Recommendation Report for Outline Consent

REF NO: A/2/23/OUT

LOCATION: Land at Ham Manor
Station Road
Angmering
BN16 4JA

PROPOSAL: Outline application with all matters reserved for development comprising up to 133 dwellings along with associated access, internal roads and footpaths, car parking, public open space, landscaping, drainage, undergrounding of overhead HV cables and other supporting infrastructure and utilities. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for the erection of up to 133 dwellings in addition to associated infrastructure with all matters reserved. The proposal provides 41 (30%) affordable housing units including 10 (24.39%) First Homes, 3 (7.31%) Intermediate units and 28 (68.29%) Affordable Rent units. The indicative masterplan includes an access point from Station Road to the east, development to the north and open space to the south. Also illustrated on the indicative masterplan is a spine road running from east to west and the retention of the group of mature trees in the centre of the site. The indicative layout includes a range of property types, all of which would be two storey and of traditional appearance and material finish. The indicative layout of the open space indicates several SUDs features including attenuation basins in addition to footpaths and proposed planting.
SITE AREA	12.09 hectares
RESIDENTIAL DEVELOPMENT DENSITY	11 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	The site includes a run of mature trees running from north to south across the centre and a number of mature trees to each boundary.
BOUNDARY TREATMENT	The site is bordered by mature trees to the west, low timber fencing/hedgerows to the south, a timber fence/hedgerow/mature trees to the east and a timber fence/hedgerow to the north. Several trees are proposed for

removal to allow access to the site.

SITE CHARACTERISTICS

The site is located to the west of Angmering and to the north of Rustington/East Preston and comprises a pair of medium sized arable fields. The fields are bordered to the south by the A259, to the west by South Drive and to the east by a group of dwellings and Station Road. To the north is a group of houses within the Ham Manor Estate on East Drive which run from east to west. The site falls within the Angmering and Rustington/East Preston identified Gap and also within Flood Zone 1.

The neighbouring land to the west is an additional arable field and golf course beyond. To the south of the A259 is a mixture of residential dwellings and commercial buildings, including a Sainsbury's supermarket.

There are no Listed Buildings within the vicinity of the site, nor does it fall within a Conservation Area. The entire site falls within an archaeological notification area.

The Rustington Golf Course was subject to a recent appealed application (ref. A/129/21/PL) which allowed the erection of 167 new dwellings.

CHARACTER OF LOCALITY

The site is located on the A259 corridor which falls between Angmering and Rustington. The area is rural in character with low density dwellings and golf courses to the north and west, and higher density residential and commercial development to the south of the A259. The nearest section of the South Downs National Park is located approximately 1.4km to the northeast of the site.

Rustington centre is approximately 1.1km to the southwest and East Preston 1.2km to the southeast.

RELEVANT SITE HISTORY

PAA/124/18/	Erection of 99No. Residential Units.	Refuse Pre App 06-11-18

It should be noted that a refused application (A/129/21/PL) was recently allowed at appeal (ref. APP/C3810/W/22/3298192) was recently allowed for 167 new dwellings at Rustington Golf Centre, located circa 350m to the west of the site. The Inspector weighed the harm of the scheme against the benefits associated with the delivery of 167 dwellings, and in the context of the lack of five year housing land supply allowed the proposed development. Whilst the situation relating to the lack of housing supply in the district still applies, the circumstances were different as the neighbouring site is not located within a protected gap and is currently developed as a golf course with associated infrastructure and buildings, whilst the site is question is two open arable fields within a protected gap.

REPRESENTATIONS

Angmering Parish Council. Object to the application on the following summarised grounds -
- The proposal is contrary to Arun Local Plan housing policies. Whilst the "tilted balance" is relevant, policies in the plan remain the starting point for considering the application. The Arun Local Plan (ALP) and Angmering Neighbourhood Development Plan (ANDP) should be afforded substantial weight.
- Impact upon the Settlement Gap, contrary to ALP policies. The site is not an allocated housing site.
- Recent nearby appeals (APP/C3810/W/22/3298192 for A/129/21/PL and APP/C3810/W/22/3295115 for A/168/21/PL) do not present any support for the application, and do not indicate that development plan policies are out of date nor in conformity with the NPPF.
- Loss of prime agricultural land.
- Exacerbated flood risk.
- The proposed development would increase traffic and congestion and increase in air pollution.
- Existing healthcare and educational services insufficient to provide for the occupants of the new development.
- Impacts upon the integrity of the existing neighbourhood.

