

Recommendation Report for Planning Permission

REF NO: LU/386/17/PL

LOCATION: Land to East of Torri House
Old Mead Road
Littlehampton
BN17 7PU

PROPOSAL: Change of use of land for the stationing of 14 No. mobile homes for permanent residential occupation. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks planning permission for 14 no. mobile homes situated outside of the built up area boundary for permanent residential occupation. Each home plot would be 12m by 11.6m. The mobile homes would be 9m by 3m and would have 2 bedrooms. A timber garden shed and a vehicle hard standing is included for each plot. 4 visitor parking spaces are also provided.
SITE AREA	2570 sqm.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	54 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Hedging and mesh fencing to site boundaries to 1 - 2m
SITE CHARACTERISTICS	The site occupies a corner location and is bounded on 2 sides by access roads. The site is overgrown farm land.
CHARACTER OF LOCALITY	The character of the locality is predominantly rural with a mobile home site to the north, and a nursery to the west. To the west of the Torri Nursery site is a solar farm measuring approximately 5.2 hectares.

RELEVANT SITE HISTORY

LU/292/80	Temporary Resiting Of Packing Shed	ApproveConditionally 04-06-80
LU/68/80	Extension To Lounge And Dining Room Extension To Provide Double Garage With 2 Bedrooms & Shower Room Over	ApproveConditionally 30-04-80

LU/590/78	Horticultural Glasshouse To Produce Commercial Crops	ApproveConditionally 10-01-79
LU/120/80	Resiting Of Glasshouse Units	ApproveConditionally 19-03-80
LU/20/78	Removal Of Existing Glasshouse Buildings	ApproveConditionally 22-02-78
LU/258/16/PL	Change of use of the land for the stationing of 7 no. mobile homes for permanent residential occupation and the erection of a B1(a) office building. This application is a Departure from the Development Plan.	ApproveConditionally 25-05-17

LU/258/16/PL granted permission for 7 mobile homes, west of the application site, at a time when the emerging local plan was not adopted. The policy considerations at that time were therefore different.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Littlehampton Town Council

Objection - The application is located outside of the current and proposed Local Plan built up area boundary and was highlighted as an undevelopable site according to the District Council's current Housing and Economic Land Availability Assessment. The Committee was not supportive of this application because it did nothing to address the impact of increased traffic generated by the proposed development or improve access on Old Mead Road which is an unadopted highway.

Observing that the application was in a flood zone, it was also noted that the application contained no comprehensive proposals to deal with drainage and flooding issues. In addition, Members had serious concerns about the reliance on existing services for mains drainage and the ability of the proposed septic tank to cope with the demands of the increased occupancy.

Overall, the Committee 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).

5 Objections

- This is an unadopted road, no one wants to take responsibility for this road, it was just a pot hole track before the solar farm. Increased traffic on a narrow dead end road and then trying to exit at the end of the road onto a very congested A284 Lyminster Road.
- Detrimental effects to the environment due to old landfill site, we found out whilst researching the land

at Old Mead Road that it should never be built on or disturbed due to unknown substances dumped in landfill, some of which could be hazardous.

- Contamination to waterways due to land disturbances Impact on wildlife.
- Drainage issues both surface water and sewage.
- Flooding is also an issue here and if another area is taken where is that water going to go?
- Having more homes would be dangerous.
- Under the building regulations proposal must be connected to the main sewer not a septic tank as per application.
- The entrance to this site is on a slight curve in Old Mead Road where visibility is not clear.
- Old Mead Road is in a flood area and the rain run off from roofs, road and paths will only increase the risk as there is nowhere for this extra water to go.

COMMENTS ON REPRESENTATIONS RECEIVED:

There is no proposed age restriction for the occupiers.

Ownership of the road is a private matter.

It is acknowledged that there are issues with flooding. A Flood Risk Assessment has now been submitted.

It is also accepted that there is the possibility of contamination of the site from landfill and the environmental health officer shares those concerns.

Under application LU/386/17/PL county highways had no objection to the increased use of the entrance to Old Mead Road. They also commented that vehicles in Old Mead Road are unlikely to be travelling more than 30mph and where the road meets the public highway at Lyminster Road visibility is good. The number of additional trips in this case are unlikely to be to the level that it will have severe effects on highway safety or capacity.

Lyminster Road has bus stops with shelters providing sustainable transport alternatives and cycle storage as another form of sustainable transport.

All other issues raised are addressed in the Conclusions section to this report.

CONSULTATIONS

Environmental Health

WSCC Strategic Planning

Engineering Services Manager

Engineers (Drainage)

Sussex Police-Community Safety

NHS Coastal West Sussex CCG

Environment Agency

Planning and Housing Strategy

CONSULTATION RESPONSES RECEIVED:

Environment Agency - Objection. The proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. We recommend that the

application should be refused planning permission on this basis.

