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6 September 2017

DEVELOPMENT CONTROL COMMITTEE

A meeting of this Committee will be held in the **Millennium Chamber, Littlehampton Town Council, Manor House, Church Street, Littlehampton, BN17 5EW** on **Wednesday 20 September 2017 at 2.30 p.m.** and you are requested to attend.

Members : Councillors Bower (Chairman), Hitchins (Vice-Chairman), Mrs Bence, Mrs Bower, Brooks, Dillon, Gammon, Mrs Hall, Haymes, Maconachie, Mrs Oakley, Miss Rhodes, Mrs Stainton and Wells [+ 1 Conservative vacancy]

PLEASE NOTE THAT THE ORDER OF THE AGENDA MAY BE ALTERED AT THE DISCRETION OF THE CHAIRMAN AND SUBJECT TO THE AGREEMENT OF THE MEMBERS OF THE COMMITTEE

PLEASE ALSO NOTE THAT PLANS OF THE APPLICATIONS DETAILED IN THE AGENDA ARE AVAILABLE FOR INSPECTION AT THE COUNCIL'S PLANNING RECEPTION AT THE CIVIC CENTRE AND/OR ON LINE AT www.arun.gov.uk/planning

A G E N D A

1. APOLOGIES FOR ABSENCE
2. DECLARATIONS OF INTEREST

Members and Officers are reminded to make any declarations of personal and/or prejudicial/pecuniary interests that they may have in relation to items on this agenda.

You should declare your interest by stating :

- a) the application you have the interest in
- b) whether it is a personal interest and the nature of the interest
- c) whether it is also a prejudicial/pecuniary interest
- d) if it is a prejudicial/pecuniary interest, whether you will be exercising your right to speak at the application

You then need to re-declare your prejudicial/pecuniary interest and the nature of the interest at the commencement of the application or when the interest becomes apparent.

3. VOTING PROCEDURES

Members and Officers are reminded that voting at this Committee will operate in accordance with the Committee Process Procedure as laid down in the Council's adopted Local Code of Conduct for Members/Officers dealing with planning matters. A copy of the Local Code of Conduct can be obtained from Planning Services' Reception and is available for inspection in the Members' Room.

4. MINUTES

To approve as a correct record the Minutes of the meeting held on 23 August 2017 (attached).

5. ITEMS NOT ON THE AGENDA WHICH THE CHAIRMAN OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

6. RE-DETERMINATION AFTER ERRONEOUS ADVICE GIVEN AT PREVIOUS MEETING - APPLICATION WA/23/17/OUT – OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR RESIDENTIAL DEVELOPMENT COMPRISING OF 22 NO. DWELLINGS INVOLVING DEMOLITION OF BARNFIELD HOUSE & EXISTING OUTBUILDINGS. THIS APPLICATION IS A DEPARTURE FROM THE DEVELOPMENT PLAN, BARNFIELD HOUSE, ARUNDEL ROAD, FONTWELL

This application had been considered at the meeting held on 24 August 2017 and, for the avoidance of doubt, is represented to Members for redetermination by way of the attached report in light of the correction to previous officer advice. The correct position is that this land is NOT within the definition of "previously developed land". The whole of the previous report dated 24 August 2017 and the update sheet is therefore represented to the Committee for redetermination.

Rule 15 of the Council's Constitution relating to Previous Decisions and Motions, does not apply in this case as the decision cannot be considered to be valid and legal due to the incorrect advice given.

7. TREE APPLICATIONS

There are no applications to consider.

8. *PLANNING APPLICATIONS

To consider the attached reports.

NB : The applications will be heard in **ALPHABETICAL** order.

9. *PLANNING APPEALS

To consider the attached report.

10. INDEXATION OF COMMUTED SUMS PAYMENTS

This report seeks to update the Council's methodology for calculating commuted sums to reflect the Retail Price Index (RPI) as of April in any current year.

Background Papers

In the case of each report relating to a planning application, or related matter, the background papers are contained in the planning application file. Such files are available for inspection/discussion with officers by arrangement prior to the meeting.

Members and the public are reminded that the plans printed in the Agenda are purely for the purpose of locating the site and do not form part of the application submitted.

Contact Officers : Neil Crowther (Ext 37839)
 Daniel Vick (Ext 37771)
 Juan Baeza (Ext 37765)
 Claire Potts (Ext 37698)

Note: *Indicates report is attached for Members of the Development Control Committee only and the press (excluding exempt items). Copies of reports can be obtained on request from the Committee Manager or accessed via the website at www.arun.gov.uk.

Note: Members are reminded that if they have any detailed questions would they please inform the Chairman and/or the Head of Development Control, in advance of the meeting. This is to ensure that officers can provide the best possible advice to Members during the meeting.

DEVELOPMENT CONTROL COMMITTEE

24 August 2017 at 2.30 p.m.

Present: Councillors Bower (Chairman), Mrs Hall (Acting Vice-Chairman for the meeting), Mrs Bence, Mrs Bower, Brooks, Cates (substituting for Councillor Maconachie), Dillon, Edwards (substituting for Councillor Hitchins), Gammon, Haymes, Mrs Oakley, Miss Rhodes, Mrs Stainton and Wells.

[Note: The following Councillors were absent from the meeting during consideration of the matters in the Minutes indicated:- Councillors Brooks and Miss Rhodes Minute 148 (from Application CM/1/17/OUT, part) to Minute 149; and Councillor Wells Minute 148 (from Application A/44/17/OUT) to Minute 149.]

Councillors Ambler, Charles (whole) and Elkins (part) were also in attendance at the meeting.

142. COUNCILLOR MRS MACONACHIE

The Chairman apologised for the late change of date for this meeting but explained this was due to the funeral of the late Councillor Mrs Maconachie taking place at the same time as when the meeting was originally scheduled and members of the Committee had wished to attend to pay their respects.

The Chairman then paid tribute to Councillor Mrs Maconachie for her years of service on the Council and, in particular, for her chairmanship, commitment and contribution to the working of the Committee. He expressed Members' condolences to Councillor Maconachie and the family at this sad time and called for a minute's silence to remember her.

143. WELCOME

The Chairman welcomed Councillor Haymes back as a member of the Committee as he was replacing Councillor Oliver-Redgate.

144. APOLOGIES

Apologies for absence had been received from Councillors Hitchins and Maconachie.

Development Control
Committee – 24.08.17.

145. DECLARATIONS OF INTEREST

The Monitoring Officer has advised Members of interim arrangements to follow when making declarations of interest. They have been advised that for the reasons explained below, they should make their declarations on the same basis as the former Code of Conduct using the descriptions of Personal and Prejudicial Interests.

Reasons

- The Council has adopted the government's example for a new local code of conduct, but new policies and procedures relating to the new local code are yet to be considered and adopted.
- Members have not yet been trained on the provisions of the new local code of conduct.
- The definition of Pecuniary Interests is narrower than the definition of Prejudicial Interests, so by declaring a matter as a Prejudicial Interest, that will cover the requirement to declare a Pecuniary Interest in the same matter.

Where a Member declares a "Prejudicial Interest" this will, in the interests of clarity for the public, be recorded in the Minutes as a Prejudicial and Pecuniary Interest.

Councillor Haymes declared a personal interest in Agenda Item 8, Planning Applications LU/177/17/DOC and LU/233/17/DOC as the Portfolio Holder for Technical Services, which encompassed Property & Estates, as these were Council applications.

146. MINUTES

The Minutes of the meeting held on 19 July 2017 were approved by the Committee and signed by the Chairman as a correct record.

147. PREVIOUSLY DEFERRED ITEM

(Prior to consideration of the following application, the Chairman explained that, in a departure from normal practice, public speakers would be permitted to put forward their views in respect of car parking only.

Councillor Elkins, as Ward Member, spoke to the item.)

FG/198/16/PL – Demolition of existing house with erection of 2 storey building comprising of 8 No. residential 2 bedroom flats & associated external works, 1 Sea Drive, Ferring This application had been deferred from the meeting held on 21 June 2017 on car parking grounds to enable officers to negotiate an improved provision.

The applicants had now submitted an improved provision, with a further 3 parking spaces being added to an enlarged underground car park, so providing a total of 12 car parking spaces, as per amended plan – Proposed Floor Plans – Dwg No. 16/046 – PL004 Rev L dated August 2017. West Sussex County Council, as the local Highway Authority, had raised no objections to the amendments. As a result, the officer recommendation of approval with conditions remained unchanged.

A written officer report update was circulated at the meeting for Members' consideration which detailed additional representations received from the applicant, neighbour, Parish Council and West Sussex County Council as Highways Authority, together with the case officer's responses.

Following a brief discussion on parking at the site and parking in the wider sense throughout the district, the Committee

RESOLVED

That the application be approved as detailed in the report.

148. PLANNING APPLICATIONS

WA/23/17/OUT – Outline application with all matters reserved for residential development comprising of 22 No. dwellings involving demolition of Barnfield House & existing outbuildings. This application is a Departure from the Development Plan, Barnfield House, Arundel Road, Fontwell Having received a report on the matter, together with the officer's written report update detailing:-

- That the S106 had been signed
- A call in request from the Parish Council and responses from the Agent and DCLG (Department of Communities & Local Government)
- NHS consultation response
- Correction to conditions 13, 14, 15 and 21.

In the course of discussion, reference was made to adopted Neighbourhood Plans and the Senior Planning Officer advised that, unfortunately, Neighbourhood Plans were out of date under current policy terms, which was a regrettable situation. 1250 more dwellings were now required in addition to the identified strategic sites. Furthermore, sites that had already been allocated were not at present being developed and this was adding to the problem of the deficiency in the District's housing figures.

Confirmation was requested as to whether this was a brownfield site. The Planning Team Leader read out the NPPG (National Planning Practice Guidance) definition and confirmed that, in his opinion, it was a brownfield site.

Development Control
Committee – 24.08.17.

Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report and the officer report update.

R/65/17/PL – Demolition of existing dwelling & erection of two-storey apartment building (6 No. two-bedroom apartments), 70 Woodlands Avenue, Rustington Having received a report on the matter, together with the officer's written report update detailing revised plans relating to an amended position for the bin store/cycle parking, the Committee

RESOLVED

That the application be approved as detailed in the report and the officer report update.

M/50/17/PL – Application for removal of Condition No. 4 relating to obscured glazing & variation of Condition No. 2 relating to plans following a grant of planning permission M/6/17/PL, 1 Deepdene Close, Elmer, Middleton Having received a report on the matter, together with the officer's written report update detailing a consultation response from Middleton Parish Council, the Committee

RESOLVED

That the application be approved as detailed in the report.

LY/9/17/PL – Demolition of the existing building & cessation of mixed commercial/residential use & redevelopment of the site with a new two storey building, comprising 4 No. residential flats – this is a Departure from the Development Plan, Roseland, the Causeway, Arundel Having received a report on the matter, together with the officer's written report update detailing a consultation response from Environmental Health and subsequent additional conditions, the Committee

RESOLVED

That the application be approved as detailed in the report and the officer report update.

(Prior to consideration of the following item, Councillor Haymes had declared a personal interest and remained in the meeting and took part in the debate and vote.)

LU/177/17/DOC & LU/233/17/DOC – Application LU/177/17/DOC for approval of matters reserved by condition imposed under LU/314/16/PL relating to Condition 3 – Landscaping; 4 – Habitat Mitigation Strategy; 6 – Foul and Surface water sewerage disposal; 10 – Details of plant and equipment; 14 – Details of kitchen extract system and type of cooking to be undertaken; and 15 External lighting scheme. Application LU/233/17/DOC for approval of condition 5 relating to materials, Littlehampton Swimming and Sports Centre, Sea Road, Littlehampton Having received a report on the matter, together with the officer's written report update detailing additional consultation responses received from Environmental Health, the Council's Engineers and Southern Water and receipt of revised landscaping plans for re-consultation with the Greenspace and Ecology Officer, the Committee was advised by the Principal Planning Officer that only two conditions should be discharged as discussions were ongoing with regard to the remaining conditions. It was therefore requested that authority be delegated to the Group Head of Planning, in consultation with the Chairman and Vice-Chairman, to determine the remaining conditions when appropriate.

The Committee then

RESOLVED - That

(1) Conditions 6 and 14 be discharged; and

(2) authority be delegated to the Group Head of Planning, in consultation with the Chairman and Vice-Chairman, to determine the discharge of Conditions 3, 4, 10 and 15.

LU/354/16/DOC – Application for approval of matters reserved by condition imposed under LU/224/14/PL relating to conditions 3 – Schedule and samples of materials and finishes; 4 – Details of screen wall/fences; 5 – Surface water drainage; 6 Landscape scheme; 11 Cycle parking spaces; and 12- Noise Protection, Land north of 81-92 Greenfields, Littlehampton Having received a report on the matter, together with verbal advice this was a Council application, the Committee

RESOLVED

That the application be approved as detailed in the report.

Development Control
Committee – 24.08.17.

LU/355/16/DOC – Application for approval of matters reserved by condition imposed under LU/222/14/PL relating to conditions no. 3 – Schedule of materials and samples; 4 – screen walls/fences; 5 – Surface water drainage; 6 – Landscaping; 11 – Cycle parking spaces; and 12 – Scheme for protecting dwellings from road traffic noise, Land north of 7-12 Joyce Close, Littlehampton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

LU/356/16/DOC – Application for approval of matters reserved by condition imposed under LU/221/14/PL relating to conditions no. 3 – Schedule of materials and samples; 4 – New screen walls/fences; 5 – Surface water drainage; 6 – Landscaping scheme; 10 – Cycle parking spaces; and 11 – Scheme for protecting the proposed dwellings from road traffic noise, Land north of 31-40 Joyce Close, Littlehampton Having received a report on the matter, together with the officer's written report update detailing that incorrect reference had been made to Condition 12 and should be deleted in the Conclusions and recommendations sections, the Committee

RESOLVED

That the application be approved as detailed in the report and the officer report update.

LU/358/16/DOC – Application for approval of matters reserved by condition imposed under LU/223/14/PL relating to conditions no. 3 – Schedule of materials and samples; 4 – Details of screen walls/fences; 5 – Surface water drainage; 6 – Landscaping; 11 – Covered and secure cycle parking spaces; 12 – Roads, Footways and casual parking; 13 – Construction management plan; 14 Vehicle wheel cleaning facility; and 15 – Scheme for protecting the proposed dwelling from road traffic noise, Land north of 52 - 67 Greenfields, Littlehampton The Committee received a report on the matter, together with the officer's written report update detailing the inclusion of Condition 12 to read:-

“The additional information required in relation to Condition 12 is yet to be provided and as such no consultation has been undertaken with WSCC. Therefore, it is recommended that final determination of Condition 12 should be delegated to the Group Head of Planning, in consultation with the Chairman and Vice-Chairman of the Committee.”

Following consideration, the Committee

RESOLVED

That the application be approved as detailed in the report and the officer report update.

LU/361/16/DOC – Application for approval of matters reserved by condition imposed under LU/227/14/PL relating to conditions no. 3 – Schedule and samples of materials; 4 – New screen walls/fences; 5 – Surface water drainage; 6 – Landscaping scheme; 11 – Cycle parking spaces; and 12 – Scheme for protecting proposed dwellings from road traffic noise, Land north of 31-40 Joyce Close, Littlehampton Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

FP/127/17/PL – Proposed detached two storey dwelling, 2 Second Avenue, Felpham Having received a report on the matter, the Committee

RESOLVED

That the application be approved as detailed in the report.

CM/1/17/OUT – Outline application for the erection of up to 300 dwellings & ancillary development comprising open space, a building within use class D1 (Non Residential Institutions) of up to 875 square metres net, a building for A1 (Shops) use having a floor area of up to 530 sq. metres net, together with open space and ancillary works, including car parking and drainage arrangements, with appearance, landscaping, layout and scale wholly reserved for subsequent approval. The access detail, showing the points of access to the development, and indicated on Bellamy Roberts drawings numbered 4724/004 and 4724/005 are access proposals to be determined at this stage of the application. For the avoidance of doubt all other access detail within the site is to be determined as a reserved matter at a later stage. This application is a Departure from the Development Plan and affects the setting of Listed Buildings, Land West of Church Lane and South of Horsemere Green Lane, Climping The Committee received a comprehensive report from the Strategic Development Team Leader, together with an officer's written report update which detailed:-

- Amendments to the report
- Additional representations received
- Updated consultation responses from the Council's Greenspace Section relating to S106 contributions for leisure and sports pitches
- Amendments to conditions to clarify wording to ensure enforceability
- Updated S106 obligations table

Development Control
Committee – 24.08.17.

Members were also advised verbally of a change to the wording of Condition 28 to read "**No occupation of any dwellings shall take place until** the vehicular access serving the development has been constructed in accordance with Bellamy Roberts drawing 4724/004 Rev B."

The Strategic Development Team Leader gave a full presentation on the detail of the application and concluded by advising that it had been assessed in relation to the development plan and other relevant material considerations. As such, it was considered that the principle of development on the site was acceptable and would make a contribution to meeting housing and affordable housing needs, together with providing highway and other infrastructure improvements. It was therefore being recommended for approval.

In opening up the debate, the Chairman asked if the application was approved, would there be a rerouting agreement with the developers to ensure the construction traffic would not be overburdensome on the local roads, particularly that going north. An affirmative response was given. A representative from County Highways was in attendance at the meeting and made comment on a number of issues that were raised by Members.

In discussing the matter, it was acknowledged that this was a difficult application and there were arguments both for and against the proposal. However, Member comment concentrated in the main on the negative impact of the development on the area and the unacceptable pressure that would be put on the infrastructure locally, namely schools, doctors surgeries, police, etc, even taking account of the S106 contributions that had been agreed. Additional comments were made relating to the fact it was felt the application was premature and why develop on Grade 1 agricultural land?

Highways issues were highlighted and there was major concern that the Oyster Catcher and Comet Corner junctions were dangerous and work needed to be done to rectify that, particularly in light of the extra traffic that would be generated by the proposal. It was not felt that the safeguarding of land for improvements in the future was sufficient to mitigate the harm that would be caused by the increased vehicle movements around those junctions as the development progressed. A statement was made that the local community was looking for a solution now.

It was therefore suggested that the application be deferred to enable officers to go back to the developer and renegotiate the S106 contributions in respect of the Oyster Catcher junction. Officer advice was given that the S106 contributions were considered to address the impacts arising from the development and it would therefore be difficult to go back to try and improve on what had been achieved.

Members were asked to clarify exactly what they wished officers to renegotiate on in the event of a deferral and some discussion took place to that effect. The Director of Place entered the debate and stated that he had heard the comments around the Oyster Catcher junction and would not argue that improvements were required. However, the question was whether the development itself gave rise to the need for those improvements. The implication of this proposal was that there was quite a significant amount of additional contributions over and above what the Local Plan was suggesting and that would help to deliver major highway improvements and secure land and, as such, could be considered to be a model development in its own right. The applicant had the right to go to appeal and Members were reminded of the risks that would incur, as had been experienced at Westergate when the Inspector had reduced substantially the benefits of the S106 contributions that had been negotiated as they did not meet the tests in place.

Having been formally proposed and seconded, Members turned their attention to the vote to defer and that was declared LOST.

The Committee then considered the recommendation from officers to approve and, on being put to the vote, did not support that recommendation. The Chairman called a short adjournment to enable officers to draw up reasons for refusal based on the foregoing debate.

On the meeting being reconvened, the Director of Place gave advice on the issues that had been raised in the debate as possible reasons for refusal, as follows:-

- Application premature pending determination of the Local Plan – in essence Members would not be objecting to the application on technical grounds - **Agreed**
- Loss of Grade 1 Agricultural Land would be difficult to support as that would be contrary to what the Council had already vote on and would in effect be against the Local Plan – **Not agreed**.
- Highways issues could be relevant as the safety of the Oyster Catcher and Comet Corner junctions could be compromised - **Agreed**
- Lack of S106 contributions for police, fire and education – difficult to ask for more as the providers had stated their requirements – **Not agreed**
- The proposal, if permitted, would represent an inappropriate scale of development on this site which would be contrary to the character and appearance of the locality – as there was a split vote the Chairman used his casting vote and this was **not agreed**

The Director of Place requested that the Committee nominate two Members to represent the Council at appeal to explain the reasons for refusal and to justify

Development Control
Committee – 24.08.17.

the decision made as it might not be possible to procure consultants on this occasion.

The Committee

RESOLVED

That the application be refused for the following reasons:-

1. Notwithstanding the lack of 5 year housing land supply, the proposals, if permitted, would be premature pending the final examination of the Arun District Local Plan and therefore contrary to Planning Practice Guidance.
2. The development does not satisfactorily mitigate the severe impact of the development on the safety at the Comet Corner and Oyster Catcher junctions contrary to saved Policies GEN7 and GEN8 of the Arun District Local Plan (2003), Policies H SP2, H SP2c, T SP1 and INF SP1 of the modified emerging Arun District Local Plan 2011-2031 (updated March 2017) and CPN 14 of the Climping Neighbourhood Plan (2015).

A/44/17/OUT – Outline application (with all matters reserved) for demolition of existing buildings on site and the erection of a mixed use development comprising up to 90 No. residential units and a care home [Use Class C2 and C3] & ancillary facilities, including railway crossing, together with associated access, car parking & landscaping. Departure from the Development Plan. This application also falls within the parishes of Littlehampton and Rustington, Land west of Brook Lane and South of A259, Angmering Having received a report on the matter, together with the officer's written report update detailing:

- Grampian condition required relating to the provision of pedestrian access to the east of the site.
- Representation received from West Sussex County Council Local Access Forum
- Letter of representation from local resident raising a number of questions
- Operators Statement received from St Mathews Health Care
- Removal of condition relating to the Gypsy/Traveller pitches as this would be secured via the S106 agreement.
- The Heads of Terms for the S106 Agreement had been updated to include further information regarding the MUGA contribution, NHS contribution, Care Home Provision and Gypsy/Traveller pitches and was attached to the officer update.

Members were also advised that, as the S106 Agreement had not been signed, any approval would be subject to completion of the S106.

In considering the proposal, considerable concerns were raised with regard to its siting immediately adjacent to an extremely busy section of the A259 to the north and the railway line to the south, together with the access and egress to the site. Reservations were also raised in relation to having a care home within the development. Member comment was made that the bridge crossing the railway line must be DDA compliant and until that was confirmed the proposal could not be supported. Officer advice was given that the relevant condition had been so worded that details of the bridge would have to be submitted prior to construction to ensure that it met the relevant standards. A further concern was raised that the site did not have access to public transport and any bus services were a considerable distance away for people to walk to.

On being put to the vote, the Committee did not accept the officer recommendation to approve and, following further discussion

RESOLVED

That the application be refused for the following reasons:-

1. The proposed development by reason of its location is considered not to provide suitable access to public transport opportunities contrary to policies GEN7(iii) of the Arun District Local Plan; Policies H DMD, D DM1 and T DM1 of the emerging Arun District Local Plan; and Paragraphs 17 and 35 of the National Planning Policy Framework.
2. The development by reason of its proximity to the railway line would result in an unacceptable risk to the safety of the future occupiers of the site contrary to Policy GEN7(v) of the Arun District Local Plan.

149. PLANNING APPEALS

The Committee received and noted the planning appeals that had been received.

(The meeting concluded at 7.00 p.m.)

AGENDA ITEM 6

DEVELOPMENT CONTROL COMMITTEE

20th September 2017

**REPORTS ON APPLICATIONS DEFERRED FROM
PREVIOUS MEETING**

REPORTS ON APPLICATIONS DEFERRED FROM PREVIOUS MEETING

WA/23/17/OUT

Outline application with all matters reserved for residential development comprising of 22 No. dwellings involving demolition of Barnfield House & existing outbuildings. This application is a Departure from the Development Plan **(Deferred For Further Information)**

Barnfield House
Arundel Road
Fontwell Walberton

REF NO: WA/23/17/OUT

LOCATION: Barnfield House, Arundel Road, Walberton

PROPOSAL: Outline application with all matters reserved for residential development comprising of 22 No. dwellings involving demolition of Barnfield House & existing outbuildings. This application is a Departure from the Development Plan

INTRODUCTION:

1.1 For avoidance of doubt, this matter is re-presented to Councillors for re-determination by way of the attached report, in light of the correction to previous officer advice – the correct position being that this land is NOT within the definition of “previously developed land”. The whole of the previous Report dated 24 August and the update sheet is presented to Councillors for Re-determination.

1.2 The matter was presented at the Development Control Committee on 24th August 2017 at which time members voted to approve the application subject to conditions having received the attached report and report update. At the Committee clarification was sought by a Councillor as to whether the site was brownfield land (previously developed). The Officer response was that it was brownfield land following which the Members voted to approve the application. The officer advice given was incorrect – this report seeks to clarify the advice and requests Members to re-consider the decision in light of the amended advice.

BACKGROUND:

2.1 At Development Control Committee on 24th August the application agent speaking in support of the planning application stated that the proposal was on a brownfield site (previously developed land).

2.2 In debate Councillor Brooks sought clarification on this point and the officer in reply read out the definition of brownfield land from Annex 2: Glossary of the National Planning Policy Framework as follows:-

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes:

land that is or has been occupied by agricultural or forestry buildings;
land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures;
land in built-up areas such as private residential gardens, parks, recreation grounds and allotments;

and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

2.3 Councillor Brooks then sought further clarification from the officer as to whether the site was brownfield land. The officer replied that the site was outside the built up area boundary but within an area close to houses and as such it could be considered to be previously developed land based on this part of the definition:

land in built-up areas such as private residential gardens, parks, recreation grounds and allotments;

2.4 Members then proceeded to vote in favour of the application. Immediately following the vote the officer noted that the term relied on:-

land in built-up areas such as private residential gardens, parks, recreation grounds and allotments;

was from this list of what was **excluded** from the definition rather than what was included in the definition.

2.5 As a result of an incorrect opinion being given to Members it has been decided, in consultation with the Director of Place, to return the application to Development Control Committee so that another vote can take place on the application in light of the fact that the application site is within the curtilage of Barnfield House and is therefore not brownfield land.

2.6 The report and report update previously considered by Committee do not conclude that the reasons for granting permission are based on whether the site is or is not brownfield land – rather that there are material considerations to justify approving the application which is contrary to the development plan (see page 59 of the original report).

RECOMMENDATION:

3.1 It is recommended that the application be approved subject to the conditions in the attached report (as amended by the update sheet) as the advice given did not affect the main conclusions in the report.

3.2 Rule 15 Previous Decisions and Motions [which prevents re determinations of decisions taken within the previous 6 months unless a special procedure is adopted] does not apply here. This is because that Rule applies to decisions that are valid and legal.

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REPORT UPDATE

Application No: WA/23/17/OUT

Reason for the Update / Changes

Reason for Update/Changes:

- 1) s106 agreement signed.
- 2) Agents response to Parish Council call in email.
- 3) Walberton Parish Council call in request.
- 4) DCLG response to Parish Councils call in.
- 5) NHS consultation response.

Officers Comment:

- 1) s106 agreement signed.

Noted.

- 2) Agents response to Parish Council call in email.

The agent is of the opinion that the call in request is unlikely to be successful.

- 3) Walberton Parish Council call in request.

Noted.

- 4) DCLG response to Parish Councils call in.

Noted. No timescale is available for how long the call in request would take to administer in the event of DC committee resolving to approve the application.

- 5) NHS consultation response.

No further comments other than to specify the allocated site for s106 contributions.

Report corrections;

p.65

The indicative layout is to demonstrate that the proposed volume of housing, roads and open space is possible however it will not be approved as part of the outline permission. Layout is a reserved matter and if the outline application is approved layout will be a reserved matter to be decided in the reserved

matters application.

Corrections to conditions as follows;

Condition 13

The applicant is advised to adopt, where appropriate, the measures in the table "Practical measures to reduce the potential impacts of development".

Reason: Due to the location of the proposed development within the Lidsey Catchment Area and to satisfactorily ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

Condition 14

No part of the development shall be first occupied until the vehicle turning space has been constructed within the site in accordance with the approved site plan. This space shall thereafter be retained at all times for their designated use.

Reason: In the interests of road safety in accordance with policies GEN 7 & GEN 12 of the Arun District Local Plan.

Condition 15

No development shall commence until such time as revised plans and details incorporating the recommendations given in the Stage 1 Road Safety Audit and accepted in the Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of road safety in accordance with policies GEN 7 of the Arun District Local Plan.

This is required to be a pre-commencement condition because it is necessary to determine the final layout subject to highway consideration prior to development any building works.

Condition 21

A noise report incorporating the mitigation measures for sound pollution as a result of the proximity of the proposed dwellings to the A27 and other noise sources depending on the final layout of the dwellings including the potential package sewage treatment plant or pumping station is to be submitted and approved by the Local Planning Authority including the time scales for implementation of each measure, at the time of the reserved matters application. The approved measures shall be implemented and retained in perpetuity.

Reason: To safeguard the amenities of nearby residents in accordance with Arun District Local Plan policies GEN7 and GEN32.

Notes: Changes to recommendations, conditions and / or reasons for refusal will

always be reflected in the recommendation section of the attached Officer's Report.

PLANNING APPLICATION REPORT

REF NO: WA/23/17/OUT

LOCATION: Barnfield House
Arundel Road
Fontwell
Walberton

PROPOSAL: Outline application with all matters reserved for residential development comprising of 22 No. dwellings involving demolition of Barnfield House & existing outbuildings. This application is a Departure from the Development Plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>An outline application for 22 residential units in total following the demolition of the existing house and outbuildings. All matters are reserved including appearance, means of access, landscaping, layout & scale.</p> <p>The breakdown of housing units is as follows: Open market housing: 16 units comprising 8no. 2 bed house, 7no. 3 bed house and 1no. 4bed house. Affordable housing: 6 units comprising 2no. 2 bed flats, 2no. 2bed house and 2no. 3 bed house.</p> <p>An indicative layout has been submitted with the application.</p> <p>The scheme incorporates 1329 sq.m. of open space, and an estate road leading from Arundel Road</p>
SITE AREA	0.95 hectares
RESIDENTIAL DEVELOPMENT DENSITY	23 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	There is a strong tree (macrocarpa) and hedge belt on the eastern border of the site and a number of other trees on the site of which the most significant are two trees on the western side of the house and garden close to existing residential development, a Beech tree and Weeping Willow tree.
BOUNDARY TREATMENT	Currently the site is surrounded by a 2 metre close boarded fence with landscaping and a tree (macrocarpas) belt from 2.5 metres to 7 metres in height behind it on the eastern side of the site adjacent to the public footpath. There is a further hedge between 2 to 4 metres in height on the eastern side of the footpath making a double hedge boundary on the eastern side of the site.

