder is classified as Grade 3a. Housing would be in conflict with ADC Local Plan Policy SO DM1.
- The local bus services are infrequent and practicality of using these services for shopping and commuting is very poor.
- Walberton has only 1 public house and no GP surgery or Post Office.

98 Objections.

- The local infrastructure and amenities are insufficient for the proposed development.
- The proposed development is inconsistent with the Walberton Neighbourhood Development Plan and the other Local Government guidance/plans.
- The access to and from the development can only be provided via Yapton Lane, which is already at its capacity limit.
- Local infrastructure will struggle to cope with the Avisford Grange development, let alone another 75 homes.

- There is no demand for further homes.
- Walberton has already fulfilled and exceeded its required allocation of housing development.
- The proposed site is classified as agricultural land, is outside the Built-up Area Boundary, and would appear to conflict with the Protected View policy in the Neighbourhood Plan.
- There is the possibility that the new A27 may pass through part of the proposed site.
- The village Doctor's surgery and Post Office have been closed for some years.
- The local bus service is currently not fit for purpose.
- The proposed development would reduce the strategic gap between the villages of Walberton and Binsted.
- The proposed site is very close to a known Roman villa, and there is potential for further Roman remains on the site.
- There would be unwelcome additional noise and air pollution.
- This application is flawed. The statements referring to car journeys is not representative of the actual needs to use a car in this area.
- It is needed agricultural land as our food security is becoming ever more precarious due to world climate change.
- The land is vital to absorb water that would have nowhere to go but the lower lying road and existing properties in Walberton.
- Walberton and the surrounding villages are being destroyed.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments are noted and will be covered in the Conclusions section.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

The following is a summary of the consultee comments which can be viewed in full on the Council's website.

ADC GREENSPACE - No objection.

The need to remove a small section of hedgerow and a tree to facilitate the entrance proposals would require mitigating with compensation planting.

All nature conservation features within the development site including existing habitats, trees, hedges, watercourses and other features should be incorporated into the site design.

Quality, well-designed Public Open Space (POS) in accordance with Arun District Council's OS SPD (Open Space Supplementary Planning Document) January 2020. 6,188m² as a minimum of well connected, usable, quality POS provision within this development would be required.

This development will trigger the requirement for play in the form of onsite LAPs, LEAP/NEAP provision, which would need to be suitable for location in material choice and play experience offer.

ADC CONSERVATION OFFICER - There is potential for the setting of heritage assets to be impacted.

Concern that the proposed houses will come close to the road and that the existing hedgerow will not be sufficient to ensure that the houses are not seen when looking along Yapton Lane in either direction. As such the views would clearly be impacted.

The landscape concept plan identifies that the existing boundary treatments and planting will be largely retained and potentially strengthened. The only significant change will be the creation of an opening to provide for the means of access to the site. Whilst covering a small area, there is potential for such a feature to have a dominating impact based on the design features required of a modern junction. However, if minimised, the impact would be reduced.

There is potential for the development to impact upon a small part of the historical agricultural setting of the conservation area, which could potentially be harmful, but this would be at the lowest end of the category of 'less than substantial harm'.

Impact on adjacent listed buildings results in no harm to the significance of their setting. Any change would be negligible, and would only impact on more oblique views from the conservation area, which could be considered as part of a carefully considered landscaping scheme. Therefore, on balance, the proposed application is considered to not cause harm to the significance of the heritage assets or its/their setting.

ENVIRONMENTAL HEALTH - No objection subject to conditions regarding contaminated land, air quality, construction management and construction hours and electric vehicle charging points.

ARCHAEOLOGY ADVISOR - The site contains Roman features which are likely to be part of a wider landscape of Roman agricultural management associated with the nearby Blacksmith's Corner Roman villa. This is very significant archaeology, and development of the site should only be permitted if the most important elements of it can be properly preserved. This should be achieved by a combination of preservation in-situ through sympathetic design and appropriate archaeological investigation of the rest. The indicative site layout satisfactorily avoids the Roman enclosures at the north and south ends of the site and the trackway between them. A suitable standard condition should be imposed.

WSCC (LLFA) - The area of the proposed development is shown to be at high risk from groundwater flooding.

The FRA for this application proposes that sustainable drainage techniques (permeable paving, swales, bioretention tree pits, attenuation basin and a restricted discharge to the main river) would be used to control the surface water from this development.

As indicated in the FRA, infiltration needs to be fully investigated to see if/how this could be incorporated into the drainage strategy.

ECOLOGY OFFICER - The site is assessed as moderate value for commuting and foraging bats. The site still has the potential to be functionally linked to Sussex Bat SACs. Bat surveys should be undertaken to fully understand how this site is used by bats along with a suitable mitigation strategy as part of a reserved matters application.

The mitigation proposed would be suitable for Dormice, Newts and Reptiles. A precautionary approach should be taken for hedgehogs and nest boxes provided and conditioned.

The suggested enhancements and additional measures should be detailed within the landscaping strategy as part of a reserved matters application.

Full details on how the habitats and enhancements onsite will be managed during the construction phase and post construction should be included within a Construction Environmental Management Plan (CEMP) and Landscape and Management Plan (LEMP) as part of a reserved matters application.

ADC HOUSING STRATEGY AND ENABLING MANAGER - In accordance with the Council's Affordable Housing policy 23 x affordable dwellings are required.

