

Recommendation Report for Outline Consent

REF NO: LU/83/25/OUT

LOCATION: Westholme Nursery
 Toddington Lane
 Littlehampton
 BN17 7PP

PROPOSAL: Outline planning application (with all matters except access reserved) for the construction of 31 No. residential units. This application is in CIL zone 2 (CIL liable) and may affect the setting of listed buildings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>Outline permission is sought for the principle of residential development consisting of 31 dwellings and access only with the following matters reserved for future consideration:</p> <ul style="list-style-type: none"> - Appearance. - Landscaping. - Layout. - Scale. <p>The proposed access is via Toddington Lane utilising a redesigned driveway.</p>
SITE AREA	0.70 hectares (ha).
RESIDENTIAL DEVELOPMENT DENSITY	44 dwellings per hectare (dph).
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the development.
BOUNDARY TREATMENT	Varied treatment. Timber close boarded fencing (around 1.8m-2m) to west and northern boundary. Hedgerow to west. Mix of Heras and timber fencing to eastern boundary. Post and rail fencing adjacent to Toddington Lane forward of Knightscroft.
SITE CHARACTERISTICS	The site was operated as a horticultural nursery and features glasshouses. These have been removed and the site is predominantly scrubland. To the southern end of the site (adjacent to Toddington Lane) is Knightscroft a dwelling in residential occupation. A further dwelling is present on the site (Anggerik) although this property is vacant and in decline.
CHARACTER OF LOCALITY	<p>Predominantly residential, with some commercial / industrial uses within the immediate vicinity. The site is abounded by residential housing to the west and northern boundaries, with Five Stones Business Units to the east. The wider locality is primary residential.</p>

RELEVANT SITE HISTORY

LU/94/17/OUT	Outline application with all matters reserved for residential re-development comprising of 10 No. dwellings & associated works (resubmission following LU/327/16/OUT).	App Cond with S106 20-07-17
LU/327/16/OUT	Outline application for residential re-development comprising of 10No. dwellings & associated works. This application is a Departure from the Development Plan	Withdrawn 22-12-16
LU/357/08/EIS	Request for scoping Opinion North Littlehampton Urban Extension.	Scoping Issued 29-01-09
LU/115/96	Horticultural dwelling (bungalow)	Withdrawn 05-07-96
LU/6/93	1 No. Horticultural dwelling (bungalow)	ApproveConditionally 07-04-93

Outline planning permission was granted in 2017 (LU/94/17/OUT) for 10 No. dwellings and associated works. This permission was not implemented, and has now expired.

REPRESENTATIONS

Littlehampton Town Council - No objection:

3 letters of objection received from nearby occupiers:

- Additional homes will place more pressure and congestion on Toddington Lane.
- The development will remove some of the last green space around the north of Littlehampton.
- The homes will place more pressure on local infrastructure and transport.
- Existing residents will have to endure more building work, noise and disruption.
- Would like to see a line of tall, well established trees along the fence line to help encourage wildlife and enhance the view.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC ECOLOGY:

No objection subject to conditions and provision of further information at reserved matters stage.

WSCC HIGHWAYS:

No objection.

- The proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

WSCC LOCAL LEAD FLOOD AUTHORITY (LLFA):

Objection. An acceptable Flood Risk Assessment (FRA) and Drainage Strategy has not been submitted, and further information / amendments are required to demonstrate the method of surface water discharge. This objection is sustained (as of 08/09/25) following review of the updated FRA and Drainage Strategy.

ADC CONSERVATION OFFICER:

No objection - no harm to the significance of assets or their setting.

ADC ENVIRONMENTAL HEALTH:

No objection subject to conditions.

ADC PARKS AND LANDSCAPES:

Objection.

SOUTHERN WATER:

- A capacity check indicates that additional flows may lead to a minor increased risk of impact on the sewer network.

- No soakaways should be connected to the public surface water sewer.

ADC HOUSING:

- No comments received at time of recommendation.

SUSSEX POLICE:

No objection.

ADC DRAINAGE ENGINEERS:

A full formal consultation response has not been received, however comments have been provided supporting the stance and objection received from WSCC LLFA.

ENVIRONMENT AGENCY:

Original objection. Withdrawn following submission of an updated Flood Risk Assessment, subject to a condition.

ARCHAEOLOGY:

No objection subject to condition.

WSCC EDUCATION:

Objection - Secondary school transport contribution should be secured.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built Up Area Boundary.

Flood Zone 1 and 3.

Future Flood Zone 3a.

Archaeological Notification Area (DWS8495).