SITE CHARACTERISTICS

The site is a large detached residential property on an extensive plot served by a long driveway from Arundel Road. The plot contains large formal gardens, a bungalow residential annexe, an outdoor swimming pool & associated buildings, a stable block and paddock for the keeping of horses and various other outbuildings associated with the dwelling house.

The main 2 storey 7 bedroomed property, Barnfield House is constructed in a Sussex vernacular style including red brick and tile, hipped roofs and chimneys.

A public footpath runs along the western boundary of the site which leads from the edge of the village to the A27 and footpaths toward Slindon Woods beyond.

CHARACTER OF LOCALITY

The site has residential development on 3 sides with only the eastern border of the site facing toward open countryside. A boundary fence, tree and hedging belt, a public footpath and a second 3 metre hedge occupies the eastern boundary side of the site. The triangular field beyond the eastern boundary is itself bounded by a further 6 metre tree belt where the field boundary adjoins the A 27 the dual carriageway linking Arundel to Chichester to the north and on Arundel Road to the south.

RELEVANT SITE HISTORY

PAA/201/16/	Proposed outline planning application with all matters reserved to create 26 dwellings on a 0.84ha site of Barnfield House on the east edge of Fontwell north of Arundel Road.	Refuse Pre App 22-11-16
WA/71/07/	Demolition of existing buildings and replacement with 24 residential units (4 x 2 bed houses, 4 x 3 bed houses & 16 x 4 bed houses) along with parking and open space. This application is a departure from the development plan.	Refused 01-11-07

The applicants submitted a pre-application enquiry PAA/201/16. The principle of development, given the lack of housing supply within the district and the current policy position, was approved however the application was refused on the grounds of ;

- 1) a lack of on site open space provision
- 2) Inadequate external amenity space
- 3) Unacceptable relationship of unit 13 to unit 14 in residential amenity terms
- 4) Shortfall of 1 unit of affordable housing.

The current application has addressed these reasons for refusal including the reduction of number of units from 26 to 22.

WA/22/15/OUT - On 13th July 2017 a called in application for 400 houses (the Dandara application) was approved by the Secretary of State following a recommendation for approval by Arun District Council in Fontwell. It was considered to be a sustainable location by Arun District Council. The Secretary of State concurred that Fontwell was a sustainable location. The Dandara site is now included within the main modifications of the emerging Arun District Local Plan as a strategic housing site.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council

Walberton Parish Council

Objections on the following grounds

- Contrary to Neighbourhood Plan (NP).
- Policies in NP are not considered out of date.
- Site inappropriate for residential development due to bottleneck entrance/long driveway.
- Site linear and the appearance of the development would visually dominated by car parking.
- High density and small gardens unsatisfactory.
- Proposed development would affect adversely the visual amenities of the locality in that it would be obtrusive in the landscape and prominent from surrounding viewpoints.
- Not compliant with ADC Local Plan regarding built form and the countryside.
- Highway Safety at Arundel Road/West Walberton Lane (could be facilitated by moving access to south).
- Harm to ecology.
- Drainage inadequate.
- Noise unacceptable as First Priority Location with a high NEC noise level.
- Unsustainable development lack of shops/services and facilities beyond NP limits.
- Housing and Economic Land Availability Assessment (HELAA) of Emerging Arun District Local Plan original objection from Parish Council still stands - Noise policy, physical constraints, car dependant village. Contrary to HP1, VE 6, HP 11 and NP policy.
- Reasons for refusal of previous application WA/71/07 and appeal upheld including; Site lies within a rural area contrary to Policy GEN 2 & GEN 3.
- Adverse effect on visual amenities of the area/ prominent in landscape contrary to GEN 7.
- Not sustainable.
- Flood risk - Flooding situation worsened since.
- Limited capacity for water supply.

109 Neighbour objections and 1 letter of No objection have been received which can be summarised as follows;

Material Planning Considerations

- Development in direct conflict with Neighbourhood Plan.
- Outside built up area boundary of NP, ADCLP 2003 and emerging ADCLP 2011.
- Adverse effect on rural character of village/landscape. Adverse effect on National Park and National Trust land.
- Highway Safety objections concerning access, mini roundabout, road surface problems, Arundel Road, West Walberton Lane, A27, pedestrians, cyclists, horses.
- Unsustainable location - car dependant, inadequate infrastructure ,no shops/schools /health services/ facilities/employment, inadequate surface and foul water drainage/flood risk, lack of water supply.

- Adverse impact on visual amenity due to density, layout, inadequate parking.
- Overlooking - new dwellings overlook existing properties and vice versa.
- Loss of amenity by reason of disturbance,
- Parking inadequate, lead to on street car parking, no garages.
- Highways assessment inadequate/traffic congestion.
- Bin collection area would lead to vermin, unsightly, odourous, unhygienic area.
- No footpath/cycle link to Walberton/Barnham.
- Public Footpath access on east side allows easy access for strangers.
- Ecology assessment inadequate with respect to Barbastellus Fly/Bats/Hedgehogs/Amphibians.
- Premature due to pending decisions/housing supply policy/additional infrastructure.
- Light , Noise and Air Pollution on existing development due to proximity of A27 and caused by proposed properties on existing dwellings. No lighting impact statement.
- Approval would be contrary to Planning policy locally and in NPPF /Ministerial Statement of December 2016 /case law in Suffolk v Hopkins/ subject to legal challenge.
- Former reasons for refusal of WA/71/07 and appeal dismissal still stand.
- Parish objections to HELAA call for sites should be considered. Proposal contrary to HELAA.
- Objections to transport statement.
- Objections to Tree Plan showing T36 out of development site.
- Concern regarding bin collection from Hunters Mews . Is estate road not fit for refuse vehicles/
- Question relating to segregation of application site and Hunters Mews.
- A back garden not a brown field site.
- Excess in housing provision elsewhere including Dandara scheme and other NP allocations/housing estates in North Bersted. No housing need.
- S106 agreement benefits areas outside Fontwell.
- No improvement to Broadband/Internet infrastructure.
- Inadequate consultation with National Trust/ Police and Emergency Services.
- Insufficient time for public comment/lack of formal consultation.
- Noise from construction.
- Lack of affordable housing (6 units provided in the scheme).

Objections raised that are not material planning considerations

- Loss of view.
- Loss of property value.
- Personal views expressed regarding motives of applicants.
- Other developments proposed in the area.
- Public consultation a sham, District Council has its own agenda, individual contributions to Local plans a waste of time.
- Speculation that a previous scheme (Bellway Homes) may re-emerge as a result of this application (each scheme judged on its merits, a further application would be required) or other land including National Trust Land developed as a result.
- Non statutory period of notice display (Site notices were displayed on 12th April until 4th May, a 22 day period, photographic evidence retained).
- Political persuasion of MP/Councillors.

Reasons for support

- Variety of house types, affordable housing.

The application was re-advertised on 28th June 2017 following highway amendments and a further 11 comments were received. The following additional comments were made;

- In the light of the Dandara planning application approval WA/22/15/OUT the Council can no longer

argue that current housing supply need have been met.

- Dispute WSCC Highways and Highways England comments.
- Dispute ecological appraisal.

COMMENTS ON REPRESENTATIONS RECEIVED:

The material planning considerations are addressed in the conclusions section of the report below. The application was advertised in accordance with Council procedure of posting site notices and advertising the application in the local newspapers.

CONSULTATIONS

- WSCC Strategic Planning
- Surface Water Drainage Team
- Environmental Health
- Parks and Landscapes
- Southern Water Planning
- Engineering Services Manager
- Engineers (Drainage)
- Portsmouth Water PLC
- WSCC Strategic Planning
- Arboriculturist
- Environment Agency
- Mr Clavell-Bate
- Sussex Police-Community Safety
- Planning and Housing Strategy
- Archaeology Advisor
- Ecology Advisor
- West Sussex -Landscape/Ecology
- Highways England
- Parks and Landscapes
- Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

WSCC STRATEGIC PLANNING - No objection subject to s106 contributions

- Off site infrastructure contributions required for Primary, Secondary & Tertiary Schools and Fire and Rescue Service. Contributions are in compliance with policy tests in NPPF in that they necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably relate in scale and kind to the development.

WSCC HIGHWAY - No objection

Access onto Arundel Road subject to visibility splay. Footpath through site linking to existing footway along Arundel Road acceptable.

Trip generation and modelling deemed acceptable.

Parking 3 spaces below WSCC parking calculator level (51 spaces rather than 54) however additional car parking spaces can be accommodated on the street.

Refuse vehicles are able to access the site and use turning provision within the site

Cycleway - signed cycle way exists to Walberton and Barnham.

Conditions required relating to turning circles, phase 1 safety report and a construction management plan.

No further comments following re-consultation.

HIGHWAYS ENGLAND

An informal letter commenting on the scheme following a member of the public contacting Highways England. Comments as follows;

I understand that application no. WA/23/17/OUT is for 23 dwellings which access directly to Arundel Road which itself is connected to the A27 east and west of the A27 Fontwell junctions with the A29. Highways England, in this instance, have not been consulted on the application by the planning authority. Whilst I understand your concerns with regard to traffic congestion and safety our view is that the development is highly unlikely to have a material detrimental effect on the safe operation of the A27 trunk road due to the very low numbers of vehicle trips this site will generate. Under those circumstances I would not have expected the Local Planning Authority to consult Highways England except if access were to be directly onto our network which is not the case.

In the event that Highways England had been consulted we would most likely have offered no objection to the proposals.

No further comments following re-consultation.

ENVIRONMENTAL HEALTH - No objection

Noise report requested in relation to proximity of proposed dwellings to A27.

- Having read the acoustic report, it would appear that noise is an issue. Therefore I would propose that noise is dealt with as a Reserved Matter in order that the mitigation measures can be detailed at that time, depending on the final layout of the dwellings.

Should the development propose a package sewage treatment plant or pumping station then Environmental Health would need further details in order to assess the likely impact on future residents.

Notwithstanding the above two issues, Environmental Health does not object to this application

PARKS AND LANDSCAPES - No objection.

A minimum of 1329 sq.m. of open space are required in accordance with the Councils Supplementary Planning Guidance. An off site contribution to play areas is to be made via a s106 agreement.

SOUTHERN WATER - No objection

Conditions and Informatives required.

Site within a Source Protection Zone and Lidsey Catchment Area. Request that Environment Agency views be taken into account.

Additional infrastructure required as proposed development would lead to increased wastewater flows into the wastewater sewerage system and as a result would increase the risk of flooding on the area contrary to para 109 of the NPPF.

ADC ENGINEERS (DRAINAGE) - No objection

Subject to standard conditions

WSCC FLOOD RISK MANAGEMENT - No objection

Site is considered at low risk to surface water and ground water flooding with no record of any historic flooding on the site nor any watercourses.

PORTSMOUTH WATER PLC - No objection

Subject to conditions protecting the source protection area .

ENVIRONMENT AGENCY - No comments.

The area is within flood risk zone 1 and subject to standing advice. As the development is less than 1 hectare a flood risk assessment is not required. No further comments received in relation to the Source Protection Zone.

NHS ENGLAND - No objection subject to s106 contribution toward Croft Road Surgery.

ADC ARBORICULTURALIST - No objection subject to conditions;

There were a number of technical issues with the initial submission which have now been resolved. I recommend that we insist on semi-mature replacement plantings that are a mix of deciduous and coniferous species offering all round screening potential for the future on the eastern boundary with the public footpath where the current *Macrocarpa* trees are old/dying. Subject to the application of Tree Preservation orders which has now been achieved on the site, the Arboriculturalist considers the layout has allowed sufficient open space in which to achieve a high level of new tree planting subject to the final landscaping scheme which would be a key factor on this development to ensure that it sits in harmony with its surroundings.

Conclusions:

- I will need to see a Tree Survey/Root Protection Schedule that is fully compliant with BS5837 requirements so that I can check the accuracy of the Tree Protections Plan (TPP) to make sure that it is accurate and affords adequate protection to the retained trees.
- The arboriculturalist for the applicant has not provided a root protection schedule but has annotated the TPP with dimensions and provided an explanation as to how he calculated the RPA's.
- I will need to see a Tree Protection Plan that has crown spreads and root protection areas accurately shown.
- As explained above the RPA's are now shown for retained trees but crown spreads are not shown and the arboriculturalist seeks to rely on the fact that the RPA exceeds the spread so the spread does not need to be shown.
- I will need to see a Method Statement that is full and detailed and site specific with individual trees discussed and any mitigation measures fully explained.
- This has not been provided but I accept that as this is an OUTLINE application we can require this as a Planning Condition attached to an approval at the Full Detailed Application stage.

Recommendations:

- I recommend that in the interim we make a TPO to protect the Beech and the Weeping Willow. I understand that this has now been implemented which protects the two key trees on this site.
- I would also like to see a Landscape Condition added that requires them to replace the screen of Macrocarpas with semi-mature trees - species and size and location to be agreed with the Arun DC Landscape Officer.
- Whilst I have not received all of the information that I requested I am prepared to recommend the application for approval provided that the following Conditions are applied to the final full and detailed application:-
 1. All demolition & construction works are to be carried out in strict accordance with :- Arboricultural Method Statement Report Ref: Treetec 1717 March 2017 and Tree Protection Plan ref: Treetec 1717 June 2017.
 2. Prior to any demolition or construction works taking place or the introduction of machinery and plant to the site the following issues must be resolved to the complete satisfaction of Arun District Council :-

A pre-commencement site meeting is to take place between the Arun DC Tree Officer and the Arboricultural Consultant representing the site owners - at this meeting all protective fencing will be inspected along with ground protection measures - they will be assessed to verify that they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan ref: Treetec 1717 June 2017.

- If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reasons : To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area.

SUSSEX POLICE - COMMUNITY SAFETY - No objection subject to advice on the final design.

Where communal parking occurs it is important that they must be within view of an active room within the property. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. Gable ended windows can assist in providing observation over an otherwise unobserved area.

As the first line of defence, perimeter fencing must be adequate with vulnerable areas such as side and rear gardens needing more robust defensive barriers by using walls or fencing to a minimum height of 1.8metres. In circumstances that require a more open feature such as a garden overlooking a rear parking court or a rear garden pathway, 1.5metre high close board fencing topped with 300mm of trellis can achieve both security and surveillance requirements.

I do not recommend the footpath link to the existing public footpath on the development's boundary. This would give a potential offender unobserved access to the adjacent parking court.

PLANNING AND HOUSING STRATEGY - No objection

The site layout plan confirms 30% of the total number of units will be affordable: 2x 2 bed flats, 2x 2 bed houses and 2x 3 bed houses.

- Plots 5 & 6 will be 'shared ownership' 2 x 3 bed houses measuring 86 sqm;
- Plots 7 & 8 will be 'social rent' 2 x 2 bed houses measuring 76 sqm; and
- Plots 9 & 10 will be 'social rent' 2 x 2 bed flats measuring 67 sqm.

ARCHAEOLOGY ADVISOR- No objection subject to standard condition ARC 1.

WEST SUSSEX - LANDSCAPE/ECOLOGY - No objection subject to conditions.

Bats

Due to the presence of bats roosting within building B1 which is being demolished, mitigation will be required for the works and a Natural England protected species licence will also need to be obtained. We require that prior to determination a mitigation strategy is submitted to us for approval detailing how the bats will be protected and the roosting opportunities retained post construction work (applicant subsequently submitted the relevant mitigation strategy which was approved by the ecology officer). The ivy on building B5 also needs to be removed with a precautionary approach including removing the ivy by hand under ecological supervision. If any bats are found all work must stop immediately and Natural England consulted.

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

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

Following submission of the additional Bat mitigation report dated June 2017), we are happy that the mitigation proposed would be suitable and a condition should be used to ensure this takes place. The applicants should be aware that a Natural England Protected Species Licence will be required for the works, and this will need to be obtained prior to any works taking place.

Reptiles

To ensure the site remains unsuitable for reptiles, continued management of the site must take place to ensure reptile habitat does not develop onsite. If this is not possible then a precautionary approach should be taken within the site with regards to reptiles

Dormice

Precautionary measures have been outlined within section 6.14 and 6.15 of the Ecological Appraisal March 2017 with regards to dormice. These measures should be followed and include a hand search of the area by an ecologist and clearance of vegetation under ecological supervision during the active dormice period. During the winter period all vegetation will also need to be inspected, no hibernation features can be disturbed, any tree and limb felling must not fall within hibernating habitat. If any dormice are found all work must stop immediately and Natural England consulted.

Nesting Birds

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

Mammals

If there are any deep pits or holes onsite during the works there should be a secured plank within them to allow a means of escape of any animals.

Enhancements

- Any trees removed should be replaced at a ratio of 2:1
- Filling any gaps in tree lines or hedgerows with native species
- Bat and bird boxes installed on the site
- Grassland areas managed to benefit reptiles.
- Log piles onsite
- Fencing installed to allow the continued movement of animals through the site.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and reflected in the Conclusions section of the report below. The conditions and informatives suggested are included within the recommendation.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

CLASS A ROAD

TRUNK ROAD

OUTS BUILT AREA

SPEC CONT ADVTS

DEVELOPMENT PLAN POLICES

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

GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage
GEN12	Parking in New Development
GEN29	Nature and Conservation Across the District
GEN32	Noise Pollution
GEN33	Light Pollution

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

D SP1	Design
SD SP2	Built -Up Area Boundary
W DM3	Sustainable Urban Drainage Systems
C SP1	Countryside
D DM1	Aspects of Form and Design Quality
D DM3	External Space Standards
ENV DM4	Protection of Trees
ENV DM5	Development and Biodiversity
H DM1	Housing Mix

H SP2 Affordable Housing
 INF SP1 Infrastructure provision and implementation
 LAN DM1 Protection of Landscape Character
 OSR DM1 Open Space, Sport & Recreation
 QE DM1 Noise Pollution
 QE DM2 Light Pollution
 SD SP1 Sustainable Development
 T DM1 Sustainable Travel and Public Rights of Way
 T SP1 Transport and Development
 W DM2 Flood Risk

Walberton Neighbourhood Plan Policy 2017 HP1	Spatial Plan of the Parish
Walberton Neighbourhood Plan Policy 2017 HP10	Affordable Housing
Walberton Neighbourhood Plan Policy 2017 HP11	Housing Density
Walberton Neighbourhood Plan Policy 2017 HP13	Design Guidance
Walberton Neighbourhood Plan Policy 2017 VE3	Protection of Trees and Hedgerows
Walberton Neighbourhood Plan Policy 2017 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

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 in preparation 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. 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 may also be material consideration to take into account.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day

of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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.

Policies HP 1, HP 10, HP 11, HP 13, VE 3, VE 7 and VE 8 of the Walberton Neighbourhood Plan are considered relevant to this application.

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 of the Walberton Neighbourhood Plan have been taken into account in the determination of this application.

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 located outside of the defined built up area boundaries within the development plan. However, there are other

material considerations that would weigh in favour of the proposals and the policies within the development plan that relate to the supply of housing are out of date.

OTHER MATERIAL CONSIDERATIONS

The council cannot demonstrate a 5-year housing land supply at present and therefore the need for housing, and the presumption in favour of sustainable development is a material consideration.

The NPPF provides a presumption in favour of sustainable development. The application must be assessed as to whether the benefits of the development outweigh any adverse impacts. This is addressed in the conclusions section of the report.

The following are also material planning considerations;

- Supreme Court Ruling (Suffolk Coastal District Council & Cheshire East Borough Council)dated 10th May 2017 on the application of Paragraph 49 and 14 of the NPPF as it relates to lack of a 5-year housing land supply.

- Written Ministerial Statement December 2016.

- The Local Plan Sub-Committee decision in December 2016, followed by the Full Council decision was that the Council would invite planning applications on sites identified as being 'deliverable' by the HELAA where they are considered sustainable and will not prejudice the emerging local plan and / or infrastructure delivery.

CONCLUSIONS

PRINCIPLE

The development plan for Arun District currently comprises the Arun District Local Plan (2003)(saved policies) and the Walberton Neighbourhood Plan (2017).

Arun Local Plan 2003

The policies of most relevance are saved policies GEN2 and GEN3 of the Arun Local Plan. The site is outside the built-up area boundary for Fontwell identified by Policy GEN2 - Built Up Area Boundary(BUAB). Outside the BUAB development will not be permitted unless it is consistent with other ALP policies. Policy GEN3 - Protection of the Countryside states that except for several categories of development, none of which relation to the application proposal, development will not be permitted outside the BUAB. As this site lies outside the BUAB it is categorised as countryside and the scheme would conflict with ALP Policies GEN 2 and GEN 3.

Walberton Neighbourhood Plan 2017

The Walberton Neighbourhood Plan (WNP) was made in March 2017 on the basis of the saved policies in the ALP and the draft policies in the eALP (2014).

Policy HP1 of the Walberton Neighbourhood plan - Spatial Plan of the Parish - defines a built up area boundary around Fontwell and sets out a number of identified development sites inside and outside of the built up area boundary supported by policies within the plan. The application site is neither within the Built Up Area Boundary identified within WNP nor is it allocated as a development site within the plan and therefore the proposed development conflicts with policy HP1 of the Walberton Neighbourhood Plan which seeks to resist development on such sites.

Walberton Parish Council have stated in their objection that they are consider that an alternative local housing application the Dandara (Fontwell) Site (WA/25/15/OUT) might make up for the shortfall in future housing supply within the Neighbourhood Plan area. A note has been included pursuant to policy HP1 in the made WNP to this effect however this note has no formal status and it is acknowledged on p 23. para.1 of the WNP that the Dandara proposal 'is not covered by the policies of the NP'. Further to this on 13th July 2017 the Dandara application was approved by the Secretary of State it was concluded that the WNP 'does not make specific provision for the application'. In the meantime the Dandara site as a whole has been proposed as a strategic housing allocation in the emerging Local Plan as a main modification to the emerging ADLP. The Fontwell site is a strategic housing allocation that relates to the strategic needs of the District which will not count towards the housing provision needed by each Parish Council under policy H SP1 of the emerging Arun District Local Plan.

Planning Balance

For reasons given above, the application is not in accordance with ALP Policies GEN 2 and GEN 3 or policy HP1 of the WNP. The following sets out whether there are any material consideration which indicate that the proposal should be determined other than in accordance with the development plan.

There has been an almost doubling of the OAN to 919 dpa and the current housing land supply figure is around 1.92 years. This demonstrates that there is a pressing need to identify and bring forward deliverable sites for housing and that ADC cannot demonstrate a 3 or 5 year supply of deliverable housing sites and the ALP policies GEN 2 and GEN 3 in accordance with para 49 of the National Planning Policy Framework, relevant policies of the supply of housing should not be considered up to date where the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

As the Council cannot demonstrate a 3 year housing land supply, the Written Ministerial Statement on Neighbourhood Planning (12 December 2016) does not apply and WNP Policy HP1 is considered out of date and therefore afforded reduced weight.

Given the absence of a 3 and 5 year housing land supply, paragraph 14 of the NPPF is engaged. In accordance with paragraph 14 of the NPPF, planning permission should be granted unless (a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole or (b) specific policies in the Framework indicate development should be restricted.

Given the significant shortfall in housing supply only limited weight can be given to the conflict with out-of-date ALP Policies GEN 2 and GEN 3 and the policy HP1 of the WNP.

A previous application for a similar housing development (WA/71/07) was refused and an appeal against the decision was dismissed on the following grounds;

- Unsustainable form of development
- Harmful to the character and appearance of the area especially in the view from the east.

The sustainability of the site for development has been established as acceptable on consideration above. Furthermore a recent planning decision in Fontwell - WA/22/15/OUT - on 13th July 2017, a called in application for 400 houses (the Dandara application) was approved by the Secretary of State following a recommendation for approval by Arun District Council in Fontwell. It was considered to be a sustainable location by Arun District Council. The Secretary of State concurred that Fontwell was a sustainable location. The development proposed is therefore no longer considered an unsustainable

form of development.

No objection has been received from the Councils Parks and Landscapes Officer subject to approval of landscaping and tree works at reserved matters stage and the impact of the proposal on the landscape is now considered acceptable.

Emerging Plan

This includes the emerging Arun Local Plan 2011-2031 Publication Version October 2014 (eALP) as modified March 2017 ('the modified eALP').

The eALP was submitted for examination in January 2015. Following a material increase in the Objectively Assessed Need (OAN) for housing the eALP examination has been suspended to allow ADC to review potential locations for housing development. The proposed Modifications were approved by Full Council and consultation took place between 10 April - 30 May 2017.

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 and Parish allocations. At the present time the site does not form a part of any allocation for housing within the plan as a small site or as a parish allocation however this is under review as the site has been identified as deliverable under the Housing Land and Economic Availability Assessment (November 2016).

A Housing Implementation Strategy has been produced (March 2017) to support the modifications to the Local Plan housing policies and this document identifies the current five year housing land supply situation. The current housing land supply (with a 'policy off' position) is 1.92 years. A report to the Local Plan Sub-Committee recommended to Full Council that planning applications should be invited on sites identified as being 'deliverable' by the HELAA where they are considered sustainable and will not prejudice the emerging local plan and/or infrastructure delivery. This was due to the shortfall in housing land supply since the start of the plan period in 2011.

A further main modification to policy HP1 of the emerging Arun District Local Plan requires Parish Councils to provide a further 1,250 units of housing through review of their Neighbourhood Plans to meet the updated Objectively Assessed Need for Housing or a Non Strategic Development Sites Plan Document would allocate housing sites to meet the OAN in the absence of enough housing sites being brought forward through Neighbourhood Plan reviews.

Policy H SP2 - Strategic Site Allocations. The site is not allocated with a strategic, site specific or broad allocation.

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 seeks to safeguard the countryside outside of the BUAB for its own sake apart from Strategic, Site Specific and Broad Allocations, subject to a list of exceptions none of which apply to the proposed development.

The proposed development therefore conflicts with modified policies SD SP2 and Policy C SP1 of the eALP and is not allocated within the site as a strategic site within H SP2 or in other categories of housing allocation within H SP1 however this is currently under review in order to identify sufficient housing land to meet future needs.

Presumption in favour of sustainable development

Regard should also be had to the policies contained in the National Planning Policy Framework (2012) (NPPF) which are a material consideration. In the event of conflicts between policies in these 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 significant weight.

As set out above, the policies in the local development plan are out of date and can be afforded limited weight and this means that the presumption in favour of sustainable development set out in paragraph 14 of the National Planning Policy Framework (NPPF) applies. The following considers the proposals against the presumption in favour of sustainable development. Paragraph 7 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental roles. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system

Environmental Role-

Paragraph 55 of the NPPF advises that housing in rural areas should be located where they will enhance or maintain the vitality of rural communities.

The site would infill a gap in the built up area boundary and be surrounded by houses on three sides and have access to facilities in Fontwell on good quality footpaths.

The site is located in defined countryside just beyond the perimeter of the settlement of Fontwell. Fontwell benefits from a reasonable range of shops and services which are within easy walking distance of the site and include an off-licence, newsagent, convenience store, cafe / restaurant and public house. The site is also located close to leisure opportunities including hotels and Fontwell Racecourse. A wider range of shops and services are available in Barnham which is circa 2.1 miles from the site.

There are two General Practices (GPs) within 2 km. These are the Croft Surgery located to the south in Eastergate and Flintcroft Surgery located to the east in Walberton. There are two dentists within 2 km.

The nearest bus stops to the site are located along Fontwell Avenue and Arundel Road, adjoining the site. all within 50 metres of the development site. The stops are served by the 85/85A service, which runs from Worthing or Arundel to Chichester on weekdays and Saturdays.'

As such it would be possible to walk, cycle or walk to catch a bus from the site to nearby shops & facilities and this option would be reasonably attractive in comparison with use of the private car. However it is noted that for major weekly shopping trips including weekly food shopping trips and commutes to local employment centres would be likely to occur by private motor vehicle.

The sites access to local shopping and leisure facilities and a local bus route weigh in favour of the proposals while the need to use private motor vehicles for other needs weigh against the scheme on terms of environmental aspects of sustainability.

Social Role-

It is considered that the proposal will support the local community by providing 22 new houses and flats including 6 affordable units to help meet future needs. Given the significant shortage of housing supply in the Arun District currently it is considered that the proposed scheme would be socially sustainable which weighs in favour of the scheme.

Economic Role-

It is considered that the proposal will (1) lead to an increase in Council Tax receipts; (2) lead to an increased local population (3) create a limited number of jobs during construction. All of these would provide a benefit to the local economy. These economic factors weigh in the scheme's favour.

Assessment-

The development of the proposed site is considered to be sustainable development for the reasons set out above.

Conclusion on matters of principle:

Overall, the principle of development on this site is contrary to the development plan, however, as the Arun Local Plan policies GEN2 and GEN3 and policy HP1 of the WNP are out of date, in accordance with paragraph 49 of the NPPF, then they carry reduced weight.

The material considerations set out above, including the lack of a 5 year housing land supply are considered to weigh in favour of granting permission. The sustainability of the site is considered to accord with paragraph 14 of the NPPF. Therefore it is considered that significant weight in the planning balance should be given to the substantial contribution to housing and affordable housing in the district, boosting the sustainability of Walberton, creating additional area of public open space, affordable housing and contributing toward strategic infrastructure.

There are no specific policies in the Framework that indicate that this development should be restricted. Therefore it can be concluded that the adverse impacts do not significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.