Rent should be set no higher than 90% of Local Housing Allowance (LHA) levels. In addition at least 50% of the rented units should be set at rent levels of no higher than 65% of open market value.

The affordable housing statement should reflect the mix recommended in the Strategic Housing Market Assessment.

The proposed development should comply with Policy AH SP2 of the Local Plan in terms of clustering. Affordable dwellings should be in small clusters, of no more than five.

All necessary affordable housing requirements would need to be included in S106 planning obligation not secured by planning condition.

SUSSEX POLICE - Given that this outline application is only to determine the means of access and to

seek approval in principle, no detailed comments can be made at this stage. At the reserved matters stage the Design and Access Statement should include appropriate measures for crime prevention and community safety using the principles of Secured by Design and the attributes of safe, sustainable places.

WEST SUSSEX FIRE AND RESCUE - There is a requirement of additional fire hydrant(s) for the proposed development. This is to ensure that all dwellings on the proposed site are within 150 metres of a fire hydrant for the supply of water for firefighting.

PUBLIC RIGHTS OF WAY - The development stops approximately 60m north of Footpath 350 and there is no foreseeable impact on it from this development alone.

SOUTHERN WATER - No Objection.

The additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water. Conditions requested regarding phased and implemented alignment with the delivery by Southern Water of any sewerage network reinforcement.

NATIONAL HIGHWAYS AUTHORITY- Holding response.

There are a number of matters requiring further clarification or information in order to assess the implications of the proposal on the Strategic Road Network.

Until such time as the requirements are fully met, National Highways will not be able to assess whether the proposals comply with national planning and transport policy set out in DfT C2/13 (especially paras 8 to 11) and MHCLG NPPF2021 (especially paras 110 to 113); and hence will not be able to provide our formal planning response.

NATURAL ENGLAND - No comment.

COUNTY HIGHWAYS - The development should avoid the potential route of A27 bypass upgrade. At present National Highways has not submitted a Development Consent Order for the Arundel Bypass and as such it has no formal planning status. If permission is granted it would be National Highways responsibility to assess the redistributed impacts of the development on a number of WSCC junctions.

Swept path tracking plans shows a refuse vehicle and fire tender can manoeuvre the site access. Footways at the access point will link to a new dropped kerb crossing of Yapton Road to the north and upgraded bus stop to the south. The bus stop to the west side of Yapton Road will be upgraded. There will also be a dropped kerb crossing to the north. Plans show an internal footway to the Manser Road bus stop.

The proposed footway either side of the access will provide links to bus stops and crossing points to west side of Yapton Road for onward journeys. There are also several off-road pedestrian links within the site and a crossing opposite Avisford Park Road to tie in to Public Right of Way (PROW) 333 to Walberton Primary School and local retail facilities, consideration should be provided on the appropriateness of the route and possible upgrades.

Following further information required:

- Stage 1 RSA and Designers Response.
- Demonstrate that baseline figures (June 2021 traffic counts) are similar to pre-Covid levels through comparison with historical traffic counts.
- Consult with Parish Council on their willingness to maintain bus shelter.
- Consideration to appropriateness of PROW 333 route and possible upgrades.
- Minor updates to TPS (or provision through the legal agreement).

CONSERVATION AREA ADVISORY PANEL - Objection

The site is not allocated for residential development. The Arun Landscape Study (2006) identified the site

as having a low capacity to accept significant new development. The open arable field and the bank and continuous hedgerow along the highway boundary in Yapton Lane provides a rural approach into the settlement from the north and a distinctive edge between the countryside to the east and the built-up area to the west. The public footpath between Walberton and Binsted to the south affords open rural views to the north.

Residential development even in the limited area shown, and well landscaped, will inevitably change the character of the field from distinctly rural to suburban and represent a linear, rather than a compact, extension of the settlement.

The rural approach into the village from the north will be compromised with the formation of the new vehicular access. The visual impact on the conservation area arises from the adverse impacts on the rural character of the surrounds to the village and the rural approaches in to which adversely affect its character, significance, and agricultural setting.

Some additional vehicular traffic would result in The Street where the present traffic flows detract from the ambience of the Walberton Conservation Area.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and are considered in the conclusions section of the report.

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary

Site of archaeological interest

Within the 'Sharp Sand and Gravel Minerals Safeguarding Area

Close to buffer zone for A27 bypass

Grade 2/3 Agricultural Land

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
HDM1	H DM1 Housing mix
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
GISP1	GI SP1 Green Infrastructure and Development
INFSP1	INF SP1 Infrastructure provision and implementation
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERDM6	HER DM6 Sites of Archaeological Interest

HERSP1	HER SP1 The Historic Environment
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
SDSP1	SD SP1 Sustainable Development
SODM1	SO DM1 Soils
HWBSP1	HWB SP1 Health and Wellbeing
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
WMDM1	WM DM1 Waste Management
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

[Walberton Neighbourhood Plan Policy 2019-2031 7](#) Biodiversity Corridors
[VE10](#)

Walberton Neighbourhood Plan Policy 2017 HP13	Design Guidance
Walberton Neighbourhood Plan Policy 2017 VE7	Surface Water Management
Walberton Neighbourhood Plan Policy 2019-2031 VE11	Archaeology
Walberton Neighbourhood Plan Policy 2019-2031 HP1	Built up boundary (BUAB)
Walberton Neighbourhood Plan Policy 2019-2031 VE13	Distinct views and vistas
Walberton Neighbourhood Plan Policy 2019-2031 VE4	Conservation Areas and Areas of Special Character
Walberton Neighbourhood Plan Policy 2019-2031 VE3	Protection of Trees and Hedgerows
Walberton Neighbourhood Plan Policy 2019-2031 HP6	Housing mix and construction
Walberton Neighbourhood Plan Policy 2019-2031 GA5	Traffic Management

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
SPD1	Open Space & Recreation Standards

POLICY COMMENTARY

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

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

The relevant policies in the Arun Local Plan and Walberton Neighbourhood Plan have been considered.

