Land West of Church Lane, Clymping, West Sussex

Planning Application for the Development of up to 300 Dwellings with Associated Landscaping and Supporting Infrastructure

Planning Statement



On behalf of Mulgrave Properties LLP

December 2016

PARKER DANN

ARUN DISTRICT COUNCIL CM/1/17/OUT

Contents

		Page
1.	Introduction	1
2.	Site and Surroundings	6
3.	Proposed Development	14
4.	Development Plan	17
5.	Material Considerations	21
6.	Supporting Studies	31
7.	Discussion and Conclusions	50

ARUN DISTRICT COUNCIL CM/1/17/OUT

1 Introduction.

1.1 Scope of Statement

1.1.1 Parker Dann has been instructed by Mulgrave Properties LLP to submit an outline planning application for the development of land west of Church Lane, Clymping, West Sussex for residential development. The full description of the application is:-

> *"Outline application for the erection of up to 300 dwellings and ancillary development comprising open space, a building within use class D1 of up to 875 square metres net, a building for A1 use having a floor area of up to 530 sq. metres net, together with open space and ancillary works, including car parking and drainage arrangements, with appearance, landscaping, layout; and scale wholly reserved for subsequent approval. The access detail, showing the points of access to the development, and indicated on Bellamy Roberts drawings numbered 4724/004 and 4724/005 are access proposals to be determined at this stage of the application. For the avoidance of doubt all other access detail within the site is to be determined as a reserved matter at a later stage.* "

1.1.2 The means of accessing the land for the development is a matter for determination within the outline planning application but all other matters are identified as reserved matters for later determination by the Council.

1.1.3 This statement provides the planning background to the proposals. Firstly, below, the context is set by explaining the Mulgrave Estate's long standing interest in the settlement of Clymping. This is followed, sections 2 and 3, notes of the key features of the site and surroundings, including consideration of constraints and opportunities afforded by the site and its' surroundings, and by a description of the proposed development.

1.1.4 Sections 4 and 5 set out the material provisions of the Development Plan together with various matters under the heading of 'Other Material Considerations'. Part 6 reports on

ARUN DISTRICT COUNCIL CM/1/17/OUT

the key findings of the various studies undertaken during the preparation of the application. Finally the foregoing are addressed in Part 7 which presents a discussion and conclusions.

1.2 The Mulgrave Estate

Background

1.2.1 The Mulgrave Estate has considerable experience of bringing forward high quality and sensitive housing development and has a track record of delivering award-winning developments on its 14,000 acre Estate in Yorkshire. These include the "Best Residential" development at the 2012 RICS Pro-Yorkshire Awards, Best Development of Multiple Units for North Yorkshire at the International Property Awards, 2012, "Best New Dwelling" at the North York Moors National Park Authority Design Awards, 2012 and the 2013 LABC winner of the National Building Excellence Awards.

1.2.2 The proposals for Clymping have been developed in a similarly high quality manner with a public exhibition held on the initial proposals in July 2015 together with consultation with Clymping Parish Council, a local District Ward Councillor and the local Member of Parliament. The scheme has also been guided by extensive consultation with other organisations and this process is set out within the various supporting documents for the planning application. This has included pre-application consultation with representatives of Arun District Council's Planning Department from September 2015 onwards.

1.2.3 The Estate is keen to continue to work with the aforementioned organisations and individuals as well as local residents to achieve a unique scheme for its land that will be sensitive to the needs and requirements of local people and its context.

ARUN DISTRICT COUNCIL CM/1/17/OUT

1.2.4 The 14,000 acre Mulgrave Estate is located in North Yorkshire. It is currently headed by Lord Normanby and has been in the same family since the 1600s. The Bailiffscourt Estate – covering approximately 1000 acres and centred around Clymping was bought by Lord Normanby's maternal grandfather, Lord Moyne, the head of the Guinness family, in 1927.

1.2.5 The family were responsible for bringing running water and electricity to the parish in the 1930s. Land was also donated to the community for the village hall and playing fields and in addition to a number of other community related projects they also created new parks and woodland areas.

1.2.6 Much of the Clymping Estate was sold in the 1970s with significant restrictive covenants in favour of the National Trust for the benefit of the community which delivers legal support to the maintenance of the gap along the coast.

1.2.7 The application site was retained and held in trust for the Dowager's grandchildren and is administered by the Mulgrave Estate. The family have maintained their interest and financial support to the community up until the present day and are fully committed to continuing to do so through the current planning application. This land has been combined with a further 9 acres of land that forms the north eastern corner that is split between four additional landowners to form the present application site.

Mulgrave Properties LLP Development Experience

1.2.8 The applicants are a property development enterprise set up by the Mulgrave Estate. Some examples of their projects are shown below.

ARUN DISTRICT COUNCIL CM/1/17/OUT







1.3 Community Involvement

1.3.1 The current development proposals have not been subject to formal community involvement but an earlier draft scheme was the subject of a public exhibition held on Monday 27 July 2015 between 1pm and 8pm at the Bailiffscourt Hotel and Spa, Clymping.

1.3.2 Invitations were sent to 307 local addresses surrounding the proposed development area

ARUN DISTRICT COUNCIL CM/1/17/OUT

and a public notice advertising the exhibition was placed on the parish notice board. Invitations were also sent to 13 political stakeholders. 115 residents and stakeholders attended the exhibition (around 36% of total invitees), of which 53 completed feedback forms. Feedback was also received after the exhibition from 15 further people, totalling 68 residents (59% of attendees, representing around 22% of total invitees).

1.3.3 Key stakeholders who attended the public exhibition included:

- County Councillor Joan Phillips, member for Middleton Division, West Sussex County Council (UKIP).
- Hilary Flynn, Senior Parliamentary Assistant to Nick Gibb, Member of Parliament for Bognor Regis and Littlehampton (Con).
- Members of Clymping Parish Council, including Parish Council Chairman, Colin Humphris.

Summary of Responses

1.3.4 A significant number of respondents registered their support for the proposed development (15% of respondents), with others submitting responses that constructively commented on aspects of the proposals without giving an overall view (45% respondents). This means that the majority of respondents (60%) did not express principled opposition to the development proposals.

1.3.5 The main topic raised by respondents was in regards to traffic, with 33 respondents (49%) raising concerns on congestion and safety issues in the area. These comments were made by a wide variety of respondents, including some who were otherwise broadly supportive or neutral towards the proposals. Therefore these responses did not all necessarily suggest that traffic issues should prohibit development. However, the

ARUN DISTRICT COUNCIL CM/1/17/OUT

responses often emphasise that measures be included in the proposals to ease congestion and increase road safety.

1.3.6 It is clear that many residents view the development as an opportunity to deliver improved pedestrian routes around Clymping, with 14 respondents (21%) suggesting a new footpath to the Oystercatcher, 11 respondents (16%) suggesting a new footpath to St Mary's CoE Primary School, and 10 respondents (15%) suggesting a new pedestrian crossing over the A259.

1.3.7 In terms of the provision through the development of further facilities for residents a new shop (identified by 16% of respondents) was a popular choice, as was a new health facility (identified by 13% of respondents). The response to a new village hall was more mixed and outright opposition was expressed to a new football pitch.

1.3.1 This exhibition had a high proportion of local residents and stakeholders attending and submitting feedback. Though it is important not to underestimate the strength of feeling amongst the minority of those who opposed development in principle, of the feedback received, the majority (60%) did not express principled opposition to the proposals.

2 Site and Surroundings

2.1.1 The land is relatively flat agricultural land. The southern and western boundaries are fringed with mature trees and adjoin the A259 and B2233 roads respectively. The eastern boundary also accommodates mature trees at its southern end but these become more sporadic towards the north eastern corner of the land. This boundary is formed by Church Lane. The northern boundary of the land is formed by residential development with the exception of a section that fronts directly onto Horsemere Green Lane. The total area of the application site land is 27.01 hectares.

ARUN DISTRICT COUNCIL CM/1/17/OUT

2.1.2 In its wider context, the land lies immediately to the south of the settlement of Clymping which was extended through residential development along significant sections of Horsemere Green Lane (immediately to the north of the land) in the late 1990s/early 2000s. The village accommodates an historic church and a church hall and the large Rudford Industrial Estate. The Estate is occupied by a range of businesses and is accessed from Church Lane. It is likely that about 200 or so people are employed on the Estate. Beyond that is the adjoining settlement of Ford which is dominated by the Ford Open Prison, which will have significant numbers of employees, and the former airfield part of which is used as a market on several days per week. The airfield now accommodates a large recycling centre operated on behalf of West Sussex County Council and Southern Water's waste water treatment works. The surrounding areas to the east, south and west consist of agricultural or undeveloped land except for sporadic development to the south of the A259 including Baird's Farm Shop, housing along Clymping Street and St. Marys Church of England Primary School. There is also a public house and the Jay Belle Grange Holiday Lodge Park across the B2233 from the Estate's land close to its junction with the A259 and a village hall and sports pitches across Church Lane from the land.

