

TOWN & COUNTRY PLANNING ACT 1990

**OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR A RESIDENTIAL
DEVELOPMENT OF UP TO 8 NO. DWELLINGS & ASSOCIATED WORKS INCLUDING
ACCESS, LANDSCAPING & OPEN SPACE.**

**LAND SOUTH & WEST OF BARNSIDE,
HOOK LANE, WESTERGATE**

PLANNING STATEMENT

August 2016

Enplan, 10 Upper Grosvenor Road, Tunbridge Wells, Kent TN1 2EP Offices also at Milton Keynes

Directors: PG Russell-Vick DipLA CMLI • MA Carpenter BA(Hons) MRTPI • RJ Hodgetts BA(Hons) DipLA CMLI

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1.0 INTRODUCTION

- 1.1 The planning statement has been prepared on behalf of Whitgift Estates Ltd. in support of an outline planning application with all matters reserved for a residential development of up to 8 no. dwellings with associated works including access, landscaping & open space.

The site

- 1.2 The application site is located at Westergate within the parish of Aldingbourne. It has an area of 0.97 ha and is located on the west side of Hook Lane which is a primarily residential road.
- 1.3 To the west of the site there is agricultural land with the boundary being formed by a drainage ditch and treed hedgerow. To the south there is a commercial nursery consisting of large glasshouses, the boundary between the site and the nursery being marked by some 50 – 60 mature lleylandii. To the north and east of the site lie detached houses. The eastern boundary is treed.
- 1.4 Access into the site is directly off Hook Lane. The site is reasonably flat at a level of approximately +10.5m AOD save for a pond at lower level in the southwest corner of the site and a small mound from the excavation of a swimming pool at the adjacent property known as Barnside which to the north of the appeal site. Barnside has its own access on to Hook Lane.
- 1.5 There are a number of existing buildings on the site all of which are to be removed as part of the development proposals.

Planning history

- 1.6 This application follows the refusal of a previous outline planning application for 14 dwellings on the same site (application no. AL/8/16/OUT). The application was refused permission under delegated powers on 16 May 2016 for 4no. reasons. Reasons for refusal 2, 3 and 4 related to financial contributions, the provision of affordable housing and the absence of a signed Section 106 Agreement. Reason for refusal 1 stated:
- 'The proposal would constitute an unsatisfactory form of development and an over-intensive use of the site which would adversely affect the existing low density & semi-rural character of Hook Lane contrary to policy GEN7 of the Arun District Local Plan (2003), policy DM1 of the Arun Local Plan 2011 - 2031 (Publication Version), policies H1 & H3 of the Emerging Aldingbourne Neighbourhood Plan and the good design principles in the National Planning Policy Framework'.*
- 1.7 An appeal has been submitted to the Planning Inspectorate (PINS) in respect of the Council's refusal of the 14 dwelling application and it is expected to be considered at a hearing in due course.
- 1.8 The planning officer's delegated report assessed the character and design of the proposals for 14 dwellings scheme and stated that *'an appropriate redevelopment of the site should take the form of a row of dwellings fronting Hook Lane with deep rear gardens. A couple of dwellings along the western boundary might also be appropriate having regard to the location of the existing buildings on the site'*. In the light of this assessment, Enplan submitted to the officers on 5th July 2016 an

illustrative layout for 8 dwellings – 5 fronting Hook Lane and 3 on the eastern side of the site including an area of open space/ecological mitigation in the south eastern part of the site. The proposed layout also included an extension to the rear garden for Barnside. The officers considered the revised scheme and wrote to Enplan on the same day (5th July) advising that a proposal for 7/8 dwellings in the form proposed would be acceptable in terms of the character of the area. The pre-application correspondence between Enplan and the District Council is at Appendix 1.

- 1.9 The site has the benefit of planning permission for a new access and it this access that will be used to serve the proposed housing development.
- 1.10 Land to the east of Hook Lane (opposite the application site) has planning permission for 79 dwellings which was approved at appeal on 23 February 2015. The location and illustrative layout of this development is shown on the contextual plan on page 14 of the Design and Access Statement. The approved development includes improved pedestrian arrangements on the east side of Hook Lane and which are referred to in the Transport Report submitted with this application.

The proposed development

- 1.11 The development proposed in this outline application includes:
- Development of up to 8 new dwellings
 - Improved vehicular access from Hook Lane
 - Footway improvements on Hook Lane
 - Private green space (gardens)
 - Public open space and structural landscaping incorporating water features
- 1.12 A Section 106 Agreement will be submitted in due course and will cover the appropriate financial contributions in relation to public open space, education, libraries and fire & rescue. The terms of the Section 06 Agreement will be agreed between the Applicants and the District Council.
- 1.13 As mentioned above, all matters are reserved including the layout. Notwithstanding this, the illustrative layout discussed with the officers is submitted with the planning application documents.