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 considered to conflict with relevant Development Plan policies in that it would have an adverse effect on the visual amenities of the locality and would have an adverse impact upon the established character of the surrounding area and would result in the loss of good quality farmland.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Where the building is located in a Conservation Area, Section 71(1) of the Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character or the setting of the character of the Conservation Area or nearby Listed Buildings.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the plan unless material considerations indicate otherwise. The Development Plan for the Arun District currently comprises the Arun Local Plan 2011-2031 ("ALP"), the Walberton Neighbourhood Development Plan made in 2021 ("WNDP") and the West Sussex Waste and Minerals Plans.

However, section 38 (5) of the Planning and Compulsory Purchase Act 2004 states: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Any conflict between the current WNDP and the ALP, should therefore be resolved in favour of the former. The most relevant development policies in the Local Plan (C SP1) have reduced weight as Arun cannot demonstrate an adequate supply of housing land (currently only 3.3 years). Policies in the WNDP that relate to the supply of housing have full weight because they relate to a Plan that was made in 2021.

Having regard to Policy SD SP2 of the adopted Arun Local Plan, and Policy HP1 of the 2021 Walberton Neighbourhood Plan, the site lies outside the Built Up Area Boundary of Walberton (within which development should be focused) and instead is defined as being located in the countryside under the provisions of Policy C SP1 of the adopted Arun Local Plan, where development will only be permitted for a defined list of countryside uses.

Policy HP1 of the Walberton NP relates to the Built Up Area Boundary (BUAB) and states proposals for development outside of the BUAB, that do not accord with the development plan policies in respect of the countryside, will be resisted unless it is for essential utility infrastructure. The policy also promotes the conservation of the gaps and countryside around the three villages and the Parish and incorporates the Key Housing Aims. The policy seeks to retain the community integrity of the three villages.

The provisions of Policy SD SP2 and Policy C SP1 therefore preclude residential development on the application site. The principle of development on the site is contrary to the Development Plan.

In December 2020, the Council republished its Authority Monitoring Report (AMR) for 2019/20. This states the Housing Land Supply (HLS) has now increased to 3.3 years. The Housing Delivery Test (HDT) results for 2020 were published on 19 January 2021 and show that Arun achieved 61%. Those policies most relevant to the determination of the application have reduced weight.

Paragraphs 10 and 11 confirm that at the heart of the NPPF is the presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay. Alternatively, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Footnote 7 confirms that, for applications involving the provision of housing, this includes situations where local planning authorities cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73), or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

Paragraph 14 of the NPPF states that in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably outweigh the benefits if four specific criteria apply. In this case, all four are applicable and therefore the

NPPF confirms that the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits.

Under the circumstances above (in accordance with para 14 of the NPPF), the proposals are in conflict with the made NP and the NPPF confirms that this conflict outweighs the presumption in favour.

The Council acknowledges that the current Housing Land Supply position is not up to date and that a new supply position will be published in January 2022. It has also considered whether, should the presumption in favour apply and paragraph 14 apply, whether the proposals result in significant and demonstrable harm sufficient to outweigh the benefits. For the reasons set out below, it is considered that there are such significant and demonstrable impacts so as to justify refusal as per NPPF paras 11 d(ii) and 14.

SUSTAINABLE DEVELOPMENT

Paragraph 8 of the NPPF defines sustainable development.

a) There are economic gains to be had from the development in that construction jobs would be generated from the proposal and being located less than 350m to the centre of the village to the west with all associated facilities would provide housing in the right location.

b) Social gains would result from the provision of affordable housing; a mix of house types; and the increased use of local services and facilities.

c) However all of above would be offset by the significant environmental harm that would arise. Although adjacent to the BUAB, the site is in the open countryside and visually separate from the village with far ranging views across open countryside to the site. The development would change the character of the open countryside irrevocably, reduce the gap between the village and the adjacent village and the new development would be urban in character and would result in unnecessary loss of productive good quality soils.

The proposal is therefore contrary to policies S SP1 and SD SP2 of Arun Local Plan, policy HP1 of Walberton Neighbourhood Plan and NPPF paras 8, 11 and 14.

HERITAGE

Policy VE 4 states that proposals that adversely affect the setting of the Conservation Areas will not be supported. New development must protect the open/rural character of the Conservation Area's setting and sustain or enhance the visual connections between the village's core and its rural hinterland, including longer views to the South Downs, which contribute to the character of the Conservation Area.

Policy HER SP1 seeks to conserve the historic environment through protecting designated and non-designated heritage assets. It states that developments that prejudice the conservation of the assets or their setting will be refused. Policy HER DM3 outlines how the Council will preserve and enhance the character and appearance of the setting of Conservation Areas and important views into or out of the Conservation Area should not be harmed.