2.1.3 The most obvious vehicle access point to the land is from Church Lane on its western side. Views into the land are restricted by the mature tree lines along the western and southern boundaries. The land is more visible in views from Church Lane and the short section of Horsemere Green Lane to the east and north respectively.

2.1.4 The larger settlements of Bognor Regis and Littlehampton lie to the west and east of the land respectively and can be accessed directly via the A259. A range of employment opportunities, shops and services within Littlehampton can be accessed within a 5-10

ARUN DISTRICT COUNCIL CM/1/17/OUT

minute drive from the land and by regular bus services.

2.1.5 The nearest railway stations to the land are at Ford (approximately 2.2 km to the north) and Littlehampton (approximately 2.5 km to the south east). Both of these stations offer regular services to settlements throughout Sussex and beyond. The no. 700 bus service runs along the A259 and B2233 and provides a regular and reliable service that links the principal coastal settlements in West Sussex. There are bus stops on the A259 and B2233 adjoining the land or within 5 minutes walk of the land respectively.



View looking north into the land across the A259

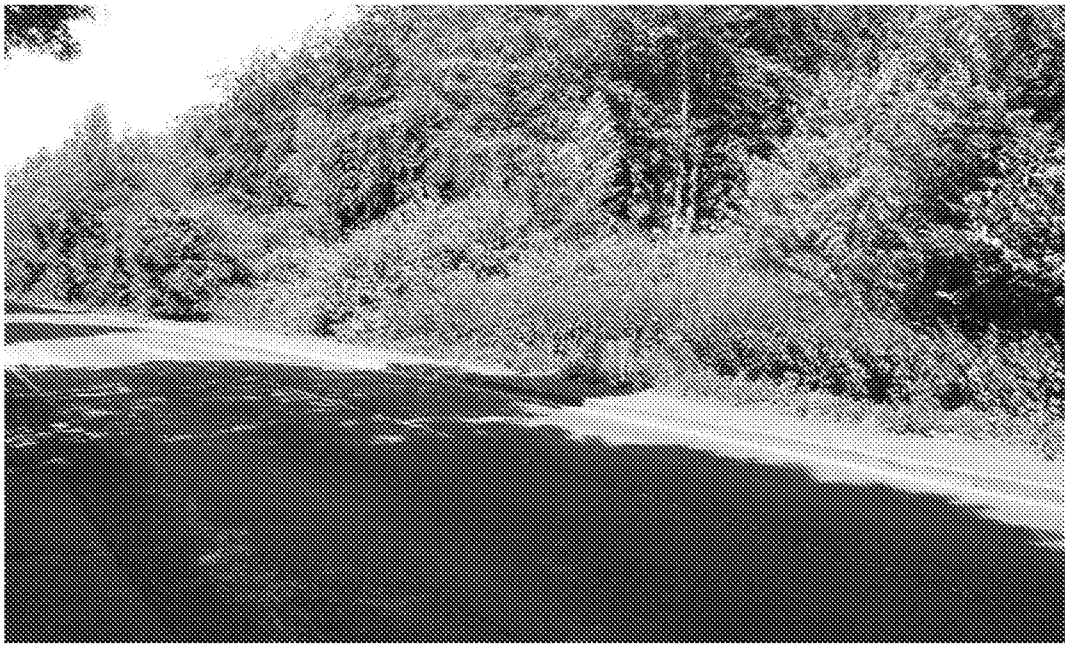
ARUN DISTRICT COUNCIL CM/1/17/OUT



View looking south from Horsemere Green Lane towards the land

2.1.6 The land is not located within an area designated as being of value for landscape, historic built fabric or ecological value. According to the *Landscape and Visual Amenity Aspects of Development Choices in Arun District* (2006), the land is defined as the *Large scale enclosed arable farmland* landscape character type and forms part of the wider *Clymping Lower Coastal Plain* Character Area.

ARUN DISTRICT COUNCIL CM/1/17/OUT



View looking north east across the Yapton Road towards the land

2.2 Constraints and Opportunities

2.2.1 This section of this statement identifies the key constraints and opportunities that relate to the land and its potential development.

Constraints

2.2.2 Facilities within the settlement of Clymping are limited. Any new development at this location should seek to improve this situation if additional housing is proposed.

2.2.3 There is good public transport provision in the local area via the no.700 bus route. The South Coast Cycle Route also runs past the land but opportunities for walking are more limited. This provision would need to be improved as part of any development of the land given the increased demands the additional population would place on these services.

2.2.4 There are some longer range views across the Clymping Lower Coastal Plain. The

ARUN DISTRICT COUNCIL CM/1/17/OUT

potential impact of development on these views and the wider character of the area would need to be considered and addressed in any scheme.

2.2.5 None of the existing access points serving the land would meet highway authority requirements in their current form. These would need to be improved as part of any development scheme.

2.2.6 The land is bounded by residential dwellings on its northern boundary. The amenity of these dwellings must be protected as part of any development of the land.

Opportunities

2.2.7 The land is relatively flat and largely free of physical restrictions that could prevent its development. Given its historic use for agriculture, the land is unlikely to be affected by any form of contamination. The land is also located outside any defined landscape designation, ecology designation and defined gap between settlements and entirely in the constraint free Flood Zone 1.

2.2.8 The land is in the single freehold ownership of the Estate and the four adjoining landowners with no legal restrictions that could delay its development.

2.2.9 The land is bounded by residential dwellings within the settlement of Clymping on its northern boundary. This will facilitate the integration of residential development on the land into the surrounding area.

2.2.10 The boundary of the existing residential development to the north is abrupt and does not provide a satisfactory transition to the undeveloped land to the south. This could be improved within a well-designed and landscaped development on the land.

ARUN DISTRICT COUNCIL CM/1/17/OUT

2.2.11 The northern and eastern half of the land is close to the existing community facilities of the church and church hall, existing housing and the Rudford Industrial Estate and other employment opportunities to its north. Development of housing on the land could support the introduction of additional services, facilities and community facilities at this location for the benefit of existing residents and those of the development itself.

2.2.12 The mature trees forming the southern, western and part of the eastern boundary of the land are a distinctive feature in the local area. They provide good screening of the land and views into it from the surrounding roads are, in many places, fairly limited. Along its northern boundary, public views are restricted to the open section of the land fronting onto Horsemere Green Lane. The existing planting would help to reduce the landscape and visual impact of development on the land and would therefore be retained and strengthened with additional planting within any development scheme. This would also have benefits in terms of local biodiversity.

2.2.13 As confirmed earlier in this statement, the land is well located to established services and employment opportunities. This will help to ensure new housing is well integrated and access can be provided to existing services and facilities by foot and cycle rather than by car. The no.700 bus route and South Coast Cycle Route could both possibly be re-routed through the development to enhance its accessibility further and the applicants would be pleased to explore these matters further. Bus stops could be provided within the development to access the no.700 bus route and a dedicated cycle lane to the County Council's required standard could also be provided across the land. Enhanced footpaths could be created within the land to improve accessibility to existing services for both the residents of the development

ARUN DISTRICT COUNCIL CM/1/17/OUT

and those within the settlement of Clymping.

2.2.14 New areas of open space to be shared by the local community could be provided as part of the development of the land.

2.2.15 There is an opportunity to re-route the eastern end of Horsemere Green Lane through the land to create a safer junction with Church Lane that would improve the safety of users of these roads. Alternative access points to the land in accordance with the highway authority's requirements could be provided from Church Lane to the east.

2.2.16 The provision of smaller housing types within a development on the land would help to address the current imbalance in housing provision within Clymping Parish.

2.2.17 Having regard to the above constraints and opportunities, the following design principles for the development of the land have been prepared;

- Maintain and strengthen the existing mature trees and hedges that form the southern, eastern and western boundaries of the land as part of its development to integrate the development of the land into the existing landscape.
- Avoid development of an excessive height to minimise impact on the surrounding countryside.
- Provide a sustainable development on the edge of Clymping, introducing new facilities for the settlement within the development and building on the existing and approved public transport and safe pedestrian/cycle connections to neighbouring settlements - thus minimising the need for car journeys and promoting a healthy, active lifestyle.
- Provide significant green spaces within the land for recreation and amenity, introducing appropriate planting as key features within these areas.

