

REPORT UPDATE

Application No: CM/16/18/PL

Reason for the Update / Changes

Reason for Update/Changes:

Comment in relation to reason for refusal no. 4. The applicants contend that this reason for refusal should not refer to the need to provide an affordable housing contribution.

The Council has sought Counsel's opinion on paragraph 64 of the National Planning Policy Framework with regard to contributions towards affordable housing.

Paragraph 64 states:

Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership²⁹, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:

- a) provides solely for Build to Rent homes;
- b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
- c) is proposed to be developed by people who wish to build or commission their own homes; or
- d) is exclusively for affordable housing, an entry-level exception site or a rural exception site

A recent legal blog suggests that para 64 only refers to the 10% which should otherwise be a form of home ownership rather than the affordable element as a whole.

These exemptions largely relate to housing models or sectors of the market where allowing people to buy or acquire their homes at a discounted or reduced rate would make no sense - such as Build to Rent or Student Accommodation schemes, where the whole point is that the entire scheme is operated on a rental model.

Therefore, the reasons for refusal from the affordable housing officer remain. Counsel have advised that NPPF 64 clearly relates only to the expectation that 10% of homes within major developments should be available for affordable home ownership. It does not relate to the general requirement for an Affordable Housing Contribution to be made.

Officers Comment:

Reason for refusal number 4 remains as recommended.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: CM/16/18/PL

LOCATION: Land to the rear of

Bairds Farm Shop
Crookthorne Lane
Climping

PROPOSAL: Development of a 64-bed Specialist Dementia Care Centre together with access, parking & landscaping (Use Class C2). This application is a Departure from the Development Plan & affects the setting of a Listed Building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to the provision of a 64 bedroom dementia care home which includes access, 28 car parking spaces, 12 bicycle spaces to the north of the building and landscaping. The proposed building would be 2 storeys high and designed to incorporate 8 bedroom wings. Each wing would share kitchen and dining facilities with another wing, thus forming a household of 16 bedrooms.
	The first floor accommodation is provided in the roof space with a ridge height of 7.5m. The elevations comprise flint panels and blackened timber and brick work. The slate roof reflects other buildings in the locality. The proposal incorporates a flat sedum roof.
SITE AREA	0.62 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	The boundaries of the site consist of mature planting and some fencing to a height of approximately 1.5m.
SITE CHARACTERISTICS	The site comprises agricultural land which currently benefits from planning permission for use as a dog training complex.
CHARACTER OF LOCALITY	The area is rural in character with Bairds Farm Shop situated to the north and sporadic linear development to the south. Land to the east and west of the site is predominantly undeveloped agricultural land.

RELEVANT SITE HISTORY

CM/21/75	Proposed Retail Vegetable And Greengrocers Shop	Refused 12-11-75
CM/7/18/PL	Change of use of land from agricultural field to 60 No. tent pitches operating from April to October to include 2 No. plumbed screened portable showers, 2 No. plumbed portable toilets, 2 No. screened changing cubicles, 2 No. 2 screened portable chemical toilets with hand wash facilities & washing up/drying area within existing building.	ApproveConditionally 12-07-18

CM/1/16/PL

Change of use of land from agricultural to dog training & off lead facility. Departure from the Development Plan.

ApproveConditionally
22-03-16

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Climping Parish Council

Objection:

- This is not the right site for the development.
- It is within the Gap between Settlements, Littlehampton to Middleton. Erosion of the gap should be avoided. The cumulative creeping impact of individual developments needs to be taken into account.
- It is in an area which is part of the Green Infrastructure network.
- It is in an area designated as countryside.
- There will be a loss of habitat for wildlife. The Sussex Biodiversity Record report which is part of the evidence for the Clymping Neighbourhood Plan demonstrates a rich diversity of wildlife in the Clymping countryside.
- This large building is out of character for the area, including Climping Street, in terms of scale and design.
- It affects the setting of a Listed Building.
- It may set a precedent for further ribbon development along the A259.
- It will be detrimental to the highways infrastructure. It will increase traffic movements on the A259 and local roads linking to the A27. It proposes to use the same access from and to the A259 as the current farm shop and campsite and there is no proposal to improve this access. The cumulative impact of various developments in the vicinity should be considered.
- There is a permanent loss of agricultural land.
- It is in conflict with the Clymping Neighbourhood Plan and needs to be considered in the light of Policy CPN 10 Protection of high grade Agricultural Land.
- Conflicts with Policy CPN 11 Quality of Design.
- It is in conflict with Arun Local Plan Policy SD SP3 Gaps between Settlements.