CIL Charging Zone 2.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM1	ENV DM1 Designated Sites of Biodiversity or geographical imp
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HDM1	H DM1 Housing mix
HSP1	HSP1 Housing allocation the housing requirement
HSP2	H SP2 Strategic Site Allocations
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water

[Littlehampton Neighbourhood Plan 2014 Policy 1](#) The Presumption in Favour of Sustainable

	Development
Littlehampton Neighbourhood Plan 2014 Policy 2	A Spatial Plan for the Town
Littlehampton Neighbourhood Plan 2014 Policy 3	Housing Supply
Littlehampton Neighbourhood Plan 2014 Policy 22	Design of New Development

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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.

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 conflicts with relevant Development Plan policies in that insufficient evidence has been provided to demonstrate that the development would not increase flood risk either on site or elsewhere; nor result in adverse risk of harm to life and property. Evidence has also not been provided that there are no alternative reasonably available sites at a lower risk of flooding where the development could be located. The quantum of development on site would present an overdevelopment of the site and inappropriate density, with adverse impacts to residential and visual amenity. The proposal has failed to provide a s106 to for the relevant infrastructure including affordable housing.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

BIODIVERSITY NET GAIN

This application is liable for Biodiversity Net Gain (BNG) and the following is a summary of the key points:

Off-site provision of 1.74 habitat units is required. On site net gain provision of 119.96% hedgerow units.

CONCLUSIONS

BACKGROUND

The site is within the 'North of Littlehampton' committed strategic site; which was approved and commenced before the Arun Local Plan (2011-2031) was adopted. This area is commonly referred to as 'Hampton Park', and is set to provide 1,200 dwellings and other amenities, with construction well underway. This development was approved in 2013 under LU/47/11/; the application site was not included within the red-line boundary for this 2013 permission, and subsequently has no extant permission for the development.

PRINCIPLE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise. For this application, the development plan comprises the Arun Local Plan 2011-2031 (ALP), and the Littlehampton Neighbourhood Development Plan 2014-2029 (LNDP).

The proposal is within the built up area boundary (BUAB), and as such accords with ALP policy SD SP2. Policies 1, 2 and 3 of the LNDP are relevant. These support the sustainable supply of development within the BUAB and Fitzalan Corridor which is identified by LNDP Policy 3 to accommodate new housing.

The NPPF gives a presumption in favour of sustainable development and indicates substantial weight should be given to redeveloping brownfield sites and (para 125(c)) promotes and supports the effective use of under-utilised land (para. 125(d)).

Para. 11(c) states that proposals that accord with an up-to-date development plan should be approved without delay. Where a proposal does not accord with the Plan then they will be considered under para 11(d) of the NPPF. The council cannot demonstrate a 5-year Housing Land Supply (HLS). Arun delivered 61% of its housing requirements between 2019 and 2022. The council's latest 5-year Housing Land Supply (HLS) figure was publicised through the Authority Monitoring Report (AMR) in January 2025, this shows the council falls short of its 5-year allowance being able to only demonstrate 3.41 years.

Paragraph 11(d) of the NPPF states that 'where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key

policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.'

Footnote 7 includes in a list of protected areas "areas at risk of flooding". This is discussed further below, however the site includes a portion of Flood Zone 3 to the northern boundary; and Future Flood Zones from 2070-2125 when climate change is accounted for.

Therefore, whilst the principle of development is supported by ALP policy SD SP2, the application falls to be determined in the context of 11 (d)(i) of the NPPF.

SUSTAINABLE DEVELOPMENT

Paragraph 125(c) of the NPPF states that, within planning decisions, substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. Annex 2 gives the definition for brownfield (referred to as 'Previously Developed Land'). In this instance, the site does not fall under the definition: 'Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings;'. Horticulture forms part of the definition of agriculture.

LAYOUT, CHARACTER AND DENSITY:

D SP1 and D DM1 (ALP) are consistent with NPPF provisions in that they require development proposals to make efficient use of land but reflect the characteristics of the site.

The site proposes a residential development of 31 units and has excluded any 'up to' reference and as such it is presumed that the intention of to deliver exactly 31 residential units. Details including site layout plans, floor plans, elevations and sections have been submitted to provide an indicative proposal for how the scheme could come forward, and its potential appearance. Being an outline, matters such as design are reserved for further consideration at Reserved Matters stage. However, the details submitted provide an important visual aid as to how the proposed scheme could be accommodated, and are comprehensive; suggesting that the scheme is well progressed with a reasonable probability of being bought forward in the future. Therefore it is pertinent to comment on the design at this stage to determine whether the proposed development of 31 dwellings could be accommodated on site in line with planning policy.