ARUN DISTRICT COUNCIL CM/1/17/OUT

- ❖ Provide a distinctive, high quality development in terms of building, urban form and spaces, which draws on the established design approach of the area.
- ❖ Create a safe and attractive place which fosters a sense of community, taking into account (amongst other measures) guidance from the Flood Risk Assessment of the proposals.

2.2.18 These design principles have been taken forward in the preparation of a development concept masterplan for the development of the land that the Estate would wish to refine in consultation with the District Council and the wider local community. This process will also ensure that local needs within the local area are understood and addressed through appropriate provision within the scheme or, if required, contributions towards enhancements to off-site facilities and services.

3 Proposed Development.

3.1 Terms of the Application

3.1.1 The application is being submitted with the development describers as follows:

> *Outline application for the erection of up to 300 dwellings and ancillary development comprising open space, a building within use class D1 of up to 875 square metres net, a building for A1 use having a floor area of up to 530 sq. metres net, together with open space and ancillary works, including car parking and drainage arrangements, with appearance, landscaping, layout; and scale wholly reserved for subsequent approval. The access detail, showing the points of access to the development, and indicated on Bellamy Roberts drawings numbered 4724/004 and 4724/005 are access proposals to be determined at this stage of the application. For the avoidance of doubt all other access detail within the site is to be determined as a reserved matter at a later stage.*

3.2 Development Description

3.2.1 The proposed development is identified within the Development Concept Masterplan

ARUN DISTRICT COUNCIL CM/1/17/OUT

and Design and Access Statement – both prepared by John R Paley Associates who are the architects and masterplanners for the project. These identify a sensitive development that will deliver much needed housing of a suitable scale for Clymping alongside a major contribution of community facilities and infrastructure that will enhance the sustainability of the settlement. Another key feature of the proposals is a significant commitment to soft landscaping and planting that will soften both the proposed development and existing development – thereby improving the amenity and setting of Clymping. The key elements of the scheme are addressed individually below.

Housing

3.2.2 The proposal is to provide housing of up to 300 dwellings within a development area of 10 hectares. This low scale and density of development will respect the size and rural character of the settlement and its context – allowing significant landscaping to be introduced as part of the proposals. There would be a housing mix in line with national and local requirements that would include smaller dwellings and potentially dwellings suitable for the elderly. 30% of the dwellings would be affordable housing – again in line with Council requirements. The housing would be focussed on the eastern side and central area of the land where it will benefit from proximity to existing services. This will also adjoin the existing residential development to the north.

3.2.3 The housing would make an important contribution to the supply of housing in the District at a time when the Council cannot demonstrate a five year housing land supply. It would also enhance the mix of housing within Clymping which is currently heavily biased towards larger detached houses.

ARUN DISTRICT COUNCIL CM/1/17/OUT

3.2.4 The design of the housing is yet to be developed but the aim is to produce a high quality scheme comparable to the Estate's aforementioned residential developments in North Yorkshire.

Community Facilities

3.2.5 Community facilities would be provided alongside the housing development. The masterplan identifies two specific buildings to serve the wider community that would be provided alongside the housing. The first is viewed as a potential site for a village hall or a doctor's surgery or pre-school nursery. The second is proposed as a retail unit. New designated areas of public open space are also proposed within the scheme.

3.2.6 A significant proportion of the land would be donated to the Parish Council or a community land trust as part of the development for use as public open space for the settlement as a whole. In total, 11.66 hectares or approximately 43.2% of the application site would be set aside for open space, structural landscaping or highway improvements (see below).

Infrastructure Improvements

3.2.7 In response to the priorities raised in the emerging Neighbourhood Plan, the proposed development offers a range of infrastructure improvements including;

- Future housing outside the defined Gap between Settlements to meet local needs and of a scale comparable to the Horsemere Green Lane developments of the late 1990s/early 2000s;
- A new village hall / community building;

ARUN DISTRICT COUNCIL CM/1/17/OUT

- Donation of land to help address traffic congestion and safety issues on the A259 by potential junction improvements to the A259/Church Lane.;
- Improving/introducing footpaths alongside roads adjoining the land;
- Providing a road link between Horsemere Green Lane and Church Lane to address the existing substandard junction between these two roads; and
- Provision of a safe crossing of the A259 to south of the land and Church Lane to the west of the land.

Landscaping

3.2.8 As part of the proposals, the existing tree belts along the western and southern boundaries of the land will be retained and strengthened with extensive additional planting. New planting will also be introduced across the land with a specific focus along the northern and eastern boundary where there is an opportunity to soften the impact of previous development along Horsemere Green Lane. Development on the eastern side of the land would be set back 30 metres from Church Lane to retain a green frontage and a high quality entrance to the settlement. In addition, a village green will be provided at the heart of the development to provide a focus for the settlement.

4 Development Plan

4.1.1 The Development Plan comprises the Arun Local Plan 2003 read together with the Clymping Neighbourhood Development Plan of October 2015.

4.2 Arun Local Plan

4.2.1 Key provisions of the Arun District Local Plan relating to issues potentially of determining significance are summarised below. For ease of reference the policies referred to are

ARUN DISTRICT COUNCIL CM/1/17/OUT

set out in Appendix 1. Policies and conclusions relating to Design matters are addressed in the Design and Access Statement and are not therefore reproduced here. However the content of the Design and Access Statement, and the Master Plan which flowed from it, are drawn upon as appropriate in articulating the conclusions of the balance of issues.

- A general policy of the Local Plan, GEN 22, seeks to protect important heritage structures and their setting

- The Local Plan policy (GEN 11) seeks to both preclude permitting development which would be at risk of flooding, and oppose development which would unacceptably increase risk of flood damage elsewhere.

- Policies GEN 8 and GEN 9 of the adopted Local Plan address provision of infrastructure generally and foul and surface drainage specifically. The policies seek to ensure that development is only permitted when there is infrastructure in place which can accommodate the discharges from the development. Use of SUDS is supported as a possible means of accommodating surface drainage requirements.

- The Local Plan 2003 permits development on sites containing features of ecological interest only where these can be retained or sympathetically incorporated into the development. (GEN 29) The site does not embrace any of the specific area policies of the Local Plan addressing designated sites of ecological importance. (AREA 13,14,15)

- The extant Local Plan policy (GEN 28) restricts development which affects trees protected by a Tree Preservation Order subject to criteria to be applied in the event of proposals to remove them.

- The adopted Local Plan policies of relevance to the determination of the application on the transport front include a policy which seeks promotion of public transport (GEN14) and support for walking and cycling through protection and encouragement of appropriate routes(GEN15).

ARUN DISTRICT COUNCIL CM/1/17/OUT

- The extant Local Plan includes a policy (GEN32) which precludes noise sensitive development being permitted where occupiers would be adversely affected by noise.

- On the total provision of housing the extant Local Plan is time expired with the relevant policy (GEN5) addressing needs for a period expiring in 2011.

- Policy DEV17 of the extant Local Plan proposes the provision of affordable housing on larger sites of a quantum to be determined having regard to prevailing need and market conditions. Affordable Housing is defined in the extant Local Plan as including low cost market housing which may have significance in the context of the provisions of the 2016 Housing and Planning Act.

- The Local Plan 2003 defined settlement boundaries and made provision that outside these settlement boundaries the development will be restricted to that specified in other policies. Save for this land outside the defined settlement boundaries is to be protected from development with the aim of safeguarding the open countryside for its own sake. (GEN2,3). Some open countryside has further protection under policies protecting strategic and local gaps between settlements and built up areas. (AREA10 and 11). These policies (AREA 10,11) do not apply to the application site.

4.2.2 According to the adopted Arun District Local Plan, the land is not designated as Strategic Gap, Area of Outstanding Natural Beauty, employment land or Conservation Area. The Plan also confirms that the land has not been designated for its ecological value and lies outside of any defined settlement boundary. The Local Plan includes a Flood Plain Map (correct at the time of adoption in 2003) that confirms that the land also lies outside of any indicative fluvial or tidal flood plain.

4.3 Clymping Neighbourhood Plan

4.3.1 The Parish Council has prepared a Neighbourhood Plan and following a successful

ARUN DISTRICT COUNCIL CM/1/17/OUT

referendum this has been adopted and is now therefore part of the Development plan for the area. The Plan recognises that there is an ongoing preparation of the new Arun Local Plan and within this context it is noted that there are no strategic allocations in the then available emerging Local Plan.