Rustington Parish Council. Objects to the application on the following summarised grounds -
- Loss of prime agricultural land.
- Increased traffic and congestion.
- All remaining grounds from the above objection by Angmering Parish Council.

East Preston & Kingston Preservation Society. Objection:
- Support the representation from Angmering Parish Council.
- Proposals are contrary to the policies of the Local Plan, Angmering Neighbourhood Development Plan and NPPF.
- The proposals would result in strain upon local infrastructure.

Ferring Parish Council. Objection:
- Supports the objections raised by other impacted parishes, environmental groups and residents.
- The application is a departure from the Development Plan and conflicts with land use policies of the NPPF and the Local Plan and represents erosion of the countryside.
- Insufficient GP and dental services.

Ham Manor Residents' Association. Objection:
- Site lies outside of the Built Up Are Boundary (BUAB).
- The site comprises grade 1/2 Agricultural Land. It has not been demonstrated that there is an overriding need for development in this location.
- Loss of trees and rural character.
- Harm to biodiversity.
- Increase in traffic and congestion.
- Unacceptable surface water drainage arrangements.
- Health and education concerns.

Ferring Conservation Group. Objection:
- Loss of agricultural land.
- Overdevelopment of the land north and south of the A249.
- Departure from the development plan.
- Impact upon local infrastructure.
- Benefit to local residents in real housing need would be minimal.

247 letters received from neighbouring occupiers objecting to the application on the following grounds:
- Development in conflict with the Arun Local Plan and Angmering Neighbourhood Plan.
- Impact upon the character and appearance of the area.
- Insufficient facilities including shops, doctors, dentists, schools and emergency services to sustain the additional housing in the area.
- Harm to trees protected by Tree Preservation Orders (TPOs).
- Harm to highway safety, increase to traffic and congestion.
- Loss of biodiversity.
- Loss of grade 1/2 agricultural land, which is presently in use.
- Harm to the Landscape Character of the South Downs National Park.
- Exacerbated risk of flooding and lack of meaningful surface water drainage.
- Loss of gap between settlements and coalescence of built up areas.
- Overdevelopment of the village.
- Few leisure facilities in the area.
- Insufficient affordable housing proposed.
- Harm to neighbour amenity.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and will be covered in the Conclusions section.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC Tree Officer - No objection on arboricultural grounds to the matters being determined. Notes that the removal of established roadside trees is significant, but seem unavoidable. Ultimately, their loss can be adequately compensated for within a landscape scheme, to be approved at Reserved Matters stage.

WSCC Lead Local Flood Authority - Object to the application in the absence of an acceptable Flood Risk Assessment and Drainage Strategy, as it is in conflict with the NPPF, PPG Flood risk and coastal change or local policies, meaning that flood risk could be materially increased elsewhere. A full copy of their representation can be found on the Council's Website.

Ecology Response - No objection subject to securing biodiversity mitigation and enhancement measures by condition.

Parks and Landscapes - There is no landscape objection to the outline proposals as presented in the indicative masterplans. Early and continued consultation through the development process is recommended. A Landscape led development in this location is also advised.

West Sussex Fire and Rescue - No objection subject to conditions to require fire hydrants.

National Highways - Insufficient information for determination. Lodge a holding objection until the required information is received by the applicant.

Southern Water - Recommend conditions on the basis that the application is to be approved.

WSCC Highways Authority - Require additional supporting information prior to providing a recommendation on the application.

Archaeology Advisor - Agrees with the findings and conclusions of the cultural heritage desk based assessment with regard to the potential impact of the proposals on deposits of interest. Recommends a condition to secure appropriate trial trenching and geophysical survey.

WSCC Waste & Minerals - No comment.