2.0 PLANNING POLICY CONSIDERATIONS

- 2.1 The Development Plan comprises the saved policies of the Arun District Local Plan 2003 and the relevant policies from this plan are:

GEN3 - Protection of the Countryside
GEN7 - The Form of New Development
GEN9 - Foul and Surface Water Drainage
GEN11 - Inland Flooding
GEN12 - Parking in New Development
GEN20 - Provision of Public Open Space within New Development
GEN28 - Trees and Woodlands
GEN29 - Nature and Conservation Across the District
GEN32 - Noise Pollution
GEN33 - Light Pollution

- 2.2 Paragraph 215 of the National Planning Policy Framework (NPPF) advises that the weight afforded to the policies with Local Plan is to be assessed according to their level of consistency with policy and guidance of the NPPF.

- 2.3 Paragraph 216 of the NPPF states:

‘From the day of publication, decision-takers may also give weight [unless material considerations indicate otherwise] to relevant policies in emerging plans according to:

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- 2.4 The submitted Aidingbourne Neighbourhood Plan (2014-2034) covers the settlements of Westergate, Woodgate and Eastergate. Having previously been the subject of independent examination in September 2015 (Examiner's Report dated 5th October 2015), the original Plan did not proceed to referendum. A subsequent version has since been out to regulation 15 consultation which ran from 8th June to the 20th July 2016. In accordance with para 216 of the NPPF the plan is to be given limited weight in the determination of this application. Relevant policies of the plan include:

EH1 – Built up Area Boundary
H1 – Quality of Design
H2 - Housing Mix
H3 - Housing Density
H8 - Outdoor Space
EH6 - Protection of trees and hedgerows

GA2 - Footpath and Cycle Path network

GA3 - Parking and new development

- 2.5 The Council is currently unable to demonstrate a 5 year NPPF compliant supply of housing and with the current objectively assessed housing need for the District at 845 dwellings per year (as of 03/02/16) and completions below the required rates, it is clear that housing supply needs to be increased. This is confirmed in the Officers delegated report for AL/8/16/OUT.
- 2.6 Paragraph 49 of the NPPF states:
- "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites"*
- 2.7 A recent (17/03/16) Court of Appeal decision (Richborough Estates Partnerships LLP v Cheshire East Borough Council and Secretary of State for Communities & Local Government) clarified the meaning of the requirements of paragraph 49 such that these relevant policies should not just be limited to those covering the amount and distribution of new housing but also any other development plan policies that seek to restrict housing in certain parts of a district. This could therefore include, for example, settlement boundary policies, countryside protection policies, policies for conserving landscapes, policies for the conservation of wildlife and even Green Belt policies. This means that the fact that this development falls outside of the built up area boundary should not alone form the grounds of a refusal.
- 2.8 In light of this paragraph 14 is also engaged which states that "...where the development plan is absent, silent or relevant policies are out-of-date..." permission should be granted unless "...any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;..."
- 2.9 To apply paragraph 14 it is important to assess the impacts of the proposed scheme, to this end a number of documents and assessments have been submitted alongside this application. The impacts of the proposed scheme are considered below:

Flooding and surface water/foul drainage

- 2.10 The accompany Drainage Statement demonstrates that the site is at low risk from surface water flooding and ground water flood risk susceptibility. The scheme has been prepared in accordance with policies GEN9 and GEN11 of the Local Plan.

Highways

- 2.11 Whilst access is a reserved matter, the application is considered to comply with paragraph 32 of the NPPF and that the highway impacts are acceptable. The site is located in a sustainable location in terms of its accessibility by foot and cycle to local facilities including convenience store, regular bus services, schools and recreational/community facilities.
- 2.12 The accompanying Transport Statement and Stage 1 Road Safety Audit demonstrates that the proposed development is acceptable from a transport planning and highway safety perspective.

-
- 2.13 The proposed development would be supported by policy GA2 - Footpath and Cycle Path network in the emerging Neighbourhood Plan that seeks to improve and extend the existing footpath and cycle path network. The proposed development will provide an improved footpath along Hook Lane. We also consider that the scheme complies with GEN12 of the Local Plan.