4.3.2 The shared vision for the Neighbourhood Plan area is:-

> *"To achieve this the community will encourage and support:*
> *• Development which fits harmoniously within the local environment*
> *• Responsible and sustainable development along with enhanced provision of amenities,*
> *activities and facilities, and relevant infrastructure*
> *• Retention of our identity as a small rural and coastal community by maintaining the*
> *'gaps' between neighbouring settlements and protecting important areas of countryside*
> *and coastline*
> *• Infrastructure improvements in particular to help mitigate concerns about the adverse*
> *effect of through traffic and flooding risks from sea, river or surface water."*

4.3.3 The Neighbourhood Plan for Clymping has a policy restricting any additional house provision to that for local needs only.

4.3.4 The Clymping Neighbourhood Plan (The Neighbourhood Plan seeks (CNP10) to protect higher grade agricultural land unless outweighed by exceptional circumstances pointing to the sustainable development wisdom of developing such land or indicated by other national and local policy. Policy CNP7 seeks to consider development in the context of protecting open character of the countryside and the beach area.

ARUN DISTRICT COUNCIL CM/1/17/OUT

5 Material Considerations

5.1 National Policy

5.1.1 Planning policy within the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) is relevant and supportive of the development of the land including;

- the Core Planning Principle that the planning system should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable (NPPF paragraph 17)

- that the planning system should encourage the reuse of existing resources, focus allocations of land for development on land of lesser environmental value and encourage the effective use of land by reusing land that has been previously developed. (NPPF paragraph 17)

- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas (NPPF paragraph 17)

- planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should, inter alia, promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship (NPPF paragraph 28).

- Guidance indicates that policies should avoid a blanket restriction on growth in rural areas unless there is robust evidence to support such an approach as this would deny scope for delivering development which assists in securing sustainable rural communities. (National Planning Practice Guidance Reference ID: 50-001-20160519).

ARUN DISTRICT COUNCIL CM/1/17/OUT

- that in preparing Local Plans, local planning authorities should support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport (NPPF paragraph 30).

- A supply of specific deliverable sites to provide five years worth of housing land is required to be identified and updated annually, with an additional supplement to provide flexibility and address situations of persistent under delivery (NPPF paragraph 47) .

- The NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. It also advises 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. (NPPF Para. 49)

- In such circumstances, and we consider this applies to Arun District as a five year housing land supply cannot be demonstrated, planning applications should be approved where development proposals accord with the development plan without delay and where the development plan is absent, silent or relevant policies are out of date unless:

  any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or

  specific policies in the Framework indicate development should be restricted.

  Restrictions are indicated in the case of sites protected under the Birds and Habitats Directive, and /or Sites of Special Scientific Interest, Green Belts, Local Green Space, Areas of Outstanding Natural Beauty, Heritage Coasts, National Parks and the Broads, designated heritage assets and locations at risk of flooding or coastal erosion.

  (NPPF paragraph 14 and footnote 9).

- In rural areas, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing (NPPF paragraph 54).

ARUN DISTRICT COUNCIL CM/1/17/OUT

- To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities (NPPF paragraph 55).

- NPPF paragraph 69 confirms that planning decisions should aim to achieve places which promote:

  - opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity;

  - safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and

  - safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

- NPPF paragraph 113 advises that distinctions should be made between the hierarchy of international, national and locally designated landscapes so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.

- Weighting of development plan policies produced before the advent of the National Planning Policy Framework is addressed in paragraph 215. The weight to be accorded to these older policies is to be established by reference to the degree to which the older policies are consistent with the policies in the NPPF. The closer the policies to the NPPF the greater weight that can be given.

- Weight attached to emerging policies is addressed in paragraph 216. Factors to be taken into account are stage of preparation, extent of unresolved objections, and consistency with NPPF policies.

ARUN DISTRICT COUNCIL CM/1/17/OUT

- In considering waste water drainage the first presumption should be to have this dealt with by means of a connection to the public sewerage system. If there are problems the guidance is that conditions to secure satisfactory phasing to obtain a symmetry between needs and capacity is the appropriate course. (National Planning Policy Guidance Reference ID: 34-020-20140306).

5.2 Emerging Local Plan

Current Position

5.2.1 The Council have submitted their Emerging Local Plan for Examination on the basis of the submission version of October 2014 and an Examination in Public was commenced.

5.2.2 The Examination in Public is currently held in abeyance pending proposed modifications arising from the interim conclusion of the Inspector that the Plan as submitted for examination did not meet the Objectively Assessed Need (OAN) for housing. The Council have been asked to consider how the OAN can be met.

5.2.3 Since the Examination has been suspended there have been further published forecasts by the Department of Communities and Local Government regarding the future number of households in Arun District. In this context the Council's consultants have revisited the OAN and conclude that this is now at a figure materially higher than that concluded by the Examination Inspector.

5.2.4 The current position regarding housing land was reported to the Council's Local Plans Sub Committee on 6th December 2016. The officers report included the following conclusion:-

In the context of the further uplift in OAN which is being considered as part of the proposed main modifications to the Local Plan, the Council, at present, is unable to demonstrate a five year supply of deliverable housing land in accordance with paragraph 49 of the NPPF making the housing policies in both the Local Plan and the made Neighbourhood Plans out of date.

5.2.5 The Committee resolved as follows:-

(1) the current 5 year housing land supply position be noted - this shows a 'policy off' position of 2.12 years supply; and

(2) the Council will commence as soon as possible a process of dialogue with the Town and Parish Councils to inform future allocation in either updated Neighbourhood Plans or a Development Plan Document post adoption of the Arun Local Plan;

RECOMMEND TO FULL COUNCIL – That

(3) in order to secure a sound Plan at the time of the Local Plan examination and in order to boost the short term housing supply, the housing approach set out under Option 1 (a) and (b) within the report be agreed. This would invite planning applications in the following circumstances:-

i) on sites identified as being 'deliverable' by the HELAA where they are considered sustainable and will not prejudice the emerging local plan and / or infrastructure delivery;

ii) for the first phases of sites being investigated as potential strategic allocations, where these phases do not adversely affect the delivery of either the whole allocation or the emerging Local Plan and that any infrastructure requirements can be delivered proportionately without adversely affecting the delivery of infrastructure required for the potential allocation or emerging Local Plan as a whole;

ARUN DISTRICT COUNCIL CM/1/17/OUT

(4) in order to be in a position to secure a sound Plan at the time of the Local Plan examination and in order to boost housing supply to meet the Council's Objectively Assessed Needs and make a contribution to the under-delivery within the Housing Market Area, the housing approach set out under Option 2 (b) within the report be agreed, namely that the Parish/Town allocation numbers be removed from the Local Plan and not Neighbourhood Plans and the Council will use the HELAA evidence to identify a target for small sites to be allocated through a small sites Development Plan Document and / or updated Neighbourhood Plans in consultation with the Neighbourhood Plan groups and/or Parishes;
5) without prejudice, Officers should work closely with promoters of sites proposed for strategic allocations within the emerging Local Plan to accelerate the delivery of sites alongside work to finalise the Local Plan and emerging Infrastructure Delivery Plan.

5.2.6 The HELAA report indicates that the application site is deliverable.

5.2.7 It is currently envisaged that the Local Plan Modifications will be presented to Committee in spring 2017 with the required publicity period following this. On that sort of timetable the Examination of the Plan would resume in late summer or early autumn 2017. .

Provisions of the submission Plan

5.2.8 Key provisions of the submitted version of the emerging Arun Local Plan relating to issues potentially of determining significance are summarised below. As indicated above modifications are anticipated. For ease of reference the policies referred to are set out in Appendix 2.

- **Sustainable development**: the presumption in favour of this will be followed (SD SP1)
- **Built up boundaries:** Outside these and defined strategic sites development will be constrained to that authorised under other policies (SD SP2).