Environmental Health - Requests that further ground contamination investigation is carried out. To be secured via pre-commencement condition. Recommends that the scheme is amended to provide close boarded fencing to the southern boundary. Recommends conditions relating to air quality, electric vehicle charging, construction hours, external lighting, pumping station, electricity substation noise and air source heat pump noise.

WSCC Education - Object to the proposals, on the grounds that no financial contribution is made towards the extra Arun District pupil transport costs that will be generated as a result of this application.

Economic Development - No specific comments but asks that an employment and skills plan is included.

Police - No detailed comments to make at this stage.

Housing - Support the number, type and tenure of the affordable housing units to be agreed at Reserved Matters Stage.

COMMENTS ON CONSULTATION RESPONSES:

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

POLICY CONTEXT

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

AHSP2	AH SP2 Affordable Housing
CSP1	C SP1 Countryside
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitagation
ENVDM3	ENV DM3 Biodiversity Opportunity Areas
ENVSP1	ENV SP1 Natural Environment
GISP1	GI SP1 Green Infrastructure and Development
HERDM6	HER DM6 Sites of Archaeological Interest
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary

SODM1	SO DM1 Soils
WDM2	W DM2 Flood Risk
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
HSP1	HSP1 Housing allocation the housing requirement
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
SDSP1	SD SP1 Sustainable Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems

Angmering Neighbourhood Plan 2014 POLICY HD1	Built-up Area Boundary
Angmering Neighbourhood Plan 2014 POLICY HD3	Housing Mix
Angmering Neighbourhood Plan 2014 POLICY HD4	Materials
Angmering Neighbourhood Plan 2014 POLICY HD5	Built Form
Angmering Neighbourhood Plan 2014 POLICY HD6	Housing Layout & Design
Angmering Neighbourhood Plan 2014 POLICY HD7	Housing Density
Angmering Neighbourhood Plan 2014 POLICY HD8	Parking for New Developments
Angmering Neighbourhood Plan 2014 POLICY HD9	Phasing of Residential Development
Angmering Neighbourhood Plan 2014 POLICY TM1	Local Highways
Angmering Neighbourhood Plan 2014 POLICY CLW1	Provision of a Youth Centre
Angmering Neighbourhood Plan 2014 POLICY TM2	Cycling Walking & Equestrian

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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."

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

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

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

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the plan unless material considerations indicate otherwise. The Development Plan for the Arun District currently comprises the Arun Local Plan 2011-2031 (ALP), the Angmering Neighbourhood Development Plan made in 2015 (ANDP).

The application site lies outside of the Built-Up Area Boundary (BUAB) set out by Policy SD SP2 of the Arun Local Plan (ALP) and ANDP Policy HD1. The site is therefore located in the countryside, as defined by ALP Policy C SP1, which states that development will only be permitted for a defined list of countryside uses to prevent encroachment into open countryside. The site is also within an area designated as a Gap Between Settlements (Angmering to East Preston/Rustington).

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

At this point in time, ADC cannot demonstrate a deliverable 5 year housing land supply. The latest 2021/22 annual monitoring report (AMR) indicates that the Housing Land Supply (HLS) has fallen from 2.42 to 2.36 years. It is therefore the case that policy SD SP2 (Built up Area Boundary) of the ALP is out of date. As such, the terms of paragraph 11 d) of the Framework comes into play. This makes it clear that where development plan policies are out of date planning permission should be granted unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
(ii) 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.

The tilted balance is triggered and the NPPF makes clear 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 this Framework taken as a whole'. The impacts of the proposed development are considered below.

For the reasons set out below the adverse impact of grating approval in this case significantly and demonstrably outweigh the benefits derived from granting permission.

SETTLEMENT GAP POLICY

Policy SD SP3 of the Arun Local Plan sets out the criteria for assessing development in the Gaps and states that such proposals will only be permitted within them provided:

a. It would not undermine the physical and/or visual separation of settlements;
b. It would not compromise the integrity of the gap, either individually or cumulatively with other existing or proposed development;
c. It cannot be located elsewhere; and
d. It maintains the character of the undeveloped coast;
e. or, if a subsequent DPD or Neighbourhood Plan deems it appropriate through an allocation.

