

ECE Planning

Planning Statement

The Laurels, Dapper's Lane

May 2018



ECE Planning

Project Name: The Laurels, Dapper's Lane

Location The Laurels, Dapper's Lane, Angmering, BN16
4EN

Client: Andrew Carter

File Reference: P1483

Issue	Date	Author	Checked	Notes
PL1	03/04/2018	P Oxley	S Sykes	Initial Draft
PL2	27/04/2018	S Sykes	C Barker	Client Draft
PL3	09/05/2018	S Sykes	C Barker	Planning Issue

Contents

Figures	4
1. Introduction	5
2. The Site	6
3. Planning History	8
4. The Proposal	10
5. Policy Overview	11
5.1. Introduction	11
5.2. National Planning Policy Framework (NPPF)	11
5.3. National Planning Practice Guidance (NPPG)	12
5.4. Strategic Planning Policy – Arun District Local Plan 2003	12
5.5. Strategic Planning Policy – Angmering Neighbourhood Plan 2014 – 2019	13
5.6. Written Ministerial Statement (WMS) with regard to Neighbourhood Planning	14
5.7. Emerging Arun Local Plan 2011 – 2031	14
5.8. Housing Implementation Strategy March 2017	15
5.9. Policies Relevant to the Supply of Housing	16
6. Housing Delivery	17
6.1. National Approach to Housing Delivery	17
6.2. The Housing Needs in Arun	17
6.3. Housing Delivery in Arun	17
6.4. 5 Year Land Supply	18
7. Planning Appraisal	19
7.1. Introduction	19
7.2. Principle of Development	19
7.3. Design, Form and Appearance	20
7.4. Housing Mix	21
7.5. Affordable Housing	21
7.6. Residential Amenity	21
7.7. Ecology	22
7.8. Arboriculture	22
7.9. Access and Parking	22
7.10. Drainage and Flood Risk	23
7.11. Three Dimensions of Sustainability	24
8. Conclusions	25

Figures

Figure 1: Site Context	6
Figure 2: Surrounding Character along Dapper's Lane.....	7
Figure 3: Site plan for application reference A/178/17/OUT	8
Figure 4: Masterplan	10
Figure 5: HELAA Site Reference 82D	15

ECE Planning

1. Introduction

- 1.1. This Planning Statement has been produced on behalf of Mr Andrew Carter in support of an application for:

“Outline Planning Permission with all matters reserved except for access for the demolition of existing outbuildings and the erection of nine two storey dwellings consisting of two no. two bedroom dwellings, three no. three bedroom dwellings and four no. four bedroom dwellings.”

- 1.2. This statement sets out the relevant background for the determination of the planning application including a description of the site and its surroundings, the relevant planning history, relevant planning policy and how the development responds to it, details of the proposed and an assessment of the relevant planning considerations.
- 1.3. The proposal for the site has been informed by the existing Angmering Neighbourhood Plan 2014-2029, the Arun District Local Plan (2003), emerging Arun District Council Local Plan, National Planning Policy Framework and National Planning Policy Guidance.
- 1.4. This application for Outline Planning Permission is supported by the following documents, drawings and plans:

Location Plan

Site Plan

Proposed Elevation and Floor Plans

Street Scene Elevations

Preliminary Ecological Appraisal and Bat Roost Survey

Tree Survey and Arboricultural Impact Assessment

Transport Statement

Stage 1 Road Safety Audit

Design and Access Statement

Biodiversity Checklist

Validation Checklist

2. The Site

- 2.1. The proposed development site is situated on the north eastern side of Angmering at 'The Laurels', Dapper's Lane. The village of Angmering is situated within the Angmering and Findon Ward of Arun District Council.
- 2.2. The site itself is a brownfield site which is currently part of a plot attached to a residential dwelling (shown with the blue edge in Figure 1) and associated outbuildings. The existing site is circa 0.5ha. The development site occupies an L shaped parcel of land extending to the rear of The Laurels with a access to Dapper's Lane on the southern side.
- 2.3. The eastern area of the site is made up of a mixture of trees, vegetation and shrubs. The northern and southern boundaries to the neighbouring properties consist of trees, hedges and other vegetation. On the western extent of the site, shrubs, and trees screen the site from Dapper's Lane.

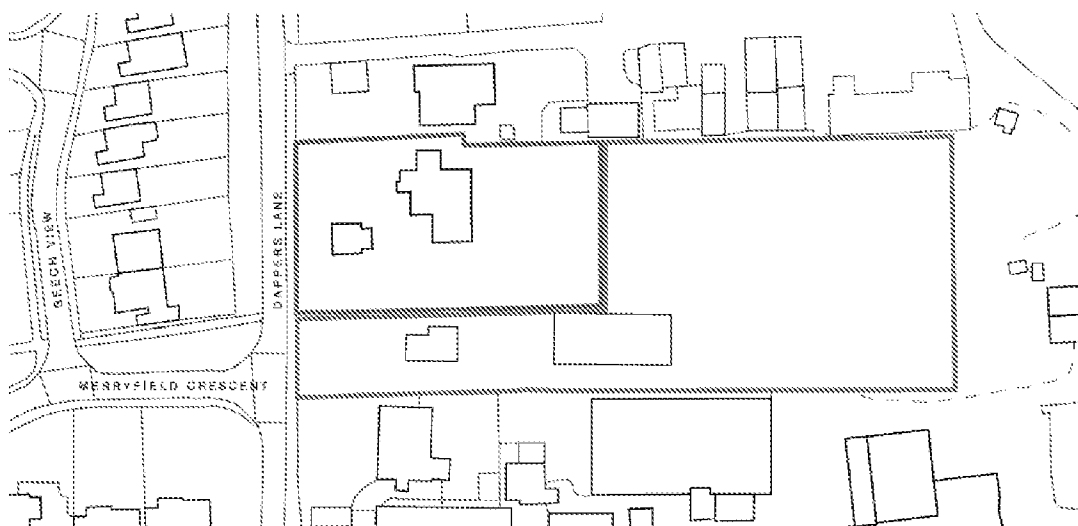


Figure 1: Site Context

- 2.4. There are several Bus Stops within a relatively close proximity of the site, with the closest being 45m from the southwest corner providing future residents of the proposed development with sustainable transport options. Angmering railway station is situated circa 2km to the south of the site providing sustainable connections region-wide. The village centre is located circa 580m walking distance from the site and is considered therefore to be sustainably located.
- 2.5. With regard to flood risk, the Governments flood map for planning does not identify the site as being at any risk of flooding.
- 2.6. The site is not identified to be within a Conservation Area and is not considered to be close enough to any of have any impact upon them. It is also located outside of the built up area boundary.
- 2.7. Angmering has several heritage assets within the village core. The closest heritage asset to the proposed development site is Weaver Cottage, opposite the foot of Dapper's Lane. The property is Grade II listed but given that the closest point of the site is circa 300m from the Cottage and that the Cottage is not visible from the site it is considered that there will be no direct impact on the Cottage's setting as a result of any form of development on the site.