20 Objections:

- The dementia home is totally inappropriate for this site.
- The site is within the protected Climping Gap. It is far too large and unsuitable and would lead to further development in the Gap.
- This is a departure from the development plan.
- There would be increased traffic chaos at this busy junction.
- There is already sufficient dementia care property to serve the area.
- It would be detrimental to the green area and rural nature formed by the Climping Gap.
- It has the appearance of a Tesco building and is out of keeping.
- Loss of agricultural land.
- It would be entirely inappropriate to compromise the Local Plan so soon.
- The Clymping Neighbourhood Plan 2015-2030 states that 87% of residents thought that protecting the rural character of the Parish was important. Some 88% believed that protecting and supporting flora and fauna of the Green Infrastructure Corridor was important for future generations. This planning application does neither.

- This plan meets none of the exception requirements. It does not support the needs of agriculture, it is not recreational, it does not enhance the green infrastructure or rural economy.
- The plan threatens the bio-diversity of an increasingly rare and threatened range of lowland coastal habitat of which there is currently far too little in West Sussex.
- The ecological report undertaken as part of this application highlights the threat to the protected Great-Crested Newt. A highly vulnerable species where the report correctly suggests further survey work would be required to ensure its safety.
- The ecology report shows that the area supports a wide range of birdlife including five Red Listed species and Six Amber listed species which are becoming increasingly rare in West Sussex and Britain. More could be done to enhance the biodiversity of the site and support dwindling bird numbers.
- The ecology report fails to note that there is a significant population of White-letter hairstreak butterflies within a kilometre of the site. Any future enhancement of the biodiversity of the area should pay due concern to the protection and expansion of this rare species.
- The plan also shows a camp site to the east of the site yet no planning permission appears to have been made for this. Such development would encroach onto the Green Infrastructure.
- Concern regarding access to the site onto a busy and already dangerous stretch of the A259.
- The development of Independent Living and Care Homes is clearly outlined in the Arun Plan and this development fails to meet them.
- The Arun Plan says, 'maintaining a network of green spaces is essential to enhancing biodiversity by providing important green linkages and corridors for species'. The existing plan contradicts this policy and so therefore should be rejected.
- Research shows that it is not beneficial for dementia sufferers to be cared for in an isolated area, away from local communities.
- Will adversely impact on the setting of the Listed building.

1 letter of support from the Healthcare Management Team (HMT)

- HMT is a charitable trust whose mission is to provide high quality care for older people in hospitals and care homes.
- There is an acute need for specialist dementia accommodation in Arun, where the average age of the population is ageing but where dementia care has not kept pace.
- The site is ideal. It is accessible for staff and visitors and reasonably prominent and close to local facilities.
- The design incorporates 2 community household sections for 16 residents.

46 standard letter of support:

- Will provide employment in the care industry.
- This an important project.

1 letter of support from agent clarifying their position in light of the changes to the planning context since submission of the application, namely adoption of the Local Plan (with allocation of the three strategic housing sites nearby) and publication of the revised NPPF (with supporting PPG updates).

COMMENTS ON REPRESENTATIONS RECEIVED:

County Highways have no objection to the proposal on highway safety grounds. The Council's Ecologist has no objection subject to imposition of conditions. The proposal does retain some existing trees and hedging on the site.

Planning permission has been granted for the camp site to the east under reference CM/7/18/PL.

All other matters raised will be addressed in Conclusion's section of the report.

CONSULTATIONS

Engineering Services Manager
 Engineers (Drainage)
 Highways England
 WSCC Strategic Planning
 Parks and Landscapes
 Ecology Advisor
 Conservation Officer
 Environmental Health
 Arboriculturist
 Economic Regeneration
 NHS Coastal West Sussex CCG
 Sussex Police-Community Safety
 Planning and Housing Strategy
 Planning and Housing Strategy

CONSULTATION RESPONSES RECEIVED:

West Sussex County Council Children, Adults, Families, Health and Education Department.