This proposal is in an undeveloped gap between Angmering, East Preston and Rustington which forms an important break in built form and visual separation between the settlements. The site is highly visible from public vantage points including the footway along the A259 and the public footpath running parallel to the west boundary of the site. The site currently forms a clear gap between the neighbouring settlements and provides and important open space to break up the built form along the A259 corridor. The proposed development would encroach into the countryside and the gap would be significantly diminished and reduced in width by two thirds resulting in clear coalescence of the settlements.

The application is supported by a Landscape and Visual Impact Assessment which concludes that the proposed development would not undermine the visual gap between the Angmering, Rustington and East Preston, as only the northern section of the site would be developed, whilst the southern section would be retained as open space with strategic planting to act as a screen. Whilst this is acknowledged, the development would still span two thirds of the length of the gap and also half of the gap width, approximately one third of the entire area of the gap. The retention of an area of open space to the south, whilst of benefit, is not considered sufficient to justify the significant loss of the protected gap.

The proposal would result in the loss of several mature trees on the eastern and southern boundary and would result in an urbanising form of development outside of the built up area which would be prominent and readily visible from a number of nearby vantage points and public rights of way thereby, undermining the visual separation of settlements contrary to policy SD SP3.

CHARACTER AND DESIGN

ALP Policy D SP1: Sustainable Development requires development proposals to make efficient use of land whilst reflecting the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

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

keep within the general confines of the overall character of a locality. Similarly, ALP Policy D SP1: Design requires development to make efficient use of land and reflect local character.

ANDP Policy HD7: Housing Density requires development to be appropriate and sympathetic to the Parish's character and appearance in terms of density and advises that new developments proposing a density greater than the immediate surrounding area should be refused unless clear justification can be provided.

ANDP Policy HD5: Built Form requires new development to pay particular attention to the integration with both the character of nearby developments as well as landscape setting.

ANDP Policy HD6: Housing Layout and Design requires residential development to be high quality and to reflect local distinctiveness.

The National Design Guide (NDG) and Arun Design Guide (ADG) are material considerations in the determination of this application. Both documents require good design through layout reinforced by appropriate form and scale of buildings, their appearance, landscape, materials and their detailing. The ADG requires developments to respond to the existing scale and massing of the surrounding built environment and suggests that a decrease in scale and natural should be used to ensure an appropriate urban to rural transition.

The ADG suggests a density of 15-25 for detached/semi-detached houses in rural locations and states density should decrease with distance from the centre of a settlement, to ensure development relates sensitively to its setting and addresses edges of the site in a positive way. The site density of 11 per ha is below the recommended range.

The indicative layout illustrates a dispersed group of dwellings set along a main spine road running from east to west across the site with landscaped buffers set to the north and west, in addition to planting, open space and attenuation ponds to the south. Whilst matters relating to appearance are reserved, the proposals indicate that all dwellings would be two storey, and the indicative layout indicates various typologies including detached and semi-detached units. Further indicative details are provided within the Design and Access Statement indicating that the dwellings would be of traditional design and material finish. Overall, no objections are raised in relation to density and indicative building height in isolation, as they would accord with the general density and height of the area.

Notwithstanding the points set out above, the introduction of a housing estate into the open countryside and gap would be entirely out of character with the countryside location. The provision of a housing estate in a verdant, open, and prominent location readily visible from the network of adjacent public footpaths would have an unacceptable effect on the character and appearance of the local area. The proposal would result in a permanent loss of this important feature within the local landscape and would interrupt the verdant views into and across the site, and would significantly detract from the rural character.

Residential development on the site, even with the retention of a significant area of open space with landscape buffering, would irrevocably alter the character from an open and rural field to a suburban form of development contrary to ALP policies D SP1 and D DM1 of ALP and policy HD5 of the ANDP and the ADG.

RESIDENTIAL AMENITY

ALP policy D DM1 requires development to avoid significant impact and harm to users and occupiers of nearby property and land. ALP policy QE SP1 requires development contribute positively to the quality of

the environment and ensure development does not have a significantly negative impact on residential amenity. The Arun Design Guide sets out guidance on garden depths and interface distances between houses:

- Back to Back: min. 21m between habitable rooms of properties or to existing buildings;
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property;
- Front to Front: min. 16m between habitable rooms of properties facing each other; and
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.
- Minimum private rear garden depth of 10.5m

Whilst full detailed plans and elevations have not been provided, the indicative masterplan layout indicates that general conformity with these requirements could be achieved with the number of units proposed at reserved matters stage.