CHARACTER & VISUAL AMENITY

Local Plan (2003) Policy GEN7 (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. Central Government Advice further indicates that more intensive development is not always appropriate and that design which is inappropriate in its context should not be accepted. Furthermore, new development should be well integrated with and complement the local area in terms of, for example, layout.

Policy D SP1 'Design' of the Local Plan Publication Version seeks a high quality of design based on a site analysis and context appraisal; adherence to objectives informing sustainable design; and the influence of these objectives have on the form of the development.

Policy HP 11 - 'Density' of the Walberton Neighbourhood Plan (WNP) states that the density of new development shall be appropriate to its location by virtue of size, siting and relationship to existing properties.

Policy HP 13 Design Guidance of the WNP requires that 'New development which would have an effect on the appearance or character of the surrounding area must be of a high quality of design and must contribute to local character by creating a sense of place appropriate to its location.'

The proposed development is acceptable by reason of the quantum of development. The density of housing, at 23 dwellings per hectare, would be slightly higher than that of the surrounding wider area however it is in keeping with housing density adjacent to the site to the north.

The development would introduce dwellings, public open space, roads and car parking in place of the

residential dwelling, outbuildings, stable and small paddock. Notwithstanding this the proposal results in a significant increase in the level of development on the site, this is within the context of other established residential development on three sides of the boundary of the site.

Furthermore from the east there is now a visually strong double hedged boundary between 3 - 5 metres in height along the boundary formed by the public footpath on the eastern side of the site, in addition to a further 5-7 metre high tree belt along the A27 and Arundel Road at the boundaries of the adjacent field. A landscaping scheme has been submitted supporting this boundary hedging which would further protect the character of the landscape.

In summary the development is not considered to have a significant visual impact on the landscape, nor unacceptably impact on the views in and out of the site from open countryside and South Downs National Park to the west. It is therefore considered from the indicative layout plan provided to respect the identified characteristics and resources of the immediate neighbourhood of the site and is in accordance with policy GEN 7 (ii) of the Arun District Local Plan, Policy D SP1 of the publication version of the emerging Arun District Local Plan and Policies HP, 11 & 13 of the Walberton Neighbourhood Plan with respect to design and affordable housing.

RESIDENTIAL AMENITY

At this stage, prior to assessment of the reserved matters application, the precise impact on residential amenity is difficult to assess. However given the indicative layout provided which would be approved as part of the application it can be demonstrated that the proposal would not have unacceptable adverse impacts on residential properties to the east, north or south of the site. Attention is needed to the relationship of dwellings adjacent to existing dwellings on Hunters Mews and Furlong Close. The relationship between dwellings facing elevations would be in excess of 20 metres and the side by side properties adjacent to Furlong Close would not be significantly harmed as a result of side facing windows in those properties.

The building lines of the proposed properties and those of neighbouring dwellings are such that no unacceptable adverse impacts would result in terms of a loss of light, overbearing impact or loss of privacy. Any unacceptable impacts on residential amenity could be addressed by condition.

Residents have raised concerns as to the potential for light pollution as there will be an increase in light pollution for existing neighbouring residents. Street lighting will be controlled by condition to minimise any detrimental impacts and take into account the unlit environments of Walberton Parish. There has also been a request from the ecologist that a lighting plan is submitted in relation to the location of street lights and security lights due to the presence of bats near the site.

Housing development is not considered to cause unacceptable noise pollution on neighbouring properties and the impacts of the development from noise pollution on the A27 has been subject to a noise assessment report. The Council's EH officer has made no objection on noise grounds subject to further details regarding mitigation measures which the final layout would determine in the reserved matters application.

It is considered that the proposed development will not give rise to any unacceptably adverse impacts to residential amenity, sound and noise pollution and as such would accord with policy GEN7 GEN 32, and GEN33 of the Arun District Local Plan and Policy VE8 of the Walberton Neighbourhood Plan.

HIGHWAY CONSIDERATIONS

Notwithstanding that the outline application is subject to approval of the means of access at reserved

matters stage a Transport Statement and Stage 1 Road Safety Audit was submitted by the applicants and West Sussex County Council (WSCC) were consulted.

The Local Highways Authority have made no objection to the scheme as a whole and access from Arundel Road subject to the application of conditions. They are satisfied that the development proposed will not give rise to severe impacts to the operation of the highways network. Highways England have also been consulted in relation to the proposal and have raised no objections in relation to the proposed development. Paragraph 32 of the NPPF confirms that decisions should only prevent development on transport grounds where the residual cumulative impacts of development are severe.

The proposed parking provision at the site has been considered by the WSCC who have acknowledged that there would be a shortfall of 3 spaces (51 rather than 54) with regard to the requirements of the WSCC Parking Demand Calculator. However there are on street no parking controls within the new development or on surrounding existing roads.

The proposal is considered to comply with policy GEN 12 of the Arun District Local Plan.

DRAINAGE/FLOODING

The application site is situated within Flood Zone 1, in an area of land with low probability of flooding where all land uses are appropriate. West Sussex County Council (WSCC) Flood Risk Management Team have identified that the site as being at low risk from surface water flooding and of negligible risk of ground water flooding.

The applicants have identified that the proposal will be connected to the main sewer network where capacity exists. It is considered that a suitable surface water, and foul water drainage strategy could be secured through conditions.

Portsmouth Water have added additional conditions relating to the location of the site within a Water Source Protection Zone. This has generated no further comment from the Environment Agency.

Arun District Council drainage engineers have also been consulted in relation to this application and have raised no objections with suitable conditions having been proposed. These conditions have been included in this recommendation.

The proposal is therefore considered acceptable with respect Policies VE6 & VE 7 of the Walberton Neighbourhood Plan and policies GEN 9, GEN 22, 23 & 24 of the Arun District Local Plan.

TREES

A tree survey and arboricultural statement has been submitted. This statement sets out tree protection during development and identifies trees to be retained and to be removed as a result of the development. It demonstrates that, in particular the tree belt on the eastern border of the site would be protected during development and identifying trees to be retained and to be removed as a result of the development. Two trees on the eastern side of the house close to existing residential development, a Beech tree and Weeping Willow tree have had Tree Preservation Orders made on them as a result of this application and will be preserved as a result.

ECOLOGY/BIODIVERSITY

A phase 1 ecological survey and a further Bat Mitigation report (June 2017) accompanied the application with a consultation response having been received from the Council's Ecology Advisor. No objection

has been raised in relation to ecological or biodiversity impact with relevant conditions having been proposed and included in this recommendation report.

The proposal is therefore considered to accord with policies GEN 29 & GEN 30 of the Arun District Local Plan and policy VE 3 of the Walberton Neighbourhood Plan.

SECTION 106 DETAILS

A legal agreement is being prepared in relation to the provision of 6 no. affordable housing units at the site. This Section 106 legal agreement will also require an £22,000 contribution towards the off-site provision of public open space/play facilities due to the absence of on-site provision this contribution will go towards play area improvements at Palmer Road Recreation ground.

The s106 will also include contributions towards the NHS, Education, Library and the Fire & Rescue Service.

SUMMARY

Based upon the details submitted and consideration above the proposal will not result in any adverse impacts which significantly or demonstrable outweigh the benefits of the proposed scheme. On balance the proposal is considered to be acceptable with regard to the Development plan, including Neighbourhood Plan policies, the NPPG and the NPPF and all other material considerations and is recommended for approval subject to the below conditions and the completion of a S106 agreement.

If after two months of the date of the decision the s106 has not been completed and signed delegated authority to the Group Head of Planning for the reason that;

(1) The proposed development makes no contribution toward affordable housing & local infrastructure and is thereby contrary to the Policy GEN 8 of the Arun District Local Plan, Policy INF SP1 & H SP2 of the emerging plan and the National Planning Policy Framework.

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) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval 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 legal agreement has been prepared in relation to the provision of 6 no. affordable housing units at the site. This Section 106 legal agreement requires an £22,000 contribution (index linked) towards the off-site provision of public open space/play facilities due to the absence of on-site provision. This contribution will go towards play area improvements at Hunters Mews next to the site,.

The s106 includes contributions towards the NHS, Education, Library and the Fire & Rescue Service to allocated projects..

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 2 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance;
- (d) Access;
- (e) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3 The development hereby approved shall be carried out in accordance with the following approved plans;

Dwg.no. 1717-03C - Location Plan dated March 2017

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 of the Arun District Local Plan.

- 4 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. As part of the scheme, the screen of Macrocarpas trees on the eastern boundary must be replaced with semi-mature trees of a species, size and location to be agreed with the Arun DC

Landscape Officer. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.'

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 5 No development including site access, demolition or associated construction activities, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by a fence in accordance with BS5837 (2012) and Section 9, to be approved by the Local Planning Authority for erection around each tree, group of trees and vegetation to a distance of 15m or to the Root Protection Area (RPA) as calculated in accordance with Table 2 of BS5837 (2012) to be agreed in writing by the Local Planning Authority. Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority.

All demolition & construction works are to be carried out in strict accordance with :- Arboricultural Method Statement Report Ref: Treetec 1717 March 2017 and Tree Protection Plan ref: Treetec 1717 June 2017.

No trenching should occur within the protective fencing surrounding the Root Protection Area. If however there is no alternative but to locate the services then its encroachment into the Root Protection Area must be kept to a minimum and where the roots should be exposed using compressed air technology, such as the air spade to reduce damage caused by mechanical methods. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree.

If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued by the Local Planning Authority before any works are commenced out on site.

A pre-commencement site meeting is to take place between the Arun DC Tree Officer and the Arboricultural Consultant representing the site owners/developpers - at this meeting all protective fencing will be inspected along with ground protection measures - they will be assessed to verify that they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan ref: Treetec 1717 June 2017.

Reason: To comply with BS5837 and to ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan.

A pre-commencement condition is required to protect the existing trees and landscaping on site which significantly reduce the impact on visual amenity and the wider landscape in the area.

- 6 Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and an implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker and Portsmouth water. (Including details of its routing, design, and subsequent management / maintenance).The development shall be carried out in accordance with the approved scheme and timetable."

No building shall be occupied until the foul water drainage scheme has been implemented in accordance with the approved details and the details so approved shall be retained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

The proposed condition is necessary prior to commencement in order to avoid the possibility of flood risk.

- 7 Construction of the development shall not commence until details of the proposed means of surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority.

The design for the surface water disposal system should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

This is required to be a pre-commencement condition because it is necessary to plan the surface water drainage system prior to commencing any building works.

- 8 Immediately following implementation of the approved SuDS scheme and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. There shall be no deviation to the approved scheme other than with the written consent of the Local Planning Authority. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 9 Development shall not commence until full details of the maintenance and management of the

SuDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include (a) details of financial management of the site including arrangements made in the event that the management company (or any subsequent management company) is no longer able to fulfil its duties; and (b) arrangements for the replacement of major components at the end of the manufacturers recommended design life.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32.

- 10 Upon completed construction of the SuDS System but prior to occupation of any part of the scheme, the owner or management company shall either provide the local planning authority with an updated copy of the management manual incorporating any changes as a result of construction/implementation or confirm in writing that no changes are required to the manual.

No further changes shall be made to the approved SuDS Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority.

The owner or management company shall thereafter strictly adhere to and implement the recommendations contained within the manual to ensure that the system is maintained in perpetuity.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32.

- 11 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, vibration and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Portsmouth Water.

Piling or any other foundation design using penetrative methods shall not be permitted other than with the express written consent of the local planning authority in consultation with Portsmouth Water. The development shall be carried out in accordance with the approved details.

Reasoning: The proposed works are situated in a sensitive groundwater catchment and there are potentially significant risks associated with groundworks in this area. Piling or any other foundation designs using penetrative methods can pose a risk to potable supplies from, for example, turbidity, mobilisation of historical contaminants, drilling through different aquifers and creation of preferential pathways. Thus, it should be demonstrated that any proposed piling will not result in contamination of groundwater in compliance with policies GEN 25 & GEN 26 of the Arun District Local Plan .

- 12 The proposed re-development of the existing site must be accompanied by a thorough assessment to demonstrate that there will be no unacceptable input of pollutants to groundwater. This should include a preliminary risk assessment which has identified:

- all previous land uses
- potential contaminants associated with those uses

- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

The preliminary assessment should address the potential risks on site, to ensure that the water resource is not detrimentally affected by the proposed development.

Reasoning: Any development on contaminated land can potentially mobilise existing contamination during demolition/construction phases, which could put the public water supply at risk contrary to policies GEN 25 & GEN 26 of the Arun District Local Plan.

- 13 The applicant is advised to adopt, where appropriate, the measures in the table "Practical measures to reduce the potential impacts of development".

Reason: Due to the location of the proposed development within the Lidsey Catchment Area and to satisfactorily ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

This is required to be a pre-commencement condition because it is necessary to plan the foul and surface water drainage system prior to commencing any building works.

- 14 No part of the development shall be first occupied until the vehicle turning space has been constructed within the site in accordance with the approved site plan. This space shall thereafter be retained at all times for their designated use.

Reason: In the interests of road safety in accordance with policies GEN 7 & GEN 12 of the Arun District Local Plan.

This is required to be a pre-commencement condition because it is necessary to define the roads as part of the overall layout prior to commencing any building works.

- 15 No development shall commence until such time as revised plans and details incorporating the recommendations given in the Stage 1 Road Safety Audit and accepted in the Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of road safety in accordance with policies GEN 7 of the Arun District Local Plan.

This is required to be a pre-commencement condition because it is necessary to define the roads as part of the overall layout prior to commencing any building works.

- 16 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of

construction upon the public highway (including the provision of temporary Traffic Regulation Orders),

· details of public engagement both prior to and during construction works.

Reason: In the interests of road safety and the amenities of the area in accordance with policies GEN 7 of the Arun District Local Plan.

This is required to be a pre-commencement condition because it is necessary to agree measures to be taken during building works to protect the amenities of nearby residential properties.

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

Reason: In the interests of the conservation of protected species in accordance with policies GEN 30 and GEN 33 of the Arun District Local Plan.

- 18 No development including site access, demolition or associated construction activities, shall take place on the site unless and until a 'Mitigation Statement' that details all of the protection and enhancement measures for reptiles and other wildlife on the site has been submitted to and approved by the Local Planning Authority. This should include all of the following;

The mitigation and enhancement measures proposed in 'Phase 1 Ecological Appraisal - dated 10th March 2017' and Bat Mitigation Report dated June 2017 relating to Bats, Dormice, reptiles, Mammals and other wildlife shall be included in the mitigation statement set out above.

Reason: In accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework. It is considered necessary for this to be a pre-commencement condition to prevent damage/harm to the ecology of the site

- 19 External lighting in association with this development shall comply with the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E2 and to avoid over lighting. Further to the above in consideration the presence of bats in the local area the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Reason: In the interests of the conservation of protected species and residential amenity in accordance with policy GEN 33 of the Arun District Local Plan.

- 20 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun District Local Plan Policy GEN7. The pre-commencement condition is necessary to protect potential archaeological assets on the site

- 21 A noise report incorporating the mitigation measures for sound pollution as a result of the proximity of the proposed dwellings to the A27 and other noise sources depending on the final layout of the dwellings including the potential package sewage treatment plant or pumping station is to be submitted and approved by the Local Planning Authority at the time of the

reserved matters application.

Reason: To safeguard the amenities of nearby residents in accordance with Arun District Local Plan policies GEN7 and GEN32.

- 22 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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 23 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 24 'The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk' in order to progress the required infrastructure.
- 25 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 26 INFORMATIVE; Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk":
- 27 INFORMATIVE: The applicant is directed to the Sussex Police website at www.securedbydesign.com where the SBD Homes 2016 document can be found. The Secured by Design scheme is a Police initiative to guide and encourage those engaged within the specification, design and build of new homes, and those undertaking major or minor property refurbishment, to adopt crime prevention measures. The advice given in this guide has been proven to reduce the opportunity for crime and the fear of crime, creating safer, more secure and sustainable environments. The applicant is also directed toward the comments from Sussex Police included in the summary of consultations section of the officers report which may cause reason for an objection at reserved matters stage.
- 28 INFORMATIVE:The applicants should be aware that a Natural England Protected Species Licence will be required for the works in relation to the Bat mitigation report June 2017 and this

will need to be obtained prior to any works taking place.

WA/23/17/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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AGENDA ITEM 8

DEVELOPMENT CONTROL COMMITTEE

20th September 2017

PLANNING APPLICATIONS

LIST OF TREE APPLICATIONS AND RECOMMENDATIONS FOR CONSIDERATION

AT THE DEVELOPMENT CONTROL COMMITTEE

NONE FOR THIS COMMITTEE

LIST OF APPLICATIONS AND RECOMMENDATIONS FOR CONSIDERATION AT THE

AT THE DEVELOPMENT CONTROL COMMITTEE

BOGNOR REGIS

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
BR/194/17/PL	Demolition of the existing Foreshore office & decommissioning of existing underground toilets. New purpose built unisex toilet block including urinals, baby changing facilities & accessible WC, plus a separate beach office with public information point & first aid facilities. All located on the existing seafront promenade.	Promenade Opposite Walton Avenue The Esplanade Bognor Regis PO21 1LX
Case Officer:	Mr R Temple	
Recommendation:	Approve Conditonally	

EASTERGATE

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
EG/41/17/PL	Demolition of existing garage & construction of 2No 4-bedroom dwellings	59 Elm Grove Barnham PO22 0HJ
Case Officer:	Mr S Davis	
Recommendation:	Approve Conditonally	

WALBERTON

<u>Reference</u>	<u>Development Description</u>	<u>Location</u>
WA/44/17/OUT	Outline application with some matters reserved for up to 175 dwellings, new vehicular access, together with associated car parking, landscaping & community facilities to include allotments, play space & community orchard. This application is a Departure from the Development Plan & may affect the character & appearance of the Walberton Village Conservation Area.	Land East of Tye Lane Walberton
Case Officer:	Michael Eastham	
Recommendation:	App Cond sub to S106	

PLANNING APPLICATION REPORT

REF NO: BR/194/17/PL

LOCATION: Promenade Opposite Walton Avenue
The Esplanade
Bognor Regis
PO21 1LX

PROPOSAL: Demolition of the existing Foreshore office & decommissioning of existing underground toilets. New purpose built unisex toilet block including urinals, baby changing facilities & accessible WC, plus a separate beach office with public information point & first aid facilities. All located on the existing seafront promenade.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Two single storey detached buildings to replace existing foreshore office. One building will house public toilets and the smaller of the two would be a foreshore office.
	The public toilet building would contain four cubicles and urinal section, a disabled toilet and service area not open to the public.
	The foreshore office would house a staff toilet, area for staff with window to promenade and public area with room containing sink and kitchenette.
	The existing underground toilets are to be de-commissioned as part of this application.
SITE AREA	161m ² .
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	Railings and wall to north of site. No side boundary and open to south for access to beach.
SITE CHARACTERISTICS	Seafront promenade the site is currently occupied by the existing foreshore office building and entrance to underground toilets (closed to public). The temporary toilets are located to the east of the foreshore office.
CHARACTER OF LOCALITY	Seafront promenade with various local amenities. Wider area characterised by residential blocks of flats and the beach.

RELEVANT SITE HISTORY

BR/103/92	Application under Regulation 4 of the Town & Country Planning General Regulations 1976 to convert existing	Deemed Perm Cnd 17-06-92
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seating shelter into new foreshore office for Arun District Council. Work involves new pitched roof, walling and castings to a 'Victorian' theme.

Existing foreshore office granted permission in 1992.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Object, on the grounds of loss of privacy to both residents opposite and users of the toilets. In addition, the Committee felt that the inconsistencies within the plans, in particular the unclear address and the footprint extending over the current one, was another reason to object.

The address on the application reads Promenade opposite Clarence Road, The Esplanade which is due to be amended to read Promenade adjacent to The Esplanade between Clarence Road and Walton Avenue. That is still incorrect and should be Promenade adjacent to The Esplanade between Albert Road and Walton Avenue.

56 letters of public representation received. 55 objecting on the grounds of:-

- loss of privacy and outlook for the residents of Esplanade Grande,
- detrimental impact on visual amenity of the promenade,
- generation of anti-social behaviour,
- noise and disturbance to residences of Esplanade Grande from the use of the toilets,
- safety concerns- the buildings will block the promenade,
- unsustainable design with no grey water harvesting or solar panels,
- the existing toilets should be upgraded, not new ones proposed.

1 letter supporting on the grounds of:-

- good visual appearance of the new modern architecture on the seafront
- the design blends with the surrounding area such as buildings of Esplanade Grande
- a much needed updated facility for visitors

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

It is noted that the two buildings when considered together will be smaller than the existing foreshore office in terms of footprint and overall mass; and have a space between them. As such it is not considered that the new buildings will have a detrimental impact on outlook to the flats of Esplanade Grande.

The toilets and foreshore office will be more than 20m away from the windows of Esplanade Grande and the toilets have automatically closing doors. It is not considered that members of the public exiting or entering the toilets will cause loss of privacy through overlooking to a level higher than what already occurs from the use of the promenade as a public right of way.

The generation of anti-social behaviour is not considered likely to be any higher than when the temporary toilets are used which are currently in place but will be less than when the closed underground toilets were previously used. Owing to the hidden nature of the underground toilets they were especially prone to misuse. Measures to ensure a reduction in the likelihood of anti-social behaviour will be outlined in the Conclusions section reflecting on comments from Sussex Police.

The use of the toilets by the public is not considered to pose a noise and disturbance risk to the residents of Esplanade Grande. The toilets and foreshore are located more than 20m away. The noise generation from the use of toilets (located inside a building) are not considered to be so loud that they would create a constant and audible noise. As such, it could not be reasonably argued that the development would detrimentally impact on the residential amenities of the occupiers of Esplanade Grande in terms of noise and disturbance. The public usage would not create a significant level of disturbance over and above that of the use of the previous underground toilets and current above ground temporary toilets or general activity associated with a public promenade use.

The proposed buildings occupy less space than the existing foreshore office and do not project as far into the promenade from the road. As such, it is not considered they will block the promenade and create a safety risk.

It is noted that the building would not make use of renewable energy of grey water harvesting. However, there is no planning policy requirement for these technologies to be insisted upon. This technology could be added at a later date but overall, the application is not considered to be unsustainable and could not be refused on these grounds.

The suggestion that the existing toilets should be upgraded is not considered to be an issue that can be considered at planning stage.

The officer agrees that the design of the new buildings is acceptable in this location and will provide a permanent amenity facility for the public.

CONSULTATIONS

Estates Manager
Southern Water Planning
Economic Regeneration
Sussex Police-Community Safety
Engineers (Coastal Protection)
Engineering Services Manager
Environmental Health
Engineers (Drainage)
Parks and Landscapes

CONSULTATION RESPONSES RECEIVED:

Environmental Health

No objections or comments to make.

Economic Development

Economic Development are fully aware of the future proposals and current restraints of the Bognor Regis promenade area and would support this application which helps towards the provision of good quality facilities for both visitors and residents.

Second Comment:

Economic Development support this application because it improves facilities for both residents and tourists visiting the seafront which will hopefully encourage them to stay longer, spend more and come back more often. Improved accessible and modern toilets was the top priority in two public surveys about the seafront, so this is clearly in line with public demand.

Sussex Police: Design Out Crime Officer

Public Toilets

- I have concerns about the positioning of the facility, which as result causes the toilets doors to open onto the promenade's balustrade area. With the doors open, this creates a barrier blocking users in, unable to make their way back to the promenade until the adjacent door is closed. This is more apparent for the middle cubicle users
- This orientation increases the vulnerability of the users, the opportunity for robbery, assault and anti-social behaviour as well as the fear of crime.
- Despite the design's orientation being suggested to alleviate bad weather conditions impacting upon the users, I recommend that the orientation be changed so that the doors open onto the promenade. This will remove the possibility of creating a blocked off area and reduce the opportunity for robbery and assault as well as reducing the fear of crime by utilising natural surveillance and the presence of capable guardians who are using the public promenade.
- Should the orientation remain the same with all doors opening in, this will remove my above concerns but will impact upon the available space inside.
- I recommend the fitting of vandal resistant dusk till dawn lighting above each door.
- I support the recommendation of the fitting of a one way viewer in the doors to ensure safe exit for the user.
- I question why one cubicle door opens in, when the others open out. This reduces considerably the space within, given it is a baby cubicle, this may impede upon the size of pram / pushchair used and create problems shutting the door.
- I recommend that vandal resistant door and windows are installed that conform to LPS 1175 SR2 with any glazing being laminated that conforms to BS EN 356 P1A.
- The mentioned accessible toilet will need to have an adequate and fit for purpose automated door system that allows access for all types of wheelchairs and mobility, and as such have appropriated door timers and door closers installed. Access to this facility will need to be managed to ensure misappropriation of the facility is removed.

Beach Office

- Vandal resistant door and windows to conform to LPS 1175 SR2 with laminated glazing that conforms to BS EN 356 P1A to be fitted.
- Vandal resistant dusk till dawn lighting fitted above entry doors
- I recommend the fitting of a monitored intruder alarm within the premises to alert any out of hour's unauthorised entry.

Southern Water

Please apply standard informatives.

Engineers (Coastal Protection)

No objection on coastal defence grounds; there are obviously risks in being this close to the coastline but the building is indeed of a 'less vulnerable' type and the applicant is aware of the issue.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

The Design Out Crime officer comments are noted and are discussed in the Conclusions section of the report.

Southern Water informative will be included.

POLICY CONTEXT

Designation applicable to site:
Within the built up area boundary

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

GEN18	Crime Prevention
GEN2	Built-up Area Boundary
GEN32	Noise Pollution
GEN7	The Form of New Development

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
D SP1	Design
QE SP1	Quality of the Environment
SD SP2	Built -Up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 may also be material consideration to take into account. The examination is due to re-commence in Autumn 2017 following publication of modifications to the Plan.

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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).

There are no relevant Bognor Regis NDP.

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 comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding 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

It should be noted that the Local Authority has chosen to submit the scheme as a planning application, even though buildings could be constructed under permitted development (Part 12 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) without the need for formal planning consent. As such, the fall back position for the application is that the toilet and foreshore office could be constructed without consent and is a material consideration to the application.

The promenade is considered a suitable location for the public toilets and foreshore office near to the existing foreshore office, temporary toilets and closed underground toilets.

DESIGN AND VISUAL AMENITY

Saved policy GEN 7 requires that development:-

"(ii) demonstrates that it responds positively to the identified characteristics and resources of the site and the area to create attractive places and spaces with the needs of people in mind and respects and enhances local distinctiveness;"

It is considered that the new buildings, whilst modern in design respond to the character of the promenade and surrounding environment. The buildings are a reduction in visual mass from the existing foreshore office and would be of appropriate materials for a seafront environment. The single storey height is considered suitable for the location to reduce visual mass whilst the two building design provides visual separation and a more modest impact on the promenade visually.

The GRP roof, wall, window and door materials are considered to be suitable in terms of colour and texture for the location and their use will be required via condition.

RESIDENTIAL AMENITY

Policy GEN7 requires development:-

"(iv) does not have an unacceptable adverse impact on adjoining occupiers, land, uses or property and, where relevant, facilitates the development of adjoining sites;

(v) takes account of any unacceptable adverse impacts that may arise from adjoining land uses or property;"

The buildings would be more than 20m away from the nearest residential properties of Esplanade Grande and separated by the road. They would also be single storey in height and are not considered to be of an excessive overall scale. As such in terms of impact on residential properties the buildings will not have a significant detrimental impact in terms of visual intrusion or loss of light.

As the development will be more than 20m away from the windows of Esplanade Grande and the toilets have automatically closing doors. It is not considered that members of the public exiting or entering the toilets will cause loss of privacy through overlooking. The doors are auto closing and it is considered unlikely that a person exiting the toilet will then take the opportunity to look directly into the windows of

Esplanade Grande for a unreasonable amount of time.

The intensity of disturbance is not considered be to a level higher than current levels generated from the use of the promenade as a public right of way various public amenities including a toilet and foreshore office. Environmental Health have no objected on the ground of potential noise and disturbance from the use of the building.

The development is considered to comply with saved polices GEN7 and GEN32 of the Arun District Local Plan in terms of impact on residential amenity and noise pollution.

CRIME AND ANTI-SOCIAL BAHAVIOUR

Saved policy GEN18 states:-

"Planning permission for new residential, commercial, recreation or community developments will not be permitted unless the Local Planning Authority is satisfied that the development includes crime prevention measures, as far as this is practicable and compatible with achieving a high quality design and layout."

One of the main reasons for the application is to replace the underground toilet facility which generated problems of misuse and anti-social behaviour. Some concerns from the Designing Out Crime Officer have been raised. However, it is not considered that the proposed scheme will increase the risk of crime as compared with the underground toilet facility it is replacing. An above ground toilet will have natural surveillance from the street, neighbouring residential properties and the promenade.

Furthermore, in this instance the foreshore office which will be staffed during the day will also provide surveillance to an extent. The outward opening of the doors toward the north is not considered to create a significant barrier which could lead to an opportunity for crime. With the toilet doors open, there will still be more than a metre of space on the promenade between the open door and the balustrade. Therefore, it is not considered the open doors will create a significant 'closed space' that has the potential to generate crime. It is considered that the development has been designed to reduce the potential for crime.

Arun District Council is the applicant for this application and it is considered that they will take responsibility for ensuring the correct measures are used to reduce the likelihood of vandalism and other crime. As such it is not considered to be necessary or reasonable to require the use of one way viewer doors, dusk 'til dawn lighting or vandal resistant doors by condition. These can also be installed post construction if required.

The development is not considered to create undue opportunity for crime and anti-social behaviour in compliance with saved policy GEN18 of the Arun District Local Plan 2003.

The development is considered to comply with the Development Plan and is recommended for conditional approval.