We note the application is made on behalf of the Healthcare Management Trust who are a well-established registered charity operating a number of hospitals and care homes. Their existing care home services are well established and dementia facilities which are rated by the Care Quality Commission as 'Good'. The numbers of people aged 65 or over will rise to 14.5 million in 2035, an increase of 49%. The numbers of those aged 85 or more are projected to rise faster during this period, by over 122%, to 2.9 million in 2035. Overall demand for different types of care from 2014 to 2034 is estimated to rise by 67% in West Sussex. This translates to an additional demand in the County for 9,707 residential care home beds and 6,720 nursing beds. A recent review undertaken of residential care provision in Arun indicated that 1070 people received their care and support from specialist residential dementia services.

We request consideration is given to the provision of services for older people in Arun and the bearing that this proposed development application may have on, and for the wider community.

Affordable Housing Manager.

The Council's Affordable Housing Policy should be applied. Although it may not be practical or viable to include on-site affordable housing as part of this development the applicants must be required to provide either commensurate off-site affordable housing elsewhere in the Arun District or a commuted sum in lieu of on-site or off-site affordable housing as determined by the Council.

A commuted sum payment of £80,000 would be required for any foregone affordable unit agreed in a Section 106, which in this instance would be 19 units.

County Highways - No objection subject to the inclusion of conditions on:

- Details of cycle parking.
- Construction Management Plan.

- Travel Plan.
- Vehicle parking and turning areas.
- Provision of the highway improvement scheme as set out the Highway Improvements drawing number 025 revision P7.

County Planning Officer - Contributions requested for libraries and fire and rescue.

Greenspace - No Objection.

There would be no requirement for play or play area contribution. However greening to soften the development would be required. The indicative landscape scheme has provided a plan which is varied and provides a scheme which is appropriate for location and use. It incorporates thought out areas and zones specific to certain function which with the incorporation of a good variety of plant species has the potential to promote desirable areas which would allow the residents to enjoy and to dwell in such spaces. A comprehensive tree survey in accordance with BS5738 would need to be undertaken and tree protection fencing identified with the tree protection plan to be identified and applied to any permission.

Sussex Police - No objection. Some alterations are suggested to improve security.

County Drainage Engineers - No Objection. Conditions requested.

Ecology Officer. - No further information relating to bats is required. The lighting scheme for the site will need to take into consideration the presence of bats in the local area.

Following the surveys undertaken on the site and surrounding ponds there is evidence that Great Crested Newts (GCN) are active within a pond 25m from the site and GCN may be using the terrestrial habitat onsite. Due to this mitigation has been proposed within the GCN Reasonable Avoidance Method Statement (May 2018) which is suitable and can be conditioned.

We are satisfied that no reptiles are currently on the site.

Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October.

Highways England - No Objection. We are satisfied that the development will not materially affect the safety and/or operation of the Strategic Road Network and therefore we do not offer any objections or requirements relating to the proposal.

Economic Development - No Objection.

Conservation Officer - No Objection.

The proposal is located close to a number of heritage assets, the closest being 'The Cottage'.

The Cottage (Grade II Listed) is located some 5 or so metres from the western boundary of the site, and due to the close proximity, the proposal has the potential to affect it. The Cottage is set within its own grounds, and appears to be functionally separate from the neighbouring piece of land. Therefore the garden to the cottage forms its curtilage.

The cottage is mostly screened from the development by an established line of trees. Such screening reduces the link between the two, and therefore the impact that the development could have upon the Listed building. However, the level of existing screening is such that there is still potential for the

development to be seen in close proximity to the cottage.

It is recommended that a comprehensive landscaping scheme is included as part of the proposal in order to ensure that there is no impact upon the cottage. Such a scheme should include some mature trees in order to have an immediate impact.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary
Within Settlement Gap

DEVELOPMENT PLAN POLICES

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM5	ENV DM5 Development and biodiversity
SDSP3	SD SP3 Gaps Between Settlements
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
HDM2	H DM2 Independent living and care homes
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
SODM1	SO DM1 Soils
INFSP1	INF SP1 Infrastructure provision and implementation

Clymping Neighbourhood Plan 2015 Policy CPN11	Quality of Design
Clymping Neighbourhood Plan 2015 Policy CPN10	Protection of high grade Agricultural Land
Clymping Neighbourhood Plan 2015 Policy CPN8	Protection of Trees and Hedgerows
Clymping Neighbourhood Plan 2015 Policy CPN7	Protection of open views
Clymping Neighbourhood Plan 2015 Policy CPN9	Protection of Natural Habitats
Clymping Neighbourhood Plan 2015 Policy CPN14	Traffic and the Environment

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

The relevant policies of the Climping Neighbourhood Plan have been taken into account in the determination of the application.