Drainage Engineer - Please impose standard conditions. It is unlikely that the Environment Agency would find the proposals for permanent caravans acceptable in this location.

Environmental Health - Objection. It appears that the proposed use is unlikely to comply with the accepted standards for residential mobile home parks or site licensing requirements. Similarly, there is insufficient information with regard to potentially contaminated land. The site poses an unacceptable risk to the environment and I recommend refusal unless a suitable scheme is in place.

Sussex Police - No objection. Some design improvements in relation to security suggested

County Planning - Following contributions are requested:

Education Services

- Primary Schools- £40,838 per child. The contributions generated by this proposal shall be spent on additional equipment at Lyminster Primary School.

- Secondary Schools- £43,951 per child. The contributions generated by this proposal shall be spent on additional facilities at The Littlehampton Academy.

- Sixth Form Schools- £10,296 per child. The contributions generated by this proposal shall be spent on additional facilities at The Littlehampton Academy Sixth Form.

Libraries £3,664. The contributions generated by this proposal shall be spent on additional stock at Littlehampton Library.

Fire and Rescue £346. Fire and Rescue Service Contribution to be used towards supply and installation of additional smoke alarms to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Littlehampton.

Affordable Housing Officer - Objection.

The applicants have failed to provide an Affordable Housing Statement as part of their presented documents nor have they made any mention of affordable housing. The application as presented is to provide all the dwellings as market housing with no affordable housing.

To meet the requirements of the council's Affordable Housing policy the applicants will need to either provide;

- a)30% (4 units) of affordable housing on-site as part of the development with the tenure to be agreed with the council;

- b)Provide 4 units for affordable housing elsewhere in the district as part of a bespoke application;

- c)Agree a Planning Obligation set out in the S106 Agreement to pay a commuted sum of £320,000 (4 x £80,000) on commencement of the development in lieu of providing on-site affordable housing.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Environmental Health have commented that the layout plan would fail to gain a site licence. However, this matter falls outside of the planning system and does not constitute justification for refusal as it is controlled by other legislation.

POLICY CONTEXT

Designation applicable to site:

Outside built area boundary
The Setting of Arundel

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
SODM1	SO DM1 Soils
CSP1	C SP1 Countryside
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development
AHSP2	AH SP2 Affordable Housing
ENVDM5	ENV DM5 Development and biodiversity
QEDM1	QE DM1 Noise Pollution
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
LANDM2	LAN DM2 The Setting of Arundel
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
WDM2	W DM2 Flood Risk
QEDM4	QE DM4 Contaminated Land
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

The 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.

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

The relevant policies in the Littlehampton LTC Neighbourhood Plan have been taken into account in the determination 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 constitute unrestricted residential development outside of the built area boundary and the site would be liable to flooding.

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 site the subject of this application is located outside the built-up area (policies SDSP2 and C SP1) where the countryside protection policies of the Local Plan seek to control development to that justified under particular circumstances.

The Littlehampton Neighbourhood Plan (LNP) has been made. Policy 1: The Presumption in Favour of Sustainable Development states Planning applications which accord with the policies in the Neighbourhood Plan will be approved, unless material considerations indicate otherwise.

Policy 2 is considered relevant to the determination of this application. It states that future housing, economic and community-related development will be concentrated within the built up area boundary.

Therefore, the proposed development by virtue of its location outside the built up area boundary conflicts with policies 1 and 2 of the LNP and the spatial policies in the development plan.

Policy H SP1 "Housing Allocation" of the Local Plan 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 Local Plan, the exception would not apply and the proposal would be contrary to policies SD SP2 and C SP1 of the Arun Local Plan.

The National Planning Policy Framework (NPPF):

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

Therefore as the development conflicts with an up-to-date Local Plan and there are no material considerations to indicate otherwise a recommendation for refusal would be compliant with the NPPF.

Conclusion on Matters of Principle:

The principle of residential development on this site is contrary to the development plan as per Arun Local Plan policy C SP1 and policies 1 and 2 of the LNP which seek to protect the countryside from unwarranted development.

The proposed development would provide an additional 14 homes which are not required in the District at the present time due to the 5.3 year housing land supply identified in the Inspector's comments on the Local Plan. Whilst the development would have a positive effect upon the supply of housing the principle of residential development on this site would, in current policy circumstances and as set out in the NPPF, not be acceptable.

LANDSCAPE AND VISUAL AMENITY

Arun Local Plan policy D SP1 states that development should seek to make efficient use of land that reflects the characteristics of the site and local area and DDM1 lists a series of 15 factors that development must comply with - these include character, impact and public realm.