HUMAN RIGHTS ACT

Human Rights Act:

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

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval 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.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:-

- (08) 101
- (08) 102
- (08) 103
- (08) 106
- (08) 107
- (08) 108
- (08) 109

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

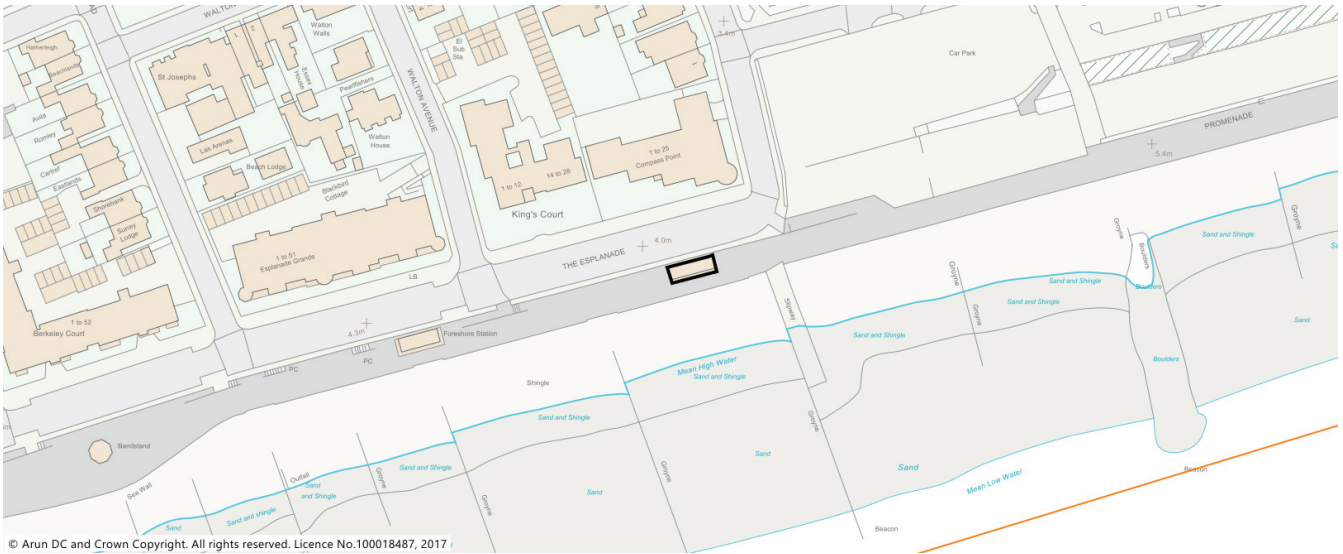
- 3 The external walls, roofs, windows and doors of the buildings shall be externally constructed of the materials below:-

- Roof- smooth GRP
- Painted steel doors and frames
- Walls- Mineral rock cladding panels in a metal frame. Smooth semi-matt through pigmented colour.
- Windows- Painted aluminium framed glass windows with frameless multi-wall polycarbonate clerestorey glazing.
- Roller shutters-

Reason: In the interests of amenity to achieve a reasonable visual quality in the buildings in accordance with policy GEN7 of the Arun District Local Plan.

- 4 A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.
- 5 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

BR/194/17/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO: EG/41/17/PL

LOCATION: 59 Elm Grove
Barnham
PO22 0HJ

PROPOSAL: Demolition of existing garage & construction of 2No 4-bedroom dwellings

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Both houses are detached chalet bungalows with the first floor within the roof. Each will have an attached single garage/cycle store with additional parking/turning space to the front. Access will be taken down the northern side of 59. This results in the demolition of an existing double garage and an aviary structure. No. 59 is left with a hardstanding parking area to the front. Bin storage sheds are shown and a new bin collection point adjacent to Elm Grove.
SITE AREA	0.27 Hectares.
RESIDENTIAL DEVELOPMENT DENSITY	Together with the existing dwelling: 11.1 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	Some existing small to medium sized garden trees and also hedgerows.
BOUNDARY TREATMENT	* The boundary to no. 60 is a 2-2.5m high hedge; * The boundary to no. 57 is a part 2m high dilapidated close boarded fence and part 2m high hedge; and * The boundary to the countryside to the east is predominantly open albeit with bramble growing in a strip of land between the site and the cultivated fields.
SITE CHARACTERISTICS	Existing double fronted two storey detached residential dwelling set in spacious gardens which extend some 60-70m to the rear. The rear gardens are grassed. There is an existing pitched roof double garage on the northern side and several outbuildings in the rear garden. The ground level remains of a further outbuilding were visible at the end of the garden. In addition to the double garage and the parking spaces in front of the garages, there was hardstanding suitable for 1 car to the immediate front of no. 59.
CHARACTER OF LOCALITY	Residential but with open countryside to the immediate east. No. 60 (to the south) is a bungalow with no windows in the roof whilst to the north, no. 57 is a 1.5 storey dwelling but with no flank facing first floor windows. Nearby dwellings are mixed with several different styles evident.

RELEVANT SITE HISTORY

EG/98/14/PL	Construction of 3 No. two storey detached houses with new access.	Refused 05-05-15 Appeal: Dismissed 11-04-16
EG/53/77	Renewal Of Outline Permission Eg/64/74 For One Dwelling With Integral Garage	ApproveConditionally 24-08-77
EG/64/74	Outline For 3 Bedroomed Residence With Integral Garage	Approve 02-10-74
EG/6/73	Outline Erection Of 17 Houses And Garages	Refused 14-03-73

Application EG/98/14/PL sought planning permission for three link detached, two storey dwellings to the rear of no. 59. The application was refused under delegated powers in May 2015. Five refusal reasons were given. The applicants lodged an appeal which was considered under the Written Representations procedure and included an accompanied site visit.

The main issues in the appeal were:

- (1) The effect of the proposal on the character and appearance of the area;
- (2) The effect of the proposal on the living conditions of the occupants of 57, 59 and 60 Elm Grove with particular regard to noise and privacy;
- (3) The effect of the proposal on the parking arrangements for 59 Elm Grove; and
- (4) The effect of the proposal on the ecological interest of the appeal site in the light of the information supplied.

With regard to (1) the Inspector stated that tandem or backland development on this site would not be in principle inappropriate. However, the proposed scheme of linked detached dwellings would look cramped and out of keeping with the prevailing character of development in Elm Grove. The Inspector had regard to nearby developments but considered that the linked detached dwellings in this location would appear squeezed into the available remaining plot in spite of the density per square metre ratios.

With regard to (2) the Inspector considered that the overlooking by the new plots of the rear garden of 59 could not be adequately mitigated by boundary treatment. Furthermore, that although views over 60 Elm Grove would be oblique, there would be an unacceptable loss of privacy caused by overlooking from the first floor front bedroom windows of the proposed dwelling on plot 3. The enjoyment of 60's amenity space would also be materially curtailed. In addition, the Inspector stated that the windows in proposed plot 1 would materially diminish the enjoyment of 57's private amenity space.

The Inspector concluded that there would be adequate off-street parking space to serve no.59 Elm Grove and therefore found no harm arising from refusal reason (3).

With regard to (4), the Inspector considered that given relevant records kept by the Sussex Biodiversity Records Centre relating to land close to the appeal site, and the 2002 sighting of a slowworm on the site, that further information on the potential ecological interest of the appeal site is necessary. The Inspector therefore found that there is insufficient information to conclude that there would not be an unacceptably harmful impact on biodiversity.

Beyond these 4 issues, the Inspector also paid due regard to the Councils current housing supply figures. However, although the Inspector noted that the scheme would result in benefits including the much-needed increase in the housing stock & affordable housing pot and the input to the economy from construction of the dwellings - and that Barnham is a sustainable location for development. She concluded that the adverse impacts of granting permission in this case would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

It is noted that the Barnham & Eastergate Neighbourhood Plan was in force at the time of the previous appeal and was therefore considered by the Inspector.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Eastergate Parish Council - "The council refers to its representations for the previous application for this site and repeats the comments made. Despite the reduction in house numbers, the council believes that the windows in the roof remain un-neighbourly due to overlooking and the development generally prejudices the neighbours amenities. The council considers that the development does not comply with the policies in the BENP, which is the present plan for the area, due to increases in foul and surface water. Overall the development is considered to be inappropriate in this area"

In addition, 16 letters of objection have been received and raise the following issues:

- (1) The Flood Risk Assessment is incorrect and the application should be refused on flood risk grounds;
- (2) Issues with drainage will be exacerbated
- (3) Back garden development is inappropriate (with reference to NPPF paragraphs 17 & 53; and BENP policies ES1 & H2);
- (4) Will set a precedent for more potentially leading to a further 120 houses in the road;
- (5) The dwellings have 4 not 3 bedrooms as described;
- (6) Loss of existing views detrimental to neighbouring properties;
- (7) Proximity of plot 01 to the boundary with 57 Elm Grove resulting in overbearing development & loss of privacy;
- (8) First floor velux windows will be at chest height and thus allow overlooking;
- (9) Overlooking from proposed ground floor side windows;
- (10) The development barely fits into the site boundaries;
- (11) Site Notice only displayed for 1 day;
- (12) Disruption during construction;
- (13) Loss of views of South Downs;
- (14) Light pollution from cars leaving the site to properties on the opposite side of the road;
- (15) Conflict between cars and pedestrians on Elm Grove;
- (16) Insufficient parking - most houses have 2-3 cars each;
- (17) Impacts on bats, reptiles, birds, squirrels & hedgehogs.
- (18) Permission needed from the residents to use the private road and to undertake service connections;
- (19) The application is not different to the previous and the appeal decision should stand even for this 2 dwelling scheme

- (20) Potential for damage to the drainage ditch/culvert;
- (21) No mention of this planning application & the change to the rear garden size in the sales particulars for no. 59; and
- (22) Insufficient garden left for no. 59.

COMMENTS ON REPRESENTATIONS RECEIVED:

In respect of the Parish Council comments, the issue of overlooking will be discussed in the report conclusions. However, in respect of the comments about foul and surface water drainage, it is noted that neither the Council's Engineers nor Southern Water raised any objection. Furthermore, the appeal Inspector was aware of these issues and did not dismiss the previous appeal on those grounds. This is a material and compelling material consideration.

Points (3), (6), (7), (8), (15), (16) & (22) will be discussed or expanded upon in the Conclusions section of this report. The following comments are offered in respect of the other local resident objections:

- (1) The Flood Risk Assessment is incorrect and the application should be refused on flood risk grounds;

The submitted Flood Risk Assessment is based on the previously submitted document which was accepted by the Environment Agency. The extent of fluvial flooding has not significantly altered since the previous application. Furthermore, as according to Environment Agency mapping, only the very rear third of the garden lies in Flood Zones 2/3 and the dwellings themselves are situated outside of this zone. It is not considered that any objection on flood risk/surface water drainage grounds could be sustained at appeal.

- (2) Issues with drainage will be exacerbated

It is acknowledged that local residents consider there to be an issue with the existing sewers in the street but in the absence of any objections from Southern Water or the Council's Drainage Engineers, it is not possible to raise this as a reason for refusal. Furthermore, the appeal Inspector was aware of these issues and did not dismiss the previous appeal on those grounds.

- (3) Back garden development is inappropriate (with reference to NPPF paragraphs 17 & 53; and BENP policies ES1 & H2);

Although paragraph 53 of the NPPF states that: "Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area", this does not itself mean that backland development is in principle unacceptable, rather it suggests that local authorities may make their own policy to prevent backland development. There is no such policy within either the adopted Local Plan or the Barnham and Eastergate Neighbourhood Plan (BENP). Neither BENP policy ES1 nor H2 mention backland development.

It should also be noted that in the previous Appeal decision, the Inspector stated that tandem or backland development on this site would not be in principle inappropriate.

- (4) Will set a precedent for more potentially leading to a further 120 houses in the road;

Although precedent is capable of being a material planning consideration, in practice, all applications are determined having regard to their own merits. Furthermore, although other houses on the road have large gardens, these vary in size and not all would be suitable for backland development or be acceptable in other respects.

(5) The dwellings have 4 not 3 bedrooms as described;

Agreed. The development description was taken from the submitted application form but it is accepted that the floor plans show 4 bedrooms each dwelling. The applicant has amended the description.

(6) Loss of existing views detrimental to neighbouring properties;

Privacy and overlooking issues will be discussed in the conclusions section. However, it should also be noted that there is no right in planning law to an existing view and this is not therefore a material planning consideration.

(7) Proximity of plot 1 to the boundary with 57 Elm Grove resulting in overbearing development & loss of privacy;

Plot 1 will be between 1.8m (front) and 1m (rear) of the shared boundary. Light and overbearing issues will be covered in the conclusions section.

(8) First floor velux windows will be at chest height and thus allow overlooking;

The two outward facing bathroom roof velux's (one per plot) will be conditioned so as to be obscure glazed and fixed shut. In respect of the two outward facing bedroom windows (two per plot), the applicant has provide amended elevations/sections which show that the outward facing windows all now have a sill height of 1.7m.

(9) Overlooking from proposed ground floor side windows;

It is considered that overlooking from ground floor windows will be mitigated by boundary treatments including the presence of hedging in places.

(10) The development barely fits into the site boundaries;

Noted but the submitted plans demonstrate otherwise.

(11) Site Notice only displayed for 1 day;

The Local Planning Authority posted a site notice on the 5th July 2017. This was attached to a tree located outside no. 21 and opposite the site. It is unfortunate that someone chose to remove it so soon. However, the Local Planning Authority is only required to post a notice and not to ensure that it stays up for a full 21 days or is replaced.

(12) Disruption during construction;

The recommendation includes a Construction Management Plan condition to control the following aspects of the construction process:

- * the anticipated number, frequency and types of vehicles used during construction;
- * the method of access and routing of vehicles during construction;
- * the parking of vehicles by site operatives and visitors;
- * the loading and unloading of plant, materials and waste;
- * the storage of plant and materials used in construction of the development;
- * the erection and maintenance of security hoarding;

- * the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway; and
- * details of public engagement both prior to and during construction works.

(13) Loss of views of South Downs;

There is no right in planning law to an existing view and this is not therefore a material planning consideration.

(14) Light pollution from cars leaving the site to properties on the opposite side of the road;

Although there will be an increase in cars using the driveway, this will not be a new impact as existing vehicles could leave late at night or early in the morning. The slight increase in the amount of traffic at the site is not considered to materially worsen what is an existing situation.

(15) Conflict between cars and pedestrians on Elm Grove;

WSCC Highways have not raised any objections to the proposal. Furthermore traffic speeds on Elm Grove are low and there is good visibility such that there should not be any risk of vehicle/pedestrian collisions.

(16) Insufficient parking - most houses have 2-3 cars each;

According to the West Sussex Parking Demand Calculator, the existing dwelling requires two spaces. The new dwellings should then have two each plus a visitor space. It is considered that the space to the front of 59 allows for the parking of at least 2 cars. The two dwellings will each have a garage plus hardstanding to the front which will allow for addition parking and turning. This is considered to be an adequate provision.

(17) Impacts on bats, reptiles, birds, squirrels & hedgehogs.

The application has been assessed by the Councils ecologist who raises no objection subject to conditions.

(18) Permission needed from the residents to use the private road and to undertake service connections;

This is a civil matter and is not capable of being a material planning consideration.

(19) The application is not different to the previous and the appeal decision should stand even for this 2 dwelling scheme

The application is different in several ways. Two dwellings are proposed instead of three; the buildings are chalet bungalows not two storeys; and the design has changed. The previous appeal decision was for a different planning application but does remain an important material consideration.

(20) Potential for damage to the drainage ditch/culvert;

The application has been assessed by the Councils drainage engineers who raise no objection subject to conditions.

(21) No mention of this planning application & the change to the rear garden size in the sales particulars for no. 59; and

This is not a material planning consideration.

(22) Insufficient garden left for no. 59.

This will be discussed in the reports Conclusions under "INTERNAL & EXTERNAL SPACE STANDARDS".

CONSULTATIONS

WSCC Strategic Planning

Environmental Health

Southern Water Planning

Engineering Services Manager

Engineers (Drainage)

Arboriculturist

Ecology Advisor

Environment Agency

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENT AGENCY - Not consulted but raised no objection to the previous application which was for a greater number of dwellings.

SOUTHERN WATER - No objection. Request a condition & an informative both relating to connections to the foul & surface water sewers.

WSCC HIGHWAYS - No objections were raised in respect of highway safety or road capacity in respect of the previous 3-welling scheme therefore raise no objections to this reduced layout. Request imposition of those conditions requested previously.

CHICHESTER DC ECOLOGIST - Request that any future lighting be designed to minimise potential impacts on bats (this will be a condition), that the site be continually managed prior to construction in order to deter habitation by reptiles (this will be a condition) and that building works take place outside of the bird breeding season or if not possible, then an ecologist to be present on the site (this will also be a condition).

ADC DRAINAGE ENGINEERS - State that infiltration must be investigated for surface water disposal, but that, due to the high water table, shallow soakage options will need to be employed if feasible. Note that an open ditch (main river) runs along/adjacent to the NE boundary of the site, together with a culvert that runs parallel to it. The culvert is located to the south of the ditch and may encroach into the site. Request imposition of conditions ENGD2A, ENGD4A and ENGD6A.

ADC ENVIRONMENTAL HEALTH - No comments.

ADC ARBORICULTURIST - Objects to the proposal on the grounds that tree survey/reports have not been supplied.

COMMENTS ON CONSULTATION RESPONSES:

In respect of the objection by the Councils Arboriculturist, the applicants did not submit tree reports because the previous appeal was not dismissed on tree grounds. However, they have now submitted the tree constraints plan and tree retention/protection plan from the previous application. It is also noted that the Arboriculturist who dealt with the previous application had considered the same plans and had raised no objection.

POLICY CONTEXT

Designations applicable to site:

- * Within Built Up Area Boundary;
- * Lidsey Treatment Catchment Area; and
- * Flood Zones 2 & 3 (roughly the rear quarter of the site).

DEVELOPMENT PLAN POLICES

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

GEN2	Built-up Area Boundary
GEN5	Provision of New Residential Development
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN11	Inland Flooding
GEN12	Parking in New Development
GEN29	Nature and Conservation Across the District
GEN33	Light Pollution

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

D DM1	Aspects of Form and Design Quality
D DM2	Internal Space Standards
D DM3	External Space Standards
D SP1	Design
ECC SP2	Energy and climate change mitigation
ENV DM4	Protection of Trees
ENV DM5	Development and Biodiversity
H DM1	Housing Mix
QE DM2	Light Pollution
SD SP1	Sustainable Development
SD SP2	Built -Up Area Boundary
T SP1	Transport and Development
W DM2	Flood Risk
W DM3	Sustainable Urban Drainage Systems

[Barnham & Eastergate Neighbourhood Plan 2014](#) [POLICY ES1](#)

Applications for new development must meet the local drainage requirements

[Barnham & Eastergate Neighbourhood Plan 2014](#) [POLICY ES5](#)

Quality of design

Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6	Contribution to local character
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES8	Buildings should be designed to reflect the three-dimensional qualities of traditional buildings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES10	Trees and hedgerows
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES11	Energy efficiency of new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA1	Connection to sustainable transport
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H2	Windfall sites
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H3	Housing mix
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H4	Integration of new housing into surroundings
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H5	Outdoor space
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H6	Attention to detail
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H7	Drainage for new housing

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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 in preparation may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 taken 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 may also be a material consideration to take into account. The examination is due to re-commence in Autumn 2017 following publication of modifications to the Plan.

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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 of the Barnham and Eastergate NDP policies are considered in this application.

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 comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding 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

PROPOSAL

This application seeks planning permission for the residential development of the rear garden to provide 2 one and half storey chalet bungalows with access from Elm Grove taken down the side of the existing house. The proposal results in the demolition of various outbuildings including notably the existing double garage to 59.

PRINCIPLE:

The site is located within the built up area boundary where the principle of new development is considered to be acceptable subject to other policies in the development plan. Indeed, paragraph 49 of the National Planning Policy Framework (NPPF) states with regard to housing that: "Housing applications should be considered in the context of the presumption in favour of sustainable development".

The site is not allocated within the Barnham & Eastergate Neighbourhood Development Plan (NDP) for residential development. However, NDP Policy H2 allows for small residential windfall sites to come forward on infill and redevelopment sites during the lifetime of the Plan.

PLANNING HISTORY:

Application EG/98/14/PL sought planning permission for three link detached, two storey dwellings to the rear of no. 59. Following a delegated refusal, an appeal was lodged and determined in April 2016. The most relevant points in the appeal dismissal to consider are as follows:

- * Backland development on this site should be assessed on its own particular merits and in this case is not in principle inappropriate;
- * There are examples of the use of back land in the area such as at Drovers Way and Murrell Gardens;
- * However, the 3 dwelling scheme would appear cramped and out of keeping with the prevailing character of Elm Grove;
- * Whilst there would be an awareness by occupants of 59 & 57 Elm Grove of traffic passing along the new access way, the speed of traffic would be slow, the number of vehicle movements modest and the proposed separation distances coupled with appropriate boundary treatment would be sufficient to avoid unacceptable adverse effects from noise or disturbance;
- * Proposed first floor bedroom windows would overlook the rear garden of 59 and could not be mitigated through planting;
- * Although views of no. 60 Elm Grove's garden would be oblique and there is a gappy hedge along the common boundary, there was concern that there would be an unacceptable loss of privacy caused by overlooking from the proposed first floor front bedroom windows;
- * The proposed front first floor windows would also allow oblique views of the rear garden of 57 Elm Grove and this would materially diminish enjoyment of that private amenity space;
- * There would be space for the parking of 3 vehicles at the front of 59 Elm Grove along with space for additional landscaping to soften the appearance of the parking area, if necessary; and
- * The proposal offered economic & social benefits and lay in a sustainable location but the adverse impacts of granting permission in this case were considered to significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

DESIGN, VISUAL AMENITY AND CHARACTER:

Local residents have raised concern as to the backland nature of the proposed development.

Arun Local Plan Policy GEN7 (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. Central

Government Advice further indicates that more intensive development is not always appropriate and that design which is inappropriate in its context should not be accepted. Furthermore, new development should be well integrated with and complement the local area in terms of, for example, layout.

Barnham and Eastergate Neighbourhood Development Plan (NDP) policy ES5 states that:

"All new development within the parishes should be of a high quality design, and will be expected to conform to the forthcoming Barnham and Eastergate Design Guide once it has been adopted as supplementary planning guidance in accordance with paragraph 1.41 of the Local Plan."

There is currently no Design Guide in place.

It is also necessary to consider policy ES6 which includes the following: "New development should contribute positively to the character of the two villages, and should reflect the design qualities of their time, so that the richness of varied character continues and is extended into the future."

In addition, policy ES8 states that buildings should be designed:

- as a three dimensional whole, so that elements such a bay windows are designed in from the start rather than being 'bolted-on' at the end;
- with windows and doors set back from the external surface of the buildings, to introduce some depth and modelling to the facade;
- with changes in material related to the design of the building rather than a random approach. For example, changes in material may relate to a change in form such as a setback or projection."

Policy H4 requires that: "Proposals for residential development should be of high quality, and designed so that the new housing integrates into its surroundings and is well connected to the village."

Policy H5 requires an attention to detail in all new build development.

This proposal seeks permission for two dwellings in the rear garden of 59 Elm Grove and as such is termed backland development. However, backland development is not in principle in appropriate unless there is also harm to the character of the area. The previous Inspector recognised this but found that a proposed scheme of 3 link detached dwellings would appear as a cramped form of development. The current application has sought to address this by proposing one less dwelling and by making the dwellings detached (as per the other houses along Elm Grove) with gaps between and to the boundaries. It is considered that this results in a more spacious form of development

Proposed gaps between the dwellings and the existing boundaries vary between 1m and 2.4m whilst there is a consistent gap of 1.6m between the two houses. No. 59 has much larger gaps to its boundaries. However, regard should also be had to the other dwellings to the northwest off the site which have broadly similar gaps to boundaries as the proposed dwellings.

The two dwellings are also 0.9m smaller in height than the previous proposal (now a total of 8m) and have the 2nd storey built into the roof as opposed to two storeys and then a roof. It is considered that the design of the dwellings is high quality and that the dwellings have been designed as a whole rather than piecemeal. It is noted that the fronts of the dwellings have a stepped back building line and this in addition to the roof dormers add interest to the appearance. Aside from all being detached, there is not considered to be any uniformity to the design of the houses on Elm Grove and as such, the introduction of a new design is in character.

It is therefore considered that the proposal is in accordance with the relevant Local Plan and

Neighbourhood Plan policies.

RESIDENTIAL AMENITY:

Both the Parish Council and local residents have raised concern as to overlooking from the proposed houses to the neighbouring plots (57 & 60) and the overbearing nature of the houses.

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 NDP policies refer to residential amenity issues.

The previous Inspector had recognised that there would be harm to the neighbouring properties (including the existing dwelling) as a result of proposed first floor windows. The current application has sought to address this by proposing chalet bungalows with front first floor windows set lower in height than as before. In addition, the front first floor windows will serve bathrooms and be obscure glazed thus not affording views of 59 or oblique views over neighbouring gardens.

The current application does now include a greater number of first floor flank windows than in the previous scheme. However, a recent amendment to the plans has resulted in all of these having a sill height of 1.7m. This is generally considered to be an acceptable height for first floor flank windows and will restrict the ability to see out of a window but still enable it to be used for natural light and ventilation. Furthermore, the flank bathroom window will also be obscure glazed.

The first floor bedroom windows on the flank elevation facing the other dwelling (and vice versa) will have a sill height of only 1m and will therefore allow clearer views out. However, these only allow views of the other dwellings and the occupiers will be aware of this when purchasing the properties (and could install blinds to protect their privacy)

In respect of the dwellings being overbearing, it should be noted that this was not something raised as harmful by the previous Inspector and that the dwellings will now be (a) 0.9m lower; and (b) less bulky given the first floor accommodation within the roof.

The previous Inspector considered whether harm would arise from the proposed new access. Whilst, she noted that there would be an awareness by the occupants of 59 & 57 Elm Grove of traffic passing along the new access way, the speed of traffic would be slow, the number of vehicle movements modest and the proposed separation distances coupled with appropriate boundary treatment would be sufficient to avoid unacceptable adverse effects from noise or disturbance.

It is therefore considered that the proposal is in accordance with the relevant Local Plan policy.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against the internal space standards as set out in the Governments new Technical Housing Standards (Nationally Described Space Standard). The requirement for a 2 storey, 4 bedroom, 6 person dwelling is 106m² and both dwellings have an internal floor area excluding the garage of 185m².

Policy D DM3 of the Arun Local Plan 2011-2031 Publication Version showing Modifications sets out the Council's external space standards and despite not being an adopted policy is currently being used for development management purposes and has been subject to testing at appeal.

There are two requirements to the policy. Firstly, a minimum rear garden depth of 10m. The rear garden

depth serves to (a) ensure that rear gardens are usable spaces and (b) to provide for a 20m back to back distance between dwellings. This depth standard may be relaxed if both of the following situations are in existence: (a) there is no back to back arrangement (and no realistic possibility of a future back to back arrangement); and (b) where the garden is sufficiently wide so as to exceed the area requirement. The second requirement concerns the area of the private rear garden and in this case should be at least 100m²

With respect to the proposal the requirement for the new dwellings is for a rear garden of at least 10m. Both dwellings comply with these standards with garden depths of over 25m and areas in excess of 350m².

It is also necessary to assess the impact on the existing house. Although it is not known how many bedrooms the existing dwelling has, it is safe to assume that it is a similar size to the proposed dwellings and therefore, the requirement would be the same. The proposed garden depth is between 8m and 12m (10m average depth) and due to its width, the area is at least 180m².

Therefore, the proposal complies with both of the internal and external space standards.

PARKING PROVISION & ACCESS:

Local residents have raised concern that the additional traffic will create a dangerous conflict with pedestrians using Elm Grove and that there will be insufficient parking as most houses in the area have 2-3 cars each.

Arun Local Plan policy GEN12 refers to the need to provide sufficient off-street parking. However, the standards within the appendices to the Local Plan which it refers to have been superseded by the West Sussex (Residential) Parking Demand Calculator. Barnham and Eastergate Neighbourhood Development Plan policy GA4 requires that development proposals provide the maximum level of off-street parking consistent with the current standards under the Local Plan.

The West Sussex Parking Demand Calculator indicates a total demand for the two new houses of 5 (2 spaces each plus 1 visitor space). The proposal includes 2 off street spaces per dwelling (including a garage each). There would also be space to the front of the houses for the occasional parking of a visiting vehicle. A planning condition will be imposed to ensure that the garages are not converted into habitable accommodation and to ensure that the cycle storage is provided and retained permanently for its intended use.

The area shown for parking to the front of 59 has not changed since the previous appeal decision. The Inspector at that time stated that "there would be space for the parking of 3 vehicles at the front of 59 Elm Grove along with space for additional landscaping to soften the appearance of the parking area"

There are no adopted development policies which cover highway safety. Instead regard should be had to paragraph 32 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". WSCC Highways have been consulted but raise no objection on either highway safety or highway convenience grounds.

On this basis, it is considered that the proposal complies with the NPPF and the policies of the development plan.

SUMMARY:

It is considered that this proposed infill development would provide an additional two dwellings without compromising the character of the area, the amenities of neighbouring properties or the safety/convenience of the Elm Grove highway. It is considered that the proposal complies with all relevant development plan policies.

In addition, the proposal will bring about economic and social benefits such as the much-needed increase in housing stock and input to the economy from construction of the dwellings and from new occupiers. Barnham is considered to be a settlement with some good sustainability credentials and the site is well-located being within the development envelope. In the absence of any unacceptable harm, and given that the proposal represents sustainable development, it is considered that permission should be granted subject to the following conditions.

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) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval 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.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Site Location Plan A;
Proposed Layout Plan dwg. 871-D-100;

Proposed Site Plan dwg. 871-D-101;
Proposed Block Plan dwg. 871-D-104 B;
Proposed Floor Plans dwg. 871-D-102;
Proposed Elevations & Sections dwg. 871-D-103 Rev A;
Proposed Layout plan dwg. 871-D-100;
Surface Water Drainage Strategy dwg. 1738/D1.1; and
Tree Retention and Protection Plan dwg. LLD789/02 Rev 00.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 4 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to protect watercourses prior to commencing any building works.