ECE Planning

- 2.8. The site is bounded by residential development on the north, south and western sides of the site. The land immediately to the north of the site is made up of a light industrial units, with a collection of small single storey buildings, many of which also have flat roofs making for a low profile.
- 2.9. Outline planning permission for residential development has been granted at sites to the north of the site and the site itself has been identified as having development potential in the November 2016 Housing and Economic Land Availability Assessment (HELAA) (refer to site reference 82D).
- 2.10. The surrounding area is characterised by largely two storey residential development with some limited bungalow development. The design of residential development to the west is largely traditional in style.
- 2.11. Regarding the properties populating Dapper's Lane, Numbers 1 – 3 Styles Field are situated north west of the site (reference Figure 2). The buildings are largely traditional in character, predominantly made of brick with cladding / flint features. The buildings are all of two storeys and feature half hipped and gabled roofs. Further to this, as shown in Figure 2, the buildings are set back from Dapper's Lane.



Figure 2: Surrounding Character along Dapper's Lane

- 2.12. The set back forms part of a common, albeit irregular (sinuous), building line along the western side of Dapper's Lane. There is less of a defined building line on the eastern side of Dapper's Lane although again residential units are set back from the highway. The land and buildings on the eastern side of the highway are screened by a row of thick bushes.
- 2.13. The character of the area is thus considered to be suburban and semi-rural in character typified by large detached and semi-detached properties. Existing trees and vegetation contribute to the character of the area.

3. Planning History

- 3.1. A search of the planning history has been undertaken and the Council's planning register reveals that two planning applications for this site have been found.
- 3.2. **A/15/05/** - 'Single Storey rear extension' at The Laurels, Dapper's Lane, Angmering– Application permitted on the 16th March 2005.
- 3.3. **A/83/98/** - 'Extensions and alterations' at The Laurels, Dapper's Lane, Angmering– Application permitted on the 8th September 1998.
- 3.4. However, of interest is the proposal further north of the site for the approved development of Merry England Nursery. The application, reference A/142/16/OUT, sought outline planning permission for the demolition of existing buildings on the site and the erection of 18 No. dwellings laid out in a cul-de-sac style together with the provision of a pedestrian footpath adjacent to Dapper's Lane.
- 3.5. Another proposal to the north of the site is also of relevance. The recently approved development of **Crete Nurseries (reference A/178/17/OUT (17/01/2018))** sought outline planning permission for the demolition of existing outbuildings, retention of 1 no. dwelling and the erection of 6. No. dwellings. The plan for the scheme is illustrated in Figure 3.

