

PLANNING APPLICATION REPORT

REF NO: BN/6/10/

LOCATION: The Lillies Holiday Park
Yapton Road
Barnham

PROPOSAL: Outline application with some matters reserved for 36 no. houses. (This application is a departure from the development plan)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Outline planning permission is sought for 36 dwellings. Mean of access is not to be reserved. The site is 1.2 hectares and the proposals would result in a density of around 31 dph. A new vehicular access onto Yapton Road is proposed but a new access in this location, of similar design and proportions, has already been granted planning permission. The existing use of the site is for touring pitches/caravans, some of which are restricted to eight months of the year only. There is also approval for 11 timber holiday lodges in the area of the site with a previous permission for touring caravan pitches. Applicant states that continuing use as a caravan park is unviable as bookings have decreased. 40% affordable housing is proposed within the scheme.
SITE AREA	1.2ha
RESIDENTIAL DEVELOPMENT DENSITY	31 dph
TOPOGRAPHY	Predominantly flat
TREES	10 trees surveyed within the site - all of which are classed as C or R category trees and suggested for removal.
BOUNDARY TREATMENT	High hedging on three sides of the application site with a small number of trees within.
SITE CHARACTERISTICS	Tourist accommodation at a fairly intensive scale. Existing structures are single storey, with the exception of the dwelling on the Yapton Road frontage.
CHARACTER OF LOCALITY	Application site currently comprises tourism uses in the countryside but close to the village of Barnham. The area

around the application site comprises many horticultural uses and there are also a number of residential dwellings to the north and east of the application site.

RELEVANT SITE HISTORY

BN/26/97/CLE	Application for a Certificate of Lawfulness for existing use of land for the stationing of caravans for residential purposes (maximum number of 2 at any one time) Re-submission following BN/14/95/CLE	Approve 10-11-1997
BN/9/00/	Increase no. of touring pitches on area edged green to 14 thus cancelling use by caravan club members only but maintaining all year opening to accommodate perennial holiday makers. Plus use of area edged red for 16 touring pitches from 1st March to 31st October.	Approve Cond 31-03-2000
BN/23/00/	Increase number of residential pitches on area edged in green by 13	Refused 13-09-2000 Appeal: Dismissed 16 02 2001
BN/36/05/	Four additional touring pitches for all year use. Five additional touring/ holiday caravan pitches for use of 8 months of year (1st March to 31st October)	Approve Cond 01-02-2006
BN/20/07/	Change of use of land from a touring caravan site to use for the siting of 11 timber holiday lodges with ancillary infrastructure and new internal accessway	Approve Cond 17-10-2007
BN/27/07/	Change of use of land to allow for the siting of one timber lodge for use as permanent accommodation by a manager or site warden.	Refused 17-10-2007 Appeal: Dismissed 25 04 2008
BN/25/07/	New toilet and shower block, reception building and open air swimming pool	Approve Cond 17-10-2007
BN/34/07/	Change of use of land to allow the siting of 2 additional static/touring caravans together with the reorganisation of the existing static/touring caravan layout & extension of the permitted season from 8 to 12 months per year.	Approve Cond 17-01-2008

BN/13/08/

Relocation of existing access to the Lillies Caravan Park. Alteration of existing access & new hedge planting & new 1.2m high timber fence to Yapton Road Boundary

Approve Cond
08-07-2008

REPRESENTATIONS

Representations received:

Barnham Parish Council

Barnham Parish Council - Object

- Outside built up area
- Unsustainable strain on overburdened local sewage system
- Inadequate provision for surface water drainage
- Lack of employment opportunities
- Traffic generation on busy road
- Lack of available places at local schools
- Intolerable pressure on local service and infrastructure

6 letters of objection

- Previous permissions for holiday uses have not been fully implemented
- No road side lighting on Yapton Road
- Site outside of built up area
- Would begin a creeping of development outside defined village
- Major traffic congestion impacts
- Concern over impact on drainage, sewage, doctors and schools infrastructure
- Narrow and inadequate footpath on Yapton Road
- Vital to maintain semi rural landscape character between Yapton and Barnham
- Disproportionately large development
- Development will change the designation of the land from green field
- More development will create more localised flooding
- Negative impact on wildlife

Comments on Representations received:

The comments of the Parish Council are noted and, largely, agreed with in the reasons for refusal.