The ADG states that the indicative density ranges should be read as approximate, and each scheme is to be assessed based on the context, accessibility, proposed building type, form, and character of the development for that individual site.

The 31 units would result in a development density of 44 dwellings per hectare (dph). The Arun Design Guide (ADG) recommends a density range of 15-25 dph for terraced housing and 20-40 dph for flats in suburban areas.

Reference is made within the submission to the densities of neighbouring sites; namely the Bovis development to the west, which features a similar density to that proposed by this application. This is a high density residential area, comprising flats, detached, semi-detached and terraced housing and forms part of the wider strategic site (with outline permission granted under LU/47/11). The Bovis site was approved in 2016 under LU/117/15/RES, comprising a total of 117 units within an area of 2.68ha. Whilst this RM approval was at a density of 43dph the wider site features an overall density of 17dph with the site measuring a total of 85 hectares. The overall density of the site is likely to be lower with the site likely to deliver approximately 1,200 dwellings.

There are several contextual differences between the site and the Bovis development, which leads to

one being more successful and appropriate than the other. The Bovis site is much larger, and comprises several varying streetscapes, differing vistas, and multiple access points. This leads to a sense of openness that the proposed development would be unable to replicate. This openness of adjoining sites contributes to a less condensed and overbearing urban environment, reducing the perception of the site being high density. The application site, being smaller in scale, would be 'boxed in' by boundary treatments from the north, east and west. This in conjunction with the density would intensify the sense of the site being unduly cramped, overcrowded and overdeveloped. ALP policies D SP1 and D DM1 promote making the best possible and efficient use of available land; however this is subject to an appropriate scale and layout which creates a high quality sense of place.

Other features such as green verges, front gardens / defensible spaces, soft landscaping and public green spaces additionally play a key role in improving the layout and quality of a development. These elements have been included within neighbouring developments which incorporate verges and front garden spaces, with easy access to and visibility of public open space. These green buffers enhance the visual appearance of the street scenes, and soften the hard landscaping and imposition of built form.

Though indicative, the site plan shows extremely limited soft landscaping throughout the site, with the majority of greenery and gardens being screened by hard boundary treatments. The remaining landscaping and layout would be primarily occupied with hardstanding and dominated by parking. This would offer very limited visual amenity to occupiers, and provide a low quality and heavily urban public realm. There would also be little scope for this aspect to be improved as a result of the numerous constraints associated with providing the 31 residential units within the site (such as sufficient parking and private amenity spaces).

A development of 31 residential units would present an overdevelopment of the site, and would be an inappropriate density for this context. The scale, massing and density necessary to deliver the proposed development on the site would result in a heavily constrained and car-dominated layout, with limited scope for inclusion of adequate soft landscaping to improve the visual amenity and appearance of the street scenes. The development would fail to meet the requirements for an appropriate, high quality and well-designed residential development, in direct conflict with ALP policies D SP1 and D DM1, the Arun Design Guide, and the NPPF.

RESIDENTIAL AMENITY

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires that development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity.

The Council's Arun Design Guide sets out guidance on interface distances between houses to ensure amenity of residents is protected. Layout is a 'Reserved Matter', and it is not appropriate to assess the impacts of overlooking and privacy at this stage. Several conflicts have been identified within the proposed layout which would cause concern for the council were this scheme to be progressed to RM stage.

Based on the information provided, it is unclear if the development could be accommodated on-site without giving rise to unacceptably adverse impacts on residential amenity. However, this would be a matter for consideration at RM stage.

NOISE POLLUTION

Policy QE DM1 states that new sensitive generating development should be supported by an appropriate noise assessment (Noise Exposure Category) detailing the existing noise environment and consider the

likely level of exposure and any reasonably expected increase to that level. New development should not be permitted where noise generation is likely to continue throughout the night, and there is a likelihood of complaints about industrial development.

Policy QE DM2 concerns light pollution and states that planning permission for proposals which involve outdoor lighting must be accompanied by an acceptable lighting scheme.

Policy QE DM3 concerns air pollution and requires that all major development proposals assess the likely impacts of the development on air quality and mitigate any negative impacts.

Limited information or assessment on pollution impacts and mitigation measures have been submitted with the application. Environmental Health raised no objection subject to conditions requiring submission and approval of the following: Construction and Environmental Management Plan (CEMP); scheme for protecting the proposed residential properties from noise from the nearby commercial units; lighting scheme; and Noise Impact Assessment for building services and plant. These would have been secured below were permission being approved.