It is also necessary to consider the guidance within the National Planning Policy Framework. Section 12 states that high quality buildings and places are fundamental to the planning process. Paragraph 127 sets out 5 design criteria against which development proposals will be assessed including the need to be visually attractive and sympathetic to local character.

It is proposed to install hedge screening outside the new proposed 1.8 metre close boarded fencing. This will assist in further screening the development ensuring that it will not be particularly visible. A refusal on the grounds of visual impact on the open countryside or on the setting of Arundel (policy LAM DM2) is not justified given this level of screening. The site is also a significant distance from the South Downs National Park boundary and the structures with a low profile and appropriate screening would not adversely impact on views into or out of the park in accordance with policy LAN DM1. It is also considered that any light spillage from the homes would be limited in terms of impact on the landscape given the low profile of the structures.

The site is located in an area of mixed character with large scale horticultural buildings, caravans, solar park and residential properties. In character terms, the site can be considered to be 'rural'. The new structures would be out of character in this context and although they would be adjacent to existing glasshouses they would form an unacceptable encroachment of built form within a rural area. It will impact significantly on the character of the area.

The eastern boundary is a rural open area and the site opposite to the north which accommodates mobile homes is separated by Old Mead Road and therefore the development would not appear as an extension to that park. It would be visually isolated from adjacent non agricultural uses. The proposal

would therefore be out of keeping in the landscape. As such the proposal will constitute an alien encroachment into the countryside contrary to policy CSP1 of the Arun Local Plan by virtue of its location outside of the built area boundary and the resultant unacceptable adverse harm to character and appearance of the area.

AGRICULTURAL LAND

The latest available classification map suggests that the site is Grade 3 and is therefore to be considered as 'best and most versatile agricultural land.'

Regard should be given to the Arun Local Plan as it applies to agricultural land.

Policy SO DM1 of the ALP considers soil and states that:

"Unless designated by this Plan or a Neighbourhood Development Plan, the use of Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless need for the development outweighs the need to protect such land in the long term."

Paragraph 170 of the NPPF states 'planning policies and decisions should contribute to and enhance the natural and local environment by: (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan) and (b) recognising ... the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land....'

The agricultural land grade is noted. The area of Grade 3 land is used for horticulture and has agricultural potential. There is no policy justification for the development following adoption of the Arun Local Plan and the need for housing does not outweigh the merits of protecting the land for farming in the long term. As such the proposal is contrary to policy SO DM1 of the ALP.

There is a risk of contamination of the site but it has not been satisfactorily evidenced that this prevents agricultural use and indeed the site is part of a nursery which has been used for horticultural production.

RESIDENTIAL AMENITY

Marina House and Torri House residential dwellings are located adjacent to the access adjoining the eastern boundary of the site and Thornlea Park is opposite to the north. 2m high close boarded fencing encloses Thornlea Park. The submitted layout plan indicates that a 19m gap will be provided between the nearest mobile home to the north and a gap of 23m would be provided to the west. These distances are considered adequate to prevent a materially adverse effect on the residential amenities of the adjoining dwellings. The mobile homes would not project significantly above any boundary fencing and the imposition of a landscaping and noise condition would ensure that the development is satisfactorily screened and does not adversely generate materially unacceptable levels of noise.

Although the units and their limited garden areas are adjacent to the site boundaries, the access roads are located within the site and vehicular activity would not therefore take place immediately adjacent to residential units. The proposed layout is considered acceptable in terms of the impact on neighbouring residential amenity on this basis.

Therefore, the proposed development does not give rise to any unacceptably adverse overbearing, overshadowing or overlooking impacts on neighbours and accords with policy DDM(3) of the Arun Local Plan.

HIGHWAY

The highway authority has had no objection to other recent and similar proposals in this locality. In this case it is considered that traffic generation and available visibility means that the development would not have a severe impact on public roads locally and therefore accord with policy T SP1 of the ALP and the NPPF.

INFRASTRUCTURE CONTRIBUTIONS

Policy INF SP1 of the Local Plan requires development proposals to contribute towards the infrastructure and services needed to support the development to meet the needs of occupiers and users of the development and the existing community. The policy requires that off site measures will require planning obligations to secure the necessary provision.

Following consultation with West Sussex County Council contributions towards the provision of additional County Council service infrastructure are identified which include:.

Education - Primary £69,067 Secondary £74,343, Further Secondary £17,418.

Library Infrastructure Contribution £6,198

Fire and Rescue £585

No planning obligation to cover these contributions has been submitted as part of this proposal and the proposal therefore conflicts with policy INF SP1.

