

Recommendation Report for Outline Consent

REF NO: LU/376/17/OUT

LOCATION: The Bungalow Southdown Nursery
Old Mead Road
Littlehampton
BN17 7PU

PROPOSAL: Outline application with all matters reserved for demolition of a bungalow & outbuildings & erection of up to 25 No. dwellings of which 30% will be affordable, with associated open space. Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	1 hectare
RESIDENTIAL DEVELOPMENT DENSITY	25 dwellings per hectare
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Hedging and fencing
SITE CHARACTERISTICS	The site comprises a bungalow, sheds and redundant nursery land
CHARACTER OF LOCALITY	To the east of the site lies Thornlea Mobile Home Park, to the south lies Old Mead Road and farmland. West storage of caravans takes place and to the north is agricultural

RELEVANT SITE HISTORY

LU/162/03/CLE	Application for a Certificate of Lawfulness for an existing use - residential use for bungalow and land.	Approve 22-07-03
LU/375/17/PL	Change of use of land for the stationing of 25 No. mobile homes for permanent residential occupation. Departure from the Development Plan.	Refused 28-03-18

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Objection - Welcome the inclusion of affordable housing in this proposal, however, being outside the current built up area boundary, this was viewed as another attempt to develop an area for which there was no formal development plan. The Committee therefore considered that no further development should be permitted in this area without the opportunity having been taken to draft a small sites development brief which would set out policies to manage the flooding, drainage and transport issues relevant to the area (between the Black Ditch and the Railway Line).

Whilst the Committee was not opposed to the principal of development in this part of Littlehampton it was felt that this application demonstrated the clear need to develop a policy for growth in this area. The Committee emphasised that this should include plans to address:

- 1) The access issues in Old Mead road (including consideration for the formal adoption of the highway)
- 2) Flood mitigation
- 3) Comprehensive proposals for drainage

11 Objections -

*The field floods and flooding occurs from Black Ditch stream

*Problems with more sewage for the area

*Amount of extra traffic to Lyminster Rd. Traffic emerging onto the already congested and busy A284, is a minefield at the best of times, and also an area prone to accidents

*Loss of wildlife if built on.

*The proposed units should be age restricted. A lot of very old residents have chosen to live on the neighbouring park because it is age restricted.

*The flood risk is increased whether homes have footing or pads for permanent homes, the run off from roofs, extra concrete for roads and paths can't dispersed water like a field.

*Disturbance of the ground so close to an old refuse dump of dubious and unknown waste, a high water table and ditches makes me very concerned.

*The volume of traffic along Old Mead Road and onto the A284 Lyminster Road will cause huge problems to an already congested area which is well documented.

*The sewerage system in this road struggles already especially when it rains and blockages occur from time to time..

*Southern Water do not have complete information on the sewer system in Old Mead Road

*This is an unadopted road that is in a state of neglect.

*There is a lack of street lighting,

*There are no pavements for walking on safely, again the bit of pavement that is there is completely overgrown with weeds brambles and nettles etc, and again is not maintained by the housing association.

*The actual siting of these mobile homes will intrude into land that is well documented as being in close proximity to a landfill site that contains hazardous and toxic waste. Pipes will need to be laid to carry water to and waste from the homes which means disturbing the land and the strong likelihood of releasing dangerous gases which will be a hazard to humans and wildlife alike, and carries the added risk of entering the waterways and causing contamination.

*There is no main drainage to Old Mead Road and all properties at present are on Cesspit tanks. What will happen with the additional waste caused by a new development?

*Would like assurances that my Right of Way to and fro across Old Mead Road be kept clear at all times and that there will be no no adverse effects on my property

*at least 2 of the properties proposed, overlook our property Glenvilla, where we have bedrooms on the ground floor and 1st floor facing the proposed development.

*loss of light and privacy to properties in Thornlea Park.

COMMENTS ON REPRESENTATIONS RECEIVED:

Concerns regarding flooding in the area are shared.

The size and market value of the proposed units would not warrant a contribution towards affordable housing.

County Highways have had no objection to similar proposals in the vicinity in terms of highway safety

The impact of noise on adjoining properties, drainage and contamination could be controlled by condition.

Rights of Access is a private matter.

Even though there is no footpath along part of Old Mead Road it is considered that the site is sustainably located

CONSULTATIONS

Environment Agency

Southern Water Planning

WSCC Strategic Planning

Engineering Services Manager

Engineers (Drainage)

Surface Water Drainage Team

Environmental Health

Economic Regeneration

Planning and Housing Strategy

Sussex Police-Community Safety

NHS Coastal West Sussex CCG

Ecology Advisor

Conservation Officer

Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

Housing Strategy and Enabling Manager - No objection in principle subject to the comments in this consultation response.

