

Angmering Parish Council **OBJECT** to the proposed Site Lay-out Plan submitted with A/109/20/RES and the increased impact it has on the Angmering Conservation Area and Listed Buildings.

1. Non-compliance with the Parameter Plans approved by A/99/17/OUT:

- a) The site lay-out plans submitted by A/109/20/RES are materially different to the Parameter Plans approved by A/99/17/OUT, which showed that *“the development is to be set back from the southern/south-western boundaries of the site in order to respect the setting of the existing Conservation Area and associated Listed Buildings”*. (LVIA March 2020)

2. There are significant irregularities in the updated Heritage Compliance Statement when reviewed against the Site Lay-out Plans submitted with A/109/20/RES.

- a) BDW say the updated **Heritage Compliance Statement (July 2020)** builds upon the document approved at outline, which bases its findings on the plans approved by A/99/17/OUT, NOT those submitted with this application when it says the plans *“retain and introduce a series of generous landscape and planting buffers”* plus *“additional design measures will go further to mitigate heritage impact, beyond that achieved as part of the approved outline application.”*
- b) Arun’s Conservation Officer assessed the impact on the Conservation Area and Listed Buildings against the revised site layout submitted with A/109/20/RES, as *“less than substantial”* because of the *“significant reduction in the buffer space”* to that shown in the plans approved at outline. This is significant in planning terms, but has been dismissed by BDW in their Supplemental Planning Statement based on the findings of the updated Heritage Compliance Statement (July 2020).
- c) It is reasonable to assume that the conclusions reached by the report would have been completely different had it assessed the plans approved at outline against those submitted by A/109/20/RES.
- d) The updated Heritage Compliance Statement (July 2020) paragraphs 4.5 and 4.6, make reference to the Barnwell Manor and Forge Field decisions, where the Court of Appeal makes it clear that the statutory duty applies to all listed buildings, including when the harm is judged to be “less than substantial”.

3. The impact of the BDW revised Site Lay-out and proposed Construction Plans have not been informed based on the significance or preservation of the Heritage Assets, in particular the Spotted Cow PH, or the impact on their landscape setting highlighted in their supporting documentation.

- a) NPPF 2019 puts the responsibility on the applicant to demonstrate their understanding of the significance of any Heritage assets, their setting, and ongoing preservation and how this has informed the application.
- b) The updated LVIA (March 2020), for example, has assessed the impact on the Spotted Cow PH during Construction as **Major Adverse**, only decreasing to **Moderate Adverse** by yr 15 and that *“the magnitude of change will remain High Negative”* .

- c) **Rydon's Heritage Compliance Statement (Oct 2006)** says: " *The rich and varied heritage of the village is reflected in the CA , not just through the value accorded to individual buildings, but through the historic street patterns of Angmering and the historic plan and layout of the buildings and the spaces between them. . . . Angmering has developed outwards from its historic core and this core remains the essential "founding point" of the village.*" . . . and recommends the following

North-west boundary line in proximity to the East Field: *To the south- west corner of the East Field, buffer space and enhanced vegetation is recommended in order to assist in mitigating any possible views between the site and the Conservation Area.*

- d) Despite this, the application provides no justification as to why the landscape buffer on the south-eastern boundary included by A/99/17/OUT was removed, or justifies the additional impact it will have on the listed buildings.
- e) Neither do they make any reference in their **Construction Plan** regarding the impact dust and noise will have on the Spotted Cow PH in particular, to justify their use of the High Street entrance until at least Sept 2021. This level of harm clearly threatens the Spotted Cow's conservation as a PH and fails to consider whether the development will materially detract from the asset's significance and setting, or damage its economic viability now or in the future, thereby threatening its ongoing conservation preservation as a PH.
- f) In appeal decisions, planning inspectors have judged that it is not just the appearance of a PH as an historic building or its landscape setting, but its long established use as a PH that makes a significant contribution to the Conservation area. Highlighted in the Heritage Compliance Statement (July 2020).
- g) In recognition of its importance to the community, the Spotted Cow PH and beer garden is designated as an Asset of Community Value.