Paragraph 197 of the NPPF requires decision taking to take account of the desirability of preserving the significance of a heritage asset and the positive contribution that the conservation of the asset can make to sustainable communities. Paras 199 - 200 set out how the significance of an asset will be assessed and para 201-202 confirm how harm to assets will be quantified.

The site is not located within the Conservation Area. However there is some impact on the setting of the Conservation Area.

A Heritage Statement has been submitted with the application to fulfil the requirements of paragraph 194 of the NPPF.

As part of the proposed development, the proposed houses are likely to come close to the road and the existing hedgerow will not sufficiently screen them when looking along Yapton Lane in either direction. This hedgerow would leave the first floor and roof potentially clearly visible. This would contrast with the current view of modern development on one side of the road, and none on the other.

The creation of an opening to provide for the means of access to the site will also have a dominating impact based on the design features required of a modern junction and loss of part of an established and visually important hedge line.

ADC Conservation Officer notes the impact on adjacent Listed Buildings results in no harm to the significance of their setting and that where perceived harm might arise, this is restricted to a change in the established land use within the wider landscape context of the Conservation Area. Any change would be negligible, and would only impact on more oblique views from the Conservation Area, which could be considered as part of a carefully considered landscaping scheme. Therefore, on balance, the proposed application is considered to not cause harm to the significance of the heritage asset(s) or its/their setting.

Whilst there may be no direct visual impact on the Conservation Area, the adverse impacts on the rural character of the surrounds to the village and the rural approaches in to it will have an adverse effect on its character, significance, and agricultural setting, but that would not be significant in terms of the setting of the Conservation Area and Listed Buildings.

The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 202 of the NPPF (2021). As such, consideration will need to be given to the public benefits that the development may achieve. In this case, the benefits of 75 dwellings outweigh the negative impacts on the heritage asset associated with character and the proposals accord with the requirement to preserve and enhance the character of the setting of the Conservation Area given the distance and position of the development site in relation to the Conservation Area, but it does not follow that it is sustainable development for the purposes of paras 8, 11d and 14 as argued above.

The proposal is therefore compliant with policies HER SP1, HER DM1 and HER DM3 of Arun Local Plan and policy VE4 of Walberton Neighbourhood Plan.

CHARACTER & DESIGN

Policy D DM1 of the Arun Local Plan requires the Council seek to make the best possible use of land by reflecting or improving on the character of the site and the surrounding area. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. New housing should make efficient use of land while providing a mix of dwelling types and maintaining character & local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development to keep within the general confines of the overall character of a locality. ALP policy D SP1 "Design" requires development to make efficient use of land and reflect local character.

Policy VE13 of the Walberton Neighbourhood Plan states that development proposals should respect and, wherever possible, enhance distinctive views and vistas by ensuring that the visual impact on these views is carefully and sympathetically controlled. Schedule 7 of the Plan identifies views looking south, west and east across the site from Yapton Lane and Binsted Lane.

The National Design Guide (NDG) is a material consideration in the determination of this application. It

states that achieving a well-designed place comes about through making the right choices at all levels, including the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials and their detailing. It sets out ten characteristics of beautiful, enduring and successful places: Context, Identity, Built Form, Movement, Nature, Public Spaces, Uses, Homes & Buildings, Resources and Lifespan. The application is in outline form with no design details forming part of the proposals so an assessment as to quality, design and space for the future residents cannot be considered at this time.

The Arun Design Guide suggests a density of 15-25 for detached/semi-detached houses in village locations and states density should decrease with distance from the centre of a settlement, to ensure development relates sensitively to its setting and addresses edges of the site in a positive way. The site density of 10 per ha is significantly below this range. The indicative layout shows the site enclosed by landscaped buffering which has reduced the density accordingly. Policy HP11 of Walberton Neighbourhood Plan requires the density of new development to be appropriate to its location by virtue of size, siting and relationship to existing properties. The indicative density is acceptable and in keeping with other development in the locality.

Yapton Lane borders the site to the west and provides a strong delineation between the open rural area to the east and the built up area comprised of modern ribbon development to the west. The eastern side of the carriageway has a more rural character with no pavement or grass verge areas. The open arable field with a bank and continuous hedgerow along the highway boundary in Yapton Lane provides a rural approach into the settlement from the north and a distinctive edge between the countryside to the east and the built-up area to the west. If 2 storey residential development were to take place as proposed the character of the east side of the road would become suburban, which would affect the rural approach from the north and east into the conservation area and existing village. The rural approach into the village from the north would also be compromised with the formation of the new vehicular access.

The introduction of a housing estate into the open countryside at this location would be entirely out of character with the village of Walberton. The location of a modern housing estate within such an open and visually prominent location readily visible from the network of adjacent public footpaths would have an unacceptable effect on the character of the village as a whole. The public footpath between Walberton and Binsted which runs parallel with the southern boundary of the application site affords open rural views to the north.

Residential development on the application site even in the limited area shown, and well landscaped, will inevitably change the character of the field from distinctly rural to suburban. The shape of the site and proposed illustrative layout also makes it clear that the development would be linear, rather than a compact, extension of the settlement.