At present there are no details provided on the affordable housing tenure so it is not possible to critique this specific aspect of the application.

The precise dwelling mix will need to be agreed for the 7 affordable homes as proposed there is an insufficient number of 1 and 2 bed dwellings.

Ecology Officer - No Objection

Due to the presence of water voles within the ditch onsite a 5m buffer should be created from the ditch to ensure there is no disturbance. Heras fencing should be used during the construction period to ensure no works or vehicles encroach on this area. To ensure the protect the water voles post construction we require that a habitat management plan is put together to detail how the area will be managed for water voles. This can be conditioned.

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

To ensure the site remains unsuitable for reptiles, continued management of the site must take place to

ensure reptile habitat does not develop onsite. If this is not possible then a precautionary approach should be taken within the site with regards to reptiles.

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. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work)

Environment Agency - Objection

Although the site is shown to be outside the present day 1 in 200 year flood outline for the defended scenario, our Flood Map for Planning (Rivers and the Sea) does not take into account defences and it shows the site to be in a tidal and fluvial flood zone 3.

According to the Product 4 information we provided, the undefended present day 1 in 200 year flood level for the site is 2.48m AOD with depths up to 0.93m. This means that the site is at risk from tidal flooding if defences were to be breached or overtopped.

Furthermore the tide lock impact on the development site has still not being taken into account in the submitted FRA and additional information.

Even though the site may currently benefit from flood defences, and this should be identified and referred to in the FRA, the residual risk of those defences failing or being overtopped must be addressed. Flood mitigation measures should be designed to ensure that the development is safe for its lifetime (now and in the future) without the reliance upon existing infrastructure.

According to the latest Arun District Council Level 1 SFRA (2016), the site is shown to be partially in Flood Zone 3b (functional Flood Plain). No development should be permitted in Flood Zone 3b. Functional flood plain is vital for the conveyance and storage of floodwater in fluvial systems. Development within this zone will potentially impede the flow of floodwater as well as result in a loss of flood storage, increasing flood risk both within the area and further downstream.

In regards to the maintenance of current flood defences, the Lower Tidal River Arun strategy (LTRAS) outlines recommendations for managing flood risk in the Arun Valley, from Pallingham Weir to Littlehampton and Ford for the next 100 years. In SU6 (Arundel to Littlehampton), the defences will be maintained until year 50, after which maintenance will be withdrawn. Maintaining the defences for the medium term directly affects flooding in the adjacent SUs (5 and 7), as floodwater would otherwise flow into these SUs and potentially cause flooding to properties behind the defences.

In SU7, the Black Ditch and associated structures will be maintained, which will manage flood risk for the medium term. In the long term the risk of tidal flooding will increase, and maintenance activities and the new flanking defence will not be sufficient to manage this risk.

The Local Planning Authority need to be satisfied that the Sequential Test has been adequately demonstrated to the requirements set out in the National Planning Policy Framework (NPPF) Paragraph 101.

Environmental Health - No Objection subject to imposition of conditions relating to contamination, Construction Management Plan, Lighting and Noise Assessments

Southern Water - No Objection. Condition requested. The results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.

Alternatively, the developer can discharge foul flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the foul system. You will be required to provide a topographical site survey and/or a CCTV survey showing the existing connection

points, pipe sizes, gradients and calculations confirming the proposed foul flow will be no greater than the existing contributing flows.

Drainage Engineer - No Objection. Conditions requested.

County Highways - No Objection

The highway authority has no objection to the proposal. The authority does not consider that traffic resulting from the development will have a severe impact on public roads locally.

Old Mead Road is not a highway, although the design of the road access to the site should be in line with accepted standards as independently verified by a competent person. Any roads within the site not intended for adoption as highway should be constructed to an independently-verified acceptable standard and must not be offered for adoption in future. A clause should be included in any Section 106 agreement governing this aspect of the development.

Conditions should be imposed relating to parking & turning and a construction traffic management plan

WSCC Strategic Planning

The following requirements for contributions towards the provision of additional County Council service infrastructure are identified. The basis for my advice is contained in the adopted Supplementary Planning Guidance document "The Provision of Service Infrastructure Related to New Development in West Sussex - Part 1. The planning obligation formulae below are understood to accord with the Secretary of State's policy tests outlined by the in the National Planning Policy Framework, 2012.