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 proposal is considered to conflict with relevant Development Plan policies in that the site lies outside the built-up area boundary in a settlement gap where development or redevelopment is unacceptable in principle and is not considered to accord with policies CSP1 and SD SP3 of the Local Plan. The proposal 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.

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

BACKGROUND AND NEED FOR THE DEVELOPMENT

In terms of demand and location the agents advise that there is a district-wide need for 367 dementia care beds within the District by 2019, therefore the under-supply needs to be met by 5 or more facilities such as that proposed across Arun in order to meet immediate demand. 134 of these care beds (two or more facilities) are needed within the more local 2.5 mile catchment area alone - thus the proposal is intended to meet this geographical gap in the market which it is asserted by the agent could not be met elsewhere. The application identifies a quantitative need for the development. There is a qualitative need for the development (incorporating both social and economic benefits) in order to provide enhanced choice, freeing-up family housing, minimising the need to travel, quality of provision, catering for a wider

range of dementia needs, and delivering local employment opportunities (64 full time equivalent jobs plus benefits to service providers).

It is intended that the proposed facility would provide benefits to the residents of both Littlehampton and the five villages, where the demographic profile is ageing quickly and where access to specialist dementia care is limited. It is also anticipated that it will provide for the needs of the three strategic housing allocations.

PRINCIPLE

The site lies outside the built up area boundary of Climping as defined in the Local Plan and as such the development plan in the determination of this application will consist of the Arun Local Plan (ALP) 2011 - 2031 and the Climping Neighbourhood Plan (CNP).

Arun Local Plan (2011-2031)

The key policy considerations in the determination of this application are considered to be SD SP2 and C SP1 of the Arun Local Plan (ALP) 2011 - 2031. The application site is situated outside of the built up area boundary (BUAB) as specified by policy SD SP2 which seeks to focus development within the built up area and the proposal does not fall into any of the exceptions outlined in Policy C SP1 which allow development in areas outside of the built up area boundaries.

The agents emphasise that Policy C SP1 also relates to the new Climping Strategic Allocation to the immediate north of the site. Whilst this proposal is not one of the six exceptions in policy C SP1, it must form part of the urban - rural fringe (notwithstanding its Gap status as discussed below) and as such the Policy calls for better management and early consideration of landscape and biodiversity enhancement, woodland management, recreation provision and access routes. The proposed development provides a new footpath and pedestrian crossings to link into the new cycle route adjoining the east-bound carriageway of the A259. It is therefore linked to the new open space within the Climping strategic allocation by footpath, thus enabling pedestrian connectivity. The site's green boundaries are being retained and enhanced in accordance with the submitted Arboricultural, Landscape Management and Ecological Plans, thus improving the management of the site.

However, notwithstanding the above from the applicants, due to the sites location outside of the BUAB, development in this location would in principle be in conflict with locational requirements of policy C SP1 of the Arun Local Plan as it does not meet the criteria within this policy.

Climping Neighbourhood Plan

There are no specific policies in Climping Neighbourhood Plan relating to provision of housing or the built up area boundary.

National Planning Policy Framework (NPPF)

The NPPF states in paragraph 12 that 'Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

Conclusion on Matters of Principle:

The principle of residential development on this site is contrary to the development plan as per Arun Local Plan policy C SP1 which seeks to protect the countryside from unwarranted development.

Whilst the development would have a positive effect upon the supply of dementia homes, the principle of

residential development on this site would, in current policy circumstances and as set out in the NPPF, is not acceptable.

Therefore as the development conflicts with an up-to-date Local Plan unless there are material considerations to indicate otherwise a recommendation for refusal would be compliant with the NPPF.

For the reasons set out below there are not considered to be other material considerations to warrant a decision other than refusal. The proposal would result in an adverse impact on the intrinsic character of the countryside and the visual amenities of the locality and would conflict with other policies in the development plan.

The principle of residential care home development on this site is contrary to the development plan namely Arun Local Plan policy C SP1 whose intention is to protect the countryside for its intrinsic character and beauty.