TRAFFIC, ROAD SAFETY & PARKING

Policy T SP1 of the ALP supports development that incorporates appropriate levels of parking in line with the WSCC guidance on parking provision. Policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes. Arun District Council adopted its Parking Standards SPD in January 2020.

Parking:

Parking is a matter for consideration at reserved matters stage through the assessment of the layout. Whilst it is not a matter for determination at this time it is appropriate to consider this to ascertain if the site is capable of accommodating the level of development proposed.

The application was accompanied by a Design and Access Statement which identified that for the indicative layout 61 parking spaces were proposed, which includes adequate provision for visitor and disabled car parking. In accordance with the Arun Parking Standards for dwellings in Zone 2, a total of 68 residential spaces would be required. Visitor spaces should be provided at a rate of 20% of the proposed residential dwellings, in this case being 31 units. Therefore, 6 additional visitor spaces should be provided; subsequently totalling at a minimum 74 spaces across the development to serve both residents and visitors. The spaces provided on the proposed site plan show an under-provision of 13 spaces. As such, the indicative layout would be in conflict with the requirements of the Arun Parking Standards, and would have impact on the parking amenity for residents; with subsequent pressure on other parking provision within the local area to supply the shortfall on site.

In addition to this the indicative site plan shows the car parking spaces to be approximately 4.8m by 2.4m. As per the Arun Design Guide (Part I), standard parking spaces must be 5m by 2.5m. Whilst, any spaces to meet Arun's internal policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020) should be 3.3m wide for M4(2) accessible homes and at least 6m by 3.6m for M3(3) wheelchair accessible homes. For a development of this scale 10 dwellings should be to M4(2) standards and 2 to M4(3) standard. Therefore, not only would the overall parking provision as shown on the indicative plans be insufficient but the spaces would be inappropriately sized. Therefore, the development has failed to demonstrate how parking needs could be met for 31 dwellings in an acceptable format further highlighting that the proposed development constitutes overdevelopment.

Cycle parking could be provided in rear garden sheds. Two-bed houses and flats require one cycle parking space, while three and four bed houses require two cycle parking spaces. The details of cycle parking could be adequately secured through the use of an appropriately worded condition.

Access:

The application proposes the upgrade of the existing driveway to a bellmouth junction, with the existing access road removed. Visibility splays have been provided for the 30mph speed restriction (2.4m x 43m). Based on the plans and WSCC highway mapping visibility splays in excess of this can be achieved within the publicly adopted highway and as such no objections have been raised by WSCC highways as to the acceptability of the access arrangements.

WSCC in their original consultation response had requested further information relating to the implementation of dropped kerbs and tactile paving crossing Toddington Lane and the proposed bellmouth access. This information was subsequently provided by the applicant and WSCC Highways have now confirmed they have no objections on highways grounds.

Traffic and Highway Amenity:

TRICS (Trip Rate Information Computer System) estimates 14 additional trips in the AM and 11 in PM peak hours. This has been reviewed by WSCC Highways who have advised that this would not represent a severe impact on operational capacity of the nearby road network and would not warrant any additional junction capacity modelling work. Therefore, the proposed development would be acceptable in terms of highway amenity.

The proposal, through the indicative plan, fails to provide convincing evidence that 31 units could be provided in a satisfactory manner whilst providing sufficient parking spaces. This supports the concerns about overdevelopment listed above.

BIODIVERSITY AND ECOLOGY

ALP policy ENV SP1 states that Arun District Council encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites. The council will ensure, through policy ENV SP1, that the intrinsic features of particular interest are safeguarded or, where possible, enhanced. Policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site.

Biodiversity Net Gain (BNG) became mandatory for major development from 12 February 2024, requiring that all new developments provide 10% BNG on or off site. The BNG report and Statutory Metric show a loss of 65.98% in habitat units and an increase of 119.96% for hedgerow units. Given the loss of habitat units onsite offsite BNG units will be required to make the development acceptable in planning terms.

The council's ecologist raised no objection. It has been highlighted that the bat and reptile surveys were undertaken in 2024 and will be out of date in January 2026. Due to the proposals including the demolition of an existing building and the presence of suitable habitats for reptiles a further bat and reptile surveys should accompany any reserved matters application. Bat sensitive lighting will also be required and this can be adequately controlled and secured through the use of condition along with bat and swift bricks delivered at a ratio of 1:1 for new dwellings.

Therefore, subject to conditions the development would accord with policies ENV SP1 and ENV DM5 of the Arun Local Plan.