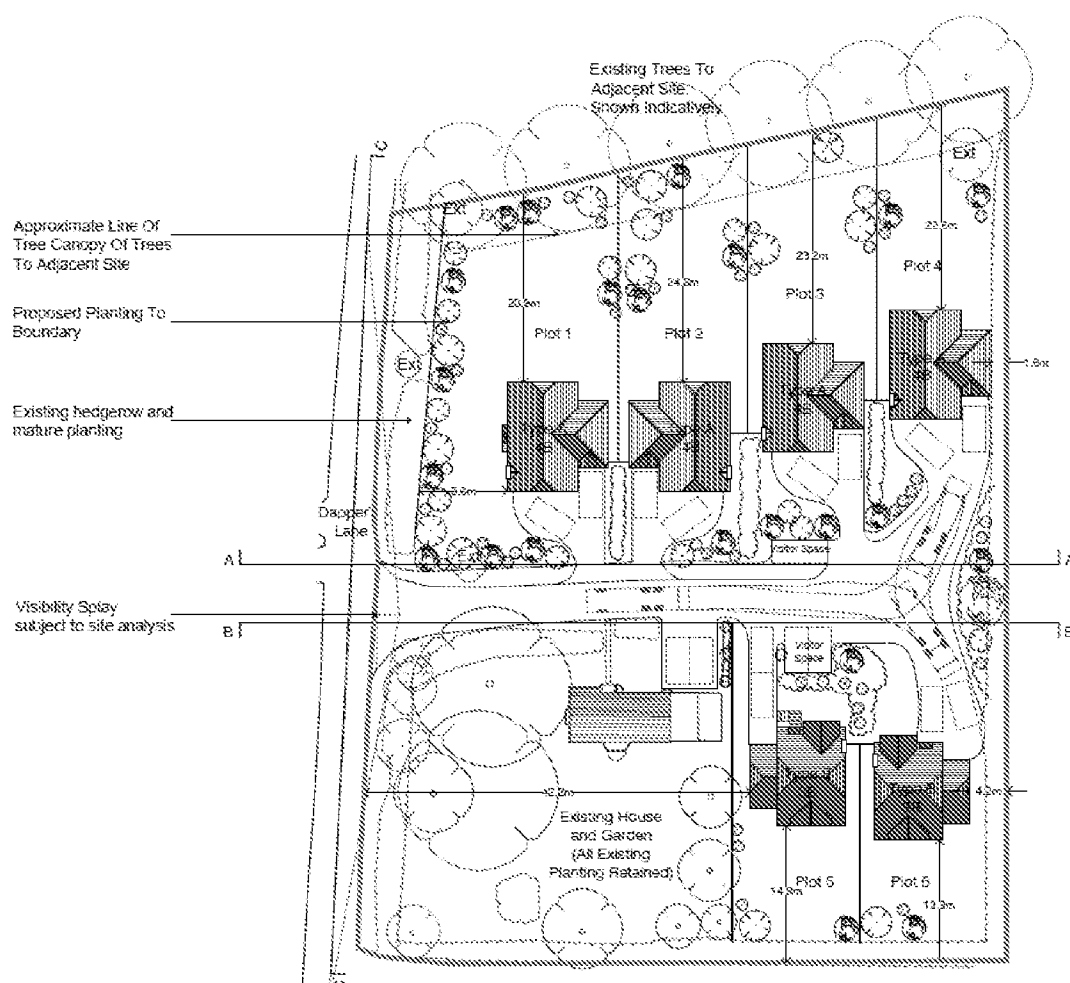


Figure 3: Site plan for application reference A/178/17/OUT

ECE Planning

- 3.6. Another permitted development to the south of the site at St Denys Nursery was approved in January 2016 for the demolition of existing greenhouse & erection of 8 No. light industrial units (B1 use) (**reference: A/31/15/PL**).
- 3.7. An application for the erection of 53 care apartments within Class C2, parking, access, footpath, landscaping & other associated works was approved in February 2017 at Broadlees further to the south (**reference: A/27/16/PL**).
- 3.8. An outline application with some matters reserved for the development of up to 525 residential dwellings (Class C3), 3 ha (gross) of employment land (Class B1), public open space, play areas, access, associated infrastructure and landscaping at land North of Water Lane Angmering (to the east of The Laurels) was submitted to the Planning Authority on 29 / 03/ 2018 and is yet to be determined.
- 3.9. These proposals clearly set the precedent for development on the eastern side of Dapper's Lane. This is considered in further detail within the Planning Appraisal section.

- [illegible]

- 4.2. The layout of the proposal has been designed around the existing access into the site, with a turning head located at the south eastern part of the site. Plots 3-9 are positioned to the rear of the site and are arranged around a north/south access road.
- 4.3. Pedestrian access is available directly from the site to the footpath on the opposite side of Dapper's Lane at Merryfield Crescent which provides access to the heart of the village.
- 4.4. The layout has sought to retain the open nature of Dapper's Lane with the proposed Plot 1 and 2 units set back a suitable distance from the highway respecting the inconsistent but set back nature of development on this frontage.
- 4.5. Plots 1 – 2 and 7 - 9 all feature two car parking spaces. Plots 3 - 6 all feature three car parking spaces and one space located in an attached car port. Four visitor spaces are located within a featured car barn. The proposal includes 30 spaces across the site in total.
- 4.6. In terms of landscaping, the proposal will provide all plots with boundary planting, this is to enhance the screening of the properties.
- 4.7. Two housing types are proposed (Type A (four bedroom properties), Type B (three bedroom properties) and Type C (two bedroom properties)). All housing types are traditional in style featuring chimneys, Sussex hipped roof, gables and dormers. Traditional materials (such as hanging tiles, brick and render) are proposed.

5. Policy Overview

5.1. Introduction

5.1.1. A key role of the planning system is to regulate the development and use of land in the public interest. At the heart of the planning framework are Statutory Development Plans, which seek to guide the decision making process. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires, that where the Development Plan contains relevant policies, an application for planning permission shall be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

5.1.2. In this case, the Development Plan comprises the adopted Arun District Local Plan (2003) and Angmering Neighbourhood Plan. The National Planning Policy Framework, the National Planning Policy Guidance and Supplementary Planning Guidance are material considerations. Further to this, Arun has an emerging Local Plan. The Plan has been taken into consideration but can only be afforded very limited weight.

5.2. National Planning Policy Framework (NPPF)

5.2.1. The Framework was adopted in 2012; at its heart is a presumption in favour of sustainable development. The idea of sustainable development is seen to be a 'golden thread' that runs through both plan-making and decision-taking. For decisions this means approving development proposals which accord with the development plan without delay, and where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole, or policies within the NPPF which indicate development should be restricted.

5.2.2. The presumption in favour of sustainable development is an important consideration in the determination of this application. In this respect, paragraph 14 of the NPPF states that this presumption is at the heart of the Framework, stating that:

*"At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.*

*For **plan-making** this means that:*

- *Local planning authorities should positively seek opportunities to meet the development needs of their area;*
- *Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, 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; or*
 - *Specific policies in this Framework indicate development should be restricted.*

*For **decision-taking** this means:*

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

ECE Planning

- 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; or
- Specific policies in this Framework indicate development should be restricted.”

5.2.3. Paragraph 47 of the NPPF aims ‘to boost significantly the supply of housing’. To do this, it is stated that local planning authorities should ‘use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs’. Moreover, paragraph 47 states that local planning authorities must identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing supply against their requirements with a 5% buffer. In addition, where there has been a record of persistent under delivery of housing, local planning authorities should increase this buffer to 20%.

5.2.4. Paragraph 49 supports 47, firstly stating that housing applications should be considered in the context of the presumption in favour of sustainable development. The paragraph then states that ‘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’.

5.2.5. As discussed in section 6, Arun District Council is unable to demonstrate a 5 year supply of deliverable sites. As such, paragraphs 47 and 49 are enacted, therefore meaning that local policy which relates to housing is considered to be out of date and there should instead be a strong presumption in favour of sustainable development.

5.2.6. Paragraph 111 seeks to encourage the effective use of brownfield land provided that it is not of high environmental quality.

5.3. National Planning Practice Guidance (NPPG)

5.3.1. The National Planning Practice Guidance (NPPG) was published by the Government in March 2014 and supplements those overarching objectives of the National Planning Policy Framework.

5.3.2. On the topic of 5 year housing land supplies, the NPPG states, within paragraph 033 of Housing and Economic Land Availability Assessment section, that ‘a 5 year supply is also central to demonstrating that relevant policies for the supply of housing are up-to-date in applying the presumption in favour of sustainable development’.

5.4. Strategic Planning Policy – Arun District Local Plan 2003

5.4.1. The Arun District Local Plan is the key documentation regarding development within the district. The plan consists of a statement of the Council’s land-use policies and comprises part of the Development Plan for the district, making it a key material consideration for the determination of the application. The plan covered the period to 2011, there is no replacement currently in place. In accordance with the requirement of the Planning and Compulsory Purchase Act of 2004, the Secretary of State directed that from the 27th September 2007, a schedule of ‘saved’ policies in the Local Plan would be used to guide development until it is replaced with the new Local Plan.