Education - Primary £15,666 Secondary £23,604, Further Secondary £25,600.

Library Infrastructure Contribution £4,591

Fire and Rescue

Historic Buildings Adviser

No objections - This proposal would have little or no effect on the listed buildings, given their remoteness from the proposal site. The site is not within a Conservation Area.

County Flood Risk Management

No Objection. Conditions suggested.

Sussex Police

No Objection in principle

Economic Development

No Objection. Would request that the developer signs the Developer and Partner Charter and works with us to encourage local suppliers and contractors to be involved. We are willing to assist with events that would facilitate this.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

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

DEVELOPMENT PLAN POLICES[Arun District Local Plan \(2003\):](#)

AREA10	Strategic Gaps
AREA3	The Setting of Arundel
GEN12	Parking in New Development
GEN3	Protection of the Countryside
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage
GEN32	Noise Pollution
GEN11	Inland Flooding
GEN15	Cycling and Walking
GEN2	Built-up Area Boundary
DEV17	Affordable Housing
GEN33	Light Pollution

[Publication Version of the Local Plan \(October 2014\):](#)

SD SP3	Gaps Between Settlements
C SP1	Countryside
D DM1	Aspects of Form and Design Quality
SD SP2	Built -Up Area Boundary
D SP1	Design
W DM2	Flood Risk
LAN DM2	The Setting of Arundel
QE DM1	Noise Pollution
AH SP2	Affordable Housing
QE DM2	Light Pollution
W DM3	Sustainable Urban Drainage Systems
INF SP1	Infrastructure provision and implementation
WM DM1	Waste Management

[Littlehampton Neighbourhood Plan 2014 Policy 2](#)

A Spatial Plan for the Town

Littlehampton Neighbourhood Plan 2014 Policy 1

The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 3

Housing Supply

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

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 written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Policies 1 and 2 of the Littlehampton Neighbourhood Development Plan are relevant to consideration of this 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 it would be adversely affected by flooding and does not provide affordable housing or infrastructure contributions

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

PRINCIPLE

The application site falls within the town of Littlehampton and as such the development plan for the determination of this application will comprise of the Arun District Local Plan (2003) and Littlehampton Neighbourhood Plan (2014).

Arun District Local Plan (2003):

The key policy considerations in the determination of this application are considered to be GEN2, GEN3, GEN5 and AREA10 of the Arun Local Plan (ALP). The application site is situated outside of the built up area boundary (BUAB) as specified by policy GEN2. Policy GEN2 will not permit development situated outside of the BUAB unless it is consistent with other ALP policies. Policy GEN3 of the ALP seeks to protect the countryside for its own sake and as such exerts strict control over development situated outside of the BUAB. Due to the sites location outside of the BUAB development in this location would be in conflict with policies GEN2 and GEN3 of the Arun District Local Plan.

Policy GEN5 of the ALP relates to the provision of new development within the Arun District, making provision for 8,700 new dwellings during the ALP period of 1996-2011. The application site is not identified within policy GEN5 and as such the proposed development is deemed to conflict with policy GEN5 of the ALP.

Policy AREA10 relates to development in the Strategic Gap which will be subject to the most rigorous examination. Development will only be permitted if it would not compromise, either individually or cumulatively the objectives and fundamental integrity of the strategic gap and attention is given to long term enhancement of the landscape, amenity and conservation value with the gap and improvement of public access..

Littlehampton Neighbourhood Plan (2014):

The Littlehampton Neighbourhood Plan (LNP) was made in 2014 on the basis of the saved policies in the ADLP and the draft policies of the emerging Arun Local Plan 2014 (eALP).

The key policy considerations within the LNP are deemed to be Policy 1, Policy 2 and Policy 3. Policy 1 identifies that planning applications which accord with the policies in the Neighbourhood Plan will be approved, unless material considerations indicate otherwise and Policy 2 states that future housing, economic and community-related development will be concentrated within the built up area boundary. Policy 3 refers to Housing Supply and refers to housing allocations for 200 homes in the Plan. This site does not fall within this area.

Therefore, the proposed development by virtue of its location is considered to conflict with policies 1, 2 and 3.

Emerging Development Plans

This includes the emerging Arun Local Plan 2011-2031 Publication Version October 2014 (eALP) as modified March 2017 ('the modified eALP'); and the main modifications published in January 2018.

Policy H SP1 "Housing Allocation" of the modified eALP sets out the overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes a reference to additional allocations for small sites being made across the District through emerging Neighbourhood Plans or reviews of made Neighbourhood Plans.