AFFORDABLE HOUSING

The Council's Affordable Housing Policy AH SP2 requires applicants that, in the first instance, make 30% affordable housing available on-site for all residential planning applications comprising of 11 or more permanent residential dwellings. An Affordable Housing Statement is required that includes a completed s106 for schemes of 11 units or more.

The applicants have proposed a development comprising of 14 permanent residential dwellings in the form of mobile homes. This type of dwelling would not normally be appropriate for affordable housing for either sale or rent. Therefore the Council would accept that this planning obligation can be met either by the provision of 4 affordable dwellings being provided elsewhere in the Arun District as part of a separate planning application, or by the payment of a commuted sum payable in lieu of on-site affordable housing.

No completed section 106 Agreement relating to affordable housing contributions has been submitted with the application. Contributions of £320,000 would be required. The proposal would therefore conflict with policy AH SP2 of Arun Local Plan which sets out the aims and objectives of the Council's Affordable Housing Policy.

CONTAMINATION

The site lies close to a former land fill site. Policy QEDM1 allows for development of such land subject to satisfactory evidence to show that unacceptable risk from contamination will be successfully addressed through remediation without undue environmental impact during and following the development. No evidence has been submitted to address these requirements and the proposal has been the subject of consideration by the Council's Environmental Health Department who have raised objections in relation to contamination. The proposal therefore conflicts with policy QE DM4 of Arun Local Plan.

FLOODING AND DRAINAGE

Policy W DM2 of Arun Local Plan refers to flood risk and development in areas at risk from flooding. The proposed development falls within this category. It lies within an area at high risk of flooding in Flood Zone 3. Policy W DM2 identifies a number of criteria which have to be met before development within the area at risk of flooding will be permitted. The proposal does not satisfy the sequential test. It does not adequately demonstrate that there is no lower risk area available for this type of development. The Environment Agency have objected to the proposal and it is not considered that the site would be safe

for access and egress. The sustainability benefits to the wider community have not been identified and neither has it been demonstrated that there are any new site drainage systems designed to take account of events which exceed the normal design standard.

According to the Environment Agency 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. As a result the proposed development is in conflict with policy WDM2 of the Local Plan and the NPPF.

Arun Engineers advice is that surface water drainage could be suitably controlled by condition.

ECOLOGY

Policy ENV DM5 of Arun Local Plan requires development schemes to achieve a net gain in biodiversity and protect existing habitats on site. It is considered that subject to the imposition of appropriate conditions the impact on wildlife could be suitably controlled and biodiversity enhancements could be achieved.

CONCLUSION

There are significant adverse effects from granting planning permission on the basis of its encroachment into the countryside, flooding, loss of agricultural land, contamination, and lack of infrastructure and affordable housing contributions. The proposal is therefore recommended for refusal for the following reasons.

HUMAN RIGHTS ACT

The Council in making a decision, should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (Right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

SECTION 106 DETAILS

No planning obligation has been submitted with the application. Contributions would be required for

affordable housing and infrastructure for libraries, education, fire and rescue and affordable housing.

RECOMMENDATION

REFUSE

- 1 By virtue of the proposed land use and the location of the site outside the built up area boundary the proposal is contrary to policies C SP1 and SD SP2 of the Arun Local Plan. Further, by reason of the site area and number of dwellings proposed the development would represent an encroachment of built form into the countryside to the detriment of the character of the area and use of the land for agricultural purposes and is therefore also contrary to D SP1 and D DM1 of the Arun Local Plan and the National Planning Policy Framework.
- 2 The proposed development falls within Flood Zone 3, a highly vulnerable flood risk category, that is unsuitable as the location for this proposed development. Tables 1 and 3 of Section 25 of the Flood Risk and Coastal Change Planning Practice Guidance to the National Planning Policy Framework make clear that this type of development is not compatible with this Flood Zone and should not therefore be permitted. The proposal is therefore contrary to policy WDM2 of the Arun Local Plan and the NPPF.
- 3 Based on the information submitted with the application it has not been satisfactorily demonstrated that the land is not contaminated or that the site is suitable for the proposed use without having an unacceptable risk from soil pollution. The development does not contain sufficient detail to ensure protection of the environment and prevention of harm to human health and therefore conflicts with policies QE DM4 and QESP1 of the Arun Local Plan.
- 4 The site comprises Grade 3 Agricultural Land and as it has not been satisfactorily demonstrated that there is an overriding need for the development in this particular location the proposal conflicts with policy SO DM1 of the Arun Local Plan.
- 5 The proposed development fails to make an adequate contribution towards affordable housing provision and infrastructure in the form of library, education and fire and rescue contributions. The proposal is thereby contrary to policies AH SP2 and INF SP1 of the Arun Local Plan.
- 6 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.