INTERNAL & EXTERNAL SPACE STANDARDS:

ALP policy D DM2 requires residential developments to meet the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard NDSS). The supporting text of D DM2 requires external space to accord with the guidelines set out within the Arun Design Guide.

The Arun Design Guide sets out standards for garden sizes as follows:
- Private Rear Garden: min. 10.5m depth;
- Private Front Garden: min. 2m depth.

As set out above, full details have not been provided, however the illustrative masterplan and indicative details within the Design and Access Statement indicate that these parameters are achievable and therefore could be secured at reserved matters stage.

HOUSING MIX AND AFFORDABLE HOUSING

Policy H DM1 of the Arun Local Plan 2011-2031 seeks to secure a mix of dwelling types and sizes, including affordable housing units. It states, "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".

Policy HD3 of the ANDP seeks a range of house types and tenures to meet local requirements and include a proportion of adaptable dwellings.

The most up to date recommendations are contained in the SHMA report published in September 2016. The suggested mix of housing by size and tenure is as follows:

	1 bedroom	2 bedrooms	3 bedrooms	4+ bedrooms
Market	5-10%	40-45%	35-40%	10-15%
Intermediate/Starter Homes	15-20%	50-55%	25-30%	0-5%
Affordable Rented	35-40%	35-40%	15-20%	5-10%

ALP Policy AH SP2 requires that all developments of 11 residential units or more provide a minimum of 30% affordable housing with a tenure mix of 67% affordable rented, 25% First Homes and 8% Intermediate. The Affordable Housing Statement (AHS) submitted with the original application indicates that the proposal includes 41 (30%) affordable housing including 10 (24.39%) First Homes, 3 (7.31%)

Intermediate and 28 (68.29%) Affordable Rent units. The AHS indicates that the proposed mix of accommodation would be in general accordance with SHMA recommendations and that the intention is to provide the units within clusters spread across the site.

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

With regards to the market units, the precise housing mix is not confirmed within the outline application. Full details and compliance with the SHMA recommendations and ALP policy H DM1 can be secured at reserved matters stage.

The application does not include an appropriate mechanism or undertaking to secure the affordable housing provision. The application is therefore contrary to policy AH SP2 of the ALP.

HOMES FOR OLDER PEOPLE AND PEOPLE WITH DISABILITIES

Arun DC agreed internal policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). This is not adopted policy or a supplementary planning document but is considered to have some weight as a material planning consideration. It is supported by references in ALP policies D DM1 & D DM2. This requires at least 66.5 of the homes (50%) are designed to the M4(2) standard, and that 6.65 (5%) are designed to meet M4(3) in order to provide wheelchair accessible units.

Policy HD3 of the ANP residential proposals to include a proportion of adaptable dwellings.

In absence of details of adaptable dwellings, a condition would be required to secure further details at Reserved Matters stage, in line with requirements of policy HD3 and ADC full council policy on Accommodation for Older People.

TRAFFIC, ROAD SAFETY & PARKING

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

T SP1 of the Arun Local Plan states proposals must incorporate appropriate levels of parking taking into consideration the impact of development on on-street parking. Policy T DM1 of Arun Local Plan requires new development be located in easy access of established non-car transport modes/routes, contribute to the improvement of such routes & facilities and contribute towards provision of a joined-up cycle network and Public Rights of Way network.

Paragraph 110 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 111 which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

ANDP Policy TM1 requires proposals for new development to demonstrate that adequate and satisfactory
provision has been made to mitigate the impact of the traffic generated both during development and on completion.

Comments from the WSCC Highways team indicates that an appropriate access could likely be achieved onto station road with sufficient visibility splays, however a Stage 1 Road Safety Assessment is required in order to ensure that the access can be achieved safely.