Character & design

- 2.14 The character and design of the proposed development is discussed in the Design and Access Statement. Whilst this will be assessed at the reserved matters stage it is considered that the illustrative layout submitted demonstrates that the introduction of 8 dwellings on the site in the form proposed is in keeping with the surrounding settlement pattern and respects the character of the local area. Reference is made to the contextual plan on page 14 of the Design and Access Statement which illustrates the new development in relation to existing and approved built form on the western side of Westergate.
- 2.15 The proposed development therefore accords with GEN7 of the Local Plan in so far as the form of the new development is in keeping with the existing built up development of the settlement as demonstrated in the submissions in the Design and Access Statement. The proposed development is also considered to be compliant with policy H1 (Quality of Design) of the emerging neighbourhood plan.

Trees & Ecology

- 2.16 The accompanying Ecological Appraisal and Arboricultural Report demonstrate that, subject to suitable planning conditions to ensure measures for the protection of bats and nesting birds and the provision of a mitigation area adjacent to the existing pond, the scheme is acceptable.
- 2.17 The proposed development is therefore considered to be in accordance with GEN28 and GEN29 of the Local Plan.

Residential amenity

- 2.18 It is not considered that there will be any harmful impacts on residential amenity by virtue of the illustrative layout and the relationship between the existing and proposed dwellings in the local area.

Sustainable development

- 2.19 The proposed development is considered to be sustainable development in so far that it delivers economic, social and environmental benefits as follows:

Economic Benefits

- 2.20 The proposed development would result in the creation of a number of direct and indirect construction jobs during the build period. The additional population would help generate additional spending in the local economy in perpetuity. The eight new dwellings would attract New Homes Bonus funding in addition to Tax Receipts for the Local Authority that can be spent locally. It would also help meet the regional objectives of the Coast to Capital LEP on delivering economic growth.

Social Benefits

- 2.21 The provision of 8 new dwellings will make a much needed contribution to the District's housing supply and will help meet the identified need. The proposal will provide opportunities to introduce new, or improve existing services and infrastructure through contributions made via the Section 106 Agreement.

Environmental Benefits

- 2.22 The proposed development will not result in the loss of any protected landscape or agricultural land. It will result in the removal of non-native plant species from the site and the introduction of native alternatives. In addition, an ecological buffer zone will be created around the pond for the benefit of biodiversity across the site.

3.0 CONCLUSIONS

- 3.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. As the Council is unable to currently demonstrate a five year supply of deliverable housing land, it follows that the relevant policies for the supply of housing are not up-to-date (paragraph 49 NPPF).
- 3.2 In these circumstances paragraph 14 of the NPPF provides for a presumption in favour of sustainable development which means that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted.
- 3.3 The proposed development is for 8 dwellings which should attract significant weight in support of the scheme. In addition, the economic benefits that the development generates, including job creation during the construction phase and additional spend within the local economy post construction, are matters that should also attract significant weight.
- 3.4 It has been demonstrated that the impacts on ecology, landscape, drainage, flood risk and highway safety can be satisfactorily mitigated where needed through appropriate planning conditions or the Section 106 Agreement. The Design and Access Statement and illustrative layout demonstrates that the development will be in character with the surrounding environs.
- 3.5 Appearance, means of access, landscaping, layout and scale of the proposed development will be dealt with at the reserved matters stage.
- 3.6 In weighing up the material considerations, it is not considered that the proposed development would not create any adverse impacts that would significantly or demonstrably outweigh the benefits of the proposal. In these circumstances the NPPF states that permission should be granted for sustainable development.

APPENDIX 1

Lisa Wright

From: Martin Carpenter
Sent: 18 August 2016 12:16
To: Lisa Wright
Subject: FW: Hook Lane, Westergate - application no. AL/8/16/OUT

From: Simon Davis [REDACTED]
Sent: 05 July 2016 14:41
To: Martin Carpenter <martin@enplan.net>
Subject: RE: Hook Lane, Westergate - application no. AL/8/16/OUT

Dear Martin,

I've just had a chat with our Head of DC, Nikolas Antoniou. Generally, we are positive and I consider I could recommend such a scheme but two things.

Firstly, the proposed turning head in the POS. Could it moved elsewhere or its position altered so that it doesn't jut into this space. Also, I consider that the public may just think its been put there to allow the option of an additional dwelling in the future.

Secondly, we won't lose sleep over this but would prefer if H06, H07 & H08 became two dwellings albeit that they could be larger house types with larger plots. H08 is somewhat problematic due to its relationship with Barnside and also with H07 adjacent. Concerns over overlooking would be removed if these three became two.

I trust this is all useful to you.