ARUN DISTRICT COUNCIL CM/1/17/OUT

- **Gaps Between Settlements:** Gaps between settlements as defined in the policy will be protected (the related list and definition on the Proposals Map excludes the application site) (SD SP3)

- **Countryside**: The countryside outside defined built up areas will be safeguarded for its own sake with limited development types allowed (C SP1)

- **Green Infrastructure:** Development should respect existing Green Infrastructure and this topic should be part of the design process (GI SP1)

- **Landscape Character Protection:** This will be a consideration in development proposals and permission will be permitted only where no adverse effect on landscape character. (LAN DM1)

- **Soils:** Unless designated for development land of high agricultural soil quality should not be built upon. (SO DM1)

- **Strategic Housing Allocations:** These are set out in relation to defined locations with a brief for requirements in each of the named locations (H SP1)

- **Housing Mix:** A mix of housing will be sought, including affordable (30%) and self build housing.(H DM1, H SP2)

- **Design:** All development should achieve a high standard of design, and various matters should be addressed in the design process (D SP1; D DM1))

- **Climate Change:** Development should be located and designed to take account of listed climate change factors, together with mitigation measures(ECC SP1, ECC SP2)

- **Sustainable Travel**: Development proposals must be well related, or capable of being made so, in relation to public transport and must integrate with footpath and cycle provision and relate to the Green Infrastructure. (T DM1)

- **Heritage Assets:** Development should respect the character and setting of historic assets (HER SP1; HER DM1)

ARUN DISTRICT COUNCIL CM/1/17/OUT

- **Natural Environment:** Biodiversity conservation and enhancement will be pursued, including the safeguarding, having regard to balancing factors, of protected trees and woodland(ENV SP1, ENV DM4, ENV DM5)

- **Water:** Water policies include locating development having regard to flood risk, securing adequate treatment of foul water and incorporation of sustainable drainage(W SP1; W DM1; W DM2)

5.3 Relationship to Clymping Settlement (including Sustainability and access improvement)

5.3.1 From national policy it is evident that the sustenance of existing rural settlements is a key part of Government Policy and in the connection this sub section notes the matters which will contribute to the well being of the existing community. Concerns of the community were expressed at the public exhibition and these inform the commentary below.

- The existing traffic congestion at the Church Lane / A259 roundabout is acknowledged as a current difficulty. The proposed development will resolve the existing difficulty and also deliver a safe access to serve the needs of the proposed development.

- The proposed development will facilitate the reduced use of the Horsemere Green Lane / Church Lane junction, which has unsafe visibility, by enabling an alternative route from Horsemere Green Lane to Church Lane.

- A re-alignment of the National Cycle route in the vicinity of the application site will be enabled by the development. This will deliver safer conditions for cyclists.

- Residents also expressed concern regarding pedestrian access to nearby facilities from the existing settlement and the Master Plan indicates how the permeability for pedestrians will be improved.

ARUN DISTRICT COUNCIL CM/1/17/OUT

- Residents sought the provision of a new shop and new health facilities. A modest sized shop is proposed as is a building for use within Class D1 of the Use Classes Order. D1 allows a variety of possible essentially community oriented uses including provision of health services.

- Affordable housing is to be furnished as an integral part of the development enhancing the ability of local young families to locate in the area.

- Improved bus lay by facilities are incorporated, and the additional population will assist in sustaining the level of public transport service at the high level currently available.

5.4 Recent Case Law

5.4.1 In late November and early December the Appeal and High Courts respectively decided cases which have an important bearing on the approach to evaluation of the proposed development and the thrust of their content is addressed below.

5.4.2 In the *Gladman* case (Gladman Developments v. Daventry District Council [2016] EWCA Civ 1146) the Court of Appeal established that in approaching the interpretation of the weight to be attached to existing development plan policies the starting point was paragraph 215 of the National Planning Policy Framework which requires a decision maker to consider as a first step the extent to which existing policies aligned with the National Planning Policy Framework (NPPF). The actual age of the existing policy was not of itself significant to assessing its weight.

5.4.3 On a subsidiary issue the Appeal Court also offered the view that the second bullet point of NPPF paragraph 47, which paragraph is generally concerned with significantly boosting housing supply, applies to decision making on planning applications as well as to plan making activity. There had been some confusion previously about the second

ARUN DISTRICT COUNCIL CM/1/17/OUT

bullet point, which seeks a continuous five year supply of deliverable housing as it is a bullet point residing in a paragraph mainly of relevance to plan making activity.

5.4.4 The Appeal Court decision affirms that a five year land supply is required at all times, and is therefore material to consideration of planning applications.

In the *Telford* case (Borough of Telford and Wrekin v SSCLG and another [2016] EWHC 3073 (Admin)) the key point to note related to Countryside protection policies. Discussing a countryside protection policy the Inspectors Decision Letter had stated:

> *"32. . . . . Policy CS7 deals explicitly with the rural area, stating that development within that area will be focussed on the same 3 settlements which feature in saved WLP Policy H9, but goes on to say that outside these settlements development will be limited and, within the open countryside, will be strictly controlled.*
> *33. However, this latter point, in itself, demonstrates that this policy is not up-to-date and in conformity with the more recent planning policy context established by the Framework, where there is no blanket protection of the open countryside and where there is a requirement to boost significantly the supply of housing"*

5.4.5 This point was considered by the Court and the judge concluded:-

ARUN DISTRICT COUNCIL CM/1/17/OUT

> *"47. In my judgment, the Inspector did not err in law in concluding that Policy CS7 was not in conformity with the NPPF and so was out-of-date. It is a core planning principle, set out in NPPF 17, that decision-taking should recognise "the intrinsic character and beauty of the countryside and supporting thriving rural communities within it". This principle is reflected throughout the NPPF e.g. policy on the location of rural housing (NPPF 55); designation of Local Green Space (NPPF 76); protection of the Green Belt (NPPF 79 – 92) and Section 11, headed "Conserving and enhancing the natural environment" (NPPF 109- 125). However, NPPF does not include a blanket protection of the countryside for its own sake, such as existed in earlier national guidance (e.g. Planning Policy Guidance 7), and regard must also be had to the other core planning principles favouring sustainable development, as set out in NPPF 17. The Inspector had to exercise his planning judgment to determine whether or not this particular policy was in conformity with the NPPF, and the Council has failed to establish that there was any public law error in his approach, or that his conclusion was irrational."*

5.4.6 It is considered the above Court findings have a material bearing on the manner the decision is approached by the Council, and they are expressly invited to do so when determining the application.

6 Supporting Studies

6.1.1 The applicant has commissioned various studies to inform the decision making in relation to the application. These are summarised below.

Arboriculture Survey

6.1.2 The arboriculture survey was undertaken to record the condition and value of all significant trees at the site as well as the material constraints they pose on the development. The information in the arboriculture report should be used to guide the

ARUN DISTRICT COUNCIL CM/1/17/OUT

design proposals.

6.1.3 To comply with BS5837: 2012, it is recommended that an arboriculture impact assessment be produced when the proposed layout has been finalised. The arboriculture impact assessment should include a schedule of trees to be retained and removed, evaluate the likely effects of construction works on retained trees including post development pressures and provide recommendations on mitigation measures to be implemented. It should also include a Tree Retention Plan.

6.1.4 As far as possible new buildings and areas of hard surfacing should be located outside of the root protection areas of retained trees. In certain situations, engineered solutions are available to allow construction within the root protection areas. Further input from an arboriculturalist should be sought regarding their site-specific viability before these methods are relied upon.

6.1.5 Over-shading of gardens and dwellings for prolonged periods, nuisance caused by leaf/fruit drop or honeydew drip (particularly onto footpaths, parking areas or roof guttering) and an over-bearing presence of large trees can result in significant pressure from future residents to carry out harsh remedial pruning works or to remove trees post-development. All of these factors should be considered at the design stage. To avoid significant post development pressure on the TPO tree belt, it is recommended that a minimum buffer of 20m be left between houses and the trees, and consideration given to over-shading of gardens, particularly on the southern boundary.

6.1.6 Allowance should be made for future canopy growth of both existing and newly planted trees. Trees growing in areas of limited space may require regular future pruning works. The suitability of different species for regular crown reductions, the effect on their

ARUN DISTRICT COUNCIL CM/1/17/OUT

amenity value and the cost of future tree works should be considered.

6.1.7 The final design should show service locations and their routing. New utilities should be located outside of the trees root protection areas where they are underground and outside of the anticipated area of mature crown spread where above ground. If this is not possible, recommendations outlined in NJUG Volume 4 'Guidelines for the planning, installation and maintenance of utilities in proximity to trees' should be followed. Advice should also be sought from the project arboriculturalist.

6.1.8 Where tree removal is necessary to facilitate the wider benefits associated with development, a tree replacement strategy could be implemented to mitigate tree loss. If further tree planting does occur, consideration should be given to species selection (in relation to form and potential size) and planting locations to ensure their successful integration into the new development.

Affordable Housing Statement.

6.1.9 National and local policy require that provision be made in housing developments of this scale for the inclusion of appropriate provision of affordable housing. This is proposed in the report in a manner and quantity (30%) wholly consistent with current and emerging policies of the Local Planning Authority.

6.1.10 New Legislation in the form of the Housing and Planning Act 2016 signals some possible changes to the definition of affordable housing and the potential means of meeting the need. As the detailed legislation which will give effect to the new Act is anticipated during the life of the application it will be prudent to keep a weather eye on these changes in approaching affordable housing provision.