CONSULTATIONS

WSSCC Local Development Divis.

Southern Water Planning

Environment Agency

West Sussex Primary Care Trust

Parks and Landscapes

Horticulturist

Environmental Health

Planning and Housing Strategy

Consultations responses received:

Environment Agency - object to the proposals on water quality and flood risk grounds.

- FRA does not comply with PPS25 and does not provide a suitable basis for assessment
- FRA fails to provide satisfactory method of surface water disposal

- Area suffers from very high groundwater levels and soakways do not normally function effectively
- No evidence that permeability testing has been carried out
- Proposals involve connection to main foul sewer which may pose unacceptable risk of pollution to water quality
- Insufficient information submitted to demonstrate there will be no increase in flows as a result of the development
- Existing significant problems in Barnham

Southern Water

- Inadequate capacity in local network to provide foul sewage disposal to service development
- Existing properties may be subject to greater risk of flooding as a result
- Off site sewers or improvements to existing will be required to provide sufficient capacity
- Not clear how SUDS can be accommodated within proposed layout
- Recommend conditions and an Informative

Environmental Health

- Noise assessment necessary to inform detailed plans to determine noise mitigation

Economic Development

- Current owners have discontinued the quality assurance programme which does not allow then to advertise through Arun DC. This has restricted marketing opportunities
- Evidence on other sites that there is strong demand for this type of tourist accommodation
- Previous owners ran a successful and thriving business

WSCC Local Development Division - Object

- Principle of new vehicular access accepted
- Stage One safety audit is acceptable
- Proposals do not result in any capacity issues on the network
- Site sustainably located with range of facilities within walking distance
- No objection in highway terms
- No Strategic Ecological Objection to principle of development but any detailed applications will need to be supported by recommended surveys.
- Financial contributions towards schools infrastructure, library and Fire & Rescue.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

DEVELOPMENT PLAN POLICIES

South East Plan:	SEPCC6	Sustainable Communities and Character of the Environment
	SEPH1	Regional Housing Provision 2006-2026
	SEPH2	Managing the Delivery of the Regional Housing Provision
	SEPNUM5	Conservation and Improvement of Biodiversity
	SEPNUM11	Development Design for Energy Efficiency & Renewable Energy
	SEPBE4	The Role of Small Rural Towns (Market Towns)

Arun District Local Plan:	SEPSCT6	Affordable Housing
	GEN2	Built-up Area Boundary
	GEN3	Protection of the Countryside
	DEV37	Existing Caravan Sites
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	DEV17	Affordable Housing
	GEN20	Provision of Public Open Space within New Development

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS7	Sustainable development in rural areas
PPS9	Biodiversity & Geological Conservation
PPS25	Development and Flood Risk

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

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."

The proposals are not considered to comply with relevant Development Plan policies in that they would have a materially adverse effect on the visual amenities of the locality and an adverse impact upon the established character of the surrounding area. There are also technical matters that are unacceptable.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

At the outset, it is acknowledged that the applicant took the opportunity to submit the proposals as a result of the application on the adjoining site being submitted and in the hope that, should that have been granted planning permission, these proposals would also have been considered favourably. That application did not receive planning permission. If it had, and had there been a mechanism in place to ensure joint delivery of the site, the conclusions on matters of principle are likely to have been different.

However, following that refusal, the applicant has confirmed that they would like the application determined and the following conclusions are reached on this basis.

PRINCIPLE & PLANNING POLICY

The development plan for the determination of planning applications is the Arun Local Plan (2003) and the South East (SE) Plan (2009).

The application site lies outside of the defined built up area of Barnham. It is not adjoined by built up development and has agriculture/horticulture and open space uses adjoining it. There are sporadic residential dwellings on the opposite side of Yapton Road but not across the whole of the site frontage. Residential development on the application site would be contrary to Policies GEN2 and GEN3 of the Local Plan. These policies would restrict development outside of built up areas to;

- the operational needs of agriculture, forestry or minerals
- informal recreation
- diversification of the rural economy
- essential road schemes, or
- specific uses in accordance with sections 2 and 3 of the Local Plan.