Kind Regards

Simon J Davis BA (Hons) DipTn MRTPI | Principal Planning Officer, Planning Department, Arun District Council |
Location: 1st Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

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Save the environment - think before you print

From: Martin Carpenter [<mailto:martin@enplan.net>]
Sent: 05 July 2016 13:08
To: Simon Davis
Subject: Hook Lane, Westergate - application no. AL/8/16/OUT

Simon,

I refer to our recent discussions concerning the above site.

The outline planning application for up to 14 dwellings (no. AL/8/16/OUT) was refused permission by Arun District Council by decision dated 16th May 2016. The decision notice contained 4no. reasons for refusal with reasons for refusal no's 2-4 concerning the Section 106 Agreement. As you are aware, the terms of the Section 106 are now agreed by the applicant and the District Council.

This leaves reason for refusal no. 1 which comments on the proposed form and amount of proposed development stating that it would create *'an over-intensive use of the site which would adversely affect the existing low density & semi-rural character of Hook Lane'*.

The applicant has reviewed matters including this reason for refusal as well as the planning officer's delegated report. The report deals with the character of the part of Hook Lane within which the application site is located under the heading 'Design and Character'. In the light of the existing character of the area, the report states that *'an appropriate form of redevelopment of the site should take the form of a row of dwellings fronting Hook Lane with deep rear gardens.'* The report goes on to state that *'a couple of dwellings along the western boundary might also be appropriate having regard to the location of the existing buildings on the site.'*

I attach a revised draft illustrative layout for 8 no. dwellings on the application site – a reduction of 6 dwellings – and would make the following comments:

1. The 5no dwellings (plots 1-5) fronting Hook Lane are retained and it is noted that the officer's report confirmed that this element of the previous layout was acceptable.
2. Notwithstanding this, the rear gardens of the frontage dwellings have been extended by some 6.0m with garaging proposed (as before) to the rear of the houses.
3. The open space/ecological area associated with the retained pond in the south-west corner of the site has been enlarged to occupy a significant area between the rear of plots 3-5 and the western boundary of the site. This secures ecological benefits and an improved setting for the pond. Only a turning head for the proposed access is proposed in this open space. The maintenance of this open space can be secured through an appropriately worded planning condition.
4. The area immediately to the rear of plots 1-2 is provided as garden area for the existing Barnside property. A new native hedgerow is proposed to ensure the extended garden area is properly (and appropriately) defined.
5. 3no dwellings (plots 6-8) are proposed between the extended garden area for Barnside and the western boundary of the site. They have substantial rear gardens with the dwellings sited away from the site boundaries thereby providing generous curtilages. The existing buildings are located on the western side of the site to the north and north-east of the pond as shown on the site survey which is also attached.
6. As previously, the southern boundary is to be re-planted with a native hedgerow which will provide further ecological enhancement.
7. The proposed new footpaths on the west side of Hook Lane are also proposed as before and the proposed access (already approved) is as per the previous scheme.

For ease of reference I also attach the previous illustrative layout for 14 dwellings.

In my view, this revised proposal responds positively to the issues raised by the District Council about the character of the area and impacts upon it. Furthermore, in the light of the absence of a 5-year housing land supply and that (in such circumstances) sustainable housing development should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, para 14 of the NPPF is engaged in this case.

When you have had an opportunity to look at the draft revised layout I would be pleased to speak with you to review the position and seek to agree a way forward and the submission of a new outline planning application.

I look forward to hearing from you.

Regards,
Martin

MARTIN CARPENTER
Director



Enplan
planning
landscape &
environmental
consultants

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LIST OF INFORMANTS :

ORDNANCE SURVEY

-
-
-
-

REVISIONS	DATE	DRN	REV
BOUNDARY POSITION ADJUSTED	17.06.15	ARR	A
ISSUED FOR PLANNING	04.12.15	GZ	B
ISSUED FOR PLANNING	15.01.16	AR	C



HOOK LANE WESTERGATE

North

0m 10m 20m 30m 40m

MountfordPigott

SITE LOCATION PLAN
AS EXISTING
1265-X01-C

1:1250 @ A3
DRAWN BY: ARR

04.15

ARUN DISTRICT COUNCIL AL/83/16/OUT

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REVISIONS	DATE	DRN	REV
LAYOUT UPDATE	23.10.15	GZ	B
LAYOUT UPDATE	03.12.15	GZ	C
LAYOUT UPDATE	15.12.15	GZ	D
ISSUE FOR PLANNING	15.01.16	ARR	E