ARUN DISTRICT COUNCIL CM/1/17/OUT

Bat and Badger Report

6.1.11 Phlorum was commissioned to carry out a series of bat and badger surveys across the application site. Potentially suitable habitat to support these species groups was identified during the Preliminary Ecological Appraisal and further assessments are required in order to ascertain whether these species groups could pose a constraint to the works. By way of context the Bat and Badger report notes that the current proposals are for a residential development to include amenity facilities and the provision of green space. It is understood that the woodland within the southern and western site extents will be retained and enhanced and a series of ponds will be created as part of the proposed landscaping design.

6.1.12 The main findings of the surveys are as follows:

- A series of bat surveys were undertaken at the site to include an activity surveys in September 2015 and June 2016 and tree assessment in respect to bats in November 2015.
- The tree assessment identified a total of 62 trees that were considered to have moderate or high value to roosting bats. The majority of these were located within the woodland boundaries around the southern and western site extents.
- No bat roosts were identified within any of the trees during the activity survey. Overall there was a moderate level of foraging activity at the site and at the peak of activity, at least three species were recorded. Species included soprano pipistrelle (Pipistrellus pygmaeus) common pipistrelle (Pipistrellus pipistrellus) and noctule (Nyctalus noctula).
- Activity was concentrated along the southern and western site boundaries within the woodland areas with considerably less activity recorded throughout the remainder of the site.

ARUN DISTRICT COUNCIL CM/1/17/OUT

- Although no roosts were identified in any of the on-site trees during the activity survey, suitable features on the trees continue to have potential for use as bat roosts at different times of the year.

- Overall, features identified on the trees may be used by small numbers of bats as temporary overnight roosts during the active period, or by individual males during the mating season. Larger cavities may also provide more stable conditions for groups of hibernating bats.

- Based on the current design proposals no trees identified as having bat roost potential will require removal to facilitate the development. If design proposals change further surveys in respect of trees may be required.

- If any trees identified as having potential to support a bat roost subsequently require removal or associated tree works, these should be subject to a climbed inspection.

- If bats are subsequently found to be roosting within the trees and where felling is unavoidable, it may be necessary to obtain a European Protected Species Mitigation (EPSM) Licence before the works can proceed and to complete any necessary mitigation.

- Due to the level of bat foraging activity at the site as a whole, measures to mitigate the impact on lighting in respect to the development should be devised and a lighting scheme that is sympathetic to bats should be incorporated into the final design. This will serve to limit disturbance to bat foraging patterns post works and ensure the on-going suitability of potential roosts within the retained boundary trees post works.

- A badger survey was also undertaken and covered all land within the survey boundary and all land accessible within a 30m buffer of the site. No setts or secondary signs of badger were identified within the site or surrounding 30m at the time of the survey.

ARUN DISTRICT COUNCIL CM/1/17/OUT

- Based on the results of the survey, badgers do not pose a constraint to works. However due to the potential presence of badgers in the wider landscape, a series of mitigation measures are recommended in order to safeguard individuals passing through the site during the proposed works.

- Details of mitigation and enhancement measures for the site are provided in the recommendations section of the full report.

Design and Access Statement

6.1.13 The Design and Access Statement has sought to demonstrate how the scheme accords with relevant national and local planning policy and design best practice in relation to outline planning applications.

6.1.14 By following the set of principles established within the Design and Access Statement, the detailed scheme to follow at Reserved Matters stage would blend a variety of dwelling types and community uses with good permeability, strong links to public transport, safe and secure access to public open space and a good variety of built form which is reflective and complimentary to the existing built form within Clymping.

6.1.15 These elements will ensure the creation of a pleasant environment to live developing a central heart to Clymping.

Ecological Survey

6.1.16 A Preliminary Ecological Appraisal was carried out on the application site on the 03rd August 2015, in order to determine whether any ecological constraints could affect the proposed works for the site. An additional site visit was undertaken on 10th May 2016 to assess habitats on the frontage of the A259.

6.1.17 The main findings of the survey are as follows:

ARUN DISTRICT COUNCIL CM/1/17/OUT

- The survey area was dominated by an arable field together with woodland, areas of scrub, grassland, scattered trees, ruderal vegetation and a hedgerow.
- The site is not subject to any statutory or non-statutory designations. The closest statutory designated site is Littlehampton Golf Course Site of Nature Conservation Interest (SNCI) located approximately 1km to the south.
- Habitats within the site were assessed as being of value to wildlife with the local vicinity with potential to support populations of badgers, breeding birds, reptiles, bats and great crested newts.
- Following the initial habitat assessment, further protected surveys are recommended in respect to bats, great crested newts and badgers in order to determine if and how these species are using the site and in order to devise appropriate mitigation.
- Further surveys for breeding birds and reptiles are not considered necessary. Instead a precautionary approach to works is recommended to safeguard these species groups.
- Details regarding the protected species surveys together with a series of mitigation measures in respect to other protected species groups together with enhancement options for the site are provided in the recommendations section of the report.

Great Crested Newt Survey

6.1.18 Phlorum was commissioned by Parker Dann to carry out great crested newt (Triturus cristatus) surveys at water bodies within and near to the application site.. Surveys were required in order to ascertain whether great crested newts could pose a constraint to the works. The pond surveys were carried out in April, May and June 2016 by surveyors licensed by Natural England.

6.1.19 The main findings of the survey are as follows:

ARUN DISTRICT COUNCIL CM/1/17/OUT

- The site covers an approximate area of 21 hectares (ha) although the proposed development is concentrated within the southern extent of the site.
- No ponds were present on site and a total of five ponds and a ditch were included in the survey within a 500m radius.
- The pond locations and reference numbers are represented in the Survey Map in Appendix A.
- A Habitat Suitability Index Assessment was carried out for each of the surveyed ponds. Ponds 3, 4, 5, and 6 received a score of Poor, Pond 7 received a score of Below Average, Pond 1 received a score of Average and Pond 2 received a score of Good.
- No great crested newts of any life stage were found in Ponds 3, 4, 5, 6, or 7 and Ditch 1.
- A small population of great crested newts were in found in Ponds 1 and 2 based on current Natural England guidelines (English Nature 2001). No evidence to show that the newts were breeding within these ponds were found during the survey.
- Smooth newt was also present in Ponds 1, 3 and 7 and common frog was recorded off-site in Pond 3.
- Great crested newts receive protection under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010. Under current legislation both the individual and habitats they use for shelter and breeding are protected.

ARUN DISTRICT COUNCIL CM/1/17/OUT

- Due to the absence of great crested newts to the north, east and west of the site, together with the general unsuitability of the habitats within the development footprint (i.e. arable field) and the presence of a busy road (A259) between the site and Ponds 1 and 2, the potential for great crested newts to be utilising on-site terrestrial habitat for commuting and hibernating is considered to be low. Instead it is considered more likely that individuals in the landscape will be using terrestrial habitats connecting ponds to the south.

- Based on these factors, a European Protected Species Mitigation Licence in respect to great crested newts is not required, on the basis that a precautionary approach to the works will be implemented in order to minimise any potential impacts. Further detail is provided in the Mitigation Strategy Section of the report.

Historic Environment Desk based Assessment

6.1.20 This Desk-Based Assessment has been prepared for the application site. The Site comprises a large field located between Church Lane and Crookthorn Lane, located near to the site of the deserted medieval village of Clymping, a Scheduled Monument.

6.1.21 The assessment has concluded that the archaeological potential at the Site is as follows:

- Prehistoric - Medium;
- Roman – Low-Medium;
- Anglo-Saxon – Low-Medium;
- Medieval (related to DMV) - Low-Medium;
- Medieval (related to agricultural activity) – Medium-High;
- Post-medieval – Medium-High;
- Post-medieval – building remains are likely to be extant in two discreet areas of the Site.

ARUN DISTRICT COUNCIL CM/1/17/OUT

6.1.22 At the time of preparing the heritage assessment detailed design plans were not available however this report assumes that the development has the potential to cause a negative impact upon any archaeological remains, should they be present, across all areas of the site.

6.1.23 A provisional programme of mitigation measures has been suggested to establish the presence or absence of any archaeological remains should they be present at the Site.

6.1.24 Thirteen Grade II and one Grade I Listed Building and a Scheduled Monument have been identified within the 1km Study Area. This report concludes that it is unlikely that there will be any setting issues relating to these heritage assets arising from the development at the Site.

Landscape and Visual Impact Assessment

6.1.25 The LVIA contains Table 1 (at page 33 of the main LVIA report) which sets out an overall summary of the Assessment of the site, and this is reproduced below overleaf.

6.1.26 In the context of the table the LVIA concludes that on balance the proposed scheme will provide benefit in terms of landscape resource enhancement and an opportunity to secure, in the long term, future management and retention of the existing woodland on the site boundaries.