- 5 The development shall not proceed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority.

No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled

without additional impediment following the development completion. Also in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to protect watercourses prior to commencing any building works.

- 6 Construction of the development shall not commence unless and until details of the proposed means of foul and surface water sewerage disposal has been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The scheme as approved shall be implemented prior to the first occupation of the dwellings and maintained in good working order.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul & surface water sewerage in accordance with policy GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to agree the foul sewerage system prior to commencing any building works.

- 7 No development including construction activities shall take place unless and until all of the existing trees/hedges to be retained on the site have been protected in accordance with the submitted Tree Retention and Protection Plan dwg. LLD789/02 Rev 00.

Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without the prior written approval of the Local Planning Authority.

The fencing and ground protection must then be retained for the duration of the development works. Following the erection of the ground protection measures, the Councils Arboriculturist must be contacted in order that a site visit can be made to check the position of the protective fencing/ground protection measures.

Reason: To ensure the retention and maintenance of trees and vegetation; which is an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan. This is required to be a pre-commencement condition because it is necessary to ensure that trees are protected prior to the commencement of any building works.

- 8 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction;
- the method of access and routing of vehicles during construction;
- the parking of vehicles by site operatives and visitors;
- the loading and unloading of plant, materials and waste;
- the storage of plant and materials used in construction of the development;
- the erection and maintenance of security hoarding;
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders); and
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with

policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because the site set-up must be agreed prior to the first arrival of any building contractors.

- 9 No dwelling shall be occupied until details of new screen walls/fences have been submitted to and approved by the Local Planning Authority and no buildings shall be occupied until such screen walls/fences associated with them have been erected. Such approved screen fences/walls shall thereafter be retained and maintained.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 10 None of the approved dwellings shall be occupied until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 11 Secure and covered bicycle stores shall be erected in accordance with details to be submitted to and approved by the Local Planning Authority prior to the occupation of any of the dwellings. The secure cycle storage so approved shall then be retained in perpetuity unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles in accordance with policies GEN7 and GEN12 of the Arun District Local Plan

- 12 Before any of the dwellings hereby permitted are occupied, waste & recycling bin enclosures shall be provided as part of the development in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the siting and design thereof. These enclosures shall thereafter be retained and maintained as fit for purpose.

Reason: To safeguard the appearance of the property and the amenities of the area in accordance with policies GEN7 of the Arun District Local Plan.

- 13 No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be retained and maintained as fit for purpose.

Reason: In the interests of road safety and in accordance with Policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 14 The two new dwellings shall not be occupied until the parking spaces/turning facilities and garages shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking/turning/garaging of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policies GEN7 and GEN12 of the Arun District Local Plan and the National Planning Policy Framework.

- 15 No part of the development shall be first occupied until visibility splays of 2.4 metres depth by the maximum achievable length have been provided at the proposed site vehicular access onto Elm Grove in accordance with plans and details to be submitted to and approved by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and in accordance with Policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 16 The site shall be regularly maintained in order to make the habitats further unsuitable for reptiles by cutting the scrub on-site and clearing away potential hibernacula (i.e. grass and wood piles). Prior to any instances of this management taking place, the Local Planning Authority's Ecologist should be informed.

Reason: In order to minimise the risk of harm to local reptile populations in accordance with policy GEN29 of the Arun District Local Plan and the National Planning Policy Framework.

- 17 No removal of trees, shrubs or other vegetation that may contain birds' nests shall take place between 1st March and 31st August inclusive, unless a suitably qualified ecologist/wildlife specialist has undertaken a careful, detailed, check of vegetation for active birds' nests immediately before the vegetation is cleared and confirmed that no nests will be harmed. Where nests are discovered, the vegetation shall remain in place until nesting activity has ended naturally and the ecologist has confirmed that it is safe to proceed.

Reason: To prevent interference with the breeding success of wild birds in the interests of biodiversity conservation, as well as to ensure compliance with the legal protection of birds, their nests and eggs under Section 1 of the Wildlife and Countryside Act 1981, as amended and in accordance with policies GEN7 and GEN29 of the Arun District Local Plan.

- 18 No windows (other than those shown on the plans hereby approved) shall be constructed in the flank roof elevations of the dwellings hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining properties in accordance with policy GEN7 of the Arun District Local Plan.

- 19 The two front southwest facing bathroom dormer windows (one per dwelling) shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy GEN7 of the Arun District Local Plan.

- 20 The side north west & south east facing roof velux windows to the en-suite bathrooms (one per dwelling) shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy GEN7 of the Arun District Local Plan.

- 21 The layout of the proposed development shall provide for new parking spaces for the existing dwelling to a standard of 2 car spaces in accordance with plans to be approved by the Local Planning Authority. These spaces shall thereafter be retained and not thereafter used for any purpose other than the parking or turning of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with policies GEN7 and GEN12 of the Arun District Local Plan.

- 22 The development permitted by this planning permission shall only be carried out in accordance with the Flood Risk Assessment (FRA) submitted and the following mitigation measures detailed within the FRA:

- (1) Ground shaping should be undertaken to ensure that well defined flow paths are available to direct any overland flows towards the watercourse;
- (2) Finished floor levels to be set no lower than 300mm above the general surrounding area;
- (3) An anti-flood valve to be installed on the foul drainage system close to the highway. This will prevent any surcharging of the public foul sewer causing flooding on the site. Oversized manholes will be required to provide a volume of storage for periods when the anti-flood valve is closed; and
- (4) The occupiers should subscribe to the Environment Agency Flood Alert service and consider preparing a Flood Plan.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to prevent flooding elsewhere, to ensure safe access/egress from/to the site and to reduce the risk of flooding to the proposed development and future occupants all in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 23 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats) and to minimise unnecessary light spillage outside the development site in accordance with Policies GEN7, GEN29 & GEN33 of the Arun District Local Plan.

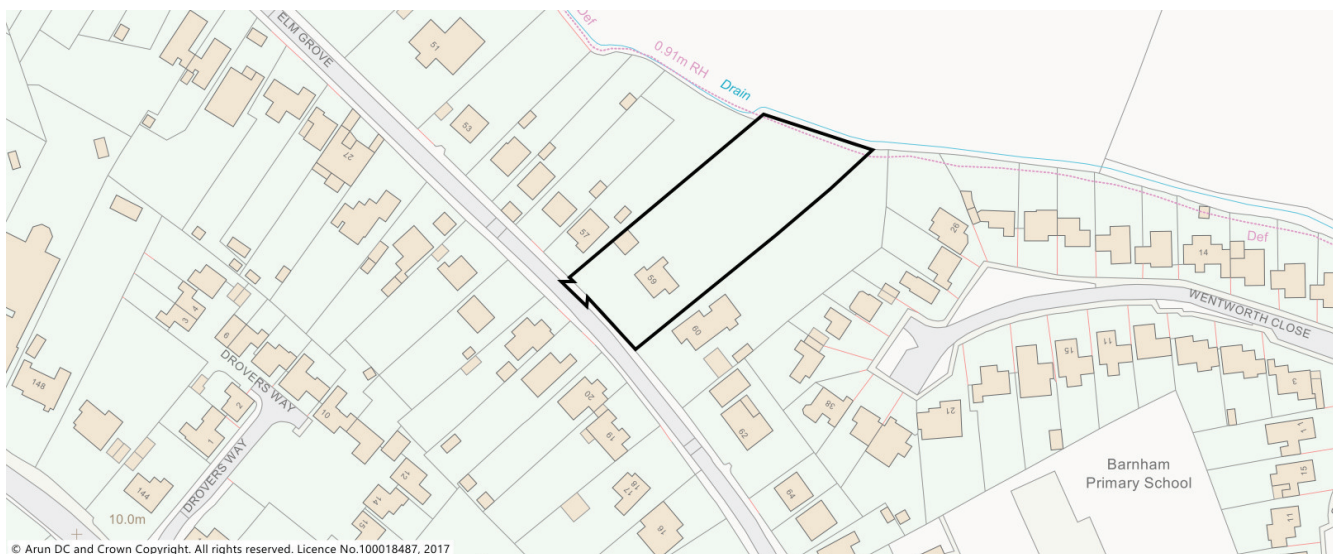
- 24 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 25 INFORMATIVE: Drainage Engineers advise that Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in

100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also available on request.

- 26 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.
- 27 INFORMATIVE: Should any protected species or evidence of any protected species be found prior to or during the development, all works must stop immediately and an ecological consultant or Chichester District Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of this advice and provided with the contact details of a relevant ecological consultant.
- 28 INFORMATIVE: In the unlikely event that reptiles are encountered during development works on-site then all works should cease immediately and an ecological consultant or Chichester District Council's ecologist contacted for further advice before works can proceed.

EG/41/17/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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PLANNING APPLICATION REPORT

REF NO:	WA/44/17/OUT
LOCATION:	Land East of Tye Lane Walberton
PROPOSAL:	Outline application with some matters reserved for up to 175 dwellings, new vehicular access, together with associated car parking, landscaping & community facilities to include allotments, play space & community orchard. This application is a Departure from the Development Plan & may affect the character & appearance of the Walberton Village Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
	<p>The outline planning application comprises the development of 175 dwellings, 52 of which will be affordable. The proposal includes the provision of 4.4 hectare (11 acres) of publicly accessible open space, semi-natural amenity space and an equipped play area; the provision of an orchard and allotments to meet local need; the creation of a new informal circular walking route and four additional cycle/pedestrian links around the village and new links to the Walberton and Binstead CofE primary school, Avisford Park Golf Course and Walberton Recreation Ground.</p> <p>An illustrative (indicative) masterplan has been submitted of the potential layout of the 175 dwellings and the associated green spaces.</p> <p>The access detail is not to be reserved. The proposed access to the site is directly off Yapton Lane, south of Avisford Park Golf Club; together with improvement schemes for two existing junctions on the A27 corridor: the A27/Yapton Lane; and the A27/A29 Fontwell Avenue/Arundel Road.</p> <p>Appearance, landscaping, layout and scale are reserved for subsequent approval.</p>
SITE AREA	11.3 hectares (28 acres)
RESIDENTIAL DEVELOPMENT DENSITY	30 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	The site includes a number of trees subject to TPOs in the south eastern corner and a belt of trees along the southern boundary with Walberton and Binstead Primary School.

BOUNDARY TREATMENT

The area is rural in character with housing in Walberton Village, including the Conservation Area and related listed buildings, the Walberton and Binstead Primary School, Walberton Recreational Ground and Avisford Park Road to the south of the application site. The site is bounded to the north by Avisford Park Hotel golf course, associated buildings and historic parkland. To the west the site is bounded by Tye Lane, with open farmland beyond. To the east the site is bounded by housing and Yapton Lane, beyond which is open farmland and the golf club's back 9 holes.

SITE CHARACTERISTICS

The site comprises agricultural land. The site is generally gently sloping and there are a couple of notable trees within the site to the south east corner and trees/hedgerows along the boundaries of the site.

CHARACTER OF LOCALITY

See "Boundary Treatment" above.

RELEVANT SITE HISTORY

There is no planning history on the site for the past 30 years.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council

object:

- The proposed development is contrary to Saved Policies from the 2003 Local Plan: GEN: 2; 3; 22; 23; 27 and Policy Area 12 and Policy DEV11 Setting of Listed Buildings
- The proposed development is contrary to the following policies in the emerging Local Plan: SD SP1 Sustainable Development; SD SP2 Built Up Area Boundary; C SP1 Countryside; LAN DM1 Protection of Landscape Character; and EMP SP1 Strategic Economic Growth; HER SP1 and HER DM3: The Historic Environment and Conservation Areas. W DM1: Water Supply and Quality. Any development will increase flood, sewage and drainage risks to an unsatisfactory degree. (Summary of July 2017 Met Office Study - there is a 34% chance of regional rainfall records being broken each winter by as much as 30%: for this area, that implies 400% of average rainfall).
- H SP2 Strategic Site Allocations: The application site was rejected as a strategic site as unsustainable for development by ADC and its Sustainability Consultants LUC in February 2017. The Walberton Neighbourhood Development Plan (WNDP) not only accommodates a strategic site at Fontwell, designated under the Modifications, but fulfills its parish allocation increasing the community of the parish, currently in some 924 houses, by 454 houses, a 49% uplift with an early years bias.
- The proposed development is contrary to WNDP (March 2017) Policy HP 1, Policy GA 5, Policy VE 4 and Policy VE 7. The WNDP is fully up-to-date in its housing policy and matches the strategic aims of the eALP that are based on an approved OAN which will be up-to-date once approved by the Inspector as to housing policy.
- Causes the loss of green space that brings the countryside into the heart of the village
- Not provide sustainable housing that makes a positive contribution to the village landscapes
- Harms the distinctive and intrinsic rural character of the area which parishioners have voted to retain and not recognise the value of the farming landscape
- Adds to the congestion in the centre of Walberton village and additionally will add to through traffic and

not reduce the problem of flooding

- A 1,100 signatory petition was signed to keep this land as Local Green Space (LGS), for which Arun District's Full Council has also voted in favour. The WNDP Examiner says in supporting LGS here that the site is "a buffer between the residential areas and the golf course". Removal of the buffer zone between the golf course and housing is bound to impact on public safety; and new houses will not co-exist in this location with a Hilton Avisford Hotel and its important facilities / amenities that are also leisure facilities attracting people from a wide area.

- The submitted Transport Assessment and Travel Plan overlook the fact that the parish has 50% more two-car households than the national average and many of these with no car may be pensioners since the parish population is of well above average age.

In terms of public transport, one of Walberton's bus services has just been cancelled; and the Avisford Park Hotel is not able to rely on public transport for staff and the Hotel is forced to house at least 35 staff on site as resident.

- The potential for an extra 300 cars in the immediate vicinity will inevitably cause even more danger and congestion in the Conservation Area.

- Cycle routes, even when lit, can only be reasonably used in certain times of the year leading to even more of an increase in the winter months.

- Great pressure will be placed on existing infrastructure from all of the housing developments including demand for school places, GP and Dental waiting lists and other basic amenities that cannot physically be met in the timescales involved.

Walberton Parish Council requested, if outline planning permission is granted, the following projects be delivered by means of developer contribution:

- * Upgrade the existing Sports pavilion including double glazing, internal and external repainting, replacement guttering, retiling the showers & toilets, loft insulation, new flooring and curtains, new tables and chairs, upgraded lighting and heating.

- * The provision of a multi-use games area (MUGA) with floodlighting on the site - which is not shown on the submitted indicative masterplan as part of the outline planning application - located to the north of the playing field, and east of the school. WPC has funding for a basic MUGA, so is only seeking additional money to be able to upgrade to a superior larger version and land on which to construct it, together with the provision of tennis courts.

- * Upgrade the existing Village Hall including internal painting, upgraded kitchen, lighting and central heating, a proper sound system, new window and stage curtains and a paved patio area.

- * Re-surface the village car park with new black-top, line painting and the installation of a new emergency access barrier gate.

- * The resurfacing of Avisford Park Road - footpath FP 333 in black-top from Yapton Lane through to The Street together with an annual maintenance budget for hedge and tree pruning. Access to the village shops from the development site is proposed using this footpath FP 333.

- * The existing allotments, on land which is leased by the Parish Council, occupy a privately-owned piece of land, 0.64 hectare, which is now classified as Local Green Space. The developer could either provide money to buy the land, should the owner be willing to sell; or alternatively pay the annual rent for a number of years and a sum to cover maintenance such as boundary hedges, water supply and insurance, upgrade the car parking area and install an extra water supply and trough.

Campaign to Protect Rural England (CPRE) Sussex object to this application on the grounds of being outside a built-up area boundary (BUAB), of causing harm to landscape character and visual harm, harm to a heritage asset, inappropriate design, drainage and flooding, traffic generation, light pollution and effect on local green space, with consequent failure to comply with saved Policies GEN 2, GEN 3 and GEN 7 of the adopted Arun District Local Plan, Policies HS 1, VE 1, VE 4 and VE 8 of the made Walberton Neighbourhood Plan, Policies LAN DM 1 and D SP 1, HER DM 3 and possibly QE DM 2 of the emerging Arun Local Plan 2011-31 and paragraphs 7, 17, 56, 58, 78, 126, 132 and 134 of the

National Planning Policy Framework (NPPF). Accordingly, CPRE Sussex considers that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, and that the proposed development would be contrary to specific policies in the Framework that indicate development should be restricted, in addition to not representing a sustainable form of development.

CPRE Sussex accepts that Arun District Council cannot currently demonstrate a 5 year supply of housing land and that, accordingly, the approach set out in paragraph 14 of the National Planning Policy Framework where relevant policies of the development plan are out-of-date should be adopted in determining this application. Recent case law has established that a narrow view should be taken of which policies are relevant - i.e. only those directly relating to the delivery of housing. This approach is that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or specific policies in this Framework indicate development should be restricted. CPRE Sussex believes that when assessed against the policies within the NPPF as a whole and specifically as set out in paragraphs 7, 17, 126, 132 and 134 this application should be refused. In determining a recent appeal (ref APP/D3830/W/16/3165199, Turners Hill, Mid Sussex District Council) the Inspector found that "the need for housing, even when it is as pressing as it is in Mid Sussex, cannot be a justification for building new homes in the wrong place." CPRE Sussex believes that these homes would be in 'the wrong place' as being outside the built-up area boundary and within the setting of the conservation area.

330 representations were received from residents (and visitors) objecting to the proposed development and raising the following issues:

Emerging Arun Local Plan:

- The ADC's independent sustainability assessment consultants LUC report of 2017 had reservations about the development of the application site - also known as Tupper's Field - for housing.

Walberton Neighbourhood Plan (WNP):

- The proposed development of Tupper's Field is contrary to the agreed Neighbourhood Plan for Walberton - which was prepared and voted on by the residents of Binsted, Fontwell and Walberton and already includes allocations for 65 new houses - as the application site falls outside the built-up area boundary (BUAB). It was agreed in the community that development should be spread about the villages to facilitate integration and to minimise landscape and community impact. The development of Tupper's Field diminishes green space near the centre of the village, changing the felt experience of villagers - which is currently (still) as ab rural community with a character rooted in the tradition of that community.
- The proposed development is contrary to the objectives and vision of the Walberton Neighbourhood Plan in terms of loss of green space; harm the distinctive and intrinsic rural character of the area; add to the congestion in the centre of Walberton; and overwhelming local opposition. The proposal also conflicts with Policy HP1 as the site lies outside the built-up area boundary; Policy GA5: proposals that significantly increase the level of traffic within the village will be resisted; Policy VE4 as the new development proposal does not protect the open / rural character of the area; and Policy VE7 as the scheme does not aim to reduce the overall level of flood risk.
- The majority of residents were against Tupper's Field being allocated for housing in the parish survey which was conducted for the Neighbourhood Plan. The residents agreed for new houses to be built that met the required number of properties requested and I infill plots, retaining the character of the village.
- It is accepted that further development is inevitable given the work already underway for extensive developments around the village and immediate surrounding area, but this is not the right place for building more homes.
- If the Government wishes local people to give freely of their time and commit to getting involved in their locality with all the added benefits of volunteer labour now asked, then it is essential that they are

listened to when they clearly state an objection to a massive development such as the one at Tupper's Field.

- The Parish Council has ensured that the village has already met more than the required commitment for property development within the timescales laid down by the Government. The residents should not therefore be penalised and robbed of important green areas - the retention of which would maintain some rurality in the village - purely as a result of Arun District Council not having met its required commitment over the whole locality for which they are responsible, within their required timescale.

- Walberton should only be expanded by the use of small sites and in a way that does not alter the whole nature of the community and place an unacceptable strain on the local infrastructure.

Concentrating development in one location will damage the rural character of the village and degrade the landscape.

- The proposed development would ruin a quiet village.

- ADC has commissioned Land Speed to find out villagers' wishes. How much is Land Speed being paid? ADC should know the answer is more low cost housing for workers to live in the village. This can be achieved by ADC buying / building houses and letting them for rent. This in turn depends on Central Government allowing local councils sufficient funds to buy / build. The Land Speed money could be put to better use.

Village Character:

- Walberton has been lucky enough to retain a village identity without becoming absorbed or overwhelmed by large housing developments. This situation is already partially threatened by the Fontwell Avenue development (450 new houses) which has now been approved. If the Council approves a further large development, this village identity is likely to be changed irrevocably. It seems unjustified to impose a second large development on Walberton.

- The view from the village and from the playing fields towards Avisford Park and the Hilton Hotel is an important characteristic of Walberton. The contact with the surrounding countryside is important to all residents of the village.

- The construction of 175 houses in one location would completely change the character of Walberton and would mean that the village would shoulder the burden of development far more than other villages in the area.

Lack of demand for houses:

- There is no demand for any new houses in Walberton, especially with all the other developments going on in the area. A quick drive around the local villages and you will see how many houses are up for sale.

Grade 1 Agricultural Land:

- It does not make any sense to build on Grade 1 (best and most versatile agricultural land) like Tupper's Field, which should be used for farming. This land is valuable and should be kept with the crops that are needed and the beauty it encompasses and it should not be allowed to be developed.

HELAA:

- Arun DC HELAA 2015 assessed the site and concluded it was not sustainable for development.

Build houses elsewhere:

- Why cannot more homes be built around Bognor Regis and Littlehampton which have already been ruined by development and keep Walberton as it always was?

- Do not need more people coming into the area. The only people to gain from this are the landowners and developers, who probably do not live in Walberton.

Affordable Housing:

- The average price for an affordable home on the site will be approximately £200,000 to £250,000, which is not really affordable, and will be out of reach of those who need it.

- If London housing associations will be taking control of the social or unsold housing and these people are on benefits then central government are still paying but the burden on the big cities and towns has been spread while not providing the required support to local government departments; and uprooting the people from their communities to a strange one.

Landscape and Wildlife:

- Any development would have a significant negative impact on the landscape character and the visual amenity of the village.
- The trees and hedgerows around the application site provide a feeding ground for brown long-eared bats. Other threatened species such as hedgehogs use the tracts of land around Tupper's Field as part of their habitat and territory. The mature trees - which are protected by Tree Preservation Order and the application site are a natural territory for owls, sparrow hawks, yellowhammers, herons and green and greater-spotted woodpeckers. Any development on this site, with its resultant noise and light pollution and loss of habitat, will negatively impact on these protected and vulnerable species. There seems to be no reference to this potential damage in the planning application.
- The proposed site is adjacent to parkland surrounding the Avisford Hilton Hotel, the more so because this in turn is adjacent to the nationally important Binsted Woods Complex SSSI Ancient Woodland (of which the nearest compartments are the western block comprising Little Danes Wood, Hundred Copse and Barns Copse). This graduated mosaic of habitats, from Ancient Woodland, to Parkland with permanent grassland, to arable land, is meeting the mixed habitat needs (e.g. when foraging) of protected species within the ancient Woodland's species web, whether birds, invertebrates, or bats and other mammals. All of these categories would need to be investigated in ecological surveys. Before any decision may be taken on the development, it is essential that further survey with trapping and radio-tagging be commissioned in the parkland surrounding the Hilton Hotel, with a view to establishing to what extent Tupper's Field is being used and to understand its importance as a foraging area for bats and what the adverse impacts would be.
- The western block of Ancient Woodland forms part of the South Downs National Park. The loss of Tupper's Field to development will have an as yet unquantified adverse impact on the mixed habitats used and required by protected species such as those roosting and breeding within the National Park, and on its biodiversity and Special Qualities. A comment should specifically be sought from the National Park Authority on the position they would take in regard to this impact, on any particular survey requirements they may have to quantify it, and on what mitigation might effectively meet their requirements. In addition to direct biodiversity impact mentioned; the impact on dark night skies within the Park will need to be considered.
- The need for extra lighting to avoid crime would impact negatively on the South Downs National Park and the village (i.e. dark night skies).

Conservation Area:

- The proposed development will damage the Walberton Village Conservation Area.

Access:

- The site entrance on Yapton Lane will become very dangerous with additional numbers of cars generated by the site being in excess of 300/400 vehicles daily. This would put a strain on the road as it is a busy road with many large vehicles going to the various industrial sites at Ford, within 5 miles of the village and the local horticultural nurseries.
- Manser Road, Avisford Park Road and Hedgers Hill all lead into Yapton Lane. Yapton Lane is not wide enough to take so much traffic. Major accidents have occurred on the slip-road onto the A27. The site access is only 100 metres south of the junction to Hedger's Hill and Binstead, a junction that already causes some difficulty for vehicles, particularly those travelling south on the narrow and bendy road at the entrance to the hotel
- The access to the site is very close to two other roads leading on to Yapton Lane, namely the golf club and Manser Road. Cars travel from the A27 at a significant speed around the bend, which gives little

time to react.

- The access point on to the B2132 could be dangerous and create more congestion. Since the opening of the A259 Bognor Relief Road in March 2-16, there has been a very significant increase in rush hour traffic leaving the A259 at Comet Corner to drive up through Yapton and Walberton on the B2132 to join the A27.
- The proposed site access onto Yapton Lane is close to the entrance to the golf course and it will be dangerous for greenkeepers equipment crossing the road between the two separate parts of the golf course.
- Access into Yapton Lane is already difficult at times, especially when the Level Crossing gates are lowered and the cars start backing up behind the mini-roundabout on the Street on their way up to the A27. There are many accidents on Yapton Lane - there have been two accidents this year already and cars speed up there regularly. Crossing Yapton Lane on foot is taking your life in your hands.
- Tye Lane has a 7.5 tonne restriction on traffic, however, with modern Sat Navs an increasing amount of massive container vehicles, tankers and plant now attempt to use the lane. There is no pedestrian walkway but the lane is part of the footway from the village to Slindon, crossing the A27. Cyclists, horse riders and pedestrians of all types already take their life in their hands trying to lead normal lives going up the lane. More traffic from yet another housing development of commuters would only exacerbate the situation here and in the The Street.
- During term time, there are vehicles everywhere along The Street and every time there is an event on at the primary school and the Village Hall. The Street becomes grid locked and a 'no-go' area. Vehicles sometimes approach along the pavement as The Street is extremely narrow in places.
- It will not be long before someone is seriously injured by speeding cars using the village as a rat run.
- The existing traffic issues in The Street will only be worsened by the construction of an additional 175 houses. The bus is frequently stuck travelling along The Street due to parked cars.
- The highway network in the vicinity of Walberton is already severely congested with journey times of between 45 minutes to an hour to cover a few miles from both Chichester or Littlehampton. What effect will this additional traffic have on commuters at peak periods.
- Planning permission has been granted for a heavy goods vehicle (HGV park off Lake Lane and now there are even more HGVs than before travelling along Yapton Lane.
- What consideration has been given to the effect of the proposed development with all of the additional vehicles that generates on air quality and traffic noise?
- Avisford Park road is privately maintained by residents and is also a public footpath.
- No proper road links, too much traffic cutting through Walberton from Yapton Lane to the A27T road.

Public Transport:

- Public transport is minimal, one odd bus to Bognor and an infrequent service to Chichester and Arundel, with neither having suitable times for people working in either place. This means that the new residents of the houses on Tupper's Field will almost exclusively travel by car.

Flooding and Drainage:

- The roads, including The Street and Avisford Park Road, suffer with flooding even now with water coming up through manholes so with more houses. A development of this magnitude would put an unsustainable pressure on the drainage system and compound the existing flooding problems.
- Tupper's Field is situated on an incline up to the South Downs and water already runs off the field into Avisford Park Road. The field performs an essential function by absorbing a great deal of the water which would otherwise run down the slope into Walberton. Once part of the field is developed for housing, the water will run into the houses on Avisford Park Road and those along The Street where flooding is already a risk; and increase flood risk.
- Southern Water has indicated that the drainage and sewerage systems can only be improved operationally once there are significant asset improvements to Lydney Waste Water Treatment works and this is subject to government funding in the next round of its periodic review with OFWAT.

Local Green Space:

- The independent Neighbourhood Plan Examiner and The Walberton Action Group have deemed that Tupper's Field (the application site) should be Local Green Space; and this was the view of the District Council's Overview Select Committee and then passed by Full Council at the meeting on 12th July 2017. It is inconceivable and possibly constitutionally illegal that consent should be given after such a clear decision.

Infrastructure:

- How are the schools and doctors surgeries going to accommodate the huge increase in housing development?
- There are deficiencies in social facilities, including places in the local schools including Walberton and Binstead C of E Primary School and St Philip Howard Catholic High School whose intake are already at their maximum. The Primary School already has overcrowded classrooms.
- The local surgeries will not be able to cope. The provision of a medical centre cannot be underestimated, yet there is no proposal in this respect.
- The existing services will not be capable of accommodating development on the application site in addition to the volume of houses being built along Lake Lane and Barnham Lane in Barnham.
- Developers always offer incentives such as building doctors surgeries, schools, even hospitals. Where are the doctors, nurses and teachers going to come from? The NHS cannot cope now.
- The village post office is closing at the end of this year.

Impact on Golf Course and Avisford Park Hotel:

- The proposed development will disrupt the golf course requiring very high netting which is impractical and unsightly.
- The planned alignment of so many houses in close proximity to the side of the first two holes of Avisford Golf Course will drive many members either to find another club still preserving a countryside ambience or to give up altogether. It is inherently dangerous. No matter how high a fence is built - the higher it is the more unattractive it is to both golfers and potential buyers of houses on the site - golf balls will still be hit over it. It is understood that the farmer typically unearthed 400+ golf balls in Tupper's Field after each harvest, not to mention the number of balls hit into the field while it was cropland.
- The Avisford Park Hotel and Golf Course are popular and bring tourists to the area and their attractiveness would depreciate if planning permission was granted for housing development on Tupper's Field.
- No consideration has been given to golf balls that sometimes go into Tupper's Field.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments are addressed in the Conclusions section of the Report.