Whilst the layout and architectural treatment of the dwellings could be designed to be of a high quality, this cannot mitigate the significant impacts the proposals will have on the village rural character of the area. The proposals are considered to result in significant harm to the special character of the area contrary to policies VE13 of the Walberton Neighbourhood Plan, D SP1 and D DM1 of Arun Local Plan.

TRAFFIC, ROAD SAFETY & PARKING

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport. It states schemes must explain how development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter.

T SP1 states proposals must incorporate appropriate levels of parking taking into consideration the

impact of development on on-street parking. Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes, contribute to the improvement of such routes & facilities and contribute towards provision of a joined-up cycle network and Public Rights of Way network.

Policy GA5 of Walberton Neighbourhood Plan requires that proposals that significantly increase the level of traffic within the villages will be resisted particularly in the case of HGV movements to reduce rat-running which diminishes the quality of the housing and the wellbeing of residents, as well as being threatening to pedestrians, cyclists and riders since the lanes are mostly unlit and un-paved. In planning terms it is also a significant planning constraint in respect of the sustainable development of both housing and employment space.

Para 110 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The advice of WSCC Highways and National Highway Authority is summarised above. Based on the information submitted with the application they are not satisfied the proposal will have an acceptable impact on highway safety or not result in 'severe' cumulative impacts on the operation of the highway network. The Local Planning Authority agree with this advice. The proposal is potentially contrary to the NPPF (para 111) and there are transport grounds to resist the proposal. Any impact on infrastructure and potential contributions to the strategic road network cannot be assessed in the information submitted and the proposal is therefore contrary to policy INF SP1 of Arun Local Plan.

Parking provision cannot be considered at this stage and would be assessed as part of any reserved matters application submitted.

Based on the information submitted the proposals do not therefore accord with policies in the relevant Arun Local Plan or Neighbourhood Plan in respect of highways and infrastructure.

BIODIVERSITY

Policy VE10 of the Walberton NP relates to biodiversity corridors which states proposals that have a positive impact on the local ecology will be encouraged, subject to other policy constraints. New development in or immediately adjacent to the biodiversity corridors will only be supported where it can be clearly demonstrated the proposals will not give rise to any significant harm to the integrity or function of the biodiversity corridors.

Policy ENV SP1 confirms that Arun District Council will encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites. Where possible it shall also promote the creation of new areas for habitats and species.

A buffer will be kept between the development and the hedgerows and Tree Root Protection Zones can be established and protected.

The Council's Ecologist assessed the proposal and concluded the site is classified as having high quality habitat to support commuting and foraging bats and has a regional value for both commuting and foraging bats.

The Ecologist is satisfied that the mitigation proposed would be suitable for Dormice, Newts and Reptiles and recommends that a precautionary approach should be taken for Hedgehogs. This advice is agreed

by the Local Planning Authority.

The agent has provided evidence to demonstrate Biodiversity Net Gain in line with Policy ENV DM5 of the Arun Local Plan. Based on the information provided within the Biodiversity Metric and Net Gain Calculations this would met. The assessment indicates that the development will achieve a net gain in biodiversity of 46.61% in terms of habitats, and 10.19% in terms of hedgerows. As such, it is considered that the proposed development complies with the NPPF and local policies for provision of net gain for biodiversity on-Site. Therefore, the proposals are satisfactory in this regard.

RESIDENTIAL AMENITY

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The Arun Design Guide sets out guidance on garden depths and interface distances between houses:

- Back to Back: min. 21m between habitable rooms of properties or to existing buildings;
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property;
- Front to Front: min. 16m between habitable rooms of properties facing each other; and
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.

The proposals indicated on the indicative layout plan demonstrate a reserved matters application could achieve general conformity with these requirements.

INTERNAL & EXTERNAL SPACE STANDARDS

As per ALP policy D DM2, it is necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the buildings will be suitable for residential use.

The Arun Design Guide sets out standards for garden sizes as follows:

- Private Rear Garden: min. 10.5m depth;
- Private Front Garden: min. 2m depth;

The proposals indicated on the indicative layout plan demonstrate a reserved matters application could achieve general conformity with these requirements.

HOUSING MIX

ALP policy HDM1 requires all housing development should provide a mix of dwelling types/sizes to address the nature of local housing needs and market demand. The policy does not prescribe a specific housing mix that must be met by individual applications, with the policy stating each must be considered on its own merits and on a site by site basis, having regard to the most up to date Strategic Housing Market Assessment (SHMA).

Policy HP6 of the Walberton Neighbourhood Plan seeks a range of house types and tenures, including a proportion of housing to meet the needs of an ageing population.

Full Council has recently agreed that its guidance for the provision of Accommodation Suitable for Older Persons and People with Disabilities is not a Supplementary Planning Document but is a material consideration in respect of the determination of all relevant planning applications.

The 2012 SHMA was the subject of an update by GL Hearn in 2016 ("Updated Housing Needs Evidence", September 2016) in which paragraph 6.3 stated the evidence highlighted a direction towards the provision of 2 and 3 bed units for market units and smaller affordable units. The 2016 update

acknowledges at paragraph 6.10 that affordable (rented) need being more heavily skewed towards smaller dwellings and market housing predominantly homes with three or more bedrooms. Table 29 identifies a suggested broad mix of market housing by size for the District.

The proposals indicated on the indicative layout plan demonstrate a reserved matters application could achieve general conformity with these requirements.