The removal of the approved landscape buffer to be replaced by additional housing and introduction of a hedge hard against its boundary with the development will encroach on its openness, which is an important part of the character of this part of the conservation area, creating an unacceptable degree of enclosure.

NPPF para. 190 specifically request analysis of the significance of the asset and its setting as well as how this has informed development proposals. This includes the **Construction Plan** and its impact on the Spotted Cow.

- h) A/99/17/out was approved for **up to 175 dwellings** in recognition of the site's constraints, which include the Conservation Area and Listed Buildings. We therefore believe the proximity of the additional houses which have replaced the original landscape buffer by reason of their siting, are of insufficient public benefit to outweigh the significant harm the removal of the landscape buffer would cause on the setting of the conservation area and specifically to the survival of the Spotted Cow as a PH.

Further evidence as to significant differences between supporting documents is provided below in response to **BDW's Supplemental Planning Statement**.

The BDW Supplemental Planning Statement (October 2020)

The Development Plan

BDW - The National Planning Policy Framework (July 2018) is a material consideration in the determination of all planning submissions and in this instance due regard has been given to those policies pertinent to design only. Matters relating to the principle of development were considered at outline stage prior to the grant of outline planning permission.

APC's Comments: The NPPF 19 Feb 2019 replaced the July 2018 version and was revised yet again in June 2019. This is important, as it introduced additional clarification in relation to the protection of the environment, the setting of National Parks, as well as Listed Buildings and Conservation Areas.

Even though the **Heritage Compliance Statement (July 2020)** references the NPPF 2019, it is based on the Oct 2016 statement and plans submitted with A/99/17/OUT, not the revised plans which have removed the proposed landscaped buffer space between the development and the Conservation Area and infilled with housing.

Listed Buildings:

ADC - The pre-application response reiterates that a landscaped 'green buffer' is required.

BDW - The Reserved Matters are supported by an updated Heritage Compliance Statement which builds upon the document approved at outline stage.

The report concludes that the proposed mitigation and design measures, including landscaping and planting buffers, provide appropriate transition between the proposals and the heritage assets. Overall the impact on heritage assets is deemed to be 'very minor' and no more significant than as approved at outline.

APC comments: In support of points 2a}, b} and c}

The conclusion reached by the report is not surprising, as the **Heritage Compliance Statement (July 2020)** is based on the plans approved against A/99/17/OUT, NOT those submitted with A/109/20/RES.

Paragraphs 4.10 and 4.13 say *"The proposals follow the form, layout and extent of those [Plans] approved as part of outline planning application (A/99/17/OUT)"* in that they "retain and introduce a series of generous landscape and planting buffers to soften key junctions with the conservation area" This approach to scale, landscape and planting buffers follows the underlying design ethos and mitigation measures included in the approved outline application (A/99/17/OUT) additional design measures will go further to mitigate heritage impact, beyond that achieved as part of the approved outline application"

In addition, the **Heritage Compliance Statement (July 2020)** contradicts the LVIA in a number of areas that may well have resulted in BDW reaching that opinion. For example, in relation to the landscape setting of the Spotted Cow PH. In Para 3.14, it says there are limited *"onward views of the fields to the north (the latter forming the extended setting) in all but a small northern central area of the PH garden. Any extended northern outlook is almost entirely obscured."* Unless it was a desktop study, it is unclear how the report reached this conclusion. As BDW'S **Landscape & Visual Impact Assessment (March 2020)** both conforms and provides photographic evidence on p41, that there are clear unrestricted views to the north across the site.

Post Submission Consultation - ADC Conservation Officer (4.9.20)

BDW - The ADC Conservation Officer confirmed that harm is 'less than substantial' but raised concerns about views from Avenals Farm, Weavers Hill and the Spotted Cow Pub and a requirement for additional landscape screening.