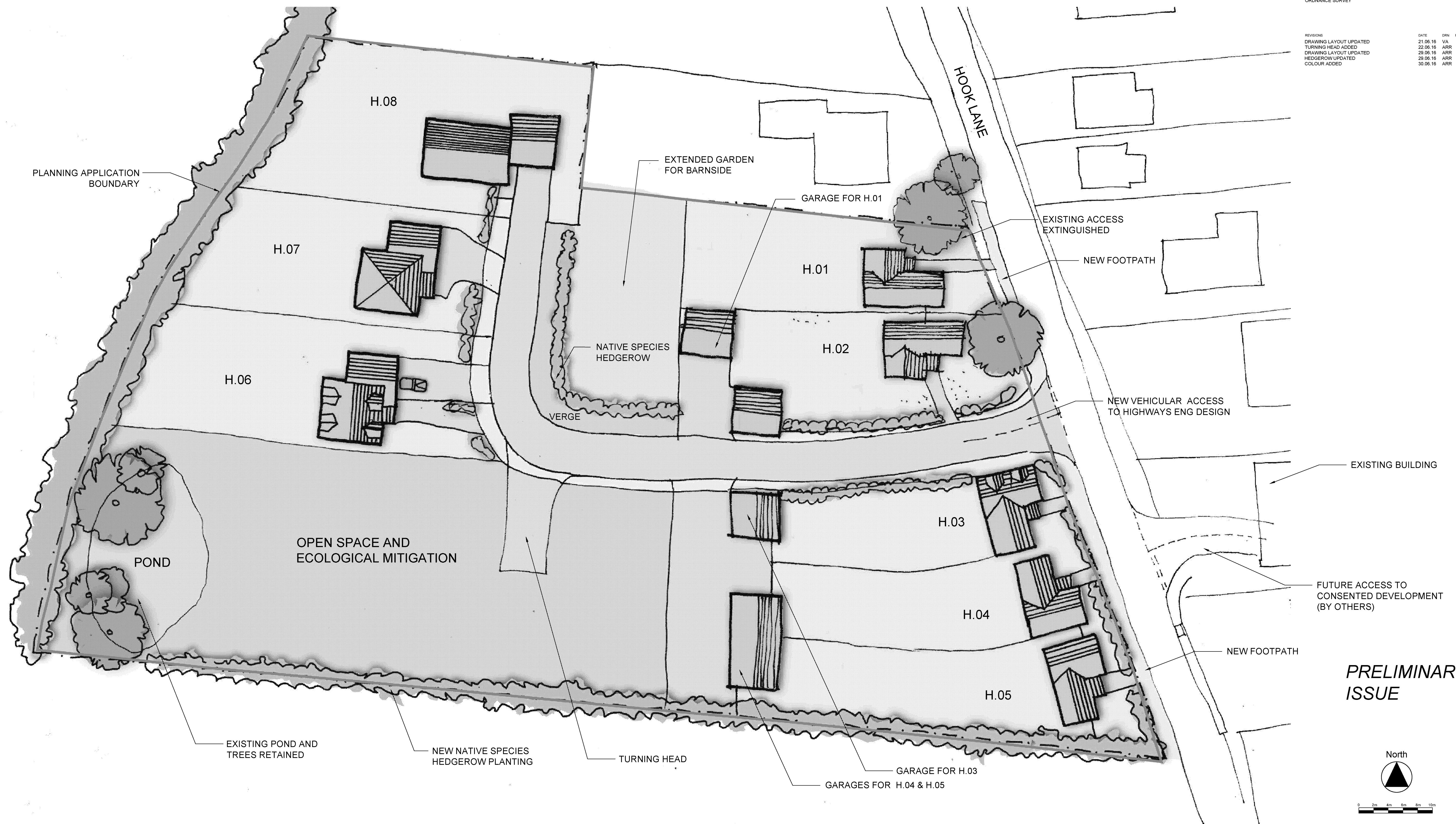
HOOK LANE WESTERGATE

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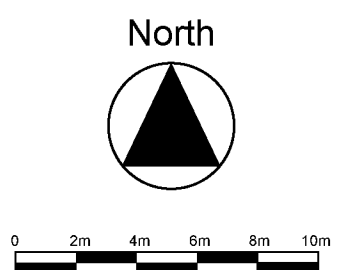
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REVISIONS	DATE	DRN	REV
DRAWING LAYOUT UPDATED	21.06.16	VA	A
TURNING HEAD ADDED	22.06.16	ARR	B
DRAWING LAYOUT UPDATED	29.06.16	ARR	C
HEDGEROW UPDATED	29.06.16	ARR	D
COLOUR ADDED	30.06.16	ARR	E



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ISSUE*



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Architects, Interiors, Design

ILLUSTRATIVE SITE LAYOUT
AS PROPOSED
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DRAWN BY ARR

HOOK LANE WESTERGATE