AFFORDABLE HOUSING

Developments over 11 residential units require a minimum provision of 30% affordable housing on site as per ALP policy AH SP2. The policy states affordable housing should be visually indistinguishable from market housing with large groupings of single tenure dwellings or property types avoided. Affordable housing units shall be permitted in small clusters throughout development schemes.

A total of 23 dwellings should be provided as affordable. Due to the affordability of rented accommodation the rent should be set no higher than 90% of Local Housing Allowance (LHA) levels and a minimum of 50% of the rented units should be set at rent levels of no higher than 65% of open market value.

The affordable housing statement should roughly reflect the mix recommended in the Strategic Housing Market Assessment. All of the necessary affordable housing requirements would need to be included in S106 planning obligation not secured by planning condition. Any subsequent reserved matters application could accord with the required quantum and mix of affordable housing. The proposed development should comply with Policy AH SP2 of the Local Plan in terms of clustering.

HOMES FOR OLDER PEOPLE

Arun DC agreed internal policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). This is not adopted policy or a supplementary planning document but is considered to have some weight as a material planning consideration as the advice contained in the relevant, as yet unadopted, supplementary guidance has been approved by Full Council. It is supported by references in ALP policies D DM1 & D DM2 and policy HP6 of the Walberton Neighbourhood Plan. This requires at least 35 of the homes (50%) are designed to the M4(2) standard, and that 4 are designed to meet M4(3) i.e. be wheelchair accessible.

Policy HP6 of the Walberton Neighbourhood Plan seeks a range of house types and tenures, including a proportion of housing to meet the needs of an ageing population.

This level of provision and layout would need to be demonstrated at reserved matters stage.

PUBLIC OPEN SPACE & PLAY

ALP policy OSR DM1 requires housing developments provide sufficient public open space, playing pitch provision and indoor sport & leisure provision. The Council's SPD "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out a requirement 6,188m² as a minimum of well connected, usable, quality POS provision within this development. There would be requirement for confirmation of the areas of public open space being proposed with this development, and clarification re quantum. Arun District Council's SPD January 2020 would trigger the requirement for play in the form of onsite LAPs LEAP/NEAP provision, which would need to be suitable for location in material choice and play experience offer.

The Council's Greenspace Officer raises no objections to the provision of open space and play space and advises a landscape led development in this location would be appropriate in order to blend this development proposal into the character of this local area. The need to remove a small section of hedgerow and a tree to facilitate the entrance proposals would require mitigating with compensation

planting within the site. The design of the site should promote a high-quality development that respects, maintains and enhances the local landscape character. This new development should consider the character and distinctiveness of the area reflecting local design characteristics where possible and its setting with the surrounding countryside and rural fringe. All nature conservation features within the development site including existing habitats, trees, hedges, watercourses and other features should be incorporated into the site design and protected from change. These assessments would be made at reserved matters stage. The application has a site area sufficient to provide the necessary open space requirements in accordance with policy OSR DM1 of Arun Local Plan.

ENERGY AND CLIMATE CHANGE

ALP policy ECC SP2 requires that all new residential and commercial development be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. All major developments must produce 10% of the total predicted energy requirements from renewable or low carbon energy generation on site, unless it can be demonstrated that this is unviable. Energy efficiency measures will be taken into consideration when the total predicted energy requirements are calculated. Policy ECC SP1 requires that new development be designed to adapt to impacts arising from climate change.

PV panels could be proposed on some of the dwellings. These, along with other measures can be secured via planning conditions and included at reserved matters stage. The proposal could therefore be compliant with policy ECC SP2.

ARCHAEOLOGY

The desk-based assessment and geophysical survey have identified that the site contains a series of Roman features which are likely to be part of a wider landscape of Roman agricultural management associated with the nearby Blacksmith's Corner Roman villa. The indicative site layout satisfactorily avoids the Roman enclosures at the north and south ends of the site and the trackway between them. A suitable standard condition could be imposed to ensure this. On this basis the proposal would be compliant with policy HER DM6 of the Local Plan which seeks the submission of a desk based archaeological assessment in any application.

The site lies within a site indicated in Schedule 6 of Walberton Neighbourhood Plan Policy VE11 which states that development will not be supported unless developers can demonstrate that an alternative location is not possible. If development is essential, the area to be disturbed will first be subject to a full archaeological survey, the results of which will be published.

Although the site is subject to policy VE11 there would be no substantive harm to the Archaeological Notification Area (ANA DWS 8478) on the east side of Yapton Lane opposite Blacksmiths Corner given the likely indicative location of the development. The proposal could not therefore be refused on this basis and accords with policies HER DM6 of Arun Local Plan and policy VE11 of Walberton Neighbourhood Plan.

SUPPORTING INFRASTRUCTURE

ALP policy INF SP1 requires development proposals provide or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and the existing community. Any off-site provision or financial contribution must meet the statutory tests for planning obligations required by Regulation 122 of the Community Infrastructure Regulations 2010.

The Parish Council will be provided 25% of the CIL receipts to spend on their own projects. These payments go towards providing the infrastructure that the district needs to support existing and future development. On this basis, there is no conflict with ALP policy INF SP1.

National Highways Authority cannot respond fully on the basis of the information submitted with the application and may have requested a financial contribution towards mitigation at the A27 junctions in Arun, in particular the A27/A29 Fontwell roundabouts.

Affordable housing provision would also be required to be secured via a planning obligation.