CONSULTATIONS

Conservation Officer
WSCC Strategic Planning
Highways England
Environment Agency
Surface Water Drainage Team
Environmental Health
Parks and Landscapes
Arboriculturist

Economic Regeneration
 Planning and Housing Strategy
 Sussex Police-Community Safety
 Engineering Services Manager
 Engineers (Drainage)
 Archaeology Advisor
 Ecology Advisor
 NHS Coastal West Sussex CCG
 NHS Coastal West Sussex CCG
 Mr Clavell-Bate
 South Downs National Park

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND (HE):

Issued a holding response to identify further information sought in relation to the proposed A27 improvements, to agree an appropriate scheme of mitigation for the two junctions. Since that time, the applicant has provided additional information to Highways England comprising:

- A Design Check report for the A27 / Yapton Lane junction;
- A Design Check report for the A27 / A29 Arundel Road junction;
- Updated traffic models and modelling clarification to address HE comments;
- A Walking, Cycling and Horse Riding Report in accordance with DMRB HD 42/17; and
- A Stage 1 revised Road Safety Audit Brief in line with the DMRB HD 19/15.

Highways England has now advised that the earlier modelling queries have been addressed and that the improvements identified would address the impacts of development, subject to the being acceptable in safety terms. HE has now instructed completion of the Stage 1 Road Safety Audit for the works. HE is aware of the target committee date of 20th September 2017 and is seeking to expedite (i.e. sign-off) the Road Safety Audit. An update will be provided for the committee meeting.

LOCAL HIGHWAY AUTHORITY:

No objection raised subject to a package of local improvements. The proposed site access, accessibility and local traffic impact are acceptable subject to conditions and the following s106 obligations:

1. Highway works to deliver dropped kerb crossing improvements at:
 - The Street opposite William Brooker Yard
 - The Street outside the Baptist Church; and
 - The Street at Dairy Lane.
2. Highway works to improve crossing facilities at Blacksmiths Corner.
3. Highway works to improve the eastern bus stop on Yapton Lane, to include enhanced crossing facilities and waiting area.
4. Highway works to deliver improvements to gateway features on Yapton Lane and Tye Lane
5. Contribution towards the delivery of footway enhancements between the development site (across the recreational ground)
6. Contribution to improvements to public footpath 350.
7. A contribution of £7,500 for the funding of the traffic regulation order to amend the speed limit on Yapton Lane.

ENVIRONMENTAL HEALTH:

No objections raised in principle to this application. The site appears to be low risk from a contaminated land perspective. It is requested that, if outline planning permission is granted, a noise impact

assessment (the A27 is approximately 0.5km to the north of the site) and an air quality assessment be provided at the reserved matters stage so as to ensure that appropriate mitigation measures are provided with regard to noise and air quality. The EHO requested the imposition of conditions requiring the provision of electric vehicle charging points; the completion of a Construction Environmental Management Plan; and a condition dealing with unsuspected contamination.

ADC HOUSING:

No objection raised in principle. Fifty two of the 175 dwellings proposed on the site would need to be affordable homes to comply with the Council's current policy requirements for 30% affordable housing. The proposed tenure split for affordable housing is acceptable at 26 affordable rent (50%) and 26 intermediate housing (50%). The applicant has provided a precise breakdown of the proposed affordable housing units by tenure and dwelling type / size and the proposed mix of 1 bed, 2 bed, 3 bed and 4 bed dwellings (no 4 bed intermediate housing to be provided) is acceptable. As at July 2017, there were 1,228 households in housing need on the Council's housing register. The affordable housing should be provided in clusters across the whole development and be indistinguishable from the market housing. All of the necessary affordable housing requirements would need to be included in a Section 106 agreement.

SOUTHERN WATER:

Southern Water recommended that the capacity issue should be addressed via condition such as that imposed on application Y/1/17/OUT: "Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and implementation timetable has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable".

ADC DRAINAGE:

No objection raised, but requested the imposition of conditions. Infiltration must be investigated further for surface water disposal on the application site. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. A shallow SuDS system is likely to be the way forward, however, the further groundwater monitoring and percolation testing will dictate as to what is possible.

WSSC FLOOD RISK MANAGEMENT:

No objection raised but requested the imposition of conditions. The site is at a low risk from surface water flooding; any existing surface water flow paths across the site must be maintained. The site is shown to be at high risk from groundwater flooding. A wholesale site level rise via the spreading of excavated material should be avoided. Any excavated material kept on site should be located in areas designed and designated for that purpose. This risk and appropriate mitigation should be considered in any future designs especially with regard to underground structures and utilities. The submitted Flood Risk Assessment proposes that attenuation techniques such as infiltration, swales, detention basin and wetland will be used to restrict the run-off from the development to greenfield run-off rates. Infiltration techniques should be fully explored for the whole site but these methods would, in principle, meet the requirements of the NPPF, PPG and associated guidance documents.

ARCHAEOLOGY:

No objection raised, but recommended the imposition of a standard condition. The Archaeology Officer agreed with the conclusions of the Desk Based Assessment with regard to the likely archaeological potential of this site; and for this to be evaluated by trial trenching to ensure suitable preservation of significant deposits, either in-situ or by further investigation.

ECOLOGY:

A statutory objection was raised which resulted in additional bat and reptile surveys; the results were

submitted during the the first week in September 2017. In terms of bats, as a precautionary approach the tree identified in the survey should be removed carefully with removal of tree limbs in presence of a suitably qualified ecologist. If a bat is found all works must stop and Natural England consulted. This work should only take place between October and March. Though the reptile surveys have not been completed, the results presented so far indicate that reptiles are not present within the boundary areas of the site. Due to this the Ecologist is satisfied that a precautionary approach to reptiles would be suitable. Site clearance should be conducted during the season reptiles are active and the vegetation should be cut down to 10cm prior to any works taking place. Any dead wood, or rubble piles should be dismantled by hand and relocated. The lighting scheme for the site will need to take into consideration the presence of bats in the local area through the use of directional light sources and shielding. Prior to start on site a badger survey should be undertaken to ensure badgers are not using the site. The Ecological Officer requested conditions be imposed requiring a Construction Environmental Management Plan (CEMP) and a Landscape and Management Plan (LEMP) be submitted at Reserved Matters detailing the ongoing management and aftercare of the site once construction is complete. Due to the size of the site a full package of enhancement is required for the site including any trees removed should be replaced at a ratio of 2:1; a wildflower meadow should be planted; filling any gaps in tree lines or hedgerows with native species; bat, bird and Barn Owl boxes installed on the site; grassland areas managed to benefit reptiles; and log piles provided on-site.

ADC CONSERVATION / DESIGN OFFICER:

No objection raised. The site is located to the north and north-east of the Walberton Village conservation area, but it will be well separated by intervening built form and screened by existing buildings, mature trees and shrubbery. The proposed new development will have little impact on and cause no harm to the significance of Avisford Park Hotel, a Grade II listed building to the north of the site. The proposed development will have a negligible impact on the special qualities of the settings of a number of Grade II listed buildings and locally listed 'Buildings of Special character' fronting The Street, to the south and south-east of the application site, due to distance and intervening buildings. Design issues will be dealt with at the reserved matters stage.

ADC ARBORICULTURE:

The Council's Arboricultural Officer raised an objection to the illustrative masterplan which identified footpaths, access drives and roads within the Root Protection Areas (RPAs) of trees within the application site. The Arboricultural Officer has requested the submission of amended plans at reserved matters stage which show the footpaths, access drives and roads moved outside of the Root Protection Areas. The Arboricultural Officer also recommended that a tree preservation order (TPO) is made to protect four trees that make a significant impact in the landscape and should be afforded full protection status. Three of the trees are growing along the western boundary of the site with Tye Lane, and the fourth tree is located immediately north of the boundary of the site with Walberton and Binstead C of E Primary School.

GREENSPACE:

No objection in principle. Developments of up to 175 dwellings or more are expected to provide open space on site. The Council's SPG guidelines which apply to developments of houses and are based broadly upon the National Playing Fields Association's (NPFA) "Six Acre Standard". Under updated Fields in Trust guidelines (FIT) this recommends that 3.2 hectares of open space are provided for every 1,000 people ie 32 square metres of open space per person. We would require confirmation of the areas of public open space being proposed with this development. The strategic open space areas indicated on layout plans would appear to be in excess of the minimum required which is good to see, although mostly to the periphery of the development where some internal green space areas may be beneficial plus giving the opportunity of green links within the development. The proposed number of dwellings proposed for this site, would trigger the requirement of LAP and LEAP, Multi-Use Games Area (MUGA) contribution which are again indicated on the layout plans and appear to be well dispersed throughout

the development proposal. The Council's SPG remains relevant as part of the Council's saved policies. In addition the Council has an Open Space and Recreational Study (2009) which would need to be incorporated into any decision. Open space recreation facilities and contribution towards would need to be concluded and confirmed.

Landscaping:

Advice given on ensuring high quality landscaping scheme setting out what a full landscaping scheme should include in order to maximise the biodiversity of the site.

Arboricultural:

Any trees or vegetation that fall within the proposed or periphery of the development, may provide significant aesthetic impact to the location. Any trees in particular along the boundaries, which adjoin neighbouring land could provide potential valuable screening and should be retained particularly those adjoining the settlement boundary. Conditions are required to ensure tree protection; and retention of significant existing trees along the boundary edge and adjoining neighbouring land.

Biodiversity:

A habitat survey would need to be commissioned and any recommendations of the report included within the conditions of any planning approval. Clearing of any vegetation must not be carried out during the bird nesting season. A reptile survey would need to be carried out prior to works commencing on site. Bat and bird boxes to be provided to enhance the ecological potential of the site and mitigate for the loss of any mature vegetation.

WSCC INFRASTRUCTURE:

* Education: No spare primary / secondary / further secondary schools in catchment areas have spare capacity to accommodate the children generated. Formula based contribution into S106 Agreement so that the education contribution may be calculated at a later date. The contributions generated by this proposal shall be spent on expansion at Walberton CofE Primary School; expansion at Ormiston Six Villages Academy; and on restructure of the sixth form to cater for the additional student population at St Philip Howard Catholic High School's Sixth Form.

* Library: Formula based contribution into S106 Agreement so that the library contribution may be calculated at a later date. The contributions generated by this proposal shall be spent on a new tier 7 facility on site or on a project to enhance library space with improved digital access at Arundel or Littlehampton Library should the community facility either not progress or progress without space for Library facilities.

* Fire and Rescue: Formula based contribution into S106 Agreement so that the fire service contribution may be calculated at a later date. The Fire and Rescue Service Contribution should be used towards the re-development or re-location of fire stations and associated vehicles and equipment in West Sussex Fire Rescue Services Southern Area serving Walberton.

SUSSEX POLICE:

No objection raised to the outline planning application. The layout plan indicates that the development has outward facing dwellings with back to back gardens which has created good active frontages with the streets and the public areas being overlooked. Parking in the main has been provided with in-curtilage and garage parking, which should leave the street layout free and unobstructed. Sussex Police recommended that the development be constructed to Secured by Design standards.

FURTHER COMMENTS FROM SUSSEX POLICE:

Sussex Police are requesting developer contributions totalling £22,709.91 for the following:

* £5,594.75 as 1 of 5 pooled payments towards the purchase of an additional vehicle for use by the Walberton Neighbourhood Policing Team.

* £2,239.81 as a maximum of 1 of 5 pooled payments towards the costs of an additional officer to work in

the Walberton Neighbourhood Policing Team.

* £312.90 as a maximum of 1 of 5 pooled payments towards the cost of 1 additional support staff member to be based at Bognor Regis Police station.

* This development requires 0.67 additional staff/officers to maintain the existing level of policing in the District. The cost of sitting these officers/staff at Bognor Regis Police Station would therefore be £14,562.45 (£1350 x 16.1 x 0.67).

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Outside the Built-up Area Boundary (BUAB) of Walberton.

DEVELOPMENT PLAN POLICES

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

DEV17	Affordable Housing
DEV18	Affordable Housing Outside the Built Up Area
GEN2	Built-up Area Boundary
GEN12	Parking in New Development
GEN14	Public Transport
GEN15	Cycling and Walking
GEN18	Crime Prevention
GEN20	Provision of Public Open Space within New Development
AREA2	Conservation Areas
GEN22	Buildings or Structures of Character
GEN28	Trees and Woodlands
GEN29	Nature and Conservation Across the District
GEN3	Protection of the Countryside
GEN32	Noise Pollution
GEN33	Light Pollution
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage

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

C SP1	Countryside
D DM1	Aspects of Form and Design Quality
D DM2	Internal Space Standards
D DM3	External Space Standards
D SP1	Design
ECC DM1	Renewable Energy
ECC SP1	Adapting to Climate Change

ECC SP2 Energy and climate change mitigation
 SD SP1 Sustainable Development
 SD SP2 Built -Up Area Boundary
 ENV DM4 Protection of Trees
 ENV DM5 Development and Biodiversity
 HER DM6 Sites of Archaeological Interest
 H SP2 Affordable Housing
 INF SP1 Infrastructure provision and implementation
 LAN DM1 Protection of Landscape Character
 OSR DM1 Open Space, Sport & Recreation
 QE DM1 Noise Pollution
 QE DM3 Air Pollution
 SKILLS SP1 Employment and Skills
 SO DM1 Soils
 T DM1 Sustainable Travel and Public Rights of Way
 TELSP1 Strategic delivery of telecoms infrastructure
 T SP1 Transport and Development
 W DM2 Flood Risk
 W DM3 Sustainable Urban Drainage Systems
 HER DM1 Listed Buildings
 HER DM2 Locally Listed Buildings or Structures of Character
 HER DM3 Conservation Areas

Walberton Neighbourhood Plan Policy 2017 CL6	Health Care
Walberton Neighbourhood Plan Policy 2017 CL7	Recreation Facilities
Walberton Neighbourhood Plan Policy 2017 CL8	Allotments
Walberton Neighbourhood Plan Policy 2017 GA1	Open Access and Permissive Paths
Walberton Neighbourhood Plan Policy 2017 GA2	Footpath Bridleway and Cycle Patch Network
Walberton Neighbourhood Plan Policy 2017 GA5	Traffic Management
Walberton Neighbourhood Plan Policy 2017 GA6	A27/A29 Junction West, and Other Strategic Junctions
Walberton Neighbourhood Plan Policy 2017 HP1	Spatial Plan of the Parish
Walberton Neighbourhood Plan Policy 2017 HP10	Affordable Housing
Walberton Neighbourhood Plan Policy 2017 HP11	Housing Density
Walberton Neighbourhood Plan Policy 2017 HP13	Design Guidance
Walberton Neighbourhood Plan Policy 2017 VE1	Designation of Local Green Space
Walberton Neighbourhood Plan Policy 2017 VE3	Protection of Trees and Hedgerows
Walberton Neighbourhood Plan Policy 2017 VE4	Conservation Areas and Areas of Special Character
Walberton Neighbourhood Plan Policy 2017 VE5	Buildings and Structures of Character
Walberton Neighbourhood Plan Policy 2017 VE7	Surface Water Management
Walberton Neighbourhood Plan Policy 2017 VE8	'Unlit village' status

PLANNING POLICY GUIDANCE:**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 may be 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. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

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 may also be material consideration to take into account. The examination is due to re-commence in Autumn 2017 following publication of modifications to the Plan.

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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 (Regulation 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 (Regulation 14).

Relevant WNP policies have been taken account of and are addressed in the Conclusion below.

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 proposed development is located outside the built-up area boundary (BUAB) of Walberton and is therefore considered to be contrary to the relevant Development Plan policies. However, there are significant material considerations that would weigh in favour of the proposals and the policies within the development plan that relate to the supply of housing are out of date.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background as detailed in the Conclusion section. These include the National Planning Policy Framework (NPPF) and associated Guidance, the lack of a 5 year housing land supply provision for Arun, the Written Ministerial Statement on Neighbourhood Plans (December 2016), the Secretary of State's decision on the Call-in Inquiry for the Fontwell application; and the CIL Regulations 2010 (as amended).

CONCLUSIONS

PRINCIPLE:

The development plan for Arun District currently comprises the Arun District Local Plan (2003) (saved policies) and the Walberton Neighbourhood Plan (March 2017).

Arun Local Plan 2003

The policies of most relevance are saved policies GEN2 and GEN3 of the Arun District Local Plan. Outside the BUAB development will not be permitted unless it is consistent with other ADLP policies. ADLP Policy GEN3 - Protection of the Countryside states that except for several categories of development, none of which relation to the application proposal, development will not be permitted outside the BUAB. As this site lies outside the BUAB it is categorised as countryside and the scheme would conflict with ADLP Policies GEN 2 and GEN 3.

Walberton Neighbourhood Plan

The Walberton Neighbourhood Plan (WNP) was made (adopted) in March 2017 on the basis of the saved policies in the ADLP and the draft policies in the eALP (2014).

The site is outside the built-up area boundary for Walberton identified by Schedule 8 Existing Built-Up Area Boundaries and Extension Policy HP1 - Spatial plan of the Parish of the WNP. Schedule 8 of the WNP identifies the built-up area boundary, but excludes the application site. The application site is therefore classified as countryside and the WNP anticipates that the countryside restrictions in the adopted Local Plan (2003) would apply to any applications. As set out above, the scheme conflicts with the ALP policies GEN 2 and GEN 3 and therefore conflicts with the WNP to protect countryside in accordance with those policies.

Emerging development plans

This includes the emerging Arun Local Plan 2011-2031 Publication Version October 2014 (eALP) as modified March 2017 ('the modified eALP').

The eALP was submitted for examination in January 2015. Following a material increase in the Objectively Assessed Need (OAN) for housing the eALP examination has been suspended to allow ADC to review potential locations for housing development. The proposed Modifications were approved by Full Council and consultation took place between 10 April - 30 May 2017.

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.

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

The proposed development is not located in a strategic, site specific or broad allocation in the eALP, so the application will need to be considered alongside other plan policies.

Planning Balance

For reasons given above, the application is not in accordance with ADLP Policies GEN 2 and GEN 3 and policy HP1 of the WNP. As set out below - and in light of the Written Ministerial Statement on Neighbourhood Plans - these policies are out-of-date and carry limited weight.

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

There has been an almost doubling of the objectively assessed need (OAN) to 919 dwellings per annum (dpa) and the current housing land supply figure for Arun District is around 1.92 years. This demonstrates that there is a pressing need to identify and bring forward deliverable sites for housing and that ADC cannot demonstrate a 3 or 5 year supply of deliverable housing sites. In recognition of this, the Local Plan Sub-Committee resolved in December 2016 to invite planning applications on sites identified as being 'deliverable' within the Housing and Employment Land and Availability Assessment (HELAA) where they are considered sustainable and will not prejudice the emerging local plan and/or infrastructure delivery.

Housing and Economic Land Availability Assessment (HELAA) - 2017

Walberton Parish Council and a number of local residents have referred to an assessment of the site in HELAA's from 2015 which assessed the site as not being suitable for development. However, the HELAA (2017) assesses the application site (WA1: Land east of Tye Lane) as available, achievable and suitable and therefore deliverable in the short term. The assessment suggests a total yield of 205 dwellings at a density of 30 dph, with the dwellings to be delivered from 2018 onwards.

Given the absence of a 5 year housing land supply, paragraph 14 of the NPPF is engaged. In accordance with paragraph 14 of the NPPF, planning permission should be granted unless (a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole or (b) specific policies in the Framework indicate development should be restricted. As the Council cannot demonstrate a 3 year supply of deliverable housing sites, the Written Ministerial Statement on Neighbourhood Planning (12 December 2016) does not apply. Paragraph 49 of the NPPF is also engaged, which states that the relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a 5-year housing land supply.

Given the significant shortfall in housing supply only limited weight can be given to the conflict with out-

of-date ALP Policies GEN 2 and GEN 3 and policy HP1 of the WNP. 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 supports the position that the policies are out-of-date and can only be afforded limited weight.

The Publication Version of the eALP (2015) (on which the WNP was based) was prepared to address the OAN at the time and has been subject to major change to meet the requirements of the significantly increased OAN and therefore should be given very limited, if any, weight. The WNP was produced based on the Publication Version of the eALP (2015) which did not include Walberton as a parish which was expected to provide for a minimum allocation of housing. The WNP allocates six sites for housing land in its plan (HP2, HP3, HP4, HP5, HP7 and HP8). Therefore only limited weight can be given to the conflict with the WNP to protect the countryside, as the context within which the WNP was prepared has significantly changed.

Consideration needs to be given to the respective roles of Neighbourhood Plans which deal with local, non-strategic needs and Local Plans which deal with strategically assessed needs across the whole district. This approach was confirmed by the Secretary of State in the Fontwell decision (Land East of Fontwell Avenue - APP/C3810/V/16/314095). The modified eALP Policy H SP2c is seeking to address these strategically assessed needs through the identification of certain areas of land as Strategic Sites. The application site - comprising Land East of Tye Lane, Walberton - is not identified as a Strategic Site in modified eALP Policy H SP2. Nevertheless, the modified eALP (2017) is yet to be examined and adopted and therefore limited weight can be attached to the modified eALP.

Prematurity

The Planning Practice Guidance (PPG) gives advice on assessing prematurity, which indicates that: "arguments that an application is premature are unlikely to justify a refusal of planning permissions other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both: (a) the development is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by pre-determining decisions about the scale, location or phasing of new development that are central to an emerging local Plan or Neighbourhood Planning; (b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area".

Based on an OAN on 919 dpa, the LPA has a housing requirement over the plan period of some 18,000 units. The 175 units at Walberton would amount to less than 1% of the plan period requirement. In terms of what the Local Plan requires to be provided and what this site could provide, the application does not come anywhere close to the threshold of being significant or would result in closing off other options in terms of a spatial strategy pursued when the revised eALP is re-examined and adopted. The modified eALP (2017) is currently being examined - and awaits adoption and therefore limited weight can be attached to the modified eALP.

In relation to the issue of prematurity, the Secretary of State decision at Fontwell concluded that little weight should be given to the potential for the application to undermine the plan making process due to the size of the site in relation to the housing requirement and that it would not close-off other options in terms of the spatial strategy in the modified eALP. Whilst the modifications have now been published and the modified eALP has progressed closer to adoption, it is considered that little weight should be

given to the potential for this application to undermine the plan making process.

Presumption in favour of sustainable development

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

As set out above, the policies in the development plan are out of date and can be afforded limited weight and this means that the presumption in favour of sustainable development set out in paragraph 14 of the National Planning Policy Framework (NPPF) applies. The following considers the proposals against the presumption in favour of sustainable development.

In terms of sustainability of the site, the following facilities are available in the local area within walking distance of the site:

- Walberton and Binstead C of E Primary School
- Walberton Village Hall and sports pitches
- Post office, newsagent, greengrocer, laundrette, hairdressers and dental surgery
- Flintcroft GP Surgery
- St Mary's Church
- Walberton Baptist Church and Church Hall
- The Holly Tree and the Black Horse Public Houses
- Walberton Recreation Ground (Village Green)
- Hooe Farm Industrial Park
- Hilton Avisford Park Hotel and Golf Club

Education facilities, a convenience food store, public houses, churches and church halls and village hall with sports pitches are all available within the village to support the community's needs and well-being; together with an industrial park (Tokar Industrial Park) and nurseries to the south of the village, which provide employment opportunities.

The nearest railway station is at Barnham which is 1.8 miles south west of Walberton with regular services to settlements throughout West Sussex and beyond to London, Portsmouth and Southampton, Bristol and Cardiff. The closest bus stop is on Yapton Lane and there are local bus routes (66, 85 and 85A) which serve the parish with regular stops to Bognor, Barnham, Yapton, Chichester and Fontwell, linking up with the no 700 bus service along the A259 and B2233. Whilst Walberton currently has limited employment opportunities, the regular bus service would allow current and future residents to access to those opportunities and services sustainably.

The environmental aspects of sustainable development are considered in detail in the report below, which concludes that the site, whilst resulting in the loss of high quality agricultural land, would be acceptable in terms of the historic environment and has the potential to enhance the natural environment through the enhanced tree planting and management of open spaces for wildlife.

Conclusion on matters of principle:

Overall, the principle of development on this site is contrary to the development plan, however, as the Arun District Local Plan policies GEN2 and GEN3 and the intention of the WNP to protect countryside (HP1 of WNP) are out of date, in accordance with paragraph 49 of the NPPF then they carry reduced weight. The material considerations set out above, including the lack of a 5 year housing land supply and the proposed allocation of the site to contribute to supply, are considered to weigh in favour of

granting permission. The sustainability of the site is considered to accord with paragraph 14 of the NPPF. Therefore, it is considered that significant weight in the planning balance should be given to the contribution to housing and affordable housing in the district, boosting the sustainability of Walberton even further, giving the community an additional area of public open space and community facilities, and the provision of strategic infrastructure - including junction improvements on the A27 - through developer contributions.

Some policies of the Framework are cast in terms which indicate that in certain circumstances planning permission should be restricted. These, in this case, relate principally to flooding, agricultural land, the natural environment, noise and designated heritage assets. Having regard to the tests set out in the NPPF in relation to these issues, and in the context of the content of this report, it is considered that the circumstances are such that none of these issues amount to a reason for withholding planning permission either because the matter can be controlled by suitable conditions, content of the Section 106 agreement or because the public benefit outweighs the harm in respect of the issue at hand.

TECHNICAL MATTERS

Agricultural land

The site is identified as Grade 1 agricultural land and representations have raised the loss of agricultural land as an issue. Grade 1 is classified as 'best and most versatile' land which is the most flexible, productive and efficient. The NPPF (paragraph 112) requires that the Council takes into account the economic and other benefits of this type of land. The eALP Sustainability Appraisal recognised that most of the undeveloped coastal plain within the District is high grade agricultural land. There is no current Local Plan policy referring to the protection of agricultural land. The loss of BMV is one factor in the decision making process.

Policy SO DM1 of the modified eALP states that development will not be permitted on this type of land unless 'designated by this plan' or unless the need for the development outweighs the need to protect such land in the long term. Natural England has a statutory responsibility for advising local planning authorities about land quality issues but as the site is under the 20ha threshold, they have not commented in this instance. It is important to note that residential development in the District will inevitably involve the loss of best and most versatile land and that mitigation measures can be adopted to preserve the soil resource.

Overall, the loss of the agricultural land is permissible as there is an overriding need for the development. It also accords with the modified eALP Policy SO DM1, to which a limited amount of weight can be given, but the loss needs to be weighed in the balance along with other technical matters as part of the 'weighted balance' in paragraph 14. This is set out in the overall conclusion.

Landscape

The protection of landscape character is an important consideration, although the site is not within a protected landscape or likely to impact on the setting of the South Downs National Park.

A Landscape and Visual Impact Assessment (LVIA) has been submitted which seeks to assess the impact of the proposal on the landscape and to determine what mitigation measures are appropriate. Local concerns have been raised about how the development will have a negative impact on the rural setting of the village.

The site lies within landscape type 1a 'Enclosed Arable Farmland' in the Arun Landscape Study (2006) characterised by relatively large arable fields; well-designed structure of hedges and shaws; typically

found on the upper coastal plain. The site is also included in the Avisford Park character area, which also includes the golf course and hotel to the north. The character of the area is described as being parkland with woodland and hedged boundaries; and parkland setting to Walberton. The LVIA concluded that the visual effects of residential development would be localised and significant negative effects would be limited to short term effects on the golf course to the immediate north of the site, residents adjacent to PRoW 333 to the south and the PRoW itself. In all cases significant negative effects would be localised and short term. The proposed mitigation planting and location of open spaces would mean that the nature of visual effects would become neutral over time. In the long term, once the proposed planting has matured, the site would be largely screened by existing and proposed planting which would integrate into the wider landscape. These details can be considered as part of the detailed design at the reserved matters stage.

Therefore, the proposal accords with Policy GEN7 of the Local Plan, Policy VE3 of the Neighbourhood Plan and Policy LAN DM1 of the modified emerging Local Plan.

Local Green Space - Tupper's Field

The site is not allocated as Local Green Space under Policy VE1 in the made WNP. Notwithstanding this, the Full Council meeting on 12 July 2017 approved a recommendation put to them by the Council's Overview Select Committee that Tupper's Field, Walberton is to be no longer considered suitable for development and is to be considered for allocation as a Local Green Space ("LGS") if Walberton's Neighbourhood Development Plan ("WNDP") should be reviewed. This recommendation arose following a petition organised by Walberton Parish Council urging the Council to designate the Land as an LGS to 'Help to protect it from development'.

The NPPF makes it very clear that 'the Local Green Space designation will not be appropriate for most green areas or open spaces'. For land to be designated as LGS it must meet all of three tests set out in paragraph 77 and 'should only be used in the following circumstances':

1. The green space is in reasonably close proximity to the community it serves;
2. The green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
3. The green area concerned is local in character and is not an extensive tract of land.

The Select Committee Report acknowledges (para 5.4) that the Council has consistently taken the view that the three tests under paragraph 77 of the NPPF have not been met. The Select Committee Report states that historically the information provided by the Parish Council, in support of designating the Land as an LGS, has not been sufficient to meet the test of being both demonstrably special and an area which is not an extensive tract of land.

The petition submitted by the Parish Council sought to address the second test, that the area is demonstrably special to the local community. As before, the petition itself shows insufficient evidence in support of this assertion. There are no statements or factual evidence to explain how the land is of special beauty, historic significance, recreational value, tranquillity or richness of its wildlife.

The Land is private and has no permitted access arrangement and that there is limited visibility of the Land from long-distance views or anywhere in the village or locally, meaning that appreciation of the Land by the public is very limited. It is a ploughed field of which characteristics of 'beauty' and 'tranquillity' cannot be accredited.

Notwithstanding the difficulties that arise from seeking to rely on the petition as evidence of meeting the

second test, the requirement is for all three tests to be met. No circumstances have changed which might alter the ability to meet the third test and disprove the position that the area is an extensive tract of land.