The proposed development would provide a dementia home for which there is an identified demand but for the reasons set out below this is not sufficient to override the policy objections to development in this location and the resultant harm to visual amenity and the character of the locality. The development would have a positive effect upon the supply of such accommodation, but there are other relevant material considerations which need to be taken into account.

INDEPENDENT LIVING AND CARE HOMES

Policy H DM2 of the Local Plan specifically relates to this type of development. It requires new independent living and care homes to be permitted provided they are located within the built up area boundary and the design is appropriate to the local context. Due to its location and inappropriate design the proposal would not accord with this specific policy.

The supporting text to the Policy at para 12.6.1 and 12.6.2 acknowledges that Arun has one of the highest older populations compared to other Local Authorities in West Sussex, and "recognises the need to support the provision of Nursing homes and specialised care units". Para 12.6.3 states "it is essential that care facilities are located close to community and social facilities in order to ensure that older people can continue to be an integral part of existing communities. Facilities should be easily accessible for residents, employees, visitors and service providers".

The agents have stated that, unlike other forms of Older Persons Housing, the proposed Dementia Care Centre residents will simply not be able to remain part of the community by the very nature of their condition - the proposed building is therefore private, secure and self-contained insofar as community and social facilities are concerned. However, the Centre is easily accessible to both existing and planned new communities in and around Climping, West Bank and Ford.

The agents assert that the proposed development is for vulnerable adults (mostly older people) who have highly-compromised independence and mobility, therefore whilst their accommodation should be easily adaptable, appropriate to the local context, and offer amenity space, it is far from a 'town centre' use. Charities such as the applicant simply cannot hope to deliver these essential facilities in accordance with Policy H DM2 as to do so they would be unable to compete with high density residential and commercial developments.

The SHMA indicates that the care home population will increase by "around 1,470 persons between 2012 and 2030" but this need isn't being met within allocations. Despite acknowledged need for C2 development, the Local Plan makes no C2 allocations within the proposal's 2.5 mile catchment area.

The submitted Planning Needs Assessment highlights that 14.8% of over 85's and 3.8% of 75-84 year olds will require care accommodation. The increase in population resulting from the three strategic residential sites at West Bank, Ford and Climping alone creates a need for two care additional homes across the Plan period. The proposed dementia care centre is intended to meet immediate need (under-supply) of specialist dementia care accommodation and will cater for all forms of dementia including early on-set for those under 75 years of age, and would be well placed to serve the new developments.

However whilst it is acknowledged that there is an unmet demand for this type of accommodation in Arun the proposal is not compliant with policy H DM2 since it is located outside the built up area boundary and is resulting in serious harm to the character and appearance of the area being inappropriate to its local context.

SETTLEMENT GAP AND VISUAL AMENITY

Policy SD SP3 Gaps between Settlements states that the generally open and undeveloped nature of the gaps between settlements, will be protected to prevent coalescence and retain their separate identity.

The demand for a dementia care home is accepted, but there is no satisfactory argument put forward as per criteria c of the policy to demonstrate why the proposal cannot be located elsewhere given the sensitivity of the location. The size of the development and extent of site coverage would result in the integrity and objective of the settlement gap being compromised in conflict with (a,b and d of the policy).

In support of their application the applicants claim that the site is located on the northern edge of, the Littlehampton to Middleton-on-Sea gap. The supporting text states that "the designation of gaps is not intended to rule out all development, but to allow for appropriate, small scale development, which is in keeping with the rural nature of the gap". Such development must be "appropriately sited and designed to minimise the impact upon openness of the gap".

However, the proposed development is not considered to be small scale being over 1,000 sqm of floorspace with a 2 storey profile. Furthermore, the application site is not appropriately sited. Its northern boundary abuts the A259 which provides a clear distinction to the land to the north. Whilst the site is equidistant between the two larger strategic sites at the West Bank and Ford, being well placed for both staff and visitors to access the centre it would be prominently sited. The submitted Landscape and Visual Impact Assessment which accompanied the application concluded that there would be a minor adverse visual impact upon the gap overall, resulting from limited local impact combined with negligible or neutral wider impacts, in the context of neighbouring development. However, the building would be close to the existing farm shop and would appear as a bulky backdrop to existing development detrimentally visually expanding built form into an open area.