HERITAGE

Neighbouring dwellings have been identified as being Listed Buildings; The Old Farmhouse and Holly Cottage (Toddington Farmhouse) and the Dovecote at Toddington Farm. The properties derive their significance from their architectural and historical interest.

The Old Farmhouse and Holly Cottage consist of a building divided into a northern and southern wing. The southern wing is identified as being C16 or early C17 and the northern wing is thought to date to the C19.

The Dovecote is dated 1699 and is a 2-storey square building with flint elevations and a tiled roof. It is attached to, and forms part of the property known as Old Byrne House which comprises former agricultural buildings which have been converted into residential use.

These Listed Building's derive their significance from its architectural and historic interest. Their setting includes their own curtilage, the neighbouring listed building, along with the surrounding roads and the site.

The application site is a former horticultural nursery with the wider locality formerly being in widespread horticultural use. Land surrounding the development is predominantly now in residential use with a number of planning consents having been granted in recent years, with industrial development to the east of the site. The proposed development would constitute infill development on a currently undeveloped plot of land. The nearest modern development to the listed building is a terrace of three two-storey houses, which are modest in scale and reflect the surrounding residential context.

The listed buildings are surrounded by traditional flint walling and mature vegetation, and are partially separated from the application site as a result of the terrace of three 2 storey houses. As a result, of boundary screening there will be no intervisibility between the application site and the nearby designated heritage assets.

As has been confirmed by the Conservation Officer the proposed development would result in no harm to the nearby designated heritage assets and as such the proposal is in accordance with Policy HER DM1 of the ALP and the NPPF.

ARCHAEOLOGY

ALP policy HER DM6 concerns Sites of Archaeological Interest. Where a site on which development is proposed has the potential to include heritage assets with archaeological interest permission will only be granted where it can be demonstrated that development will not be harmful to the archaeological interest of these sites.

The application is supported by a Desk-Based Assessment and Heritage Statement (June 2025), which includes an archaeology assessment. This concludes that the site has an overall high potential for prehistoric to Roman archaeology, and all groundworks have the potential to damage any features present.

The Archaeology Officer has agreed with the conclusions of the Desk-based Assessment. Were permission being approved, a condition would have been applied below securing the implementation of a programme of archaeological work and written scheme of investigation being approved by the Planning Authority prior to development.

AFFORDABLE HOUSING

Developments over 11 residential units require a minimum provision of 30% affordable housing on site as per ALP policy AH SP2. The policy states affordable housing should be visually indistinguishable from market housing with large groupings of single tenure dwellings or property types avoided. Affordable housing units shall be permitted in small clusters throughout development schemes.

The application will provide a mix of dwelling types, sizes and tenures. The exact mix will be determined at reserved matters stage; though it is indicated that 10 affordable units would be provided. This would meet the 30% requirement. Were outline planning permission granted, this provision would be secured through a S106 agreement. No s106 for affordable housing has been provided.

HOMES FOR OLDER PEOPLE

Arun DC agreed internal policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). This is not adopted policy or a supplementary planning document but is considered to have some weight as a material planning consideration. It is supported by references in ALP policies D DM1 & D DM2. This requires at least 50% of the homes are designed to the M4(2) standard, and that 2 are designed to meet M4(3) i.e. be wheelchair accessible, for every 50 dwellings. Schemes over 100 units should include provision for bungalows.

Given the outline nature of the proposal these dwellings could be secured through condition.

FLOOD RISK & SURFACE WATER DRAINAGE

ALP policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SuDS) as appropriate to the size of development.

The site is in Flood Zone 1 and 3. It has been identified through the 'Flood map for planning' that a significant proportion of the site would sit within Flood Zones plus climate change for 2070-2125.

Sequential Test:

Paragraph 175 of the NPPF states that a sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).

Due to the sites partial location in flood zone 3 and presence of climate change Flood Zones (2070-2125) occurring within the lifetime of the development a sequential test is required for the development.

It is pertinent to highlight that recent appeal decisions such as Rectory Farm (North), Yatton (APP/D0121/W/24/3343144). This appeal related to a proposal for up to 190 homes, on a greenfield site located in Flood Zone 3a. Despite the flood risk constraint and failure of the sequential test, this appeal was allowed. The Inspectors approach to Flood Risk and the Sequential Test in the Yatton appeal is of relevance to this application; given it sets clear instruction for the assessment and interpretation of the Sequential Test and its weight when applied in the overall planning balance of the scheme. The failure of the Sequential Test subsequently does not result in failure of the application and automatic refusal of permission.

