

[REDACTED]

From: Claire Potts
Sent: 16 January 2019 13:08
To: Planning.Responses
Cc: Michael Eastham
Subject: FW: AL/129/18/OUT

Please can the attached rep be uploaded to the file.

Kind regards

Claire

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Visit Arun's web site at www.arun.gov.uk  Save the environment - think before you print.

From: [REDACTED]
Sent: 16 January 2019 12:34
To: Claire Potts
Subject: AL/129/18/OUT

Please find letter of objection attached. Its too large to upload via the planning portal.
Joanne Brown

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Mrs Joanne Brown, ACIS
Clerk to Aldingbourne Parish Council
[REDACTED]

ALDINGBOURNE PARISH COUNCIL

RED HOUSE

100 MIDDLETON RD

PO22 6DL

16th January 2019

Dear Sirs,

Re: Outline Planning Application with some Matters Reserved for the Development of 55 Dwellings on Land East of Orchard Gardens, Westergate, Chichester (ADC reference AL/129/18/OUT) (Resubmission following AL/111/16/OUT)

Further to your e-mail instruction received on 5th January, I write to provide the Parish Council with a review and commentary of Outline Planning Application AL/129/18/OUT which was submitted to Arun District Council (ADC) on 28th November 2018 by the applicant TC Planning. The application is for the development of 55 dwellings including public open space and affordable housing on land to the east of Orchard Gardens in Westergate, which currently comprises an area of rough grassland, trees and hedgerows. This application is a resubmission of a previous application on the site in 2016 by the same applicant which was refused by Arun District Council.

The deadline for comments on the application is 17th January 2019, with a decision due by 27th February 2019.

Planning History

The site has been subject to five previous planning applications for residential development stretching back to 1966, all of which have been unsuccessful. The most recent application, Outline Planning Application AL/111/16/OUT for 57 Dwellings, was refused by Arun District Council (ADC) on 29th November 2017. The reasons for refusal that were given in the ADC officer report for this application can be summarised as follows;

1. Failure to demonstrate that the proposed development can be undertaken in a satisfactory manner as it has not demonstrated that the impact on protected species can be avoided, adequately mitigated, or as a last resort, compensated for;
2. Failure to demonstrate that the obligations proposed would ensure that the infrastructure needed to support the development would be sufficient to meet the needs of occupiers and users of the development and the existing community;
3. Failure to demonstrate that the proposed development can be undertaken in a manner that would not undermine the delivery of a comprehensively planned settlement or provide a high-quality development with a sense of place and permeable layout.

Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine applications for planning permission in accordance with the provisions of the development plan unless material considerations indicate otherwise. The adopted Development Plan relevant to the consideration of this planning application comprises the following documents:

- Arun Local Plan 2011-2031 (Adopted July 2018).
- Aldingbourne Neighbourhood Development Plan (2014-2024) (Made October 2016).

As the Arun Local Plan (ALP) was adopted after the Aldingbourne Neighbourhood Development Plan (ANDP) was made in 2016, the more recent Local Plan policies take precedence in any areas of policy conflict.

Housing Land Supply and Weight to Development Plan Policies

Following adoption of the Arun Local Plan in July 2018, ADC are currently able to demonstrate a Housing Land Supply (HLS) in excess of 5 years. The Inspector's Report for the Local Plan (July 2018) confirmed a HLS for ADC of 5.3 years, based on the stepped trajectory set out in the [now] adopted Local Plan, use of the Sedgfield method to make up the shortfall and application of a 20% buffer. As such, all relevant policies in the adopted Development Plan apply.

Local Plan Policy Assessment

This assessment summarises the issues where a conflict with the adopted Development Plan policies exists.

Principle of Development

Previously the application site was defined in planning policy terms as countryside, however the newly adopted Arun Local Plan has revised the built-up area boundaries in the district and the application site is now defined as being within the built-up area.