In this case the key other Arun Local Plan policy considerations are deemed to be D SP1 (Design), DDM1 (Aspects of Form and Design Quality) Local Plan 2011-2031 and CPN11 (Quality of Design) and CPN7 (Protection of Open Views) of the Neighbourhood Plan.

Policies D SP1 and DDM1 seek to ensure that development:

- Reflects or improves the character of the site and the surrounding area.
- Minimises the impact on neighbouring land/residents.
- The scheme is easily accessible on foot or by public transport.
- The design is adaptable and appropriate in design and scale.

The proposal is for a 4 winged building with landscaped gardens to the south and west and parking to the north. The footprint and site coverage is significant. The width and depth of the development is 65m

in width and it is two storeys in height. It would be located in an open relatively flat area and would be detached from other 2 storey neighbouring development.

It is acknowledged that the proposed site is bordered to the north, south and west by existing development. However, the proposal in this case is considered to be significant in comparison to neighbouring single storey farm shop to the north of the site and the sporadic residential development to the south. The application makes reference to the single storey holiday lets to the south approved under reference CM/7/17/PL but this development was a conversion of an existing building and as such was deemed to have a minimal impact upon the established character of the area or the strategic gap.

The proposal would be clearly visible within the street scene when viewed from the north by virtue of its height compared to neighbouring development situated to the north of the site. Therefore it is considered that the proposed development would have a significant and unacceptable impact upon the character of the locality by virtue of its scale and height contrary to policies DSP1, DDM1 and SD SP3 of the Arun Local Plan.

The proposed development is considered to be out of scale with nearby development and would have an unacceptable impact upon the visual amenities of the area as well as resulting in a significant intensification of development within the gap.

Further, given the position, size and height of the building it would erode the open landscape character of the countryside in conflict with policy CPN7 (Protection of Views) of Clymping Neighbourhood Plan. It would adversely impact on long distance views across the landscape. Policy CPN11 (Quality of Design) seeks to ensure that development by way of materials used, appearance and design are appropriate to their location and that there is no adverse impact on the landscape. It requires new development, to be of a high quality of design and protect and enhance local character as assessed by the Clymping Character Assessment. Development proposals of poor design that fail to take the opportunities available for improving local character and quality of an area and the way it functions will not be permitted.

The proposal would not be readily assimilated into the landscape and would appear as a prominent form of development out of keeping with the flat open character of the area in conflict with Development Plan policy. It would not respect the pattern of development in the locality where residential development is located within close proximity of the road frontages and generally has a linear form which does not encroach into the open countryside beyond. This proposal would provide a large dominant building within the open area which would harmfully detract from the rural character of the area. The amelioration offered in the form of tree planting and landscaping would not adequately screen or enhance the appearance of the development. The proposal would cause a permanent loss to the key feature of the landscape which is its open undeveloped form and would disrupt established views across the area from public rights of way and roadways.

In 2006 the Council employed Hankinson Duckett Associates to carry out a Landscape Sensitivity Study covering the part of the District between the Area of Outstanding Natural Beauty and the coastline but excluding the defined built up areas.

One of the purposes of the study was to consider the existing boundaries of the Strategic and Local Gaps and to make recommendations as to whether they could be altered compromising either visual or perceived coalescence between the relevant settlements. In order to establish a comprehensive baseline of information and provide a robust basis for determining and mapping the landscape capacity of the District a landscape character assessment was undertaken, with a series of Landscape Character Types (LCTs) and Landscape Character Areas (LCAs) being identified.

Within the study, this site is identified as part of the 'Large-scale enclosed arable farmland' Landscape

Character Type (LCT L1a) and within the Clymping Lower Coastal Plain Landscape Character Areas (LCA 31). The study provides the following descriptive summary for LCA 31:

- Abuts Arun River valley to the east and Ford to the north.
- Almost entirely intensively farmed arable land.
- Predominantly large field sizes.
- Blocks of arable fields separated by roads with scattered and ribbon development.
- Fields with hedgerows and tree belts providing enclosure.

LCA 31, is described as having 'Negligible / Low' capacity as "the only substantial area of undeveloped coastline, largely rural, within the floodplain and provides separation between Middleton-on-sea and Littlehampton".