Policy SD SP2 "Built up Area Boundary" states that outside the BUAB, apart from Strategic, Site Specific and Broad Allocations, development will not be permitted unless consistent with other plan policies. In addition, Policy C SP1 "Countryside" states that residential development in the countryside outside of the BUAB will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development. As the proposed site does not form part of a proposed allocation and is not in accordance with another policy within the eALP, the exception would not apply and the proposal would be contrary to eALP policies SD SP2 and C SP1.

The proposed development is not located in a strategic site in this plan, so the application will need to be considered alongside other plan policies.

Planning Balance:

For reasons given above, the application is not considered to accord with ALP Policies GEN2, GEN3 and AREA10 and Policies 1, 2 and 3 of the Littlehampton NP. The following sets out whether there are any material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

The 2003 Local Plan predates the NPPF and the requirement to establish the full objectively assessed housing need and only made housing provision to 2011. Policy GEN3 is out of date as it is time expired.

Policy GEN 2 is clear that the boundaries of the built up area were defined 'for the purposes of the West Sussex Structure Plan and this District Local Plan'. The built-up areas were drawn for the purposes of defining the extent of the built up areas and countryside. This was done with the background of the required number of dwellings for the plan making period being provided within the built-up areas or on allocated sites (up to 2011). Therefore this policy is out-of-date as it does not relate to the development needs after 2011.

Currently the Council is unable to demonstrate an adequate housing land supply as required by paragraph 49 of the NPPF. The primary purpose of paragraph 49 is to act as a trigger to the operation of the tilted balance in favour of approving sustainable development. The Council are currently only able to demonstrate 2.09 years supply of deliverable housing and by virtue of this significant shortfall that the tilted balance in favour of the grant of permission is triggered unless the benefits are significantly and demonstrably outweighed by the adverse effects of the development as stated in paragraph 14 of the NPPF.

In recognition of this, Full Council resolved (January 2017) to invite planning applications on 'deliverable' HELAA sites or for the first phases of sites being investigated at potential strategic allocations in order to

boost the short term housing land supply.

Given the policy position which has been identified above it will be necessary to consider the development and ascertain if it will give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits of the development as stated in paragraph 14 of the NPPF.

Presumption in favour of sustainable development:

Para 7 of the NPPF sets out the three dimensions to sustainable development - the economic, social and environmental roles. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

Para 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'.

Environmental Role -

Paragraph 55 of the NPPF advises that new isolated homes in the countryside should be avoided, unless there are special circumstances. It also states that housing in rural areas should be located where they will enhance or maintain the vitality of rural communities. The proposal will provide permanent residential accommodation.

The site is located outside of the built up area boundary but within close proximity to other rural development as identified earlier in this report. The nearest bus stop is located approximately 400m to the east of the site, with The Six Bells public house located the same distance away adjacent to Old Mead Road. The nearest local convenience shop is located approximately 860m away. These are considered to be acceptable walking or cycling distances. Therefore, it is considered that the proposed site benefits from adequate access to local facilities and public transport and as such would accord with Paragraph 55 of the NPPF

However, it must be considered that the first 80m of this journey is devoid of footpaths along Old Mead Road which is a shared surface. There is also limited street lighting available on Old Mead Road. There are also no dedicated cycle lanes on Lyminster Road although there are footpaths down into Wick. Therefore, it is considered that by virtue of some severance from pedestrian walkways it is likely future occupiers would be to some degree more reliant upon motor vehicles for the majority of journeys. The nearest bus stop to the application site falls upon the 700 route with buses available approximately every 30mins between Arundel and Brighton. Therefore, it is considered that the proposed site benefits from adequate access to local facilities and public transport and as such would accord with Paragraph 55 of the NPPF.

For reasons expanded on later the site is located within an area at high risk of flooding and given the nature of the residential units proposed it has not been adequately demonstrated that residential development on this site would be acceptably located in terms of flood risk. On this basis the development does not accord with the environmental role.

Economic Role -

The proposal will result in localised economic benefits through the need to employ people to carry out the development. The proposal will also result in an increase in Council Tax receipts and new homes bonus payments. These economic factors weigh in the schemes favour.

Social Role -

The proposal will provide a number of social benefits through the provision of housing to meet the significant shortfall currently faced by the Local Authority. This is deemed to weigh in the scheme's favour in terms of its social benefits.

Given the lack of accordance with the environmental role of sustainable development the proposal would not be considered to constitute sustainable development.