The supporting FRA (A8131: CTP Consulting Engineers - 12th August 2025) includes information in respect of the Sequential Test on Page 11. This concludes that, as the proposed development is located within Flood Zone 1, it is an area with the lowest risk of flooding. As such, the sequential approach has been followed.

However, as identified above, a significant proportion of the site would sit within Flood Zones plus climate change for 2070-2125 (according to the 'Flood map for planning', published by the Environment Agency). This conclusion on the Sequential Test is incorrect as the site falls within Flood Zones where climate change is applied within the lifetime of the development, and includes the creation of residential units, with the vulnerability of the site increasing. This triggers the requirements for the sequential test, and if found necessary, the exception test. The sequential and exception tests have not been applied appropriately in this instance, and it has not been established that there are no other reasonably available alternative sites at a lower risk of flooding for this development. It should not be granted permission, due to direct conflict with Policy W DM2 of the ALP and Paragraphs 171 - 177 of the NPPF.

As the exception test is foreclosed by the outcomes of the sequential test, it would not be reasonable for the exceptional test to be requested until an acceptable sequential test has been undertaken. As such, the lack of an exception test is not sufficient on its own to warrant refusal.

The established principle that the failure of the sequential test does not result in automatic refusal of the application does not apply in this instance, as the required Sequential Test has not been undertaken. The implications of the omission of this test is concluded below.

Flood risk and drainage

A combined Flood Risk Assessment and Drainage Strategy (A8131: CTP Consulting Engineers - 19th March 2025) was submitted and has been assessed by the WSCC Local Lead Flood Authority (LLFA) and the Environment Agency. Arun Drainage Engineers were consulted; however have been unable to provide a comprehensive formal consultation response. Further information has been supplied (document reference A8131: CTP Consulting Engineers - 12th August 2025), in response to the objection from the EA. This was supplied prior to receipt of the LLFA's first objection; however they have reviewed the updated information in an additional consultation response. This is in accordance with Footnote 63 of the NPPF (2024) in which a site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving:... land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use. Annex 3 of the NPPF identifies the vulnerability use as 'More Vulnerable', through the substantial increase in residential development throughout the site.

Paragraph 181 of the NPPF (2024) requires that development only be allowed in areas at risk of flooding where it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location.
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment.
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed.
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

In accordance with W DM2 of the Arun Local Plan, the following must be satisfied:

- a. The sequential test in accordance with the National Planning Policy Guidance has been met.
- b. A site specific Flood Risk Assessment demonstrates that the development will be safe, including access and egress, without increasing flood risk elsewhere and reduce flood risk overall.
- c. The sustainability benefits to the wider community are clearly identified.
- d. The scheme identifies adaptation and mitigation measures.
- e. Appropriate flood warning and evacuation plans are in place.
- f. New site drainage systems are designed to take account of events which exceed the normal design standard i.e. consideration of flood flow routing and utilising temporary storage areas.

The supporting FRA and Drainage Strategy identifies that the site falls within Flood Zones 1 and 3; It identified moderate risk of groundwater flooding. The FRA has failed to identify the future flood risk to the site (including the impacts of climate change). It has been identified through the 'Flood map for planning' that a significant proportion at the site would sit within Flood Zones plus climate change for 2070-2125. In accordance with Paragraph 170 of the NPPF, development should be 'made safe for its lifetime'. Residential development can be assumed to have a lifetime of at least 100 years (PPG Paragraph: 006 Reference ID: 7-006-20220825). This subsequently requires that the applicant ensures, and sufficiently demonstrates that both life and property will be kept safe for the lifetime of the development. Without adequate identification of all potential flood risks to the site for the next 100 years, this requirement has not been met.

The information submitted in support of the application as such underestimates the flood risk to the site, through its omission of identifying future flood risks (including consideration of climate change). It therefore cannot be concluded that the information submitted sufficiently addresses the potential harm to life and property from flooding.

The Lead Local Flood Authority (LLFA) have been consulted on the application and have raised an objection. The objection states that in the absence of an acceptable flood risk assessment (FRA) and drainage strategy the development should not be approved. Further information has been requested to demonstrate the method of surface water discharge including appropriate plans to establish the principle of the proposed drainage strategy. In addition revised calculations have been requested which use FEH2022 as well as a CV value of 1 for both summer and winter scenarios to ensure that the quoted storage volumes are achievable. It has also been advised that further percolation testing and groundwater monitoring is required at the location and depth of the proposed SuDS features as well as to demonstrate a 1m freeboard above groundwater level.