National Highways have also objected to the proposal due to the lack of collision analysis, an insufficient survey areas to assess trip assignment and out of date data to assess existing traffic flows, lack of committed development for inclusion of the Clapham Interchange, inappropriate methodology for assessment of background traffic growth, inappropriate methodology for assessment scenarios, and an inappropriate junction assessment. The proposed development has therefore failed to demonstrate that it would not have a detrimental impact on highway safety, contrary to ALP policy T SP1 and TM1 of the ANP.

BIODIVERSITY

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

The application is supported by a Preliminary Ecological Appraisal (PEA), a Biodiversity Net Gain (BNG) Assessment in addition to Protected Species Surveys and a Winter Birds Survey.

The supporting documents confirm that hedgerows and blocks of woodland, including trees identified with bat roost potential will be retained and protected and further method statements are recommended to control the spread of non-native species.

The protected species surveys indicates that an increase in artificial light would impact negatively on foraging bats therefore a wildlife sensitive lighting scheme is recommended and would be secured via condition in the event of an approval. Other mitigation measures are proposed for protected species which should be implemented in full and would be secured as such via condition if the application were to be approved.

The BNG assessment includes a number of bespoke biodiversity enhancements with an estimated gain of 17.58 (69.57%) in habitat units and 2.33 (581.71%) of Linear Units.

The ADC Ecology consultee supports the application.

Subject to appropriate conditions to secure the recommended measures above, the proposed development is considered acceptable in terms of impact on trees and biodiversity, in accordance with ALP Policies ENV SP1 and ENV DM4.

TREES

ALP policy D DM1 states development is expected to incorporate existing/new tree planting as an integral part of proposals. Policy LAN DM1 requires development respects the characteristics & natural features of the relevant landscape character areas and aim to reinforce or repair the character of those areas. Policy D SP1 requires development proposals reflect the characteristics of the site and local area

in their landscaping and policy ENV DM4 of the Local Plan requires proper provision to be made for the protection and management of trees when undertaking development.

As existing, the site includes a number of established trees around and on the site, in particular a run of mature pine trees spanning the centre of the site from north to south. The proposed indicative layout indicates that the majority of the trees on site would be accommodated within the development, however several would require removal to accommodate the vehicular access to the northeast corner of the site in addition to a southern section of the mature pine trees. Suitable replacement planting and landscaping mitigation will be required to offset the loss of any trees.

The proposed fowl water connection to the north of the site would also require substantial excavation within route protection areas of off-site trees, therefore an appropriate method statement would be required to ensure there are protected during future works.

It is important that the future surface water drainage strategy, including any SUDs features and works to watercourses for the site are designed carefully to take account of trees. Appropriate buffers and easement around SUDs features should take root protection areas into account.

Overall, whilst the loss of several mature trees would be regrettable, it is considered that their loss can be adequately offset within a detailed landscaping scheme, to be secured at reserved matters stage, in accordance with policies D DM1, LAN DM1, D SP1 and ENV DM4.

LOSS OF AGRICUTURAL LAND

ALP policy SO DM1 and KPNP Policy 6 state that unless designated by this Plan or a Neighbourhood Development Plan, the use of Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless need for the development outweighs the need to protect land in the long term.

The application is supported by an Agricultural Land Quality Assessment which concludes that the majority (96%) of the land is Grade 2. The report details that the subsoils do not hold sufficient moisture of offset summer moisture deficits which would slightly reduce available crop yields. The report also concludes that a small area in the northeast of the site has stoney topsoils which would present some minor limitations to quality of root crops.

The field is currently in use for agricultural production and was under a winter cereal crop at the time of the survey.

The loss of usable agricultural land to facilitate development would be contrary to policy SO DM1 of Arun Local Plan which states any form of development not associated with agriculture will not be permitted unless the development outweighs the need to protect the land in the long term. Given the identified harm associated with the proposals, it is not considered that the justification for the development on this particular site is sufficient to outweigh the loss of Grade 2 agricultural land. There are other sites in the District that would not be on such high grade agricultural land and are not so sensitively sited. There is no overriding need for the development in this location.

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

policy SO DM1 of the ALP.