The land - as "an extensive tract of land" - fails to meet the third policy test. The Parish has claimed that the Council removal of the designation is unfounded however that is not the case as is evident by the following cases. The draft Sedlescombe Neighbourhood Plan (Rother District) sought to designate land measuring approximately 4.5ha as LGS but the examiner observed that "it stretches across an area of open land which I consider can only be described as extensive" and concluded that "there is no substantive evidence to demonstrate that Street Farm is not an extensive tract of land". The examiner's report of the draft Alrewas Neighbourhood Plan (Lichfield District) concluded that two sites of 2.4ha and 3.7ha respectively comprised extensive tracts of land in relation to the size of the village. The size of Tuppens Field is 11.4ha, far larger than any of the above examples and, when taken in the context of Walberton village or on its own, it would be irrational to conclude that the Land is not an extensive tract of land. Similar to the WNP, the Wivelsfield Neighbourhood Plan was passed at a referendum and recently 'made' by Lewes District Council. Here, the Parish Council sought to designate five parcels of land as LGS but the examiner determined that they did not meet the three policy tests as they were not demonstrably special or held particular local significance and subsequently only one LGS designation was accepted as being suitable.

It is clear there have been numerous recent instances where Parish Councils and Neighbourhood Plan Groups have attempted to designate land as LGS but have been unsuccessful because policy has been correctly applied by neighbourhood plan examiners and local authorities.

Having sought legal advice, the Council recognised the risk of challenge and removed the designation which was accepted by the Parish and its residents at the referendum in February. The district has an acknowledged housing need for which all towns and villages will need to contribute towards, especially in a sustainable location such as the subject Site.

Under s.70(2) of the Town and Country Planning Act 1990 when determining a planning application the local planning authority must have regard to the development plan. S.38(6) of the Planning and Compulsory Purchase Act 2004 confirms that this means that an application must be determined in accordance with the development plan, unless material considerations indicate otherwise. The WNP is part of the development plan and does not apply any such designation to the land. The recommendation approved by the Council does not form part of the Development Plan. As it is only a statement issued by the Council, it can only be afforded minimal weight, if any.

For the Land to be properly considered and treated as LGS then the land would need to be designated as such in the Walberton Neighbourhood Plan. Under s.38A (11) of the Planning and Compulsory Purchase Act 2004, an existing plan may be replaced by a varied neighbourhood plan. The procedure for replacing an existing plan is the same as the procedure for making a new neighbourhood plan.

Affordable Housing

For all developments over 15 residential units the Council requires the minimum provision of 30% affordable housing on site, as set out in Policy AH SP2 of the modified Local Plan and in the Interim Affordable Housing Policy (2010). The proposal includes 30% affordable housing and indicates that the size of units to be provided would be within the range for affordable housing set out in Table 30 of the Council's Objectively Assessed Housing Needs Study 2015. The Affordable Housing Statement requests that the S106 obligation is drafted in a manner which would deliver the quantum and mix of affordable housing set out below. The proposed on-site provision is: 26 affordable rent and 26 intermediate (52 units total). The proposed provision of affordable housing is supported by the Council's Housing Strategy and Enabling Manager. The Housing Manager would request that the applicant

engages with one of the Council's preferred registered partners (RPs) or an approved non-registered partner for the acquisition of the affordable housing. Therefore the proposal accords with Policy DEV17 of the Local Plan, as updated by the Interim Affordable Housing Policy and Policy AH SP2 of the modified Local Plan and Policy HP10 of the WNP.

Illustrative Layout and Design

A comprehensive Design and Access Statement (DAS) has been submitted with the application. The DAS provides a clear analysis of the site area and wider context, providing a character analysis of traditional Walberton. The DAS includes principles of development and it demonstrates how the design for the site evolved taking into account key opportunities and constraints.

The Masterplan addresses the following issues, which would be a matter for the detailed Reserved Matters stage but provide an indication of the ability to deliver an acceptable scheme:

Scale - The concept for the scheme is that it would be predominately two storey dwellings to reflect the surrounding area with ridge heights varying from 7.5 metres to 8.0metres and ranging up to 9.0 metres within the centre of the development and set at logical points to provide entrance features and focal points.

Appearance and Character - The detail would be for Reserved Matters stage but the DAS provides examples of the type of dwellings which would be considered appropriate together with visual impressions of how plots would be laid out. This includes blocks set back from the street, spaces between the built form to accommodate off street parking, larger spaces to provide a more rural feel, and low density housing in some areas of the site to promote the village appearance. The DAS recognises the importance of the local character analysis and identifies five established character areas: the Entrance Gateway; the Avenue; the Community Edge; the Village Edge; and the Parkland Edge. The artists impressions provided in the DAS provide an illustration of the site demonstrating the potential for a high quality scheme to be developed which respects the rural character of the area and avoids a suburban appearance. Other built form principles set out in the DAS include the identification of focal buildings and formal frontages. It also recognises the importance of gables being appropriately treated with windows to ensure surveillance and true dual aspect dwellings being employed at key corners.

Pedestrian, cycle and vehicle movement - Single vehicular access to Yapton Lane will be provided south of Avisford Park Golf Club. Pedestrian and cycle access will be provided to Yapton Lane at the site access; a footpath connection will be provided between Avisford Park Road and Footpath 333; Tye Lane at both the north and south of the site will connect towards the Street and the Hooe Farm Industrial Estate; and pedestrian connections to the Walberton Recreation Ground, Walberton and Binstead C of E Primary School and Avisford Park Golf Course.

Street typologies are provided in the DAS which illustrate the internal arrangement of movement corridors and dwellings interface within the site. The primary route would have footpaths on both sides. Green verges are proposed to provide a green setting. Secondary routes through the development would have footpaths but not verges. Shared surface streets are also proposed for short stretches where vehicle speeds are low and would be designed to encourage drivers to give priority to pedestrians. The South Downs Way to NCN2 cycle route (WSCC 191) joins The Street to the west of the site; and Slindon to Walberton cycle route (WSCC 80) joins Tye Lane to the west of the application site.

Parking - The DAS provides an example of the types of parking provision that would be appropriate, including: on plot parking to the rear or side of dwellings which takes the car away from the street and provides high levels of natural surveillance; garages to provide secure off-street parking; off-plot parking and visitor parking.

Crime prevention - The DAS includes a 'Secured by Design' section which details measures and design mechanisms that can be used to allow natural surveillance across the site. However, it is considered that the layout of the site is inward looking and further design work will be required at Reserved Matters stage to ensure the development is outward looking ensures full surveillance of the site. The proposed development could address Policy VE8 of the WNP 'unlit village status' at Reserved Matters. The Sussex Police Designing Out Crime Officer comments should be taken into account at the detailed Reserved Matters stage.

Design Quality

The importance of high quality, locally appropriate design is emphasized in Section 7 of the NPPF, with paragraph 58 advising that new development should establish a strong sense of place and paragraph 60 stating that it is proper to seek to promote or reinforce local distinctiveness.

It is noted that the outline proposal seeks permission for up to 175 dwellings, which is a welcome reduction from the figure of up to 200 proposed at pre-application stage. However, the reduction is not evident when comparing the site layouts of the preliminary and outline proposals, as there appear to be less open green space and a more intensive form of development in the current scheme. It is also noted that the DAS (p45) refers to the new built form being 'no higher than 2 storeys', while the Building Heights drawing (2507-A-1402-A) shows the buildings with a ridge height of up to 9m, which suggests three storeys. It is questioned whether three storey development is appropriate to the local context, where village buildings are modestly scaled and rarely exceed two storeys.

The DAS demonstrates that careful consideration has been given to pedestrian connectivity and the design of safe, welcoming amenity spaces with compatible uses. Clear delineation of public, semi-private and private spaces has been achieved with a hierarchy of boundary treatments and streets are enclosed by active frontages, with 'landmark' buildings occupying strategic locations to facilitate legibility.

As the application is for outline permission only, detailed architectural proposals have not been provided at this stage. However indicative sketches suggest the new built form is designed and scaled to complement local models, although it is noted that three storey buildings have not been illustrated. A high quality, locally appropriate indicative materials palette is included in the DAS (page 68).

The applicant is only applying for outline permission including access to the site, however, there is a draft layout for the site set out in the illustrative Masterplan, which addresses the constraints and opportunities presented by the site. However, the layout of the site in the illustrative masterplan is inward looking and needs to be amended at Reserved Matter stage to be outward looking.

Green infrastructure, open space, recreation and sports provision:

The DAS sets out the green infrastructure provision across the site. This area includes the green spaces including the Door Stop Green, Central Green and Village Green, the provision of Green Corridors, together with balancing ponds as wetland features in the south west and south east corners of the site. It is considered that further detail on the provision and location of play areas and the allotments can be considered as part of the reserved matters application and the Public Open Space Scheme including the Multi Use Games Area (MUGA) and tennis courts that will be required through the S106 Agreement. A network of hard surfaced footpaths would provide access and link the residential areas to the surrounding facilities, including the golf course. The provision of new allotments will be supported in accordance with Policy CL8 of the WNP.

Landscaped buffer planting is proposed along the northern and eastern frontages. The main access

would be lined by grass verges with a landscaped buffer and pocket greens around the site provide local spaces for informal recreation. Nine LAPs (Local Area for Play) would be provided on the site together with a single LEAP (Local Equipped Area for Play) would be provided on the village green area. The total area of open space amounts to 4.4ha (44,712 square metres) and would provide a high level of amenity for future residents as well as accessible green space for existing residents.

ADC Greenspace has requested confirmation of the areas of open space being proposed, but stated that the proposed indicative layout would suggest provision beyond the minimum which is welcomed. The proposed number of dwellings proposed for this site, would trigger the requirement of LAP and LEAP contribution which are again indicated on the layout plans and appear to be well dispersed throughout the development proposal. The proposed development should also include a multi-use games area (MUGA). The details of the on-site open space and contributions, as well as future maintenance will be set out in the S106 obligation and an update on the final requirements will be provided. The landscaping scheme provided with the DAS is indicative and a full landscaping scheme would be required to be submitted with the Reserved Matters application, including further detail on play provision.

Overall, the provision of public open space meets the requirements set out in Policy GEN20 of the Arun Local Plan and Policy OSR DM1 of the modified eALP.

Trees:

An Arboricultural Implications Report - which includes a Tree Survey, a Method Statement and Root Protection Schedule - has been submitted with the application in order to record the location, condition and value of all significant trees in the site. The Council's Arboricultural Officer considered this to be a fair representation of the tree content and agreed with the gradings applied and notes that it complies with BS5837 requirements. The most important trees within the site are contained in the south eastern corner of the site and are protected by a TPO. The Tree Survey highlights some individual A and B grade oaks and other tree species which the Tree Officer recommends should ideally be retained as part of the design layout. The Arboricultural Implications Report concludes that on the basis of the assessment the arboricultural impact of the scheme is of negligible magnitude - i.e. very minor loss of or alteration to main elements/ features / characteristics of the baseline, post-development changes will be barely discernible, approximating to the 'no change' situation.

There are a few significant trees on the site (all but one of which is subject to a Tree Preservation Order) and there are a few off-site trees in the verge abutting the boundary along Tye Lane to the western side of the site which are also good specimens. The Council's Arboricultural Officer considers that those trees which are not currently subject to Tree Preservation Orders should be. The Arboricultural Officer is generally satisfied with the overall layout of the dwellings but is concerned with the footpath locations, many of which needlessly cut through the tree root protection areas (RPAs) when there is adequate room to re-route them all outside the RPAs and avoid any conflict with tree roots. The Arboricultural Officer has requested that plans are submitted at the Reserved Matter stage showing no intrusion into tree RPA's by footpaths and access drives and roads.

The Walberton Neighbourhood Plan includes Policy VE 3 'Protection of Trees and Hedgerows' whereby development will be permitted where it can be demonstrated that trees and hedgerows contributing to local amenity will not be damaged or destroyed. The illustrative masterplan denotes that the existing trees and hedges will be protected and enhanced and there is space to re-align footpaths to avoid RPAs. The proposed development complies with Policy GEN 28 of the Local Plan, Policy ENV DM4 of the modified Local Plan and Policy VE 3 of the WNP.

Ecology:

A preliminary Ecological Survey was submitted with the planning application to determine the ecological constraints on the site. Representations raise a number of concerns about the wildlife and habitats present on the site. The site is predominantly an arable field with trees and boundary hedgerows.

The preliminary Ecological Survey concluded that the main habitats being of value to wildlife had the potential to support populations of bats and reptiles. This led to further surveys being undertaken for bats and reptiles to devise appropriate mitigation and to provide enough information for the Ecologist to be satisfied that protected species would not be harmed from the development and the Wildlife and Countryside Act 1981 (as amended) and the Habitat Regulations, 2010 would not be broken.

If any trees identified as having potential to support a bat roost subsequently require removal or works, then a climbed inspection is recommended and if bats are found to be roosting within trees where felling is unavoidable a European Protected Species Mitigation Licence may need to be obtained. Measures to mitigate the impact of lighting on bat foraging would also be required and a condition is recommended to ensure that a lighting scheme is submitted.

In order to ensure that the mitigation measures identified in the Surveys are incorporated an Ecological Management and Mitigation Plan would need to be submitted for approval. This document should reflect the Survey mitigation measures and contain the information set out in the Ecologists response in order to demonstrate that the impacts on ecology can be managed and mitigated as well as enhanced. A condition requiring submission of an Ecological Management and Mitigation Plan is recommended and this should also include a requirement to update the habitat surveys if more than 12 months has elapsed between the survey and the point at which development decisions have been made at the site.

Overall, subject to the provision of the details requested above, it is considered that the proposed development accords with Policy GEN29 of the Local Plan, Policy ENV DM5 of the modified Local Plan and Policy VE 10 of the WNP in relation to the impact on protected species and the potential for the scheme to protect existing habitats where possible and provide enhancements.

Historic Environment:

A Desk-Based Historic Environment Assessment has been carried out which identified the archaeological potential of the site. The Assessment concluded that the site has a hypothetical moderate to high potential for deposits of prehistoric to Romano-British date, and a high potential for medieval and post-medieval former field boundaries. These archaeological deposits are likely to be of relatively minor significance.

The Archaeologist agrees with the conclusions of the Desk Based Assessment with regard to the likely archaeological potential of this site; and for this to be evaluated by trial trenching to ensure suitable preservation of significant deposits, either in-situ or by further investigation. A condition is recommended to ensure that the site is evaluated by trial trenching ahead of development and that any archaeological interest it may contain can be properly preserved.

A Heritage Assessment has also been submitted with the planning application which concludes that proposed residential development within the application site would have a very minor / negligible impact on Walberton's Conservation Area and on long views from Avisford House, and no discernible impact on the setting of other national and locally designated built heritage assets.

Impact on Listed Buildings

The ground level falls away gently to the south of Avisford Park Hotel - Grade II listed building - and various ancillary structures, as well as mature trees and shrubbery, exist between the heritage asset and

the application site. These intervening elements, together with the landscaped buffer to the northern edge of the proposed development effectively obstruct direct views between the existing and new built form. Avisford Park Hotel will remain pre-eminent in the immediate vicinity and continue to sit in a spacious, softly landscaped setting. The presence of the new development some distance to the south and east will have little impact on the way in which the designated heritage asset is experienced and cause no harm to its significance. The proposed development will have a negligible impact on the special qualities of the settings of the Grade II listed buildings - Avisford Park Hotel, a Grade II listed building to the north of the site; a number of Grade II listed buildings and locally listed 'Buildings of Special Character' fronting The Street, to the south and south-east of the site - due to distance and intervening modern built form.

Impact on Walberton Village Conservation Area

The site is located to the north and north-east of the Walberton Village Conservation Area. The Parish Council and local residents have objected to the proposed development claiming it is contrary to Policy VE4: Conservation Areas and Areas of Special Character, and saying that the proposal would not protect the open / rural character of the area nor sustain or enhance the visual connections between the village's core and its rural hinterland.

A small part of the southern boundary of the application site abuts the Walberton conservation area and for the most part, it is well separated by intervening built form. Although ground level rises slightly to the northeast of the conservation area, existing buildings and the strong presence of mature trees and shrubbery will largely screen the new development and it is unlikely to intrude into any locally distinctive views.

Impact on Heritage Assets

Any harm resulting from the proposed development should be weighed against the public benefit in accordance with paragraph 134 of the NPPF. Paragraph 132 of the NPPF requires great weight to be given to the conservation of heritage assets. Due to topography, intervening built form and the presence of mature trees and shrubbery, the proposed development will have less impact on the heritage assets in the vicinity. No direct harm is caused to the significance of the potentially affected designated heritage assets.

Overall, the proposal accords with Policy HER DM1 and HER DM6 of the modified Local Plan, AREA 16 and AREA 17 of the Local Plan and Policy VE 4 of the WNP in that it protects the setting of Listed Buildings and the Walberton Village Conservation Area,

Traffic and Highways

The site access is to be a simple priority junction to Yapton Lane located 45m south of the existing access to Avisford Park Golf Course, visibility is provided in accordance with manual for streets and a gateway feature incorporating a relocation of the speed limit north of the site access is proposed. Swept paths and a Stage 1 Road Safety Audit have also been provided. It is considered that the proposed new access into the site from Yapton Lane will provide a safe layout for traffic, cyclists and pedestrians in accordance with Policy GEN7 of the Arun Local Plan, Policy T SP1 of the modified Local Plan and Policy GA5 of the WNP.

An emergency access is proposed of Tye Lane to the North West corner of the site, it will also provide pedestrian and cycle access. GEN7 of the ALP requires the safe movement of pedestrians and vehicles, giving priority to pedestrians.

Walking and cycling links are proposed onto Tye Lane, Avisford Park Road and Yapton Lane. Additional links to the Primary School, the Village Recreation Ground, Avisford Golf Club and to The Street, via the lane between Park End and South Lodge are also to be provided at the reserved matters stage.

Tye Lane does not have any pedestrian facilities between the proposed emergency access, pedestrian access and junction with The Street and as such pedestrians are required to walk in the carriageway. Site observations show that vehicle flows and speeds are low. Measures should be introduced to improve the village gateway features and to enhance pedestrian conspicuity such as pedestrian in road warning signs and removal of the centre line.

The masterplan drawing ref 2507-A-1005-A and Figure T5 highlight a proposed new link to the school (at the south eastern boundary of the primary school). It is recommended that a short section of path is provided to link this proposed provision to that of the path that leads past the Nursery and Village Hall.

Sustainable Transport

An audit of walking and cycling routes has highlighted the following areas of improvement:

Provision of dropped kerbs at key points along The Street

- The Street opposite William Brooker Yard
- The Street outside the Baptist Church; and
- The Street at Dairy Lane.

Links to Bus Services

Highway works consisting of improved crossing facilities and waiting area are proposed to improve access to the eastern bus stop on Yapton Lane.

Junction Modelling (Highways England Junctions)

Modelling has been undertaken using Junctions 9 and LinSig. The assessment utilises a future year of 2031 and assess traffic conditions derived from the ADC Local Plan transport model.

A27 Arundel Road / A29 Fontwell Avenue

The modelling highlights that mitigation is required over and above the Local Plan scheme (associated with the Fontwell Meadows development) and as such an additional improvement is proposed to include additional entry lane on the A27 east approach to the junction and enable left and ahead traffic to utilise the nearside lane.

Whilst delays of 58 seconds in the am peak and in excess of 2 minutes are predicted on the Arundel Road approach and 78 seconds in the AM peak on A29 Fontwell Avenue the impacts of the development following the mitigation proposed would result in a negligible impact from the development.

The A27/A29 Farmille Bottom Roundabout

The ADC Local Plan identifies an improvement to the junction which includes flare lengthening on the A29 (E) arm and the signalisation of the junction. The modelling highlights that with the Local Plan mitigation all arms operate within capacity.

A27 / Yapton Lane

Modelling and Queue surveys have been undertaken upon the right hand turn into Yapton Lane from the A27. Following discussions with Highways England the applicant is to extend the right hand turn lane by 80 metres.

The improvements to the A27 junctions will be subject to S278 agreement with Highways England and

will be detailed in the s106 Agreement.

WSCC network

Modelling of the vehicular impacts of the development has been undertaken using Junctions 9. Assessments have included an opening year of 2020 and 2031 horizon.

The modelling provided has shown the following junctions will continue to operate within capacity:

- Avisford Park / Yapton Lane
- Yapton Lane / Site Access
- Yapton Lane / The Street.

On street parking along The Street often reduces the effective width of the road, requiring vehicles to give way to oncoming traffic. The proposed development is anticipated to increase flows along The Street by 5 vehicles in the AM peak and 6 vehicles in the PM peak and would not give rise to any safety concerns.

An assessment of the impacts of the development on the Yapton level crossing has also been undertaken, the results of which conclude the development will not have a material impact on the operation of the crossing.

An assessment of the impact on the Oyster Catcher and Comet Corner Junctions was also undertaken which highlight the addition of 1-2 vehicles during the peak hour.

Accident Data

Accident data has been analysed with no underlying safety issues identified apart from the A27/A29 Fontwell Avenue junction which is to be improved (see A27 Arundel Road/Fontwell Avenue above.)

Rights of Ways

A site visit has been undertaken between a WSCC Rights of Way officer and the applicant's transport consultant. A contribution to upgrade FP350 to bridleway has been agreed. Works to improve the route include surfacing and improvements to an existing bridge.

Parking

Car and cycle parking are to be provided in accordance with guidance. The provision of parking will be covered at the Reserved Matters stage.

Travel Plan

The draft Framework Travel Plan largely aligns with WSCC's Development Travel Plans Policy, however the following points should be addressed before the Travel Plan can be approved:

1. The main target should be to achieve a 12-hour vehicle trip rate that is 10% lower than has been predicted in the accompanying Transport Assessment (i.e. compared to the 'no Travel Plan' scenario). The predicted trip rate, the target trip rate, and the associated number of vehicle trips in each case should be included in section 4.
2. Similarly, section 4 should be amended to acknowledge that the target trip rate reduction refers to all vehicles and not only single occupancy vehicles (albeit that a reduction in SOV will help to achieve the overall target). The census mode split data should be shown as trip numbers as well as percentages, and should be used to demonstrate the modal shift that will be required in order to achieve the vehicle trip reduction target.
3. Section 8.4 should include a commitment to offering a second round of £150 travel vouchers to all units if the 5-year target is not achieved. If required this would be a final attempt by the developer to meet the Travel Plan target.
4. The applicant should consider funding the provision of a car club vehicle at this location using a provider such as Co-Wheels. The availability of pay-as-you-go car hire would enable and encourage

residents (and the wider community) to make local trips on foot, by cycle, and by bus (e.g. to Barnham station) and only use a car when absolutely necessary. In this way provision of a car club vehicle would also help to reduce (or prevent the need for) second car ownership in the area.

5. It is noted that a £150 travel voucher will be offered to all first occupants, and this initiative is welcomed. Adult cycle training should be added to the menu of sustainable travel incentives that can be obtained using the vouchers. Should a car club vehicle be provided then membership and/or driver miles should be included in the menu of incentives available via the vouchers.

It is considered that the proposed development accords with Policy GEN8 of the Arun Local Plan and Policy T SP1 of the modified Local Plan and Policy GA5 and GA6 of the Walberton Neighbourhood Plan (WNP) as it has demonstrated that the transport effects on the local and strategic road network can be satisfactorily mitigated by means of planning conditions and off-site works by means of a Section 106 Agreement.

Noise and Air Quality

Concerns have been raised by the Environmental Health Officer about air pollution from increased traffic and unacceptable noise levels from traffic.

In relation to air quality, there are no designated Air Quality Management Areas (AQMA) in Arun. The site is within easy reach of established public transport services including existing bus stops on Yapton Lane and the Street. The scheme also makes provision for cycling and pedestrians and further detail on this would be expected at the detailed application stage (e.g. ensuring cycle storage).

If outline planning permission is granted, planning conditions are recommended requiring a noise impact assessment (the A27 is approximately 0.5km to the north of the site) and an air quality assessment to be provided at the reserved matters stage - as requested by the Environmental Health Officer - so as to ensure that appropriate mitigation measures are provided with regard to noise and air quality.

Therefore, subject to conditions the future residents would not be adversely affected by noise in accordance with Policy GEN32 of the Arun Local Plan and Policy QE DM1 of the modified eALP. The proposal accords with Policy GEN34 of the Arun Local Plan and QE DM3 of the modified eALP as it would mitigate any negative impacts from the A27.

Flooding and drainage

Policy VE7 of the WNP (Surface Water Management) seeks to ensure that all new developments are designed and constructed to reduce the overall level of flood risk.

A joint Flood Risk Assessment (FRA) and Drainage Strategy has been carried out which confirms that the application site is within Flood Zone 1 (low risk). Risk of flooding is considered to be low. The FRA identifies measures to mitigate the flood risk, based on the Illustrative Layout and also demonstrates that there would be a safe access and egress from the site. Surface water runoff from hard paved areas is proposed to laterally feed the swales constructed along the main access road. All swales will form an interconnected drainage network for the discharge of excess runoff during extreme rainfall events to the detention basin on the eastern part of the site and to the wetland that is proposed to be located at the south west corner of the application site. Both the detention basin and the wetland will allow water to be infiltrated in at a lower rate thereby providing temporary attenuation.

Conditions are proposed in order to ensure that a suitable SuDs scheme is developed informed by winter groundwater monitoring and percolation tests. Overall, sufficient information has been provided to demonstrate that a SuDs scheme for the site could be developed based on the principles in the Strategy

and shown on the Illustrative Masterplan in accordance with Policy GEN9 of the Arun Local Plan, Policy W DM3 of the modified Local Plan and Policy VE 7 of the WNP.

Foul drainage

There is a requirement for new major developments to demonstrate that adequate foul capacity exists or can be provided as part of the development to ensure good water quality in the district and to meet the needs of future occupiers. A Foul Water Strategy has been submitted - as part of the Drainage Strategy - to support the application. The proposed strategy for the site would be to collect foul water from the dwellings by private gravity drains from the site to the existing foul water manholes to the east and west of the site. Before any connections are made to the foul sewerage network a s106 application under the Water Industry Act is to be submitted and approved by Southern Water to ensure that there is no increase in sewer flood risk.

Southern Water recommended a condition be imposed requiring a drainage strategy is submitted and agreed, detailing the proposed means of foul disposal and implementation timetable in consultation with the sewerage undertaker. Subject to conditions requiring submission of a detailed foul drainage scheme the proposal accords with Policy GEN9 of the Arun Local Plan and Policy W DM1 of the modified Local Plan as it demonstrates that the infrastructure could be upgraded to ensure sufficient capacity for the development.

Supporting Infrastructure

Development is only acceptable with the provision of or contributions to the necessary infrastructure and facilities to mitigate the impacts of the development. Representations raised concerns about the lack of capacity of education and healthcare facilities in the area.

WSCC have requested that contributions generated by this proposal shall be spent on a project to enhance library space with improved digital access at Arundel or Littlehampton Library.

The NHS have not submitted a request for a funding contribution as part of this outline planning application (WA/44/17/OUT). However negotiations are on-going between ADC and Sussex Coastal Clinical Commissioning Group (CCG) over infrastructure requirements. There is a health related project for the parish identified in the Infrastructure Delivery Plan, February 2017 in the form of contributions to new GP practice or renovation/addition to practice (potential of relocation of Health Centre and Services) to serve BEW and Fontwell. Consequently, the health requirements of the new residents will be catered for.

WSCC have confirmed that the present primary and secondary schools within the catchment areas of the proposal would not have space capacity and would be unable to accommodate the children from the development. Accordingly contributions are requested (based on a formula to allow the contribution amounts to be based on the housing mix at the reserved matters stage). The contributions generated by this proposal shall be spent on expansion at Walberton and Binstead Primary School, expansion at Ormiston Six Villages Academy, and a restructure of the sixth form to cater for the additional student population at St Philip Howard Catholic High School's Sixth Form.

Fire and rescue contributions have been sought by WSCC (formula based) to towards the re-development or re-location of fire stations and associated vehicles and equipment in West Sussex Fire Rescue Services Southern Area serving Walberton.

Leisure - Walberton Parish Council has requested that developer contributions be made towards the following projects: upgrade the existing Sports pavilion; the provision of a multi-use games area (MUGA)

with floodlighting and tennis courts; upgrade the existing Village Hall; re-surface the village car park with new black-top, line painting and install a new emergency access barrier gate; re-surface footpath FP333 in black-top on Avisford Park Road from Yapton Lane through to The Street; and provide money to buy the land, should the owner be willing to sell, or alternatively pay the annual rent for a number of years and a sum to cover maintenance on the existing allotments, on land which is now classified as Local Green Space. The applicant is also proposing the erection of ball stop fencing along part of the northern boundary of the site to protect the new residents from golf balls. The details of the ball stop fencing would be submitted at the Reserved Matters stage. The applicant has agreed to contribute to the delivery of these projects under the Green Infrastructure projects in the draft s106 Agreement.

The highways infrastructure and open space requirements are set out in the relevant sections above and further detail is set out in the S106 section table attached to this report.

In order to mitigate against the impact of growth Sussex Police have calculated that the cost of policing new growth in the area equates to £22,709.91 to fund the future purchase of infrastructure to serve the proposed development.

The power supply to the proposed new development will be by means of a new 500KVA transformer connecting to the existing underground SSE network in the surrounding area. The transformer will be located in a new HV / LV substation.

Subject to the satisfactory conclusion of S106 negotiations it is considered that there are no barriers to achieving compliance with Policy GEN8 of the Arun Local Plan and Policies INF SP1 and INF 2 of the modified Local Plan by ensuring provision of the required infrastructure. An update on the final S106 requirements will be provided.

Conclusion

The application site is outside the defined built-up area boundary of Walberton and contrary to Policies GEN2 and GEN3 of the ALP and the Policy HP1 of the WNP which intends to protect the countryside from non-related development. As set out above - and in light of the Written Ministerial Statement on Neighbourhood Plans - these policies are out-of-date and carry limited weight. The site is in a sustainable location which is suitable for housing. It is considered that the principle of development on this site is acceptable. The development will make a significant contribution towards market housing and affordable housing in the District, further boosting the sustainability of Walberton and provide additional open space and community facilities for the local community; and deliver a strategic highway improvement to two junctions along the A27 corridor - at Yapton Lane; and Fontwell Avenue.