Whilst a comprehensive consultation has not been provided by the Arun Drainage Engineers, written support of the LLFA's stance on the application has been provided. They have reiterated that the proposal does not prove a disposal location for surface water drainage and therefore object in principle to the application.

In line with the sustained objection from the LLFA received on 8th September 2025 identifying four outstanding areas of major concern with the proposal, the application cannot be supported. Further evidence is required before it can be concluded that the development would not result in adverse risk of flooding, and until adequately demonstrated, an objection in principle must be maintained.

Conclusion

Paragraph 11(d)(i) of the NPPF refers to Footnote 7 which states 'The policies referred to are those in this Framework (rather than those in development plans) relating to... areas at risk of flooding or coastal change.'

In respect of the criteria forming a 'strong' reason for refusal, the Inspector for a recent appeal decision (APP/V2255/W/24/3350524) stated that 'a 'strong' reason for refusal based on flooding must... go beyond mere technical conflicts, even if they are important. There must be substantive risks and harms that go beyond policy'.

In the absence of the undertaking of a sequential test, and provision of sufficient flood risk and drainage information, it is not possible to conclude that the proposed development would not increase flood risk either on site or elsewhere; nor result in adverse risk of harm to life and property. The proposal is subsequently not in accordance with relevant paragraphs of the NPPF, policies W SP1, W DM2 or W DM3 of the ALP, or the NPPG. The inconclusion of the potential impacts surrounding this flood risk is such that it constitutes a strong reason for refusal, in accordance with the definition and criteria ruled by the Inspector for APP/V2255/W/24/3350524.

FOUL DRAINAGE

ALP policy W DM1 states that all major developments must demonstrate that adequate drainage capacity exists or can be provided as part of the development. Where adequate capacity does not exist, there will be a requirement that facilities are adequately upgraded prior to the completion and occupation of development. Policy W DM1 also states that a drainage impact assessment is required for all major development.

Southern Water have been consulted on the proposed application and advised that a capacity check has revealed that the additional foul sewerage flows may lead to minor increased risk of impact on the sewer network. Therefore, occupation of the development would need to be phased to align with any necessary sewer reinforcement. This could be adequately addressed through condition.

ENERGY AND CLIMATE CHANGE

ALP policy ECC SP2 requires new residential and commercial development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. ECC SP1 requires that new development be designed to adapt to impacts arising from climate change and that all major developments must produce 10% of total predicted energy requirements from renewables unless unviable. Conditions can be imposed to ensure that the policy requirements are incorporated into the reserved matters application and the final build. This will ensure compliance with the relevant policies.

PUBLIC OPEN SPACE & PLAY

ALP policy OSR DM1 requires housing developments to provide sufficient public open space, playing pitch provision and indoor sport & leisure provision. The Council's Supplementary Planning Document (SPD) "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out a requirement for the provision of onsite POS minimum area of 2,557m² (2182m² POS and 375m² Play).

The proposal falls significantly short of the minimum required POS and play provision required to be accommodated on-site; nor has the offer of any off-site financial contribution been received in the lifetime of the development.

Supporting comments have been received from the agent which address the objection raised by ADC Parks and Landscapes. Within this, it is identified that policy indicates that on-site provision is not always required, particularly where existing facilities are accessible and sufficient. It is highlighted that the wider LU/47/11/ development has already secured substantial POS to meet both formal and informal recreation needs.

Whilst these comments are noted, the Council do not feel that sufficient evidence has been provided to justify why there should not be on-site provision of Public Open Space and Play. It is understood that POS has been omitted to allow for the most efficient use of land for housing delivery; however as mentioned above, it has been found that the quantum of development on this site would be inappropriate and constitute overdevelopment. The provision of on-site POS would aid the alleviation of these issues, and further support the objectives of the NPPF and ALP policy OSR DM1.

The quantum of POS and Play associated with LU/47/11/ was calculated in respect of the requirements of that development, and the number of dwellings proposed. No evidence has been provided to demonstrate that the POS and Play designed for LU/47/11/ would have sufficient capacity to support the use by the additional 31 dwellings. The supporting text for OSR DM1 states that 'there may be occasions when it is not appropriate to provide facilities on site. In these cases the Council will collect financial contributions from developers'. Negotiation on any potential financial contributions would have been addressed were permission being supported.