5.4.2. The key saved policies listed within the Arun District Local Plan which are deemed to be relevant to the proposed development are as follows:

- **Policy GEN2 – ‘Built-up Area Boundary’**
- **Policy GEN3 – ‘Protection of the Countryside’**
- **Policy GEN5 – ‘Provision of New Residential Development’**
- **Policy GEN7 – ‘The Form of New Development’**
- **Policy GEN8 – ‘Development and the Production of New Infrastructure’**

- **Policy GEN9 – ‘Foul and Surface Water Drainage’**
- **Policy GEN12 – ‘Parking in New Development’**

5.4.3. As Arun District Council cannot demonstrate a five year housing land supply and they only plan for housing provision up until 2011 policies which relate to the supply or distribution of housing are considered to be out of date.

5.5. Strategic Planning Policy – Angmering Neighbourhood Plan 2014 – 2019

5.5.1. The Plan was formally ‘made’ by Arun District Council on 11th March 2015 and is now seen as a material consideration for planning applications.

5.5.2. The Neighbourhood Plan lists several key policies which are seen to be directly relevant to the proposed development, these are as follows:

- **HD1 – Built up Area Boundary**
- **HD2 – Parish Allocation**
- **HD3 – Housing Mix**
- **HD4 – Materials**
- **HD5 – Built Form**
- **HD6 – Housing Layouts and Design**
- **HD7 – Housing Density**
- **HD8 – Parking for New Development**

5.5.3. Policy HD1 defines the built up area boundary and states how ‘*significant further development will encroach into the countryside*’. The policy encourages development within the built up area of Angmering.

5.5.4. Policy HD2 relates to the allocation of housing, however the allocation of houses within the area is seen to be taken directly from policies of the Emerging Arun District Local Plan 2011 – 2031, which, within their March 2017 Housing Implementation Strategy, identifies that there is not a 5 year supply of housing within the district – making it out-of-date. With regard to Policy HD1, it is strongly contended that this cannot be delivered within the identified built up area boundary and additional sites should be positively considered by the Council with regards to the tilted balance as set out with paragraph 14 of the Framework.

5.5.5. HD4 Materials seeks to encourage the use of locally used materials such as hanging tiles and renders (as proposed at The Laurels site).

5.5.6. Policy HD5 seeks plot widths to follow the character of the existing built form and that new buildings should be less than 2.5 storeys and should be well integrated with the character of the area. It is our view that the proposals are fully compliant with this policy.

5.5.7. Policy HD7 requires development to meet appropriate housing densities as appropriate to the surrounding area. The proposal at The Laurels is considered to provide for a suitable density in this respect.

ECE Planning

5.6. Written Ministerial Statement (WMS) with regard to Neighbourhood Planning

5.6.1. On 12th December 2016 the Minister of State for Housing and Planning issued a Written Ministerial Statement (WMS) in respect of Neighbourhood Planning responding specifically to circumstances where neighbourhood plans are in the government's view undermined because a local planning authority cannot demonstrate a five-year land supply. The WMS clarifies that policies for the supply of housing in made neighbourhood plans should not be considered out of date under paragraph 49 of the Framework where all of the following circumstances arise at the time the decision is made. The circumstances are:

- *This Written Ministerial Statement is less than 2 years old, or the neighbourhood plan has been part of the development plan for 2 years or less;*
- *the neighbourhood plan allocates sites for housing; and*
- *the local planning authority can demonstrate a three-year supply of deliverable housing sites.*

5.6.2. In the case of the Angmering Neighbourhood Plan, whilst it has been part of the development plan for more than 2 years (it was made on 11th March 2015), the WMS is less than 2 years old. Therefore, the first criterion is met. The Angmering Neighbourhood Plan does allocate sites for housing and accordingly it also meets the second criterion. However, in this instance, Arun District Council acknowledges that it can only demonstrate 1.9 years of housing supply. As such, the local planning authority is unable to demonstrate a three year supply of deliverable housing sites – failing the third criterion.

5.6.3. Therefore the WMS confirms that any relevant policies for the supply of housing in the Angmering Neighbourhood Plan should be considered 'out of date' in the context of paragraph 49 of the National Planning Policy Framework.

5.7. Emerging Arun Local Plan 2011 – 2031

5.7.1. The Council is in the process of preparing a new Local Plan. The Publication Version of the Local Plan made provision for 580 dpa in the period 2011 -2031. Following an examination hearing session in January 2016 and in light of subsequent further evidence to identify housing needs, the Council now accepts that its Objectively Analysed Needs is 919 dpa.

5.7.2. The Council's approach to dealing with this need is through a stepped method of housing delivery over the plan period. Policy HSP1 of the emerging local plan provides for a total of 20,000 homes over the plan period (2011-2031, 1,000 dpa on average), it is the Council's view however that this will not be achievable in the early part of the plan period. Bringing in the Council's stepped approach, they suggest that housing delivery be started at a lower requirement of 610 dpa between the years 2011-2015. Moving forward, the Council aims to deliver 930 dpa between the years 2016-2020, 1,310 in the period 2021-2025 and finally 960 dpa in the years 2026-2031. The approach is currently subject to consultation, and has not been tested through the examination process (although the Examination in Public is due to commence imminently).

5.7.3. Having regard to the provisions of Paragraph 216 of the Framework, it is considered that given the early stage of preparation of the Local Plan that the policies contained therein should be given very limited weight.

5.7.4. However, it is considered that the current application for 9 new dwellings at The Laurels, Angmering, does not conflict with the relevant policies of the emerging Local Plan in any event as the plan acknowledges the need for greenfield development on suitable sites to meet housing requirements to 2031. The plan additionally enables the delivery of 1,250 homes on unallocated non-strategic sites, part of which could come forward on suitable sites in Angmering.

ECE Planning

5.8. Housing Implementation Strategy March 2017

5.8.1. The Council has prepared a Housing Implementation Strategy as an evidence base document to support and justify the Council's proposed modifications to the emerging Local Plan. It sets out the Council's housing strategy and approach to housing land supply and affordable housing provision.