Policy SD SP2 on the Built-up Area Boundary states:

"Built Up Area Boundaries are defined for the main towns and villages in the District and shown on the Policies Maps. Development should be focused within the Built Up Area Boundaries and will be permitted, subject to consideration against other policies of this Local Plan."

The supporting text to Policy SD SP2 in paragraph 7.2.5 states;

"In recognising the importance of the natural environment, Arun District Council has identified a 'Built-Up-Area-Boundary' which will strictly control development in the countryside. This boundary, which is outlined on the Proposals Map:

1. defines those areas within which planning permission will normally be granted for new development, subject to the Local Plan policies;
2. enables the best use to be made of existing and future services;
3. provides a useful tool to protect against inappropriate development; and
4. preserves the setting of existing settlements by protecting the surrounding countryside from unnecessary development."

As such, as identified by point 1 in Policy SD SP2, this in effect creates a presumption in favour of development for all applications within the built-up area.

Strategic Development

Following adoption of the Arun Local Plan, the site is now allocated (Policy H SP2c) as part of Strategic Housing allocation SD5 – Barnham/ Eastergate/ Westergate for 2,300 houses within the

adopted plan period and up to 3,000 in total (a further 700 houses beyond the plan period). The evidence document “Barnham, Eastergate & Westergate Visioning Brief” was produced to inform the Local Plan and to identify the vision and development principles for how the proposed level of growth identified for SD5 might be comprehensively planned and achieved. Broadly, the approach set out in the visioning brief follows the principles of the Garden City movement.

The requirements identified in the visioning brief are broadly set out for SD5 in Policy H SP2c of the Arun Local Plan. Due to the scale of development allocated, a significant quantum of supporting infrastructure is required; a public park, comprehensive surface water management, a local centre with retail, commercial and community facilities, a new library and healthcare facility, the provision of a new re-routed A29, primary schools, sports pitches and facilities and employment space.

The provision of all such infrastructure together with 3000 homes at SD5 is challenging in respect to the layout of the site and ensuring that a well-designed and attractive new community is achieved, but it is also highly challenging in respect to the financial viability of the site. As such, although the application site (which is the subject of this letter) forms only a small part of the wider SD5 allocation, permitting the proposed development could have a number of possible consequences for delivery of the wider allocation, as follows;

- Granting approval to AL/129/18/OUT would set a precedence for any other ‘piecemeal’ allocations to come forward within SD5 (or indeed any other Strategic Housing Allocations in the Arun Local Plan) without being properly considered within the wider context of the wider allocation. This would in effect allow a ‘piecemeal’ approach to development to be created undermining the design principles set out in the visioning document. The prospect of realising 55 dwellings now should be considered in the context of the potential adverse impact that it may have on the quality and deliverability of the new community over 10-15 years. As such, the longer-term delivery of a quality place should not be sacrificed for short term gain.

- When this application site is considered in the context of the adjacent planning application AL/15/17/PL by Cala Homes the application site is identified as an “area of comparative ecological value”. The applicant’s planning statement and ecological assessment would appear to agree with this status, as the application site is identified as having medium potential for reptiles, whilst both slow worms and lizards had been found on the adjacent Cala Homes application site. However, although it is now understood that the application site has been predominantly cleared of vegetation, it is likely that if left alone, the area could rejuvenate into one of the few more ‘natural’ areas of greenspace within SD5 (as the majority of land within SD5 is arable farmland which is unlikely to have any significant ecological value) and as a result, the potential ecological value of the application site should be considered in relation to the wider allocation.

- The applicant states in the Planning Statement that the application site “can be developed without jeopardising the wider allocation contributing [to infrastructure] being provided as part of the wider allocation”. However, no evidence is provided as part of the application to justify this statement. It is considered highly likely that the application site would be unable to afford the level of financial contribution that is proportionately required, so that all infrastructure identified for SD5 can be delivered, compared to if the application site was being considered as part of a comprehensive development. As such, granting this application could impact on the ability of the strategic allocation to deliver all of the necessary infrastructure required to support the new community.