CONTAMINATED LAND

Policy QE DM4 of the ALP relates to previous contaminate land. The use of previously developed land is promoted subject to the following evidence being provided; a Risk Assessment to identify if the land is affected by contamination through indirect pollutant linkages, whether the development will create new linkages to vulnerable resources, actions required to break the linkages whilst avoiding new ones, how risks will be dealt with to enable safe development for future occupants.

Environmental Health were consulted on this application, and have requested a Pre-Commencement Condition in respect of providing a preliminary risk assessment, site investigation scheme, remediation strategy and verification report to the LPA for written approval. This is in respect of ensuring that any contamination on the land is sufficiently investigated and assessed prior to any development. Were permission being granted, this condition would have been agreed with the agent / applicant and secured below.

SUPPORTING INFRASTRUCTURE

ALP policy INF SP1 requires development proposals provide or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and the existing community. Any off-site provision or financial contribution must meet the statutory tests for planning obligations required by Regulation 122 of the Community Infrastructure Regulations 2010.

Were planning permission being approved, a S106 Agreement would have been sought to secure contributions to infrastructure (NHS and Education).

SUMMARY & PLANNING BALANCE

The NPPF is an important material consideration in determining applications. As the Council cannot demonstrate a 5-year housing land supply (HLS), para 11(d) of the NPPF and the application of the 'presumption' for sustainable development is engaged.

This states where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for applications involving the provision of housing where a 5-year HLS cannot be demonstrated), planning permission should be granted unless (i) policies in the NPPF that protect areas or assets of particular importance provide a strong reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

The proposal has provided insufficient evidence in regard to flood risk. The submitted FRA and drainage strategy fails to identify and assess the impacts of future flood risk on the site from climate change; demonstrate that the site could be adequately drained without increasing flood risk elsewhere; and fails to undertake a Sequential Test. As such the requirements as set out in the NPPF and the ALP for this test, and subsequent Exception test (if found to be necessary), have not been met. It has not been demonstrated that there are no alternative sites appropriate for the development in areas at lower risk of flooding, or that wider sustainability benefits can be provided. The relevant paragraphs of the NPPF pertaining to areas at risk of flooding provide strong reasons for refusing this development and the presumption in favour of sustainable development does not apply in accordance with Paragraph 11d(i) of the NPPF.

Should the issues regarding flood risk be overcome, it would be necessary for the merits of the proposal to be balanced against the harm, as set out by 11d(ii) within a 'tilted balance'. In that case, appropriate weight would be attributed to the delivery of 31 dwellings, and their contribution to the Housing Land Supply. Additional weight would also be given to the social and economic benefits of this development, and use of brownfield land. The same would be attributed to the harms identified above.

In addition to flood risk in conflict with ALP policies W SP1, W DM2 and W DM3, the quantum of development is concluded to present an overdevelopment of the site, and an inappropriate density. This is in direct conflict with ALP policies D SP1 and D DM1, the Arun Design Guide, and the NPPF.

A S106 agreement has not been secured during the lifetime of the development. This would require financial contributions and obligations towards affordable housing and education. This forms another reason for refusal.

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

A Section 106 would secure the following:

- 30% Affordable Housing.
- Secondary School Transport Contribution.

CIL DETAILS

This application is CIL liable, therefore, developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

RECOMMENDATION

REFUSE

- 1 The site lies partially in Flood Zone 3 and Climate Change Flood Zones for 2070-2125, and whilst an FRA has been submitted, the applicant has not provided sufficient information to adequately assess the flood risk to the site both now and in the future. The development fails to undertake the sequential test, nor identify that there are alternative sites appropriate for the development in areas at lower risk of flooding. The proposals are therefore contrary to Arun Local Plan Policies W SP1 and W DM2 of the Arun Local Plan and the NPPF.
- 2 Insufficient evidence has been submitted to demonstrate that the development is deliverable and ensures the satisfactory management of local flood risk, surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development, without increasing flood risk elsewhere. This is in conflict with Arun Local Plan policy W DM3 and the NPPF.
- 3 The proposed development would present an overdevelopment of the site, and result in an unacceptable density to the detriment of the character and appearance of the area, in conflict with Arun Local Plan policies D SP1 and D DM1, the Arun Design Guide and the NPPF.
- 4 In the absence of a signed Section 106 agreement, the development will not provide the contribution required to mitigate the additional cost of transporting secondary school pupils to the nearest school and is thereby contrary to ALP policy INF SP1 and the NPPF.
- 5 In the absence of a signed Section 106 agreement, the development fails to make any affordable housing provision contrary to the aims and objectives of the NPPF and policy AH SP2 of the Arun Local Plan.
- 6 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 provide pre-application advice in respect of any future application for a revised development.