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

DRAINAGE/FLOODING

Arun Local Plan policy W DM2 seeks to limit development in areas at risk of flooding and W DM3 requires all development identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development, at an early stage of the design process.

ANDP Policy EH3 requires development to mitigate against flood risk both on and off-site and to incorporate SUDs.

The site is located within Flood Zone 1 (low probability of river or sea flooding) with a moderate risk of groundwater flooding. A Flood Risk Assessment has been submitted with the application which indicated that a number of indicative SuDs systems and drainage solutions feasible within the proposed development.

WSCC LLFA have objected to the development on a number of grounds as summarised below.

The Flood Risk Assessment (FRA) fails to demonstrate that all houses are outside of the existing surface flow path that runs through the site and therefore it cannot be determined whether mitigation is required to protect residential accommodation.

The Flood Studies Report (FSR) rainfall model used is out of date and underestimates the volume of water that may affect the site.

The gradient of the side slopes of the attenuation basins is too steep for maintenance and health and safety purposes.

The climate change allowance used is of date and the methodology used is incorrect and is not taken into account within flood events.

Surcharged Causeway FLOW results have not been provided, and further details are required on ordinary watercourse discharge locations, therefore it cannot be determined whether the development will increase flood risk elsewhere.

The use of oversized pipes is inappropriate and source control SuDs features are recommended.

Confirmation that the wildlife pond is not linked to the drainage system is required.

The potential impact of ground raising on the site on the existing surface water flow rates requires consideration.

Whilst some of the outstanding information set out above could be secured via condition, the overall drainage design details must be secured upfront to ensure that the finalised designed could be implemented in the event of an approval. Inadequately considering drainage at this stage could potentially result in a lack of sufficient capacity being provided for surface water drainage and therefore the development could lead to an increased risk of flooding elsewhere. On this basis, the application does not comply with the relevant development plan policies W DM2, W DM3 and ANDP Policy EH3.

FOUL DRAINAGE

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

The application submission states that a foul water sewer is available on South Drive and a gravity connection is available. Further details could be secured via condition in the event of an approval to ensure that the development would accord with Policy W DM1 of the Arun Local Plan.

ENERGY AND CLIMATE CHANGE

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

Appropriate measures can be secured via planning conditions to ensure compliance with policy ECC SP2.

ARCHAEOLOGY

ALP Policy HER DM6 requires development within sites of archaeological interest to be supported by an archaeological assessment to demonstrate that there would be no harm to the interest of the site.

The application submission includes an archaeological report which confirms that the majority of the site does not contain any significant archaeology. ADC's archaeology consultee has reviewed the assessment and raised no objection to the development subject to the inclusion of a condition to secure a programme of geophysical survey and targeted trial trenching in advance of development in order to identify significant deposits that might be present and to enable the implementation of appropriate measures for their preservation. The proposal is therefore in accordance with HER DM6.

PUBLIC OPEN SPACE & PLAY

ALP policy OSR DM1 requires housing developments provide sufficient public open space, playing pitch provision and indoor sport & leisure provision. The Councils SPD "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out a requirement for 9363 sqm of Public Open Space (POS) and 1609 sqm play provision of an onsite, unequipped natural play Local Area for Play (LAP).

ADC's raises no objections to the provision of open space and play space and has advised that the general location of OS and SuDs to the south of the site is appropriate and would cater for existing trees and hedges within the centre of the site and along the boundaries.

A detailed landscape scheme would be required at reserved matter stage including a good selection of native tree species and ornamental trees.

Quality, well-designed Public Open Space will be fundamental to the success of the proposals and a minimum of 10973sqm of well connected, usable POS is required. The proposed POS is significantly larger than the required figure.

The development will also require onsite LAPs, LEAP and NEAP provision. The DAS and Landscape Strategy includes indicative details of incidental play areas, picnic benches and a community orchard, however accessible LAPs should also be provided throughout the site.

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

SUPPORTING INFRASTRUCTURE

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

ALP Policy INF SP2 seeks the provision of a new secondary school over the plan period and requires all development that generates a need for secondary school places where there is an identified deficit shall make an appropriate financial contribution.