In addition to the above, the application is contrary to the following policy requirements for SD5 as set out in Policy H SP2c;

a.Preserve the separate identities and avoid any further physical coalescence of the three villages of Barnham, Eastergate and Westergate through the delivery of green infrastructure. Eastergate and Barnham should be protected from a continuous urban form / coalescence along the north and south aspects of the B2233

Development of the application site would mean the loss of a greenspace gap between existing development in the southern part of Westergate and the allocated new development (SD5), which would likely lead to the coalescence of the two developments. Item a. specifically requires that green infrastructure should be provided to prevent physical coalescence and as such, the application is contrary to this requirement.

e.A comprehensive strategy for surface water management will be developed in line with specific recommendations for this locality, in the Arun Strategic Surface Water Management Study

The application does not present a comprehensive strategy for surface water management and indicates this issue would be considered as part of a detailed application (which we presume to be a reserved matters application). However, no commitment is provided within the application indicating that surface water management for the site will be considered as part of a comprehensive strategy.

Density

There are no policies in either the Arun Local Plan or the Aldingbourne Neighbourhood Plan that set a minimum or maximum density. Arun Local Plan Policy D SP 1 on Design states:

‘All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Development proposals should have been derived from: a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness, usability, health and wellbeing, climate change mitigation and habitats); and the influence these objectives have on the form of the development. With major developments (as defined in the GDPO 1995 (as amended(41)) or allocated sites in the Development Plan. In addition to a Design and Access Statement, a context appraisal, context plan and analysis of the site will also be required.

The Neighbourhood Plan takes a similar approach, with policy H1 stating:

“The density of new development shall be appropriate to its location by virtue of size, siting and relationship to existing properties.”

The application proposes 55 dwellings on 1.77 ha, which equates to a gross density of approximately 31 dwellings per hectare (dph), or a net density of around 55 dph, when shared areas such as open space and highways are removed.

The Design and Access Statement (D&AS) submitted for the application states that the proposed development results in an overall density of 32 dph, which is lower than the adjacent Woodgate Park development (38 dph). The D&AS also states that housing in Orchard Gardens is at a lower density than Woodgate Park, but does not state what the density is, or how this relates to the proposed application density. As such the application has failed to accord with Policy D SP 1 as it has failed to show how development proposals have been derived from a ‘thorough site analysis and context appraisal’.

Affordable Housing

Policy AH SP2 of the ALP (2018) requires a minimum of 30% of all dwellings to be affordable, in schemes of 11 units or more. There is no strong commitment within the application for a policy compliant level of affordable housing to be provided. The only mention of affordable housing is in the draft s106 heads of terms provided as part of the application, which still erroneously states 57 dwellings and not 55, but states:

“subject to financial viability to provide up to 30% of the plots for affordable housing”

However, only 16 plots are proposed as affordable units, which equates to 29%. The ANDP also deals with affordable housing and seeks a higher level of provision (Policy H4), however since the ALP has been adopted subsequent to the ANDP, it is the ALP policy which takes precedence in this instance.

It is not certain as to whether the proposed quantum of housing is supported by ADC, as the Housing Manager has not yet commented on the application, however notwithstanding that, the proposed quantum is not policy compliant.

Housing Mix

Policy H DM1 of the ALP on Housing Mix, states in part:

“The Council will seek a mix of dwelling types and sizes, to include affordable housing units, that adhere to the latest Homes and Communities Agency (37) design guidance. For developments of 11 units or more the Council shall require a balanced mix of market and affordable dwelling sizes including family sized accommodation based on the most up to date SHMA recommendations.”