Conclusion

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. Any adverse impacts are assessed below.

CHARACTER AND APPEARANCE

The character of the locality is mixed with a large mobile home park located to the east; greenhouses and a dwelling to the west; a nursery to the south and farmland to the north. It is considered that the proposed dwellings would not be in keeping with the established character of the locality and as such will not give rise to unacceptably adverse harm to the visual amenity of the area. The eastern boundary and part of the western boundary is enclosed by existing development and the development would abut an existing mobile home park. However the provision of permanent residential accommodation would appear in isolation in the landscape and would not be viewed as an extension to the existing park. It would be visually prominent and out of keeping in the landscape. As such the proposal will constitute an encroachment into the countryside.

The proposal is not only contrary to policy GEN3 of the Arun District Local Plan by virtue of its location outside of the built area boundary, but also policy AREA10. It is considered that the proposed development gives rise to an unacceptably adverse harm to character and appearance of the area by prominently expanding the built form into a relatively flat open area, and it also unacceptably encroaches into the countryside and harmfully erodes the visual gap between settlements without providing benefits to the landscape.

The dwellings would not have a low profile and would project significantly above any boundary fencing. Further planting along the site boundaries to screen and assimilate the development in the landscape could be controlled by condition, but the proposal should at this stage indicate long term enhancement of the landscape and this has not been included in the proposal.

Policy AREA10 of Arun District Local Plan requires development to be consistent with other Development Plan policies, to not compromise the objectives or integrity of the strategic gap either individually or cumulatively and to provide long term enhancement of the landscape, amenity and conservation value. For the reasons set out above the application is considered to conflict with this policy.

Similarly, the proposal will potentially have a significant impact on the views of Arundel and its setting in conflict with policy AREA3 of the Arun District Local Plan. Visually It would not be perceived as an expansion of other similar structures in the vicinity and would be prominent and obtrusive in the landscape.

RESIDENTIAL AMENITY

Glenvilla residential dwelling is located adjacent to the western boundary of the site and Thornlea Park abuts the site to the east. 2m high close boarded fencing encloses Thornlea Park. The submitted layout plan indicates that a 12m gap will be provided between the nearest dwelling to the east and a gap of 40m would be provided to the north. These distances are considered adequate to prevent a materially

adverse effect on the residential amenities of the adjoining dwelling, provided the dwelling closest to Glenvilla is single storey. However the dwellings on the boundary with the mobile home site in some parts may be only 3-4m from the boundary with the mobile homes and if 2 storey this would be unacceptable. However a greater gap could be provided to the boundary since layout does not form part of the proposal.

Therefore, it is considered that the proposed development could give rise to unacceptably adverse overbearing and overlooking impacts on neighbours if not all of the development adjacent to site boundaries is single storey. and as such the proposed development is not considered to accord with policy GEN7(iv) of the Arun District Local Plan.

Therefore, it is considered that the proposed development could give rise to unacceptably adverse overbearing and overlooking impacts on neighbours and as such the proposed development is considered to accord with policy GEN7(iv) of the Arun District Local Plan.

HIGHWAY

The highway authority has no objection to the proposal. It is not considered that traffic resulting from the development would have a severe impact on public roads locally. Old Mead Road is not a highway, although the design of the road access to the site should be in line with accepted standards.

INFRASTRUCTURE CONTRIBUTIONS

Contributions towards the provision of additional County Council service infrastructure are identified which include:

Education - Primary £15,666 Secondary £23,604, Further Secondary £25,600

Library Infrastructure Contribution £4,591

Fire and Rescue

No draft agreement to cover these contributions has been submitted as part of this proposal.

CONTAMINATION

The proposal has been the subject of consideration by the Council's Environmental Health Department who have raised no objections in relation to contamination.

DRAINAGE

Conditions requiring the submission of full details concerning surface water drainage could be suitably controlled by condition.

AFFORDABLE HOUSING

The Council aims to ensure that 30% affordable housing is achieved on all new residential developments in the district where more than 11 units are proposed such as on this site. Based upon a proposal of up to 25 dwellings then 7 would need to be affordable to comply with the Council's emerging policy requirements as set out in the Local Plan. The applicants are proposing to include 7 affordable homes on-site as part of the development which would meet the Council's emerging Affordable Housing policy requirements.

However, all of the necessary affordable housing requirements would need to be included in S106 planning obligation not secured by planning condition and given the lack of any Agreement the proposal would not therefore meet this requirement or the objectives of the Council's Affordable Housing Policy and policy AHSP2 of the Emerging Local Plan .