Some policies of the Framework are cast in terms which indicate that in certain circumstances planning permission should be restricted. These, in this case, relate principally to flooding, agricultural land, the natural environment, noise and designated heritage assets. Having regard to the tests set out in the NPPF in relation to these issues, and in the context of the content of this report, it is considered that the circumstances are such that none of these issues amount to a reason for withholding planning permission either because the matter can be controlled by suitable conditions, content of the Section 106 agreement or because the public benefit outweighs the harm in respect of the issue at hand.

It should be noted that the Secretary of State has requested that the decision is not issued until they have concluded on whether or not the application will be called-in for determination by the Secretary of State.

HUMAN RIGHTS ACT

Human Rights Act:

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

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval 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 draft Section 106 Agreement is currently being agreed with the applicant and it requires developer contributions (to be calculated by way of formula based on the eventual mix of houses) which will be required for:

- Primary Education
- Secondary Education
- Sixth Form Education
- Libraries
- Fire & Rescue Service
- Health - update on details to be provided
- Sussex Police: £22,709.91
- Highway works and junction improvements

Provision of the laying out of the Public Open Spaces on site as shown on the illustrative masterplan - in agreement with Walberton Parish Council - and the formation of a management company to maintain the open spaces, LAP, LEAP and MUGA.

Provision of 52 Affordable Housing units = 26 affordable rent and 26 intermediate (house sizes to be specified and Registered Providers identified).

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

1 Details of the appearance, landscaping and layout, (hereinafter called 'the reserved matters')

shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 Application for approval of the reserved matters shall be made to the Local Planning Authority not later than five years from the date of this permission.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3 The development hereby permitted shall begin not later than two years from the date of approval of the first of the reserved matters to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the town and Country Planning Act 1990 (as amended).

- 4 The planning permission relates to the following approved plans:

2507-A-1000- A Site Location Plan
2507-A-1100-A Parameters Plan
ITB11324-GA-001 Rev F Proposed Site Access to Yapton Lane

2507-A-1005-A Illustrative Masterplan
2507-A-1400-A Land Use Plan
2507-A-1401-A Access and Movement Plan
2507-A-1402-A Building Heights Plan
2507-A-1403-A Proposed Density Plan
2507-A-1404-A Green Infrastructure Plan

1186-05-A Proposed Roundabout Improvement
Figure T5 - Land East of Tye Lane - Local Connections

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy GEN7 of the Arun District Local Plan.

- 5 The details referred to in condition 1 shall include details of the materials and external finishes of the buildings, surfaces for roads/footpaths, means of enclosure and the parking of vehicles, and the provision of samples of such materials and finishes as required. Development shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority.

Reason: To enable to the Local Planning Authority to control the development in detail in the interests of amenity in accordance with Policy GEN7 of the Arun District Local Plan.

- 6 No development shall take place, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
- An indicative programme for carrying out of the works
 - The arrangements for public consultation and liaison during the construction works
 - Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s)

- d. Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
- e. the parking of vehicles of site operatives and visitors
- f. loading and unloading of plant and materials
- g. storage of plant and materials used in constructing the development
- h. the erection and maintenance of security hoarding including decorative displays and facilities for
 - public viewing, where appropriate
- i. the provision of effective wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- j. effective measures to control the emission of dust and dirt during construction
- k. a scheme for recycling/disposing of waste resulting from demolition and construction works.
- l. the traffic management to be used by construction vehicles to enter and exit the site;
- m. building, engineering and other operations to be carried out only between the hours of 0800 and 1800 Monday to Friday, 0800 to 1300 Saturdays and shall not be carried out at any time on Sundays or Public Holidays;
- n. noise and vibration controls.

Development shall be carried out in accordance with the approved Construction Method Statement.

Reason: To enable to the Local Planning Authority to control the development in detail in the interests of amenity in accordance with Policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because of the safety and amenity issues that need to be addressed.

- 7 Each home should have an Electric Vehicle charge point.

Reason: Petrol and diesel cars and vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with Policy GEN7 of the Arun District Local Plan.

- 8 The development hereby permitted shall not be carried out except in substantial accordance with the Design and Access Statement incorporating Design Guidance dated June 2017.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy GEN7 of the Arun District Local Plan.

- 9 The landscaping and layout particulars to be submitted in accordance with Condition 1 shall include:

- i. Details of all existing trees and hedgerows on the land, showing which are to be retained and which removed;
- ii. Details of the positions, height, design, materials and type of boundary treatment to be provided;
- iii. Details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree.
- iv. The detailed landscape design for the development including the layout and design of the public realm within the development.
- v. Details of the play areas and public open spaces.
- vi. Details of the surfacing, lighting, and signage of all footpaths, cycle routes and a phasing plan for their provision;

No hedge or tree shall be felled, uprooted or otherwise removed before, during or after the construction period except where removal is indicated on a plan approved by the Local Planning Authority.

Reason: In the interests of amenity and of the environment of the development in accordance with Policy GEN7 of the Arun District Local Plan.

- 10
- a. Prior to the commencement of development or other operations likely to affect trees being undertaken on site a scheme for the protection of the retained trees produced in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations), which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.
 - b. No operations affecting trees shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening of any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.
 - c. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved scheme.
 - d. Protective fencing shall be retained intact until completion of the phase or sub phase hereby approved and shall not be removed or re-positioned without the prior written approval of the Local Planning Authority.

Reason: In the interests of amenity and of the environment of the development in accordance with Policy GEN7 of the Arun District Local Plan.

- 11
- No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with Policy GEN7 of the Arun District Local Plan.

- 12
- Development shall not begin until further ecological surveys have been carried out and submitted to the Local Planning Authority. These surveys shall relate to water voles, bats, birds, invertebrates and reptiles.

Reason: In order to secure adequate habitat enhancement and mitigation of potential impacts of the development in accordance with Policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure measures are in place to protect wildlife and habitats on site prior to any disturbance.

- 13 Prior to the commencement of construction works or any preparatory works detailed Ecological Management and Mitigation Plan including a Schedule of Works shall be submitted to the LPA for approval and will be based on the recommendations within the supporting Preliminary Ecological Appraisal Report, and the Bat and Reptile Survey Report (September 2017) . All approved details shall then be implemented in full and in accordance with the agreed timings and details.

The Ecological Management and Mitigation Plan shall include but not be restricted to:

- timings for clearance of trees or scrub to avoid impacts on breeding birds
- two phased cutting of grassland along site boundaries to deter reptiles and amphibians
- details of compensatory and additional tree planting
- details of compensatory boundary habitat planting
- details and location of bird and bat boxes, log piles around the site boundaries
- creation of at least three wildlife ponds
- boundary features to measure at least 5m width for the majority of the site to allow for commuting badgers
- measures to minimise the disturbance of badgers

Should the detailed layout of the site require the removal of further trees which have the potential to support bats, a climbed tree inspection survey will be required.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national guidance and Policy GEN23 and GEN29 of the Arun District Local Plan (2003). It is considered necessary for this to be a pre-commencement condition because of the need to ensure measures are in place to protect wildlife and habitats on site prior to any disturbance.

- 14 Prior to development, full details of the construction compound, including arrangements for turning delivery vehicles and areas set aside for construction staff parking, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity in accordance with Arun District Local Plan Policy GEN7.

- 15 Prior to the commencement of development, details of the layout and specification of and construction programme for the roads, footpaths, cycleways and parking areas, including tracking details for refuse vehicles shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until it is provided with access constructed in accordance with such approved details to the highway network.

Reason: In the interests of road safety and to accord with approved policy in accordance with Policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because of the safety and amenity issues that need to be addressed..

- 16 No dwelling shall be occupied until refuse and recycling bins have been provided and space has been laid out for their storage in relation to that dwelling in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall not be used for any purpose other than the storage of refuse and recycling bins.

Reason: In the interests of the amenity of occupiers of nearby properties in accordance with Arun District Local Plan Policy GEN7 and DEV26.

- 17 No dwelling shall be occupied until space for that dwelling has been laid out for the parking of cars, motorcycles and cycles in relation to that dwelling in accordance with a drawing and schedule to be submitted to and approved in writing by the Local Planning Authority. These areas shall thereafter not be used for any purpose other than the parking of cars, motorcycles and cycles.

Reason: In the interests of road safety and to accord with approved policy in accordance with Policy GEN7 of the Arun District Local Plan.

- 18 Garages provided on the site shall measure a minimum of 6 metres x 3 metres internally.

Reason: To ensure that adequate and satisfactory provision is made for the parking (and garaging) of vehicles clear of all highways in accordance with Policy GEN7 of the Arun District Local Plan.

- 19 No development hereby permitted shall be commenced until a scheme for the location and installation of fire hydrants has been submitted to and approved in writing by the Local Planning Authority. For the purposes of this condition the scheme shall be in accordance with the Guidance Note: The Provision of Fire Hydrants and an Adequate Water Supply for Fire Fighting as published by West Sussex Fire and Rescue Services (as amended from time to time). No building hereby permitted shall be occupied until the fire hydrant(s) required to serve that building have been installed in accordance with the approved scheme.

Reason: In order to provide adequate infrastructure for emergency services, in accordance with Policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure the safety of residents on the site.

- 20 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the National Planning Policy Framework, March 2012). Details and a timetable of how this is to be achieved for each phase or sub phase of development, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase or sub phase begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy in accordance with national planning policy, in accordance with Policy GEN7 of the Arun District Local Plan.

- 21 Prior to the commencement of development, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site shall be carried out in accordance with the approved strategy.

Reason: To safeguard the amenities of residents in accordance with Arun District Local Plan

policies GEN7. It is considered necessary for this to be a pre-commencement condition because the provision of broadband needs to be incorporated into the design for the site.

- 22 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Plan policy GEN7.

- 23 No development shall begin until an Air Quality Assessment and a Noise Impact Assessment have been submitted and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved schemes and any subsequent amendments shall be approved in writing by the Local Planning Authority.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Plan policy GEN7. It is considered necessary for this to be a pre-commencement condition because of the need to protect the health of the residents.

- 24 Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and implementation timetable has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition because the site needs to have adequate drainage.

- 25 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SuDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition because the site needs to have adequate drainage.

- 26 Immediately following implementation of the approved SuDS scheme and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. There shall be no deviation to the approved scheme other than with the written consent of the Local Planning Authority. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 27 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSSC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 28 Development shall not commence until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include (a) details of financial management of the site including arrangements made in the event that the management company (or any subsequent management company) is no longer able to fulfil its duties; and (b) arrangements for the replacement of major components at the end of the manufacturers recommended design life.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32. It is considered necessary for this to be a pre-commencement condition because the site needs to have adequate drainage.

- 29 Upon completed construction of the SuDS System but prior to occupation of any part of the scheme, the owner or management company shall either provide the local planning authority with an updated copy of the management manual incorporating any changes as a result of construction/implementation or confirm in writing that no changes are required to the manual.

No further changes shall be made to the approved SuDS Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority.

The owner or management company shall thereafter strictly adhere to and implement the recommendations contained within the manual to ensure that the system is maintained in perpetuity.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32, in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 30 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority.

No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage

Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion, in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 31 No development should take place within 5 metres of any ordinary watercourse and access of future maintenance must be considered during planning. If works are undertaken within, under, over or up to an Ordinary Watercourse, even if this is temporary, an Ordinary Watercourse Consent (OWC) may need to be applied for from the District or Borough Council.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 32 Development should not commence until finalised detailed surface water drainage designs and calculations for the site, based on sustainable drainage principles, for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water run-off generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 33 Development should not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition because the site needs to have adequate drainage.

- 34 No development shall take place within the area indicated until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun District Local Plan Policy GEN7. It is considered necessary for this to be a pre-commencement condition because archaeology can only be investigated before construction commences.

- 35 The Local Planning Authority shall be informed in writing immediately of any items of archaeological interest unearthed during the building operation and given a reasonable opportunity for an examination of the artefact and the site where it was found.

Reason: To enable items of archaeological interest to be recorded in accordance with Arun District Local Plan Policy GEN7.

- 36 The existing trees/bushes/hedges shall be/retained/protected in a manner to be agreed with the Local Planning Authority before the development commences for the duration of the development and shall not be damaged, destroyed, uprooted, felled, lopped or topped during that period without the previous written consent of the Local Planning Authority. Any trees removed without such consent or dying or being seriously damaged or becoming seriously diseased during that period shall be replaced in the following planting season with trees of such size and species as may be agreed with the Local Planning Authority.

No trees/or bushes/growing/and to be retained/on the site shall be damaged, uprooted, felled, topped or lopped without the prior written consent of the Local Planning Authority until 2 years after completion of the development hereby permitted. Any trees removed without such consent or being severely damaged or becoming seriously diseased or dying before the end of that period shall be replaced with trees of such size and species as may be agreed with the Local Planning Authority.

No development including site access, demolition or associated construction activities, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by a fence in accordance with BS5837 (2012) and Section 9, to be approved by the Local Planning Authority for erection around each tree, group of trees and vegetation to a distance of 15m or to the Root Protection Area (RPA) as calculated in accordance with Table 2 of BS5837 (2012) to be agreed in writing by the Local Planning Authority. Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority.

No trenching should occur within the protective fencing surrounding the Root Protection Area. If however there is no alternative but to locate the services then its encroachment into the Root Protection Area must be kept to a minimum and where the roots should be exposed using compressed air technology, such as the air spade to reduce damage caused by mechanical methods. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree.

Reason: To ensure the retention of vegetation important to the visual amenity, /the ecological quality/and for the environment of the area in accordance with policy GEN7 of the Arun District Local Plan.

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

Reason: In the interests of amenity in accordance with Arun District Local Plan policies GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because the trees need to be protected during the construction works.

- 38 Prior to start on site a badger survey should be undertaken to ensure badgers are not using the site.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because badgers are a protected species.

- 39 A Construction Environmental Management Plan (CEMP) and a Landscape and Management Plan (LEMP) are submitted at Reserved Matters stage, which detail the ongoing management and aftercare of the site once construction is complete. The Landscape and Management Plan should include the following requirements:
- any trees removed should be replaced at a ratio of 2:1;
 - a wildflower meadow should be planted;
 - filling any gaps in tree lines or hedgerows with native species;

- bat, bird and barn owl boxes installed on the site;
- grassland areas managed to benefit reptiles;
- log piles provided on-site.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy GEN7 of the Arun District Local Plan.

- 40 No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved planning drawing.

Reason: In the interests of road safety in accordance with Policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because the site needs to have safe access off the highway before construction commences.

- 41 No part of the development shall be first occupied until a revised Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The revised Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport in accordance with Policy GEN7 of the Arun District Local Plan.

- 42 No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the use in accordance with Policy GEN7 of the Arun District Local Plan.

- 43 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

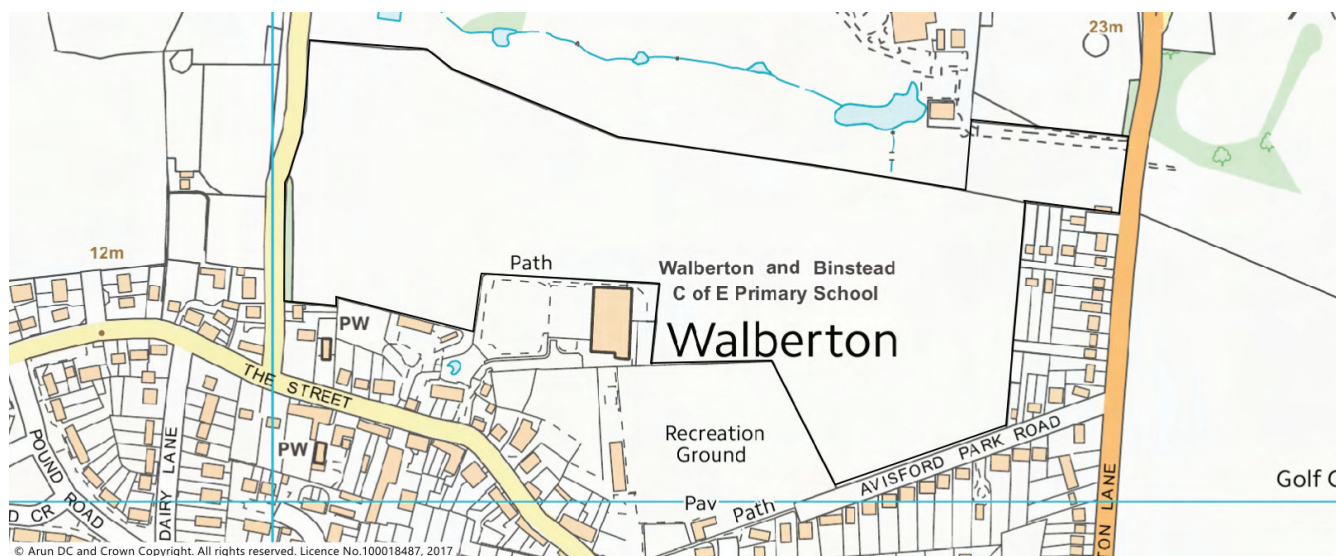
Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and in accordance with Policy GEN7 of the Arun District Local Plan.

- 44 INFORMATIVE: There may be a ditch / culvert on the western boundary of the site alongside Tye Lane, for which the landowner will have responsibility. If this ditch / culvert exists then the applicant is urged to discuss this with the Drainage Engineer(s) at Arun District Council.

- 45 INFORMATIVE: Section 278 Agreement of the 1980 Highways Act - Works within the Highway
The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

- 46 INFORMATIVE: Traffic Regulation Order
The applicant is advised to contact the WSCC Traffic Regulation Order team (01243 642105) to obtain the necessary paperwork and commence the process associated with the proposed speed limit changes. The applicant would be responsible for meeting all costs associated with this process. The applicant should note that the outcome of this process cannot be guaranteed.

WA/44/17/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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Outline planning application WA/44/17/OUT – Land East of Tye Lane, Walberton				
Obligation	Indicative assumption for viability purposes	Trigger point	Payment / delivery method	Note
Police infrastructure				
Towards the purchase of an additional vehicle for use by the Walberton Neighbourhood Policing Team.	£5,594.75 as 1 of 5 pooled payments	Occupation of 1st dwelling	Commuted sum payable to ADC	
Towards the costs of an additional officer to work in the Walberton Neighbourhood Policing Team.	£2,239.81 as a maximum of 1 of 5 pooled payments	Occupation of 1st dwelling	Commuted sum payable to ADC	
Towards the cost of 1 additional support staff member to be based at Bognor Regis Police station.	£312.90 as a maximum of 1 of 5 pooled payments	Occupation of 1st dwelling	Commuted sum payable to ADC	
This development requires 0.67 additional staff/officers to maintain the existing level of policing in the District.	£14,562.45 (£1350 x 16.1 x 0.67) is the cost of sitting police officers/staff at Bognor Regis Police Station.	Occupation of 75th dwelling	Commuted sum payable to ADC	
Highways and Transport				
Highway works to deliver dropped kerb crossing improvements at:			To be provided by the developer	

- The Street opposite William Brooker Yard - The Street outside the Baptist Church; and - The Street at Dairy Lane.				
Highway works to improve crossing facilities at Blacksmiths Corner.			To be provided by the developer	
Highway works to improve the eastern bus stop on Yapton Lane, to include enhanced crossing facilities and waiting area.			To be provided by the developer	
Highway works to deliver improvements to gateway features on Yapton Lane and Tye Lane.			To be provided by the developer	
Contribution towards the delivery of footway enhancements between the development site (across the recreational ground).	tbc		Commuted sum payable to WSCC	
Contribution to improvements to public footpath FP 350.	tbc		Commuted sum payable to WSCC	
For the funding of the traffic regulation order to amend the speed limit on Yapton Lane.	A contribution of £7,500		Commuted sum payable to WSCC	
To mitigate the traffic impacts of the development, two highway junction improvements are proposed	tbc		Commuted sum payable to Highways England	

<p>to the A27 corridor:</p> <ul style="list-style-type: none"> - Scheme 1 - An extension to the current right-turn lane from the A27 to Yapton Lane. The improvement scheme is shown on Drawing ITB11324-GA-014 Rev A. Vehicle tracking analysis has been undertaken of the junction improvements as shown on Drawing ITB11324-SK-006; and - Scheme 2 - An improvement scheme to the A27 / Fontwell Avenue / Arundel Road Roundabout to deliver an additional (third) westbound entry lane on the A27 E over and above the 'Local Plan / Fontwell improvement scheme'. The improvement scheme is shown on Drawing ITB11324-GA-015 Rev. A. Vehicle tracking analysis has been undertaken of the junction improvements as shown on Drawing ITB11324-SK-007. (The 'Local Plan / Fontwell improvement scheme' = The Arun Local Plan and Fontwell applications developed an improvement scheme to 				
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signalise the junction; as shown on Phil Jones Associates drawing 1186-05 Rev. A. This arrangement is agreed with Highways England).				
Education				
Contribution towards expansion at Walberton C of E Primary School.	Formula based contribution		Commuted sum payable to WSCC	Details to be confirmed
Contribution towards expansion at Ormiston Six Villages Academy.	Formula based contribution		Commuted sum payable to WSCC	Details to be confirmed
Contribution towards a restructure of the sixth form to cater for the additional student population at St Philip Howard Catholic High School's Sixth Form.	Formula based contribution		Commuted sum payable to WSCC	
Library				
Contribution towards a project to enhance library space with improved digital access at Arundel or Littlehampton Library.	Formula based contribution		Commuted sum payable to WSCC	Details to be confirmed
Fire and Rescue				
Contribution towards the re-development or re-location of fire stations and associated vehicles and equipment in West Sussex Fire Rescue	Formula based contribution		Commuted sum payable to WSCC	

Services Southern Area serving Walberton.				
Health infrastructure				
Update to be provided				
Affordable housing				
30% (52 units) of the homes to be provided as affordable housing. Affordable rent: 26 and Intermediate: 26 9 x 1 bed flats (<i>rented</i>) 4 x 1 bed flats (<i>intermediate</i>) 5 x 2 bed flats (<i>rented</i>) 7 x 2 bed flats (<i>intermediate</i>) 5 x 2 bed houses (<i>rented</i>) 7 x 2 bed houses (<i>intermediate</i>) 5 x 3 bed houses (<i>rented</i>) 8 x 3 bed houses (<i>intermediate</i>) 2 x 4 bed houses (<i>rented</i>).	30% provision in line with Development Plan policy		On site delivery in accordance with details to be determined at Reserved Matters stage.	Detailed location to be determined at reserved matters stage. Registered Providers (RPs) to be identified in the s106 Agreement.
Community Buildings				
Upgrade the existing Sports pavilion including double glazing, internal and external repainting, replacement guttering, retiling the showers & toilets, loft insulation, new flooring and curtains, new tables and chairs, upgraded	tbc		Committed sum payable to Walberton Parish Council	

lighting and heating.				
Upgrade the existing Village Hall including internal painting, upgraded kitchen, lighting and central heating, a proper sound system, new window and stage curtains and a paved patio area.	tbc		Committed sum payable to Walberton Parish Council	
Open space				
The provision of a multi-use games area (MUGA) with floodlighting on the site, located to the north of the playing field, and east of the school. WPC has funding for a basic MUGA, so is only seeking additional money to be able to upgrade to a superior larger version and land on which to construct it, together with the provision of tennis courts.	tbc		Committed sum payable to Walberton Parish Council	
Re-surface the village car park with new black-top, line painting and the installation of a new emergency access barrier gate.	tbc		Committed sum payable to Walberton Parish Council	
The resurfacing of Avisford Park Road - footpath FP 333 in black-top from Yapton Lane through to The Street together with an annual maintenance budget for	tbc		Committed sum payable to Walberton Parish Council	

<p>hedge and tree pruning. Access to the village shops from the development site is proposed using this footpath FP 333.</p>				
<p>The existing allotments, on land which is leased by the Parish Council, occupy a privately-owned piece of land, 0.64 hectare, which is now classified as Local Green Space. The developer could either provide money to buy the land, should the owner be willing to sell; or alternatively pay the annual rent for a number of years and a sum to cover maintenance such as boundary hedges, water supply and insurance, upgrade the car parking area and install an extra water supply and trough.</p>	<p>tbc</p>		<p>Commuted sum payable to Walberton Parish Council</p>	

AGENDA ITEM 9

DEVELOPMENT CONTROL COMMITTEE

PLANNING APPEALS

APPEALS RECEIVED AGAINST PLANNING DECISIONS & ENFORCEMENTS

Appeals Awaiting a Decision

AB/115/14/OUT Received: 24-02-15	12 & 14 Canada Road Arundel Outline application with some matters reserved for 2 No. 3 bed semi detached houses Written Representations PINS Ref: APP/C3810/W/15/3003824
AB/154/16/HH Received: 19-07-17	Riverside House 2 Fitzalan Road Arundel Erection of extensions to existing dwelling to form car port, conservatory & rooms in loft space Written Representations PINS Ref: APP/C3810/D/17/3176370
BE/15/17/PL Received: 07-07-17	Land to the rear of 95-99 North Bersted Street Bersted Double garage (revised scheme following BE/133/16/PL). This application affects the setting of a Listed Building & affects the character & appearance of the North Bersted Conservaton Area. Written Representations PINS Ref: APP/C3810/W/17/3177178
BE/77/16/OUT Received: 09-01-17	Land West of New Barn Lane Bersted Outline application with all matters reserved for up to 50 residential units, landscaping, amenity space, car & cycle parking, roads, service & drainage infrastructure & other associated works. Departure from the Development plan. Public Inquiry 26-09-17 PINS Ref: APP/C3810/V/17/3166900
BN/13/17/PL Received: 08-08-17	Land to the north of Sunnyside Barn Yapton Road Barnham 3 No. dwellings & retention of small B8 storage area. This application is a Departure from the Development Plan. Written Representations PINS Ref: APP/C3810/W/17/3178447
FG/42/17/HH Received: 01-09-17	162 Littlehampton Road Ferring Garage to front elevation with bedroom above (resubmission following FG/183/16/HH). Written Representations PINS Ref: APP/C3810/D/17/3179406
K/5/17/HH Received: 17-08-17	Kingston Manor Kingston Lane Kingston Construction of a Detached 6 Bay Barn with Log Store Written Representations

PINS Ref: APP/C3810/W/17/3175616

K/6/17/L

Received: 17-08-17

Kingston Manor Kingston Lane Kingston

Application for Listed Building Consent for construction of a Detached 6 Bay Barn with Log Store

Written Representations

PINS Ref: APP/C3810/Y/17/3175623

M/125/16/T

Received: 17-07-17

52 Sea Way Middleton-on-Sea

Fell 1No. Beech Tree & 2.5m Crown Reduction to 1No. Beech Tree.

Written Representations

PINS Ref: APP/TPO/6123

Y/19/16/OUT

Received: 08-09-16

Land off Burndell Road Yapton

Outline application for the development of a maximum of 108 No. residential dwellings, vehicular access from Burndell Road, public open space, ancillary works & associated infrastructure. This application is a Departure from the Development plan

Public Inquiry **25-04-17**

PINS Ref: APP/C3810/V/16/3158261

Y/80/16/OUT

Received: 28-06-17

Land to the South of Ford Lane East of North End Road Yapton

Outline application with some matters reserved for 4.5 hectares of residential development comprising 3.4 hectares of land for up to 100 dwellings (up to 30 (30%) affordable housing) together with 1.1 hectares of land set aside for public open space & strategic landscaping &

2.2 hectares of public open space and green corridors with vehicular access from Ford Lane & pedestrian/cycle access only from North End Road. Resubmission of Y/60/14/OUT. This application is a departure from the development plan, affects the character & appearance of the Church Lane Yapton Conservation Area & affects the setting of a listed building.

Public Inquiry **12-12-17**

PINS Ref: APP/C3810/W/17/3170059

ARUN DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 20 SEPTEMBER 2017

Recommendation Paper

Subject : Indexation of Commuted Sums Payments

Report Date: 1 September 2017

EXECUTIVE SUMMARY

This report seeks to update the Council's methodology for calculating commuted sums to reflect the Retail Prices Index (RPI) as of April in any given year.

RECOMMENDATIONS

- a) That the Committee agrees to an annual updating of any standard commuted sum charges to reflect the Retail Prices Index (RPI) as of April in any given year.
- b) The standard charges are to be published on the Council's website.

1.0 INTRODUCTION

- 1.1 A number of the commuted sum payments that the Council secures through Section 106 Agreements have a requirement to index the standard charge to retail prices. For example the Supplementary Planning Document for Open Spaces produced in 2000 has a standard charge of £1000.00 per dwelling. Applying the Retail Prices Index to this sum produces a requirement for the charge to be levied at £1600.00 per dwelling (as of August 2017).
- 1.2 The proposal is to introduce an automatic updating of the standard charges to reflect the Retail Prices Index as of April in the relevant year so that in the example used above, the baseline position would be updated from £1000.00 per dwelling to £1600.00 per dwelling. This updated figure would be the figure set out in any Section 106 Agreement and would also include a requirement to apply the Retail Prices Index from the date of the agreement to the point at which the commuted

sum becomes payable. For example, if permission was granted in 2017 but the development was not commenced until 2020 and the Retail Prices Index went up by 10% in that three year period, then the sum payable for the open spaces contribution would automatically increase from £1600.00 per dwelling to £1760.00.

- 1.3 This approach will be applied to all Section 106 commuted sums. The annual updating of the Retail Prices Index will be taken from April in any given year.

2.0 RECOMMENDATION

- 2.1 That the Committee agrees to an annual updating of any standard commuted sum charges to reflect the Retail Prices Index as of April in any given year.

- 2.2 The standard charges are to be published on the Council's website

Background Papers: None

Contact: Karl Roberts (Director of Place)
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Email: karl.roberts@arun.gov.uk