On site provision of open space and play equipment can be secured via a planning condition. On this basis the proposal would accord with policy INF SP1 of Arun Local Plan.

FOUL DRAINAGE

ALP policy W DM1 states that all major developments must demonstrate, that adequate drainage capacity exists or can be provided as part of the development. Where adequate capacity does not exist, there will be a requirement that facilities are adequately upgraded prior to the completion and occupation of development. Policy W DM1 also states that a drainage impact assessment is required for all major development.

The foul drainage strategy connection from the site to the public foul sewer will need to be confirmed and approved by Southern Water.

Southern Water have stated that additional flows may lead to an increased risk of foul flooding from the sewer network and any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water. They request a suitably worded planning condition. Subject to this, the proposals would accord with Policy W DM1 of the Arun Local Plan.

SURFACE WATER DRAINAGE

ALP policy W DM3 requires all development identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development, at an early stage of the design process. Policy VE7 of the Walberton Neighbourhood Plan states that new development should aim to reduce the overall level of flood risk through a series of criteria.

The application includes an FRA and Drainage Strategy. This advises that the site layout design and drainage strategy is subject to change due to the indicative nature of the outline consent sought. The final design and layout will be fixed at reserved matters stage. The Preliminary Drainage Strategy has been prepared to demonstrate that the site can be sustainably drained in principle, but would be refined subsequently. The site lies in Flood Zone 1 categorised as at low risk of flooding and the submitted FRA demonstrates a scheme can be developed that does not increase flooding elsewhere. SUDS would be utilised including runoff interception and storage as close to source as possible. Permeable paving and shared surfaces would be incorporated into the development.

WSSC LLFA confirm that current surface water mapping shows the area of the proposed development is shown to be at high risk from groundwater flooding based on current mapping. This risk is based on modelled data only and should not be taken as meaning that the site will or will not suffer groundwater flooding.

Although Arun's Drainage Engineer has not provided comment at this time in pre application discussions they advised that the hierarchy for sustainable drainage must be followed with infiltration fully investigated. Winter infiltration testing and winter groundwater monitoring must be undertaken and they advised that the applicant discussed the extent of this monitoring at the earliest opportunity. If on-site infiltration is not possible, drainage via a restricted discharge to a suitable local watercourse may be acceptable.

The drainage of the layout and its acceptability is linked with the site layout proposed which would be

subject to approval at reserved matters stage. In principle acceptable drainage is likely to be achieved and this aspect of the proposal could not be refused at this time and is considered to be in accordance with policy WDM3 of Arun Local Plan and policy VE7 of Walberton Neighbourhood Plan.

TREES

Policy VE3 of the Walberton Neighbourhood Plan states that development will be permitted where it can be demonstrated that trees and hedgerows contributing to local amenity will not be damaged or destroyed and that development that damages or results in the loss of ancient trees/ trees of arboricultural and amenity value or loss of hedgerows or significant ground cover and habitat will be resisted.

ALP policy D DM1 states development is expected to incorporate existing and new tree planting as an integral part of proposals. Policy LAN DM1 requires development respects the characteristics & natural features of the relevant landscape character areas and aim to reinforce or repair the character of those areas. Policy D SP1 requires development proposals reflect the characteristics of the site and local area in their landscaping and policy ENV DM4 of the Local Plan requires proper provision to be made for the protection and management of trees when undertaking development.

The site comprises a large arable field with continuous hedgerows and scattered broadleaved trees on three boundaries. It is noted that the illustrative layout shows perimeter buffer areas and would largely serve to contain and protect the existing trees associated with the site. Further greening within the proposed development would need to be detailed and approved with any subsequently submitted layout at reserved matters stage. The layout shows that adequate protection of existing trees and hedges (with the exception of the area of the access) and additional planting could be incorporated into a final layout and the landscape buffer zone should perpetuate the existing wildlife corridor within and beyond the site.

A total of six trees and four tree groups were identified and assessed as part of the Tree Survey submitted with the application. One tree an oak is covered by a Tree Preservation Order (TPO) and Walberton Village Green Conservation Area incorporates a small section of hedgerow at the south-western extent of the Site. Two species-poor hedgerows were identified and assessed as part of the Hedgerow Survey.

Those trees identified within the proposed development plan for retention will need to be adequately protected during any construction works and prior to any construction or development work proceeding, the Root Protection Area (RPA) of individual trees to be retained should be marked out. All trees that could be impacted should be protected by barriers or ground protection around the calculated RPA, and as indicated on the Tree Constraints Plan (TCP) produced in association with the submitted Assessment. These matters could be controlled by suitably worded conditions. On this basis the proposal is considered compliant with policy D SP1 and ENV DM4 of Arun Local Plan.

LOSS OF AGRICULTURAL LAND

The application is supported by an Agricultural Land Classification Report and a Soil Resources Management and Options Appraisal. The assessment determines the site to be primarily Grade 2 (6.3 ha) defined as very good quality agricultural land and the rest (3ha) is defined as Grade 3a good quality. The loss of usable farm land to facilitate development would be contrary to policy SO DM1 of Arun Local Plan which states any form of development not associated with agriculture will not be permitted unless the development outweighs the need to protect the land in the long term. Given the above it is not considered that the justification for the development on this particular site is sufficient to outweigh the loss of this high quality agricultural land. There are other sites in the District that would not be on such high grade agricultural land and are not so sensitively sited. There is no overriding need for the development in this location. Walberton Neighbourhood Plan was recently adopted (2021) and this makes adequate provision for housing within the Parish and excludes the application site from the built

up area.