6.1.27 Compared with the existing five, high density housing developments already permitted along Horsemere Green Lane, the relationship between open space and housing development is more cellular in form and a less regimented grid pattern. The predominance of open space, linked green spaces and the provision of community facilities will provide elements that are presently lacking within the village.

ARUN DISTRICT COUNCIL CM/1/17/OUT

SUMMARY TABLE 1

Landscape Impacts	Construction Phase	Yr 1 Following Construction Phase	Yr 5 of Establishment	Year 10 to 15 Following Establishment*
Landscape Resource	----------	----------	slight positive	moderate positive
Visual Impacts				
Public Rights of Way:				
1. Church Road	Moderate negative	Moderate negative	Slight negative	----------
2. A259 Crookthorn Lane	----------	----------	----------	Slight Positive
A259 Crookthorn Lane (Roundabout Area)	Moderate negative	Moderate negative	Slight negative	----------
3. Yapton Road	----------	----------	----------	Slight Positive
4. A259 Littlehampton By-pass	----------	----------	----------	----------
Footpaths:				
No 168	Slight negative	Slight negative	----------	Slight Positive
No 169	Moderate negative	Moderate negative	Moderate negative	Slight negative
Residential Properties:				
Group 1	Slight negative	Slight negative	----------	Slight Positive
Group 2	Moderate negative	Moderate negative	Slight negative	----------
Group 2 Remaining Properties	Slight negative	Slight negative	----------	Slight Positive
Group 3	Slight negative	Slight negative	----------	Slight Positive
Group 4	Slight negative	Slight negative	----------	Slight Positive
Group 5	Substantial negative	Substantial negative	Moderate negative	Moderate negative
Field Place	Slight negative	Slight negative	----------	Slight Positive
Benjamin Grey Drive	----------	----------	----------	----------
Public Open Recreation Space	Slight negative	Slight negative	----------	Slight Positive

---------- no notable positive or adverse impact

*Subject to long term LEMP being implemented

Noise Assessment

6.1.28 Noise affecting the proposed development from road traffic, aircraft and other noise sources has been measured and the noise impact of the development has been calculated.

6.1.29 The results of the noise survey undertaken across the site show mean free-field daytime

and night-time ambient noise levels at LT1, LT2 and LT3 of 55, 59 and 60 dB LAeq,16hr and 47, 52 and 51 dB LAeq,8hr respectively which would put the propose residential parts of the site in NEC B. For NEC B the Arun states "Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise"

6.1.30 These mean ambient noise levels would be higher than the levels expected once the properties and associated fencing is erected. However, as detailed plans are not available at this stage, the measured noise levels have been assumed as representative of noise levels following the development's construction.

6.1.31 The predicted daytime maximum outdoor amenity area free-field LAeq,T noise level of 50 dB meets the WHO guideline noise level for moderate annoyance of 50 dB(A), recommended for private outdoor areas with mitigation in the form of close board fences in place.

6.1.32 Internal noise levels have been predicted using BS 8233 typical Rw sound insulation values for a façade construction with double glazed windows. With windows closed, all properties are predicted to achieve BS 8233 internal guideline noise levels during both daytime and night-time periods. However, with windows partially open to allow for natural air ventilation, the guideline levels are exceeded by a significant margin across the majority of the development site.

6.1.33 Alternative forms of ventilation to opening a window are therefore required for the site's development proposals, such as trickle vents, mechanical ventilation or whole house ventilation.

ARUN DISTRICT COUNCIL CM/1/17/OUT

6.1.34 For the control of road traffic LAmax,F inside bedrooms at night, a minimum composite sound reduction of 30 dB Rw is required to mitigate current LAmax,F levels in order to achieve the WHO's 45 dB LAmax,F guideline noise level.

6.1.35 With these design and mitigation measures in place the internal noise levels should not exceed the internal ambient noise level guidelines in BS8233 and WHO guidance.

6.1.36 It is recommended that detailed noise calculations using the procedure set out in BS 8233 and CRTN are undertaken to guide the selection of specific building elements and the requirement for close board gardens fences, during the detailed design stage of the project. It is also recommended that noise measurements are carried out after construction to verify the overall sound insulation performance of the dwellings.

6.1.37 It is also recommended that a planning condition is set to require the BS 4142 assessment of potential impacts from plant or activities associated with the village hall and detailed BS8233 calculations of the proposed dwellings to ensure good internal acoustic conditions.

6.1.38 Calculations of existing and future traffic noise levels have shown a negligible change in noise levels due to traffic movements associated with the development properties. If the alignment of the A259 is amended this may trigger the requirement for the highways authority to conduct an assessment into any eligibility under the Noise Insulation Regulations [15].

6.1.39 Based on the information and assessments contained within this report there is no apparent conflict on matters of noise between proposed development and the policy requirements of the Arun District Local Plan, NPPF and NPSE for either the noise impact

ARUN DISTRICT COUNCIL CM/1/17/OUT

on existing noise sensitive receptors or new noise sensitive receptors introduced by the development.

Flood Risk Report

6.1.40 With reference to the NPPF and the Environment Agency (EA) standing advice on development and flood risk, as well as the low detail, national-scale flood mapping created on behalf of the EA, the proposed site is located within Flood Zone 1 (Low Risk) and is considered to be predominantly a 'More Vulnerable' (residential) development under the NPPF.

6.1.41 The NPPF requires any planning application for new or re-development within a Flood Zone 1, over 1Ha in size to be accompanied by a FRA to demonstrate that the development can be achieved in a sustainable manner, with an overall reduction of flood risk to the site and surrounding area.

6.1.42 The present day impact to the development site from tidal and sewer flooding is deemed to be relatively low. The impact to the development from groundwater and surface water flooding is deemed to be potentially moderate.

6.1.43 The 2115 impact of tidal flooding to the development is deemed to be moderately high for those areas within the modelled 1:200 year with an allowance for climate change flood extent, however the developer has taken a sequential approach to the development and located as many units and structures outside of this flood extent. As such, based on the masterplan (drawing number P14 4899 01 REV C), a total of 4 structures are located within the modelled flood extent; 3 residential structures and 1 commercial structure.

6.1.44 A surface water drainage strategy report has been completed for the site based on the

ARUN DISTRICT COUNCIL CM/1/17/OUT

masterplan to provide an understanding of the natural surface water flow directions across the site, the volume of storage potentially required post development and the suitable SuDS components based on the development type and site location. A foul water strategy has also been undertaken separately.

6.1.45 It is noteworthy that:-

- The site is located within the present day Flood Zone 1, as of October 2016;
- A surface water drainage strategy assessment has been completed, and demonstrates the volume of water generated by development can be mitigated on-site (See Ambiental SWDS 2322);
- A foul water drainage scheme has been undertaken, and details of this are included within Ambiental Report 2495;
- Ground floor thresholds and internal finished floor levels shall be raised a minimum of 300mm above the general ground level for all structures on site to account for potential surface water flow in the future;
- The potential flood risk from tidal flooding in the future (2115) has been analysed and various flood management and mitigation methods have been proposed for those structures affected, and;
- A flood warning and evacuation plan has been set out based on the existing masterplan for those site users affected by the 1:200 year flood event 2115;

6.1.46 In the context of the above and following the guidelines contained within NPPF, the proposed development type is considered to be suitable assuming appropriate mitigation (including adequate warning and evacuation procedures) can be maintained for its lifetime.

ARUN DISTRICT COUNCIL CM/1/17/OUT

Surface Water Drainage Report

6.1.47 Post development there will be an increase of impermeable surfaces on the site, based on calculations derived from the masterplan the proposed development's impermeable footprint will be approximately 4.73ha.

6.1.48 Based on the 1:100 year with an allowance for climate change 6 hour storm event the proposed development will be required to provide 3143m³ of storage to mitigate against the increase in hard surface. The proposed maximum offsite flow rates will be limited to the existing site QBar rate at 76.6l/s.

6.1.49 Initial calculations included in this report show that the required storage volume can be accommodated in the areas designated for water storage on the proposed masterplan.

6.1.50 The site is located on largely permeable superficial and bedrock geology and as such infiltration components are suitable for the site, given that appropriate treatment can be provided to address the potential groundwater contamination concerns. For the purposes of this report as no infiltration testing is available and the local area is drain to watercourses a scheme based on outfall to a local watercourse has been considered.

6.1.51 The proposed SuDS treatment train of bio-retention and filter trenches followed by ponds will offer adequate water quality treatment prior to outfall. This train can be augmented by proprietary items for removal of sediments and further oil removal as necessary.