The Updated Housing Needs Evidence for ADC (September 2016), produced by GL Hearn, provides the most up to date assessment of housing need in Arun District. Table 1 of this document sets out the ‘suggested broad mix of housing type and tenure’ for the District:

This table clearly sets out the need associated with both market and affordable housing. The highest need pertains to a requirement for 2-bedroom dwellings. Policy AH SP2 of the ALP reflects the Updated Housing Needs Evidence for ADC (September 2016) and requires the following mix of affordable homes:

‘The affordable dwelling mix should comprise of the following range of homes

1 bedroom	35 – 40%
2 bedroom	35 – 40%
3 bedroom	15 – 20%
4+ bedroom	5 – 10%

The mix of dwellings associated with the proposed development as detailed in the Planning Statement is as follows:

	Market	Intermediate	Affordable
	Number	Mix	
(%)	Target (%)	Number	Mix
(%)	Target (%)	Number	Mix

(%)	Target (%)								
1 bedroom	0	0	5-10	2	25	15-20	4	50	35-40
2 bedroom	8	21	40-45	6	75	50-55	4	50	35-40
3 bedroom	25	64	35-40	0	0	25-30	0	0	15-20
4+ bedroom	6	15	10-15	0	0	0-5	0	0	5-10
Total	39	100	8	100		8	100%		

The proposed development comprises a private / market housing mix which is only part in accordance with the needs highlighted in the table above, however it is recognised that the suggested on-site mix may have been further refined from the SHMA to specifically meet local demand through discussion with ADC. However, there is no clarification in the application that this process has taken place. With respect to market housing, there is a disproportionately high number of 3 bed dwellings in relation to 2 bed dwellings. Again, this mix may have been refined in order to suit local need, however the applicant has failed to sufficiently demonstrate that the proposal will meet local needs. As such, for these reasons it is considered that the Proposed Development conflicts with ANDP Policy H2;

“Applicants should demonstrate how the proposal will meet local needs.”

Biodiversity

ANDP Policy EH 2 defines the application site as a biodiversity corridor and states:

“New development within, or immediately adjacent to the Biodiversity Corridors identified on Maps A1 and A2 will only be supported where it can be clearly demonstrated that development proposals will not give rise to any significant harm to the integrity or function of the Biodiversity Corridors.”

Furthermore EH 2.2 of policy EH 2 states:

“All development with the potential to adversely impact on the areas defined on Map A will be required to demonstrate how the scheme will impact on the integrity and function of the Biodiversity Corridors. Where necessary, this should include the identification of avoidance and mitigation measures sufficient to avoid any significant harm to the designation. Developers are strongly encouraged to also demonstrate how the overall function and integrity of the Biodiversity Corridors may be enhanced to provide a ‘net gain’. Proposals should also include a management plan to ensure that effective long-term management of the key features within the Biodiversity Corridor can be achieved.”

There is no mention in the application of how biodiversity net-gain may be achieved through the proposed development, which is a clear ambition within paragraph 170.d) of the revised NPPF;

“Planning policies and decisions should contribute to and enhance the natural and local environment by:

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;”

The application fails to provide any evidence which identifies how the integrity and function of the corridor will be impacted, nor does it identify any mitigation measures, a management plan for long-

term management or identify how net-gain may be achieved, as such the application is not in consistency with either ANDP policy EH 2 or the NPPF.

Conclusions

The applicant has submitted an outline application for the development of 55 dwellings on land east of Orchard Gardens in Westergate. This commentary has identified how the proposed development is in conflict with both ALP and ANDP policies.

The proposed development conflicts with adopted Development Plan policies in relation to: Strategic Development (ALP Policy H SP2c SD5); density (ALP Policy D SP 1 and ANDP Policy H1); affordable housing (ALP Policy AH SP2 and ANDP Policy H4); housing mix (ALP Policy H DM1 and ANDP Policy H2); and biodiversity (ANDP Policy EH2 and NPPF para 170.d).

Yours sincerely,

Mrs J Brown

Clerk

Aldingbourne Parish Council

Arun District Council

Arun Civic Centre

Maltravers St

Littlehampton BN17 5LF