The site is not within a Strategic Gap and the principle of new residential development on suitable greenfield sites has long been acknowledged by the Council as being required to meet housing requirements.

The SE Plan is part of the development plan and was adopted in 2009. As a more recent document, the SE Plan should take precedent where there are policy conflicts (and this has happened in respect of housing numbers in Arun).

The most locally specific policy in the SE Plan is SCT1. This relates to the Sussex Coast region and states that local authorities should promote regeneration and economic growth of the Sussex Coast that will provide for sustainable urban extensions in Arun. The supporting text states that this relates to making the most of existing infrastructure in towns and promoting sustainable urban extensions with supporting infrastructure in the areas specified to meet housing requirements. At present, this could apply to large areas of the District adjoining existing towns that have been considered through the LDF process to date.

More generally, the SE Plan seeks;

- The prime focus of development to be within or adjacent to urban areas consistent with the principles of sustainable development and with priority given to previously developed land (SP3),
- To acknowledge a need to plan for some new development outside of the existing large settlements to support rural communities and not restrain housing growth in rural areas.
- Sustainable and distinctive communities to be created that respect the character and distinctiveness of settlements (CC6),
- To deliver housing taking into account previously developed sites, non-residential sites to secure mixed use residential or residential development, intensification, sufficient quantity and mix of housing and long term sustainability of rural communities (H2),
- To secure at least 10% of energy from renewable sources on developments of more than 10 (NRM11),
- To provide enhancements to the built environment including higher density and mixed use schemes (BE1), and
- To identify defined local needs in rural communities for small scale affordable housing, business

and service development (BE5).

The overall strategy of the SE Plan is one that seeks to focus new development on the major urban areas whilst recognising that new development outside of these areas can also support rural communities and services.

These policies could be seen as supporting the principle of a significant amount of development proposals in locations in or adjoining existing settlements in the District and this is to be expected of a regional document because of the scale it applies to. It is for the local planning documents to determine how best to deliver this regional strategy. These will set out the broad locations or strategic site allocations to deliver the District housing requirements as set out in the SE Plan. However, because of the lack of progress in bringing forward these local planning documents, there is not considered to be any justification in delaying a decision on the proposals.

In terms of the development plan, there is no doubt that the application proposals are contrary to policies within the Local Plan. Furthermore, there are no site specific policies within the SE Plan that relate to the application site. The general strategy at the SE Plan level would generally support development adjacent to existing sustainable settlements. However, the application proposals are remote from an existing settlement and could not be considered as an extension to the existing settlement. They are therefore contrary to the Local Plan and the SE Plan. If development on the adjoining site to the west were to be proceeding, conclusions on this matter are likely to be different.

One of the stated visions of the forthcoming Core Strategy (within the Options for Growth document) is (15) that Barnham (and other villages) develop their role as well connected larger villages forming the main focus for new housing and employment to be provided in the inland area. There is also a stated requirement to identify between 5,000 - 6,000 dwellings on greenfield sites and one Option consulted upon is significant expansion of the inland settlements to accommodate this with Barnham being the focus in the west of the District.

PPS3 & PPS7

PPS3, Paragraph 71 states, 'where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in this PPS including the considerations in paragraph 69.'

It is accepted that the Council is unable to demonstrate a 5 year supply of housing land. This therefore places a presumption in favour of the application proposals but does not automatically mean that an approval should be forthcoming.

The Council has recently published an Annual Monitoring Report that covers the period up to 31 March 2009. This accepts that recent housing completions are below that required by the SE Plan and concludes that there is a shortfall of 6% on the requirement for a 5 year housing land supply. This has recently been tested at appeal where an alternative method of assessing housing supply was presented by an appellant that attempted to demonstrate that there was up to 30% shortfall. Whilst not specifically stating what the Inspector concluded (in that appeal) the shortfall to be, the Inspector stated that she preferred the appellants assessment. It is therefore reasonable to

conclude that the current shortfall in housing supply is greater than 6% and could be up to 30%.

The provision of 40% affordable housing is also to be given significant weight in the consideration of the application. This would represent a significant proportion of the housing need in Barnham; there are currently 105 applications for housing in the Barnham Parish (7 within Band A and B).