APC comments: In support of point 1a) and point 3:

Arun's Conservation Officer describes the impact of the changes to the new proposed site layout plans on the setting of the Conservation Area and Listed Buildings as "*less than substantial*" as a result of the "*significant reduction in the buffer space*" to that shown in the plans approved at outline. The assessment level of "less than substantial" harm to Avenals Farm, Weavers Hill and the Spotted Cow Pub is significant in Planning terms.

BDW'S Landscape & Visual Impact Assessment (March 2020): is based on plans submitted and approved at outline and NOT those submitted with A/109/20/RES.

Paragraphs 4.3.1, 4.4.2 and 4.4.3: "*In accordance with planning policy any development would need to be in keeping with their scale, character and surroundings. Development is to be set back from the southern/south-western boundaries to respect the setting of the existing Conservation Area and associated Listed Buildings. These measures are embedded into the final submitted planning application.*"

Paragraph 5.5.20: "*The proposed development has been carefully designed to retain key views into/out of the Conservation Area with built development set back from the western and southern site boundaries beyond areas of Public Open Space and play provision. As result of pre-application discussions the southernmost part of the site was redesigned in order to accommodate additional Public Space and play provision.*"

The report categorises the Impact from the proposed development as follows:

- Impact on the Conservation Area and Listed buildings that directly overlook the site along High Street and Weavers Hill will remain **Major Adverse**. Reducing to **Minor Adverse** by year 15 as planting matures (6.5.30)
- Impact on The Spotted Cow PH during Construction: **Major Adverse**, Build Development: **Major Adverse** and following completion it will remain **Major Adverse** only decreasing to **Moderate Adverse** by yr 15 (6.5.34), which is clearly significant as the level of harm to its landscape setting clearly threatens its conservation and preservation as a small rural PH. The report assesses the visual impacts on its setting as follows:

"From the pub garden there are clear unrestricted views across the full extent of the eastern parcel of land due to the lack of intervening vegetation along the southern site boundary" [shown in the photo on p41]. "There are glimpsed views from the car park area where views are partially screened by an existing evergreen hedge."

On page 40 it says: "*There will be a noticeable change to the view as the site changes from greenfield land to built development. The proposed residential dwellings will be clearly visible from within the grounds of the Spotted Cow PH although set beyond an area of public open space within the development framework initially the effects of the landscape mitigation will be small and the magnitude of change will remain High Negative.*"

On the significance of the Spotted Cow PH, the **Heritage Compliance Statement** at Para 3.13

says. *“Although the core of the PH is mid-late-19th century in date (demonstrated by its internal and external character, fabric and architectural style) it is thought that a building has stood on the site since 1540, perhaps indicating the site, rather than building we now see, has a long history in serving the local community. The significance of the building therefore lies in its architectural and historic interest as a mid-late-19th century PH which continues the legacy of serving the community of Angmering, specifically those housed in the historic core of Angmering Conservation Area.”*

It is reasonable to assume that the conclusions reached by the updated Heritage Compliance Statement (July 2020) would have been completely different had it compared the proposed plans approved at outline with those submitted by A/109/20/RES. We believe this discrepancy prevents Arun’s ability to perform its statutory duty when assessing this application.

A/109/20/RES now show the landscape buffer space in the plans approved at outline infilled with housing. Resulting in the degree of harm being described by Arun’s Landscape Officer as ***“less than substantial”***.

Planning Guidance provided by the BDW Heritage Compliance Statement (July 2020)

Paragraphs 4.5. and 4.6 “Heritage Impact Assessment” make reference to the Barnwell Manor and Forge Field decisions, where the Court of Appeal makes it clear that the statutory duty applies to all listed buildings, including when the harm is judged to be less than substantial.

The Court of Appeal’s judgment found that Parliament’s intention in enacting the statutory duty was that decision- makers should give *“considerable importance and weight” to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise.*”

The focus since then, has very much been on the 'having special regard' to the desirability of preserving the setting of designated heritage assets, in accordance with legislation. Which make it clear that when any development will harm a listed building or its setting especially if important to its significance, or the conservation of a designated heritage asset and that clear and convincing justification should be required for any harm, or loss that harm alone gives rise to a strong presumption against the grant of planning permission.