5.8.2. Section 5 of the document sets out the Council's approach to addressing their housing land supply shortfall experienced by the Council. Paragraph 5.2 confirms that a fundamental part of the Council's strategy is:

"... to invite planning applications immediately on identified HELAA sites as well as possible first phases on sites included in the Plan as Strategic Sites Allocations. Whilst it was never expected that this would address all of the short term issues, it was considered to be essential in ensuring that the Council was looking at all options in increasing supply in the short term."

5.8.3. The application site is included within the Council's HELAA under site reference 82D and is considered deliverable. It is our view that the site is suitable, deliverable and developable and would therefore aid the Council in meeting their short term shortfall in housing supply as set out within the Housing Implementation Strategy. The sites availability is summarised that the owner confirms the availability in the next five years.

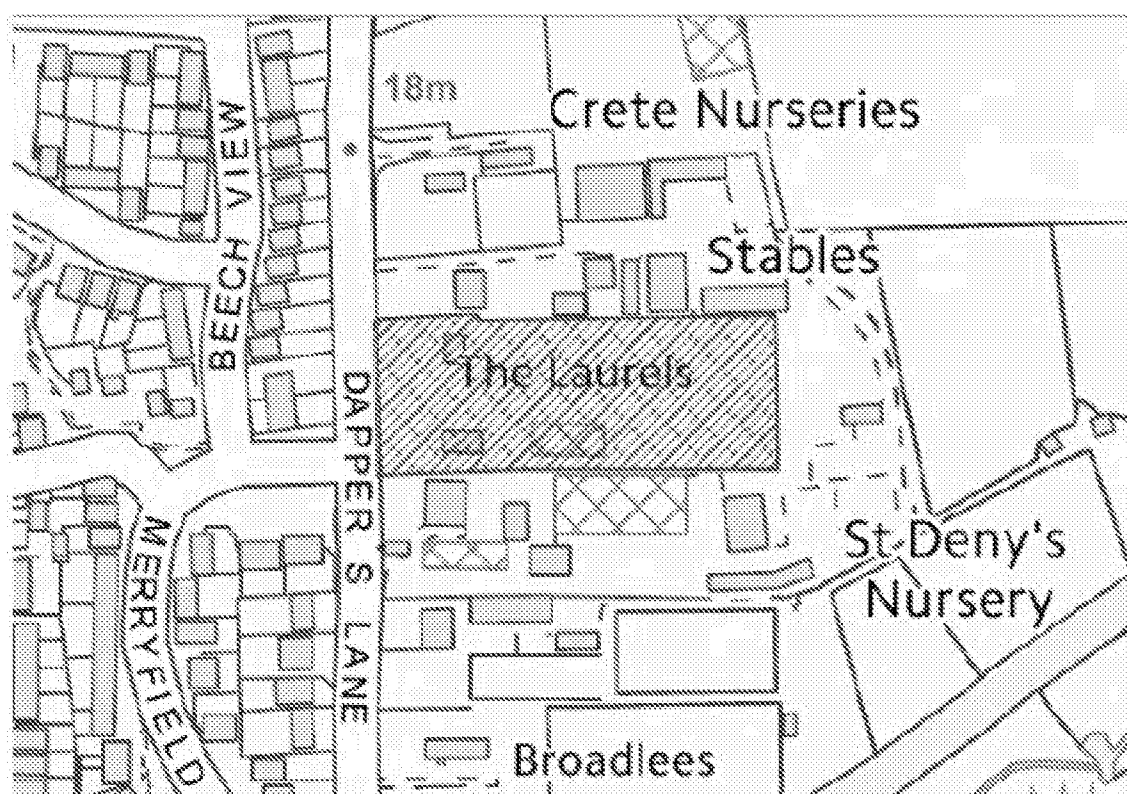


Figure 5: HELAA Site Reference 82D

5.8.4. The Council's HELAA notes:

'The site is considered to be in a suitable location although currently outside the built up area - existing residential development across the road and potential allocation site to the rear'

ECE Planning

5.8.5. Subsequently the site is considered to be deemed appropriate for development and indeed would meet the Housing Implementation Strategy requirement to invite planning application on such sites. Furthermore, the site is virtually enveloped by other such permissions and applications currently under consideration (refer to the Planning History section of this report).

5.8.6. The HELAA suggested yield was 28 units including the area of the existing house on the site. Given the density of area and of those recent permissions to the north of The Laurel's and the smaller site area, it is considered that the provision of nine residential dwellings on the site is appropriate.

5.9. Policies Relevant to the Supply of Housing

5.9.1. The recent Supreme Court decision (Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) [2016] EWCA Civ 168, [2015] EWHC 132 (Admin) and [2015] EWHC 410 (Admin)) clarifies that "relevant policies for the supply of housing" applies the "narrow" interpretation of the term which it explains as:

i) Narrow: limited to policies only with the numbers and distribution of new housing, and excluding any other policies of the development plan dealing generally with the disposition or restriction of new development in the authority's area.

5.9.2. The judgement highlights that if there is a five-year housing land supply shortfall, "it matters not whether the failure is because of the inadequacies of the policies specifically concerned with housing provision, or because of the over-restrictive nature of other non-housing policies". The shortfall is enough to trigger the operation of the "tilted balance" in the second part of paragraph 14 of the NPPF and that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF's policies taken as a whole, or where specific policies in the NPPF indicate development should be restricted.

5.9.3. Where development proposals accord with the development plan, Section 38(6) of the Planning and Compulsory Purchase Act 2004, and paragraph 14 of the Framework, requires that consent is granted without delay. Where a proposal does not comply with the contents of the development plan, but where policies for the supply of housing are out of date, (as they are in the Local Plan and Neighbourhood Plan), the tilted balance that permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework or specific policies in the Framework indicate that development should be restricted.

6. Housing Delivery

6.1. National Approach to Housing Delivery

- 6.1.1. The National Planning Policy Framework states how, within paragraph 47, local planning authorities should aim to *'boost significantly the supply of housing'*. Further to this local planning authorities are required to meet their full objectively assessed need for both market and affordable housing and that they must be able to identify a five-year supply of deliverable housing sites.
- 6.1.2. Leading on from paragraph 47, paragraph 49 states that *'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'*. A failure to demonstrate a five year-supply of housing engages paragraph 14 of the NPPF. The paragraph states that where the relevant policies within the development plan are out-of-date, local planning authorities should grant permission unless *'any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'*.