Paragraph 69 of PPS3 states;

In general, in deciding planning applications, LPA's should have regard to:

- Achieving high quality housing.
 - Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.
- The suitability of a site for housing, including its environmental sustainability.
- Using land effectively and efficiently.
 - Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

The application site is a greenfield site outside of the built up area of the settlement. It is located in an area where there are sporadic residential dwellings, open space and countryside uses, typical of areas adjoining urban areas. Any consideration of whether the site is suitable for housing (in accordance with PPS3) would relate to its impact on environmental matters, sustainability and if the proposals accord with wider policy objectives.

There can be no doubt that the application proposals will change the character of the area and, as stated above, would be remote from any existing built form. This part of Yapton Road will change from an area of open land with sporadic buildings to a built up area of land more closely associated with the urban area to the west and not the rural character to the south and east (which it currently relates to). As a result of the proposals proceeding, the character of the area would change from a semi rural location with countryside uses and sporadic residential development to an isolated urban built form not related to any adjoining uses. Again, if development on the adjoining site to the west were to be proceeding, conclusions on this matter are likely to be different.

The application site lies outside of the defined built up area of Barnham. The application site is a greenfield and is not adjoined by built up development and has agriculture/horticulture and open space uses adjoining it.

The applicants Design & Access statement makes no reference to any perceived impact of the proposals on the character of the site and the area (one of the five tests set out in para 69 of PPS3), or existing site features.

The SHLAA rejects residential development on the application site (site 141) because it is not adjacent to the settlement, is poorly related to facilities, and therefore not in a sustainable location for housing development.

The wider policy objectives for the District are being considered by the Council and these proposals are submitted in advance of them.

PPS 7 defines its key principles, which include;

(vi) All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

The application proposals are not within an existing town/village and would not protect the countryside.

Loss of Tourist uses

Local Plan policy DEV37 states that the change of use of holiday caravan sites to other uses will not be permitted unless the site is allocated for other development and SE Plan policy TSR5 seeks to protect tourist accommodation stock where there is evidence of market demand.

The applicant belatedly acknowledged this policy test and submitted some additional information in order to try and address these development plan policies. This states that the current business is failing, that levels of accommodation have dropped in the past two years and existing site facilities are sub-standard with no on-site shop or manager. The applicant also points to the fact that Arun DC does not include the site within their directory.

Arun DC only includes sites that have quality assurance and the applicants have chosen to discontinue association with this. They have therefore chosen to remove themselves from being available through searches through Arun DC.

Economic Development have stated that other similar uses in the District (and particularly the Bognor Regis area) remain in demand and that previous owners of the application site managed to run it successfully.

It is therefore considered that the applicants have failed to provide sufficient justification for the loss of tourist accommodation in accordance with the requirements of the development plan.

Uses

The application proposes residential uses on the site. No other uses are proposed. This site is likely to be one of a number of sites that will be promoted in the short term and cumulatively these sites would add up to a significant number of dwellings. Without associated infrastructure in terms of employment and community uses (for example) for these sites, each is likely to come forward in a piecemeal way and there will be no such uses that would promote sustainable forms of development.

However, whilst this appears to be logical and good practice, the only policy within the development plan that would formally support employment provision on the application site is SE Plan policy SCT4. This states that new employment should be included as appropriate within allocated sustainable urban extensions in Arun. General policy statements would support mixed use development as a means of delivering sustainable development.

Officers are very concerned about this site (and other similar sites cumulatively) failing to make provision for such uses but consider that there is not sufficient evidence to justify a refusal on these grounds at this time. Whilst this application site may not be in a location or of a scale that would support employment provision on-site, there may be potential for seeking such provision off site in the same way as affordable housing might be secured but there is no framework at present

to support this.

In conclusion on matters of principle, the application proposals are contrary to the policies in the Local Plan. The SE Plan would generally support the proposals and the Council has a stated vision for future development in the inland area to be focused in Barnham (and Angmering). There is a shortfall in housing supply within the District; potentially up to 30%. However, the proposals are in a location that could not be considered as an extension to the settlement because of their remoteness and there is an objection to the loss of the tourism use. They are therefore contrary to the development plan and this adverse impact is considered to outweigh the need for new housing.