The identified sensitivities of LCA 31 as a whole are clearly associated with the rurality of the arable plain landscape and undeveloped coastline which LCA 31 covers, along with the role of the character area as a buffer between settlements. Such characteristics are directly associated with the site itself and are at risk as a result of the development as proposed. The proposal relates to development in a field that has been used for agricultural purposes which will not be contiguous with any existing development pattern. The site is physically and visually linked with the undeveloped coastline and arable plain landscapes for which LCA 31 is deemed to be valued.

The agents refer to the use of the field for dog walking as an urban fringe activity. It is not considered that this is exclusively an urban fringe activity. Dog walking is often found in rural areas. It is not clear that the use for dog walking has been implemented. In any case the field has not changed in its physical appearance and no buildings have been erected as a result.

AGRICULTURAL LAND CLASSIFICATION

The site lies in an area classified by Natural England as Grade 2 Agricultural Land. This Class is defined as 'Very Good' with the Grades varying from 1 highest to 5 poorest. Policy SO DM1 of the Arun Local Plan and CPN 10 (Protection of High Grade Agricultural Land) of the Clymping Neighbourhood Plan are therefore relevant. Policy SO DM1 states that development not associated with agriculture, horticulture or forestry will not be permitted unless the need for the development outweighs the need to protect such land in the long term and policy CPN 10 states that development will not be permitted unless there is an overriding need for the development in the proposed location and that this is the most sustainable option.

It is not considered that the justification for the development on this particular site is sufficient to outweigh the loss of this high quality 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.

Although permission has been granted for dog walking in this field. This permitted use does not involve erection of any buildings or result in loss of the potential use of the land for farming in the long term.

RESIDENTIAL AMENITY

Arun Local Plan Policy D DM1 (3) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. None of the CNDP policies specifically refer to residential amenity issues. However, one of the 'core planning principles' of the NPPF is to always seek to secure a high standard of amenity for all existing and future users (paragraph 127f).

The proposal will be situated approximately 35m from the western boundary of the site. This separation distance is considered acceptable to prevent any unacceptably adverse overlooking to the west. To the north of the site is commercial development and as such it is considered that any windows facing north

will not give rise to any adverse overlooking.

The proposal will be situated in much closer proximity to the southern and eastern boundary of the sites. However, given that no development is situated to the east of the site and the nearest development to the south is holiday let accommodation it is considered that no unacceptably adverse overlooking will be created. The nearest residential property to the south of the site is 1 Hobbs Cottages which is situated approximately 30m from the southern boundary of the application site.

The proposal by virtue of its height and location and the limited residential development in close proximity to the proposed development is not considered to give rise to any unacceptably adverse overshadowing or overbearing impacts.

Therefore, the proposal is considered to accord with policy DDM1 of the Arun Local Plan.

IMPACT ON SETTING OF LISTED BUILDING

This scheme has the potential to harm the setting of The Cottage, a grade II Listed building situated to the west of the site. The Council's Historic Buildings Advisor has been consulted and has raised no objection subject to supplementary tree planting being undertaken on the boundary with the Listed building. Therefore subject to the imposition of a suitable condition to require provision of this planting the proposal would accord with policy HER DM1 of the Local Plan.

AFFORDABLE HOUSING

In implementing its Affordable Housing Policy AH SP2 of the Arun Local Plan, the Council seeks 30% affordable housing on-site on residential developments of 11+ residential units. The Affordable Housing Policy is to be applied in this instance since C2 uses are the permanent and primary home of residents.

It is accepted that it may not be practical or viable to include on site affordable housing as part of this development but it would be a requirement to provide either commensurate off site affordable housing or a commuted sum as determined by the Council. The Council is agreeable to the payment of a commuted sum in this instance, the sum to be paid has been identified as £80,000.

ACCESS AND PARKING

Policy T SP1 of the Arun Local Plan 2011 - 2031 discusses transport issues including safe highway access.

Policy CPN 14 of the CNDP requires that new development which will have a detrimental impact on highway safety and the living conditions of residents will be resisted.

Regard should be had to paragraph 109 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe".

A transport statement (TS) was submitted with the application. The statement reviews the highway and transport impacts of the proposed care home which is accessible by a variety of means of transport, including walking. The application has been assessed by WSCC Highways who do not have any objections to the use of the access and do not consider that the impact of the proposals on the operation of the highway network will be severe. The application is therefore considered to comply with paragraph 109 of the NPPF.