6.2. The Housing Needs in Arun

- 6.2.1. Over the past several years Arun's objectively assessed housing need has risen considerably. Looking back to the preparation of the Arun District Local Plan, the Council identified within the Publication Version that there was an objectively assessed need of 580 dwellings per annum for the district. However, GL Hearn & Partners identified in March 2015 that the objectively assessed need had risen to 758 dwellings per annum.
- 6.2.2. Following on from this, an examination was conducted less than a year later in January 2016, where the Local Plan inspector confirmed within written conclusions dated 2nd February 2016 that the objectively assessed need had increased to 845 dwellings per annum. In addition to other neighbouring authorities, the report specifically refers to meeting the unmet housing need identified in Worthing through the Duty to Cooperate.
- 6.2.3. A further study was completed by GL Hearn in September 2016 which identified statistics which showed a stronger population growth – a growth of 20.4% over the 2011-31 plan period. Stronger population growth, driven by higher expected net in-migration, resulted in an increase in the objectively assessed need to 919 dwellings per annum. The figure of 919 dwellings per annum has been adopted by the Council for the purposes of policy formulation in its emerging Local Plan and its land supply calculations.
- 6.2.4. The latest figures identify how Arun District Council need to identify suitable sites for a significantly higher level of housing provision than that set out in the Public Version Local Plan.

6.3. Housing Delivery in Arun

- 6.3.1. The Arun Local Plan was adopted in 2003 – however, due to frequent large changes in the Council's objectively assessed need it would be wholly inappropriate to carry forward the housing delivery targets set out by this plan. The plan accounts for a housing requirement in the district of 8,700 dwellings between 1996 and 2011 at an annual rate of 580 dwellings.
- 6.3.2. The current objectively assessed need figure for the district of 919 dwellings per annum was calculated on the basis of 2014 household projections, the base date of the calculation is 2011. Since 2011, the Council has not achieved the objectively assessed need level of housing provision in any year, accumulating a shortfall between 2011/12 and 2015/16 of approximately 1,578 homes.

6.4. 5 Year Land Supply

6.4.1. A public enquiry appeal which followed an application in Arun District for 108 residential dwellings (on land off Burndell Road, Yapton) and which was called in by the Secretary of State for determination (APP/C3810/V/16/3158261) was recommended for approval on the 17th October 2017.

6.4.2. The secretary of state considered that the main issues included housing land supply and noted the decision...

'The Secretary of State has carefully considered the Inspector's analysis at IR171-175. He notes the main parties agreement that there is a persistent undersupply of housing locally, that the 20% buffer should be applied, and that the assessed housing land supply is 1.9 years at maximum. He notes that the main parties also agree that the Objectively Assessed Need (OAN) will need to be substantially higher than the 580 on which the YNP was based (IR171).'

6.4.3. It is considered therefore that the significant size of the housing land supply shortfall is a material consideration which, having regard to the provisions of paragraph 47 should be afforded significant weight. In the context of paragraph 49 of the Framework, this significant land supply shortfall renders the development plan policies for the supply of housing out of date and engages the titled balance set out in paragraph 14 of the Framework.

7. Planning Appraisal

7.1. Introduction

7.1.1. The principal issues in relation to this development are as follows:

- **Principle of Development;**
- **Design, Form and Appearance;**
- **Housing Mix**
- **Affordable Housing**
- **Residential Amenity;**
- **Ecology;**
- **Arboriculture;**
- **Access and Parking;**
- **Drainage and Flood Risk**
- **Three Pillars of Sustainable Development**

7.1.2. These issues are discussed independently below however are inherently linked and have been considered as such throughout the preparation of the plans to ensure a sustainable form of development.

7.2. Principle of Development

7.2.1. The site is identified in the Adopted Arun District Local Plan 2003 and the Made Angmering Neighbourhood Plan (2014) as being outside the settlement boundary for Angmering.

7.2.2. Saved Policy GEN 2 of the Adopted Local Plan states that outside of the built-up area boundaries development will not generally be permitted. Policy GEN3 confirms that all land outside the defined built up area boundaries is “countryside” which is protected “for its own sake”. The application scheme is contrary to Policies GEN2 and GEN3. These policies were defined having regard to development requirements as they were understood in 2003, and the Adopted Local Plan made provision only for the period covered by the Plan which was 1996 – 2011.

7.2.3. The Adopted Local Plan does not seek to identify, let alone plan for, the objectively assessed need for housing as required by paragraph 47 of the Framework. As such it is wholly inconsistent with this fundamental element of the National Planning Policy Framework.

7.2.4. Policy GEN3 states that it seeks to protect the “countryside” for its own sake. This approach is contrary to the requirements of the Framework which adopts a more positive approach. Paragraph 17 of the Framework provides core land-use planning principles and states that planning should “take account of the different roles and character of different areas, promoting the vitality of our main urban area, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it”. The difference of approach between Green Belt and countryside is relevant as it requires the character and beauty of the countryside to be “recognised” whereas the Green Belt should be “protected”. Paragraph 109 makes clear also that “protection” applies only to “valued” landscapes. It is clear that the application is not the subject of any national or local level landscape quality designations, and is not a “valued” landscape within the terms of the Framework.

7.2.5. The recent Supreme Court decision referred to earlier makes clear the distinction between ‘out of date’ policies in relation to Paragraph 49. However, we strongly contend that the Arun Local Plan is in fact out of date in that its period extended only to 2011 and that it is inconsistent with the aims of the Framework. It is clear therefore that Local Plan Policies GEN2 and GEN3 are inconsistent with core elements of the Framework and therefore should only carry little or very limited weight.