Policy SO DM1 (e) requires demonstration that site appraisal documents have considered the Department for Environment, Food & Rural Affairs (DEFRA)'s Soil Strategy for England, (f) that the productivity of the land is demonstrated using a methodology for assessing gross margins and (g) a comprehensive soil resources plan for the development site which demonstrates that care will be taken to preserve the soil resource, such that it can be incorporated into a productive Green Environment following development. The proposal submitted does not meet these requirements and is in conflict with policy SO DM1 of the ALP.

The NPPF (paragraph 174) requires that the Council takes into account the economic and other benefits of this type of land. The Local Plan's Sustainability Appraisal recognised that most of the undeveloped coastal plain within the District is high grade agricultural land. The proposal is contrary to this guidance.

LIGHTING

Development Plan policies emphasise the need to consider the impact of light on neighbouring uses and wider landscape. Light levels should be the minimum required for security and working purposes, and minimise potential glare and spillage as required by policy QE DM2 of the Local Plan .

Policy VE8 of the Walberton NP requires development proposals to respect the unlit environments of the Parish.

Subject to the submission of an appropriate lighting scheme and use of appropriate conditions the proposed residential development would be acceptable in terms of light emissions and compliant with policies QE DM1 of Arun Local Plan and policy VE8 of Walberton Neighbourhood Plan.

MINERAL SAFEGUARDING

The proposed development is in a mineral safeguarding area for sharp sand and gravel and a sand and gravel deposit is mapped as being present on the site. However, using the borehole data from the site, it is clear that there is no sand and gravel present on the proposed development site. The boreholes logs indicate that the head deposit continues onto the western part of the site and that is underlain by clay and marlstone instead of sand and gravel. As there is no safeguarded mineral resource on the site, mineral sterilisation cannot occur. The site therefore meets the requirements of criterion 1 of the mineral safeguarding Policy M9 Safeguarding Minerals of West Sussex Minerals Plan and the proposal would be acceptable in terms of Mineral Safeguarding.

SUMMARY

If the 4 criteria in paragraph 14 of the NPPF are applied then para14 of the NPPF confirms proposals that fail to accord with a Neighbourhood Plan and the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits.

In accordance with paragraph 11d of the NPPF, the Council concludes that there are further significant and demonstrable negative impacts associated with the development that, when assessed against the NPPF as a whole, would outweigh any presumption in favour of sustainable development. The site is within the open countryside and is visually separate from the village with far ranging views across open countryside to the site. The development would change the character of the open countryside irrevocably and the new development would be urban in character. The development would also result in harm to good quality soils and the highway network. The proposal therefore conflicts with policies C SP1, D SP1, D DM1, SO DM1, INF SP1 and T SP1 of Arun Local Plan and policies HP1, VE13 and GA5 of Walberton Neighbourhood Plan.

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

A Section 106 in respect of contributions would be required in respect of on-site mitigation and affordable housing provision and no draft has been submitted. The proposal therefore fails to meet adequate provision.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply). The site is located in Zone 3 of the Arun CIL Charging Schedule Zone Maps and would therefore be liable to pay CIL at £100 per square metre of net additional floorspace.

RECOMMENDATION

REFUSE

- 1 The development is located outside of the built up area boundary of Walberton as defined by the Arun Local Plan Policy C SP and Walberton Neighbourhood Plan Policy HP1. The development is not in accordance with policy C SP1 as it is not an approved category of development in the countryside. The benefits of the development do not outweigh the harm caused in accordance with advice contained Paragraphs 11 and 14 of the NPPF. This level of harm outweighs the presumption in favour of sustainable development and therefore conflicts with paragraphs 11 and 14 of the NPPF. The proposal would also compromise the objectives of policy HP1 which seeks to retain the community integrity of the three villages.
- 2 In accordance with paragraphs 11d and 14 of the NPPF, the Council concludes that there are

significant and demonstrable negative impacts associated with the development that, when assessed against the NPPF as a whole, would outweigh any presumption in favour of sustainable development. The site is within the open countryside and is visually separate from the adjoining residential development with far ranging views across open countryside to the site. The development would significantly and adversely change the character of the open countryside irrevocably and the new development would be urban in character. As such, the proposals fail to accord with policies VE13 of the Walberton Neighbourhood Plan and policies D SP1 and D DM1 of the Arun Local Plan.

- 3 The site comprises Grades 2 and 3 Agricultural Land and it has not been satisfactorily demonstrated that there is an overriding need for the development in this particular location in conflict with policy SO DM1 of the Arun Local Plan and para 174 of the NPPF.
- 4 In the absence of a completed section 106 agreement to secure on site affordable housing and a mitigation contribution towards the A27 Fontwell Roundabout improvement scheme, the proposals are contrary to Arun Local Plan policy INF SP1.
- 5 Based on the limited information submitted with the application with regard to highway safety, traffic flow and the residual cumulative impacts on the road network it has not been satisfactorily demonstrated that the proposal is compliant with policies TSP1 of Arun Local Plan, GA5 of Walberton Neighbourhood Plan and paragraph 110 of the NPPF.
- 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.