TECHNICAL ISSUES

Drainage & Flood Risk

Southern Water have confirmed that there is inadequate capacity in the local network to provide foul sewage disposal and additional off site sewers or improvements will be required to provide sufficient capacity. They also note that existing properties may be subject to greater risk of flooding as a result of the development and that it is not clear how SUDS can be accommodated within the proposals. They have not confirmed that this amounts to an objection

The application site is within Flood Zone 1. This zone comprises land assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any year and all uses of land are appropriate (in principle) in this zone.

The Environment Agency state that the submitted FRA fails to provide a satisfactory method of surface water disposal and that, because of the high groundwater levels, soakaways do not normally function effectively. They also state that there are significant issues in respect of foul sewage in the area. Because of the capacity issues, further connections to the foul sewage may result in an unacceptable risk of pollution to water quality.

Generally (and in addition to), the EA raise objections on the basis of inadequate and insufficient information to make a proper assessment in accordance with PPS25.

Highways

In summary, the application submission concludes that there would be a negligible difference in the post development performance of junctions and all would remain within capacity.

WSCC note that the site is accessible and sustainable, parking provision is in accordance with standards and cycle parking should be provided. They accept the findings of Transport Assessment and the scale of development is such that site access would operate within capacity and not cause disruption to flows on Yapton Road with no significant impact on the wider network.

There is therefore no objection to the proposed access arrangements which are not to be reserved.

Ecology

The submitted ecological report acknowledges that parts of the site provide a suitable habitat for reptiles and recommends that these areas are surveyed. It also recommends a bat survey be carried out and acknowledges that the existing hedgerows on the site provide excellent biodiversity habitats.

Policy NRM5 of the SE Plan states that a net loss in biodiversity shall be avoided and LPA's should actively pursue opportunities to achieve net gains. The applicant has not set out how any ecological enhancements or mitigation would be secured.

The submitted reports states that semi-mature and mature trees within the hedgerows should be retained for ecological reasons.

A bat and reptile survey is recommended.

Renewable Energy

The agent has stated that the intention is to use energy from decentralised sources. In order to accord with SE Plan policy NRM11, a minimum of 10% of energy use should be secured in this way and a condition could be attached to secure this is provided.

It is considered that the proposals are contrary to the development in principle. There are also technical matters that are not satisfactorily resolved and therefore a refusal is recommended.

RECOMMENDATION

REFUSE

- 1 The application site is located outside of the defined built up area where the countryside is protected and new development is strictly controlled. The proposals represent a significant encroachment into the countryside on a site not well related to the existing settlement. It is divorced from the settlement of Barnham and will result in a significant adverse impact on character of the area. The proposals are contrary to policies GEN2, GEN3 and GEN7 of the Arun District Local Plan, policy CC6 of the South East Plan and policy statements PPS1, PPS3 and PPS7.
- 2 The applicants have failed to demonstrate that there is any prospect of an acceptable foul sewage proposal that will not result in adverse impacts on capacity, pollution to water quality or that the risks of pollution and water quality could be safely managed. The proposals are contrary to policy GEN9 of the Arun District Local Plan, policy NRM2 of the South East Plan and PPS23.
- 3 The submitted Flood Risk Assessment fails to provide a suitable basis for assessment in accordance with PPS25. It fails to provide satisfactory method of surface water disposal and provides insufficient information to demonstrate there will be no increase in flows as a result of the development. The proposals are contrary to policy GEN9 of the Arun District Local Plan and policy NRM2 of the South East Plan.
- 4 The existing tourist accommodation on the site is protected by Local Plan policy DEV37 and South East Plan policy TSR5. It is considered that the existing uses could remain as

a land use with market demand and the proposals are therefore contrary to these policies.

- 5 The applicant indicates that a number of the proposed dwellings would be affordable housing but no Section 106 unilateral undertaking has been completed to secure the provision of affordable housing for the long term including socially rented housing. The proposed development therefore conflicts with policy DEV17 of the Arun District Local Plan.
- 6 The development proposed generates a need for public infrastructure in the form of financial contributions towards education, library infrastructure, public open space and fire service. No Section 106 unilateral undertaking has been completed in order to secure these requirements and the development therefore conflicts with policy GEN8 of the Arun District Local Plan.