ECE Planning

- 7.2.6. The Council cannot demonstrate the required 5 year land supply. As such relevant policies for the supply of housing (which includes GEN2) and relevant Neighbourhood Plan Policies (Policies HD1, HD2 and HD3) are also considered to be out of date having regard to the provisions of paragraph 49 of the Framework. As set out above the recent Supreme Court judgement emphasised that a five year land supply shortfall is enough to trigger the operation of the "tilted balance" in the second part of paragraph 14 of the NPPF and that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF's policies taken as a whole, or where specific policies in the NPPF indicate development should be restricted
- 7.2.7. Section 7.11 below sets out how the proposed development would generate economic, social and environmental benefits. This Planning Appraisal Section illustrates that there are no adverse impacts that would significantly and demonstrably outweigh these benefits.
- 7.2.8. Notwithstanding this point, the proposal is entirely compliant with emerging policy and housing strategy for Arun which seeks to encourage applications on deliverable HELAA sites in the short term. There is a clear acknowledgement therefore that further development outside of the built up area boundary is acceptable within Angmering and this is established in the Housing Implementation Strategy. Furthermore, the site is virtually enveloped by development sites with planning permission for residential / light industrial uses or with applications that are pending a decision by the Local Planning Authority.
- 7.2.9. It is therefore considered that in this context, the principle of development is acceptable.

7.3. Design, Form and Appearance

- 7.3.1. The proposal is considered to be entirely in keeping with the character of the surrounding area and consists of detached and semi-detached, two storey properties as characterised by the existing development along Dapper's Lane (as well as the proposed developments surrounding the site).
- 7.3.2. Existing development on the western side of Dapper's Lane predominantly faces onto the street. Residential development on the eastern side of Dapper's Lane consists of a mixture of front facing and flank facing development. Plots 1 and 2 have been designed to front onto Dapper's Lane reflecting the development of both properties to the north and south of the site. A substantial set back is proposed reflecting the nature of development on the eastern side of Dapper's Lane.
- 7.3.3. The retained vegetation and proposed increased planting on the western boundary will maintain and enhance the existing tree lined and vegetated nature of Dapper's Lane. Whilst the proposal will be visible from Dapper's Lane, the existing and proposed boundary treatment will largely screen the development from view. The units have been set back within the site to reduce any perceived impact.
- 7.3.4. The existing access will be modified and this will change the appearance of the site, it is considered that this approach is entirely in keeping with the residential character and form of development in the vicinity.
- 7.3.5. Materials will be confirmed at Reserved Matters stage, however, a traditional palette of hanging tiles, brick and render is considered appropriate and in keeping with the surrounding character. Please refer to the Design and Access Statement for further details.

ECE Planning

7.4. Housing Mix

- 7.4.1. The proposed development consists of a mix of two, three and four bedroom properties. The policies contained within the adopted Arun Local Plan, the emerging Arun Local Plan and the Angmering Neighbourhood Plan seek a mix of housing for new development sites to include an element of smaller units.
- 7.4.2. The wider area is considered to be characterised by larger three and four bedroom properties in spacious plots. The scheme has sought to deliver an element of smaller two bedroom properties to meet the requirements of policy and provide a mixed sized development on the site. The delivery of a mix to include a smaller proportion of smaller two bedroom properties is considered acceptable in policy terms.

7.5. Affordable Housing

- 7.5.1. Paragraph: 031 Reference ID: 23b-031-20160519 of the National Planning Policy Guidance states:

“There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and should be taken into account. These circumstances are that;

- **contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm;**
- *in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less.*

- 7.5.2. The development proposal fully accords with this guidance. The proposed scheme seeks permission for the erection of 9 dwellings, and the combined gross floorspace does not exceed 1000sqm.
- 7.5.3. Therefore, contributions for affordable housing should not be sought by the Council from this scheme.

7.6. Residential Amenity

- 7.6.1. The proposed development is not seen to impact upon the amenity of those surrounding residential properties and neighbouring development to the west. The proposed development site is well contained being bounded by hedgerows and trees on most boundaries. The development on Dapper's Lane fronts onto Merryfield Crescent and is nevertheless well set back to be entirely acceptable in residential amenity terms.
- 7.6.2. With regards to the distances between the proposed Plot 5 and 6 and The Laurels, at 41m this relationship is considered entirely acceptable.
- 7.6.3. With regards to the neighbouring bungalow to the south of the site on Dapper's Lane, the proposal is set in excess of two metres to the north. The relationship between the bungalow and the proposed new development would be that of flank wall to flank wall and is considered to be acceptable. There are no windows on the northern elevation of the existing bungalow.

ECE Planning

- 7.6.4. In terms of the outlook enjoyed by residents of the bungalow from within to the rear garden of their property, the proposal would not break the 45 degree angle rule of thumb from the rear windows and is therefore considered to be acceptable. The proposal is also located to the north which results in no harm to the daylight / sunlight that the property to the south currently enjoys.
- 7.6.5. The separation distance between plots 1, 2 and 3 is circa 45m and is ample in residential amenity terms.
- 7.6.6. Sites adjacent to the site to the north and south fall within use class B1 or are consented for B1 uses. The site itself has been identified within the Council's HELAA as a developable site. The existing / proposed use of B1 is not considered to cause any impact to future occupiers in terms of residential amenity.

7.7. Ecology

- 7.7.1. With regard to ecology, a Preliminary Ecological Appraisal and Preliminary Protected Species and Bat Roost Assessment Survey by Lizard Design and Ecology has been completed for the proposed development site.
- 7.7.2. The Appraisal recommended a full reptile survey to determine whether reptiles are present and to devise a suitable mitigation plan for the proposals. It is considered that this would be undertaken at the Reserved Matters stage and could be required through a suitably worded condition.
- 7.7.3. The appraisal also confirmed that whilst there are several ponds within the local area, and the site contains suitable terrestrial habitat for amphibians, surveys undertaken in 2016 for other developments within Angmering have not discovered the presence of Great Crested Newts within these ponds and as such no further survey is recommended for Great Crested Newts.
- 7.7.4. The Laurels shown within the blue edge offer 'high' bat roost potential. The garage is also considered to offer 'low' bat roost potential. The house and surroundings are to be retained as they are and as such, no further survey was recommended for the house.
- 7.7.5. Further mitigation measures are proposed to ensure development is acceptable in ecology terms. Any proposed development would be required to adhere to these measures and this could be satisfactorily covered by a planning condition.

7.8. Arboriculture

- 7.8.1. The planning application is supported by a package of Arboricultural documentation including:

Tree Constraints Plan

Tree Retention and Protection Plan

Existing Tree Schedule

Arboricultural Impact Assessment and Method Statement

- 7.8.2. The proposal seeks the removal of a number of low quality C category immature trees, shrubs and ornamental planting. The scheme has however been designed to retain as much as possible with respects to the higher quality existing vegetation.
- 7.8.3. A row of B category leylandii are proposed for removal on the north boundary of the site. The arboricultural assessment notes:

ECE Planning

The Leyland cypress treeline along the northern boundary is a large, dominant feature of the site. The trees offer 'moderate' overall value, but little true arboricultural value or screening to the site itself and are oversized for the site. The trees are also very close to buildings in the adjacent property. The treeline's removal would allow the planting of a native, evergreen yew treeline in its place.