FLOODING

The site lies partially in Flood Zone 3b (functional Flood Plain) where no development should be permitted. Functional flood plain is vital for the conveyance and storage of floodwater in fluvial systems.

Development within this zone will potentially impede the flow of floodwater as well as result in a loss of flood storage, increasing flood risk both within the area and further downstream.

The development type in the proposed application is classified as highly vulnerable in accordance with Table 2 of the Section 25 of the Flood Risk and Coastal Change Planning Practice Guidance to the National Planning Policy Framework. Since the proposed development falls into this flood risk vulnerability category, it is inappropriate to the Flood Zone (Zone 3) in which the application site is located.

Although the site is shown to be outside the present day 1 in 200 year flood outline for the defended scenario, our Flood Map for Planning (Rivers and the Sea) does not take into account defences and it shows the site to be in a tidal and fluvial flood zone 3. According to the Product 4 information we provided, the undefended present day 1 in 200 year flood level for the site is 2.48m AOD with depths up to 0.93m. This means that the site is at risk from tidal flooding if defences were to be breached or overtopped.

Furthermore the tide lock impact on the development site has still not being taken into account in the submitted FRA and additional information. Even though the site may currently benefit from flood defences, and this should be identified and referred to in the FRA, you must also address the residual risk of those defences failing or being overtopped. Our advice to local planning authorities and developers is to design their flood mitigation measures to ensure that the development is safe for its lifetime (now and in the future) without the reliance upon existing.

In SU7, the Black Ditch and associated structures will be maintained, which will manage flood risk for the medium term. In the long term the risk of tidal flooding will increase, and maintenance activities and the new flanking defence will not be sufficient to manage this risk. The use of stilts or voids is not considered floodplain compensation, but rather mitigation of risk by design. The use of stilts reduces the impact on the development but does not guarantee that the floodplain will be retained in the same way as a compensation scheme (which is a form of risk substitution).

Although the site has been included in the Housing & Economic Land Availability Assessment (HELAA) does not mean that development can be permitted without further consideration of the Sequential Test. The Local Planning Authority need to be satisfied that the Sequential Test has been adequately demonstrated to the requirements set out in the National Planning Policy Framework (NPPF) Paragraph 101.

ECOLOGY

Subject to the imposition of appropriate conditions the impact on wildlife could be suitably controlled.

CONCLUSION

There are significant adverse effects from granting planning permission on a flooding basis and due to the lack of financial contributions. The proposal therefore does not accord with paragraph 14 of the NPPF. The proposal is also unacceptable in terms of its impact on the character of the area, the integrity of the strategic gap and the impact on the views of Arundel.

The proposal is therefore recommended for refusal for the following reasons.

HUMAN RIGHTS ACT

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.

RECOMMENDATION

REFUSE

- 1 The application site falls within Flood Zone 3 as defined by Environment Agency Flood Map as having a high probability of flooding and the development type in the proposed application is classified as highly vulnerable in accordance with Table 2 of the Section 25 of the Flood Risk and Coastal Change Planning Practice Guidance to the National Planning Policy Framework. The submitted Flood Risk does not satisfactorily demonstrate that the development will be safe and appropriately flood resilient/ resistant and is therefore in conflict with the National Planning Policy Framework and policy GEN11 of Arun District Local Plan.
- 2 The proposal would involve unsustainable development outside the built up area boundary within the Littlehampton to Arundel Strategic Gap, which policy AREA10 requires should be permitted only in compelling circumstances; these are not considered to exist in the present case. The proposal would therefore be contrary to policy AREA10 of the Arun District Local Plan and the National Planning Policy Framework.
- 3 The proposed development fails to make an adequate contribution towards education, library and fire services provision and is thereby contrary to the aims and objectives of policy GEN8 of the Arun District Local Plan.
- 4 Based on the information submitted with the application the Local Planning Authority is not satisfied that the proposal would not adversely affect the long distance views of Arundel Castle or Cathedral in conflict with policy AREA3 of Arun District Local Plan.
- 5 The proposed development fails to secure the provision of affordable affordable housing provision and is thereby contrary to policy DEV17 of Arun District Local Plan the aims and objectives of the Council's Affordable Housing Policy and the NPPF.
- 6 Having regard to the limited information submitted as part of this outline approval it has not been satisfactorily demonstrated that the proposal would not give rise to an unneighbourly form of development which would be prejudicial to the amenities and environment of the locality in conflict with policy GEN7 of the Arun District Local Plan.

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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 meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.