Foul Water Sewage Drainage

6.1.52 The study notes that there is insufficient present capacity in the connection to the treatment works and this must be addressed in pursuing the development. However two remedies are available, the first being a requisition to secure the capacity using the

ARUN DISTRICT COUNCIL CM/1/17/OUT

Water Acts. Secondly a private treatment works may be possible, but the suitability of the site requires further investigation before this option can be firmly tabled.

Traffic and Transport Report

6.1.53 The development proposals were the subject of a pre-application consultation with West Sussex County Council as Highway Authority. The County Council provided helpful advice which has been taken into account in the submitted planning application. A copy of the WSCC pre-application advice annotated to show how the scheme has responded to that advice accompanies the Transport Assessment.

6.1.54 The site is in a sustainable location, being within a short walk of the local primary school, within easy cycling distance of three railway stations, adjacent to a number of cycling facilities, and in close proximity to the 20 minute frequency bus service connecting to the nearest towns. The package of transport infrastructure measures included in the proposals will provide new bus stops on A259 located so that all of the proposed housing development will be within 400m of those bus stops.

6.1.55 Analysis of generated traffic volumes and its distribution/assignment on the local network shows that the majority of traffic to and from the site will use A259, either to the east or west. Although this is a heavily trafficked route, the impact of additional traffic from the development will be low in percentage terms.

6.1.56 The capacity of five junctions has been assessed, in agreement with West Sussex County Council, having regard to their methodology which requires that all junctions where there will be increases of more than 30 vehicles per hour during peak hours to be assessed. These junctions are:

ARUN DISTRICT COUNCIL CM/1/17/OUT

- A259/B2132 staggered crossroads
- A259/B2233 Yapton Road T-junction
- A259/Church Lane Roundabout
- A259/Bridge Road Roundabout
- Yapton Road/Horsemere Green Lane T-junction

6.1.57 Analysis shows that all of these junctions, with the exception of the Church Lane Roundabout, will work with substantial reserves of spare capacity at a design year of 2026 allowing for background growth in base traffic flows due to committed developments elsewhere in the district, growth due to national economic factors, plus additional traffic generated by the proposed development. The analysis shows that the proposed development has only a very marginal effect on the operations of these junctions.

6.1.58 The Church Lane Roundabout is currently severely overloaded, during both morning and evening peak hours, with extensive queues and delays on the A259 approaches. It is not possible to improve the capacity of the existing roundabout to a sufficient extent within the available land ownership, including the application site. Accordingly, the development proposals incorporate a new, larger, 3-arm roundabout located some 100m west of the existing junction, with Church Lane realigned through the site to the new roundabout. The new junction and the realigned section of Church Lane are designed in accordance with current standards.

6.1.59 Analysis shows that the new roundabout will operate with substantial reserves of spare capacity at the design year, with minimal queues and delays, thereby resolving an identified existing capacity constraint on the A259. The extent of this spare capacity will

ARUN DISTRICT COUNCIL CM/1/17/OUT

"future proof" the design in the event that other draft local plan housing developments increase traffic along the A259 and/or Church Lane over and above the existing commitments.

6.1.60 The transport infrastructure improvements proposed include a number of measures to encourage public transport, cycling, and walking and these are:

- New bus stops on A259 just west of the new roundabout which bring the 20 minute frequency bus service within 400m of all of the new dwellings
- The bypassed length of Church Lane will be converted to a cycle and pedestrian route with landscaped verges, forming part of National Cycle Route 2, which will then run through the northern part of the proposed development.
- A shared cycle/pedestrian route along the northern side of A259 throughout the new roundabout works and tying back into the existing shared route which runs through to Littlehampton. The cycle and pedestrian facilities will have direct links into the proposed development.
- New pedestrian crossing refuge islands on A259 at the Crookthorne Lane junction and at the new bus stops.
- A residential Travel Plan to encourage the use of more sustainable modes

6.1.61 Analysis of personal injury accidents over the last 5 years shows that there have been 10 accidents at the existing Church Lane roundabout, with no particular pattern apart from the fact that four of those involved pedal cycles. The proposed new, larger roundabout, constructed to current design standards, with substantial spare capacity and with off-carriageway cycle facilities is expected to significantly reduce the number of accidents compared with those which have occurred over the last 5 years.

6.1.62 Examination of personal injury accidents at the other junctions around the site reveals no

ARUN DISTRICT COUNCIL CM/1/17/OUT

particular patterns and these accidents are therefore unlikely to be due to deficiencies in the highway layout. The small increase in traffic due to the proposed development is unlikely to increase the number of such accidents.

6.1.63 In particular, there have been a number of fatal (2) and serious (1) accidents at the Yapton Road junction with A259 but all of these are random in nature with no pattern and there is evidence that all of them are the result of significant driver errors. Accordingly, it is not possible to identify practical remedial measures that might have prevented any of these accidents.

6.1.64 Overall, the development proposals are in a sustainable location and the substantial package of transport infrastructure improvements which is proposed to mitigate the effects of the development includes a new roundabout junction on the A259. This will resolve existing traffic congestion as well as providing for background growth of traffic and that generated by the proposed development. Not only is there an absence of material adverse residual impacts as a result of the proposals, but the package of infrastructure works will provide significant benefits to all road users in terms of increased highway capacity, a likely reduction in accidents, and enhanced cycle and pedestrian facilities. In the context of para 32 of the NPPF, the development is therefore considered acceptable from the transport perspective, because there are no severe residual impacts.

7 Discussion and Conclusions.

7.1.1 The starting point for any evaluation of the merits of a development proposal is the provisions of the development plan, in this case the Arun Local Plan 2003 and the Clymping Neighbourhood Plan.

ARUN DISTRICT COUNCIL CM/1/17/OUT

7.1.2 To determine the weight to be attached to the Development Plan very recent case law has indicated that under paragraph 215 of the National Planning Policy Framework it is necessary to decide the extent to which material policies align with the policies of the NPPF.

7.1.3 The provisions for housing land are time expired and cannot therefore be representative of the current Objectively Assessed Need. Furthermore the extant countryside protection policies are blanket policies for protecting the countryside for its own sake. Thus on two key counts the extant Development Plan fails to align with the NPPF as there is no provision for the OAN, and the NPPF countryside policies do not contain a blanket protection of the countryside. This combination invites a lesser weight to be given to the extant Development Plan than the law provides, and invites the balance to be weighed having regard to material considerations.

7.1.4 The very recent (6-12-16) resolution of the Council's Local Plans Sub Committee acknowledges the very grave shortage of housing land supply in relation to the five year requirement when measured by the latest manifestation of the objectively assessed need. The Council acknowledge, and the writer concurs, that in the light of the land supply situation both the Arun Local Plan 2003 and the Clymping Neighbourhood Plan are out of date within the meaning of the NPPF as indicated at paragraph 49 of that document.

7.1.5 It flows from this that in relation to the planning application to which this statement relates the second bullet point of the decision taking part of paragraph 14 of the NPPF is engaged, and the test that flows from this is whether there are any adverse effect of the proposed development which significantly and demonstrably outweigh the benefits.

ARUN DISTRICT COUNCIL CM/1/17/OUT

7.1.6 There have been several detailed studies of the material issue which relate to effects of the development. Whilst the site is grade 2 agricultural land it would seem that all strategic land under investigation fall into the best and most versatile (BMV) land and in this respect the choice in this particular district to development on other than the BMV land is very limited.

7.1.7 With appropriate conditions and/or Section 106 obligations there are no issues which appear to have consequences sufficient to amount to a breach of the test of 'significantly and demonstrably' having adverse effect on the benefits of the development.

7.1.8 The benefits embrace not only the delivery of badly needed housing land together with the affordable housing contribution, but also wider benefits to the community including delivery of community assets and resolution of a current traffic congestion problem.

7.1.9 Having regard to the foregoing it is considered that approval of the proposed development will need a Section 106 obligation embracing the following heads:-

- Works to the junction of Church Lane and A 259 junction
- Affordable Housing Provision
- Layout and maintenance of facilities including open space, community building and shop
- Contribution to local community infrastructure (Schools, library)
- Other matters arising from the consultation process which meet the necessary tests of the legislation

7.1.10 Consideration has been given to tabling suggested conditions. However it is considered that the Council's consultations on the application should be carried out

ARUN DISTRICT COUNCIL CM/1/17/OUT

first. Once that has been undertaken the Council are invited to explore the appropriate conditions which should be imposed on any approval.

7.1.11 In the context of the above the Council are invited to grant planning permission..

PDW

23-12-16

ARUN DISTRICT COUNCIL CM/1/17/OUT