7.8.4. The report also notes:

A relatively large quantity of trees, hedges and shrubs are proposed for removal through the development proposals. The majority of this vegetation is ornamental in value, providing low-level screening within the site only, and it does not provide significant screening outside of the site. The proposals have been designed to retain existing trees and shrubs where possible; a large number of trees and shrubs would be retained within rear gardens; in particular a high proportion of the plantation woodland trees to the east of the site. The plantation woodland is yet to reach a significant size, and those trees nearer the boundaries would be retained to provide screening and wildlife habitat as they mature.

7.8.5. Subsequently the proposal is considered to be acceptable in arboricultural terms. The recommendations of the Arboricultural Method Statement should be adhered to.

7.9. Access and Parking

7.9.1. The proposal is accompanied by a Transport Statement and Road Safety Audit. The Transport Statement notes compliance with WSCC parking standards and parking. It is proposed that a total of 30 parking spaces will be provided on site for residents and visitors consisting of 26 residential spaces and four visitor spaces.

7.9.2. Access will be designed to WSCC standards with adequate visibility splays, dropped curbs and tactile paving. The proposed development was assessed as having no impact on the local highway network. The statement noted that there were no unacceptable highway or transport impacts as a result of the proposed development. The RSA noted that vegetation would need to be trimmed to ensure adequate visibility splays.

7.9.3. The proposed development is considered to be located within a sustainable location and enjoys direct access on the pedestrian network at Merryfield Crescent. This provides adequate connectivity to sustainable transport options (bus stops) and pedestrian access to Angmering village centre. The village centre (which provides for a range of shops and services) is located within a reasonable walking distance of the site.

7.10. Drainage and Flood Risk

7.10.1. The application site is situated within Flood Zone 1 an area of land with low probability of flooding where all land uses are appropriate. The site is also at low risk from surface water flooding and of negligible risk of ground water flooding.

7.10.2. Foul water proposal will be served by the provision of septic tanks.

7.10.3. It is considered that a suitably worded surface water, and foul water drainage strategy could be secured through conditions.

7.11. Three Dimensions of Sustainability

- 7.11.1. As demonstrated above, the relevant policies for the supply of housing in both the Adopted Local Plan and Angmering Neighbourhood Plan are out of date having regard to the provisions of paragraphs 215 and 49 of the National Planning Policy Framework.
- 7.11.2. Both of these provisions engage the second part of paragraph 14 of the Framework relevant to decision taking which states the presumption in favour of sustainable development that requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole – the ‘tilted’ planning balance that specifically favours the grant of permission. The proposed benefits of the scheme most notably include:

Economic Benefits

- I. The creation of construction jobs;
- II. The creation of other jobs in supply chain and wider construction related activities;
- III. Additional household expenditure and tax income benefitting the local area

Social Benefits

- I. The delivery of 9 new homes in a District with a very significant and serious shortfall. Having regard to the objective at paragraph 47 of the Framework to “boost significantly the supply of housing”; this is a benefit to which significant weight should be afforded.
- II. Development in a sustainable location in a settlement with a suitable range of facilities to support future residents.

Environmental Benefits

- I. Protecting and enhancing the natural, built and historic environment by developing on a site with no specific environmental or heritage designations, and in a way that will cause no unacceptable harm to the wider landscape and no harm to the significance of heritage assets or their setting.
- II. The proposal will deliver a range of measures to improve and prove net gains to biodiversity.
- III. The sustainable location of the proposal means that future residents have the option of using sustainable forms of transport for everyday trips to use services / facilities.

- 7.11.3. It is considered therefore that the proposed development would generate significant economic, social and environmental benefits and that there are no adverse impacts that would significantly and demonstrably outweigh said benefits.

8. Conclusions

8.1. The proposed development is for

“Outline Planning Permission with all matters reserved except for access for the demolition of existing outbuildings and the erection of nine two storey dwellings consisting of two no. two bedroom dwellings, three no. three bedroom dwellings and four no. four bedroom dwellings.”

8.2. The proposal has been assessed against all relevant National planning guidance, local planning policies and other material considerations and has found to be acceptable. The design of the proposal has been fully informed by the context of the site. Whilst the application is for outline permission with all matters but access reserved for determination at a later date, it is strongly contended that the scheme is fully in keeping with its surroundings in relation to the proposed use, its design, form, layout and appearance.

8.3. The proposal is seen to have no impact on the residential amenity of neighbouring properties and is contended to make an effective and efficient use of the site. The site is located within a sustainable location with access to several bus stops, Angmering Station and the village of Angmering itself.

8.4. The studies and assessment carried out on the site confirm that there are no physical or environmental constraints that would prevent the principal of residential development or require disproportionate development costs to provide the necessary site infrastructure. The surrounding neighbouring land uses are suitable for a residential development on the application site. Access will be secured from Dapper's Lane with no identified impacts of development.

8.5. It is strongly contended that the land is suitable for a residential development, with similarly approved residential development located to the north of the site and being positively identified within the Council's HELAA as developable within the first five years. In this regard, as with the site to the north, the proposal is in accordance with Paragraph 49 of the NPPF and the WMS which requires that housing applications should be considered in the context of the presumption in favour of sustainable development (the tilted balance). As the District Council cannot demonstrate a three year supply of deliverable housing sites, policies relating to the supply of housing should be considered out of date and accordingly afforded very limited weight. Notwithstanding this point, the proposal is entirely compliant with Arun's approach to housing delivery which seeks to invite applications on deliverable HELAA sites to meet short term needs

8.6. It is considered that the proposed scheme provides economic, social and environmental benefits which demonstrably outweigh any negative effects of the proposed development. Having regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 14 of the National Planning Policy Framework we strongly contend that planning permission should be granted.

8.7. The Council is therefore respectfully requested to grant outline planning permission with all matters except for access, reserved for later determination.