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

The proposed development would be required to make a CIL contribution towards local schools, libraries, sports facilities and allotments as set out in the Open Space SPD, and the local health service. The development site is located in Zone 3 of the Arun CIL Charging Schedule Zone Maps and would therefore be liable to pay CIL at £106.29 per square metre of net additional floorspace.

On site provision of open space and play equipment can be secured via a planning condition.

WSCC as the Local Education Authority have objected to the application as there are not sufficient spaces within secondary schools within the area to accommodate new pupils. As an interim solution, WSCC require transport contributions to cover costs to transport pupils from Arun District to alternative secondary schools within West Sussex which cannot be covered by CIL payments.

Education Transport Contributions would be secured via a planning obligation in the event of an approval. The application does not provide an appropriate agreement or undertaking to secure these required measures and therefore fails to accord with ALP polices ALP INF SP1 and INF SP2 and is recommended for refusal on this basis.

SUMMARY

The Council acknowledges that it is presently unable to demonstrate a five-year supply of housing. Nevertheless, in accordance with paragraph 11d of the NPPF, there are significant and demonstrable negative impacts associated with the development that, when assessed against the NPPF as a whole,

which would outweigh any presumption in favour of sustainable development.

The site is within the open countryside and is visually separate from adjacent settlements. The development would change the character of the open countryside irrevocably with the provision of an urban form of development, to the detriment of the designated gap.

The proposed development would fail to demonstrate the proposals would be safe in the event of a flood, or that it would not result in additional flooding elsewhere.

The application has failed to demonstrate that it would be acceptable in terms of highway safety,

The proposal would also result in the loss of Grade 2 agricultural land/soil which would not be outweighed by the provision of new housing.

The proposal would fail to provide an appropriate mechanism to secure a policy level of affordable housing and education transport contributions. Refusal is therefore recommended for the reasons set out below.

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (Right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

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

1 The development is located outside of the built up area boundary of Angmering as defined by the Arun Local Plan Policy C SP1 and Angmering Neighbourhood Plan Policy HD1. The development is not in accordance with policy C SP1 as it is not an approved category of development in the countryside and the benefits of the development do not outweigh the harm.

2 The site is within the open countryside and is visually separate from the adjoining residential development and the development would significantly and adversely change the character of the open countryside irrevocably and the new development would be urban in character. As

such, the proposals fail to accord with policy HD5 of the Angmering Neighbourhood Plan and policies D SP1 and D DM1 of the Arun Local Plan.

3 The application proposals are located within a defined Settlement Gap. The proposal would involve significant built development within the Angmering to Rustington/East Preston Settlement Gap, in conflict with policy SD SP3 of the Arun Local Plan which requires that development demonstrates it cannot be located elsewhere and does not result in undermining the physical/visual separation of settlements. The proposal would result in a prominent and visually obtrusive form of development which would adversely affect the visual amenities of the locality and rural character of the area policies LAN DM2, SD SP3 and D DM1 of the Arun Local Plan and the NPPF.

4 Insufficient surface water drainage details have been submitted to fully determine the viability of the proposed surface water drainage scheme on the site layout. Consequently, the proposed development is contrary to Policies W DM2 and W DM3 of the Local Plan, Policy EH3 of the Angmering Neighbourhood Plan and the National Planning Policy Framework.

5 Insufficient details have been provided to ensure that the proposed highway network could safely accommodate the proposed development and to confirm that the proposal could safely access Station Road. As such, the proposed development fails to ensure that it would not impact on highway safety, contrary to Arun Local Plan Policy T SP1 and the National Planning Policy Framework.

6 The site comprises predominantly Grade 2 Agricultural Land and it has not been satisfactorily demonstrated that there is an overriding need for the development in this particular location. The proposal conflicts with policy SO DM1 of the Arun Local Plan and para 174 of the NPPF.

7 The proposal would fail to provide an appropriate agreement or undertaking to secure a policy compliant level of affordable housing. The proposed development is therefore contrary to Arun Local Plan Policies H DM1 and AH SP2.

8 The proposed development does not include an appropriate agreement or undertaking to secure the Education Transport Contribution. The proposed development is therefore contrary to Arun Local Plan Policies H SP2, INF SP1 and INF SP2.

9 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.