In terms of car parking, the layout indicated is likely to provide an acceptable level of car parking. It is not therefore considered that there is any conflict with the adopted development plan policies or with the NPPF.

DRAINAGE/FLOODING

Arun Local Plan policy W DM2 seeks to limit development in areas at risk of flooding and W DM3 discusses the need for sustainable urban drainage systems. Policy CPN 11 Quality of Design (e) refers to adopting the principles of sustainable urban drainage.

The site lies within a low risk zone (Flood Zone 1) and given that the site area is less than a hectare, there was no statutory requirement for the submission of a Flood Risk Assessment and therefore, no Environment Agency involvement in the application.

Furthermore, Arun District Council Drainage Engineers do not raise any objection to the scheme and instead recommend that conditions be imposed to ensure that the site is satisfactorily drained.

On this basis, the application is considered to comply with the relevant development plan policies.

ECOLOGY/BIODIVERSITY

Policies ENV DM5 of the ALP 2011 - 2031 and CPN9 (Protection of Natural Habitats) of the Neighbourhood Plan apply. A Reptile Survey, Great Crested Newt Reasonable avoidance Method Statement and a Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment and a Nocturnal Bat Emergence Survey accompanied the application.

The Council's Ecologist has been consulted and has requested that relevant conditions are imposed relating to mitigation.

The proposal is therefore considered to accord with policy CPN9 of the Neighbourhood Plan. The proposal is also considered compliant with policy CPN8 in that it retains existing hedgerows and habitats.

SUMMARY

The proposal does not accord with development plan policies.

Whilst it is accepted that a demand for this type of accommodation exists in the locality the justification is not sufficient to allow development in this sensitive location. The proposal would result in unacceptable adverse impacts on the area by reason of its footprint and height. The development is unacceptable given its visual prominence in the countryside/Settlement Gap together with the loss of high grade agricultural land. The proposal also lacks an Affordable Housing Agreement.

The proposal is therefore in conflict with relevant development plan policies DSP1, DDM1, AH SP2 , SO DM1, C SP1 and SD SP3 of the Arun Local Plan and policies CPN7, CPN10 and CPN11 of the Clymington Neighbourhood Plan and is recommended for refusal for the following reasons.

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

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.

SECTION 106 DETAILS

The requirements below are considered to be CIL compliant.

Infrastructure in the form of a s106 is required for libraries (£13,109) and fire and rescue services (£1,243). These figures would need to be incorporated in any Agreement. The contributions generated by this proposal shall be spent on a project to enhance the nearest library space with improved digital access at Littlehampton Library .

Fire and Rescue Service Contribution to be used towards supply and installation of additional fire safety equipment to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Climping.

Both of these schemes have been found to be CIL compliant by an inspector at appeal, and have been signed into agreements for other sites within the same area.

Affordable Housing

The council is agreeable to the payment of a commuted sum in this instance, the sum to be paid is £80,000.

RECOMMENDATION

REFUSE

- 1 The proposal would involve significant built development within the Littlehampton and Middleton Settlement Gap, in conflict with policy SD SP3 of the Arun Local Plan which requires that development demonstrates that it cannot be located elsewhere and does not result in undermining the physical/visual separation of settlements.
- 2 By virtue of the proposed land use and the location of the site outside the built up area boundary the proposal is contrary to policy C SP1 of the Arun Local Plan. Further, the proposals fail to provide a development that is appropriate in design and scale which is easily accessible by means other than the private car with access to local facilities and is therefore also contrary to H DM2 of the Arun Local Plan and Section 15 of the National Planning Policy

Framework.

- 3 Given the siting, design, scale and height of the proposed building it would adversely affect the visual amenities of the locality in that it would be obtrusive in the landscape and prominent from surrounding viewpoints and would constitute an alien intrusion in the countryside which would be out of keeping with and detrimental to the rural character of the locality in conflict with policies D DM1, D SP1 and H DM2 of the Arun Local Plan and policies CPN7 and CPN11 of the Clymping Neighbourhood Development Plan.
- 4 The proposed development fails to make an adequate contribution towards affordable housing provision and infrastructure and is thereby contrary to the aims and objectives of policy AH SP2 and INF SP1 of the Arun Local Plan.
- 5 The site comprises Grade 2 Agricultural Land and as 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 policy CPN10 of the Clymping Neighbourhood Plan.
- 6 **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 determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to discuss with the Applicant the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.