

Jamie Ambrose  
Holly Tree Cottage, Hoe Lane  
Flansham, West Sussex PO22 8NT

25 July 2017

Simon Davis, Case Officer  
c/o Group Head of Planning  
Arun Civic Centre, Maltravers Road  
Littlehampton, West Sussex BN17 5LF

**RE: Planning Application Y/40/17/OUT: land at Bonhams, Hoe Lane, Flansham, West Sussex PO22 8NP**

Dear Mr Davis,

I wish to present a number of strong objections I have regarding the above application. I realize your workload is already massive, and apologize for adding to it, but the documentation and potential impact of this application require an equally detailed response. I therefore request that you please read through and consider all objection points listed below. Thank you for your consideration.

**A. Contravention of agreed policy/breach of the Development Plan**

The act of considering this development is a contravention of existing council policy, which was agreed upon and widely publicized when Site 6 plans for development in Felpham were approved. It goes against the agreed Yapton Neighbourhood Plan. Flansham, while part of Yapton Parish, is, however, directly opposite Site 6 in Felpham; due to its position north of Site 6 and next to the A259 Relief Road, Flansham hamlet is the locality most directly affected by both Site Six and the Relief Road in terms of noise and air pollution. Arun District Council (ADC) therefore agreed with Flansham residents that *no further new development* would take place north of the new Felpham Bypass/A259 Relief Road; our newest residents bought houses in Hoe Lane during the last seven to eight years only because of this assurance, which they were given to believe was binding. Consideration of developing the Bonhams site makes a mockery of council planning policy and agreed Local and Neighbourhood Plans, and is admitted already by ADC as lying outside the Development Plan in the ADC HELAA report. Please see also Human Rights Act, below, as this contravention attracts obligations under Article 1 of the First Protocol, and I respectfully remind the council of these obligations.

**B Degradation of a wider community/community asset / heritage asset & Incompatibility of design and type with existing community**

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### **1) Human Rights Act of 1998.**

Under the act, which has been in force since October 2000, it is unlawful for a public authority such as ADC to act in a manner incompatible with the European Convention on Human Rights. Consideration should be specifically given to Article 8, 'the right to respect for private and family life': especially the right not to have one's home life interfered with, and the section on 'Limitations', which states that a 'fair balance has to be struck between the competing interests of the individual [in this case the owner of the Bonhams' site] and of the community as a whole'. (i.e. Flansham and its nearest neighbouring communities). Article 8 has precedent in planning decisions, as shown by *Britton vs SOS JPL 617*, where the courts concluded that the protection of the countryside falls within the interests of Article 8, and that private and family life therefore encompass not only the home but also its surroundings.

Further, **Article 1 of the First Protocol (protection of property)**, imposes on the State a duty not to 'interfere with peaceful enjoyment of property'. By its size, density, incompatibility and overbearing nature, the Y/40/17/OUT development would deprive the majority of residents of Flansham and *all* users of Hoe Lane of the peaceful enjoyment of Flansham hamlet. Regardless of what is subsequently agreed under Brexit negotiations, the UK is currently and for the foreseeable future bound by the Human Rights Act, and the council is respectfully reminded of its obligation to act in accordance with these rights.

**2) NPPF Section 10. 123** states: 'Planning policies and decisions should aim to \*identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.'

The proposed development contravenes this policy. Objections show Flansham's value, not only to its residents but also to those of nearby Felpham, Barnham, Yapton, and beyond for its recreational and amenity value. Flansham's Hoe Lane is a preferred place to jog, cycle, walk dogs and horse ride in a largely traffic-free environment. Hoe Lane, its only road, links directly into the public footpath/cycle path to Barnham. Note that it is especially valued by residents of nearby Felpham's Site 6, showing that the density of such estates, similar to that proposed in Y/40/17/OUT, does not provide this type of essential recreation.

**3) NPPF Section 10. 120** states: 'To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.'

For all the reasons contained in this objection, Y/40/17/OUT can in no way be considered as 'appropriate for its location'.

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#### 4) E. Impact on the Whittington's Way Cycle Path due to Transport Statement/WSCC Assessment oversights and errors

In claiming the amended access needed for Hoe Lane will be 'safe for all', as required by NPPF and other guidelines, both the Transport Statement and WSCC assessment documents omit to mention that Hoe Lane is part of the Barnham to Flansham cycle route known as Whittington's Way, which opened in 2011. In a newspaper article of 9 July 2012, County Councillor Derek Whittington, for whom the route was named, stated: "What pleases me the most about the path is a lot of families use it in the evening and at weekends, to keep their children on their cycles or scooters away from the traffic on the main roads."

Source: <http://www.bognor.co.uk/news/environment/barnham-and-flansham-cycle-route-named-after-councillor-1-4035299>

This quote supports all objections that have mentioned the risks to cyclists and users of Hoe Lane that would arise by altering the Hoe Lane entrance and the development, and also shows that Flansham and Hoe Lane combined have historically been and are still considered to be a public amenity and should be protected against any development that could jeopardize it and the lives of its users.

5) When ADC's Special Development Control Committee considered the approval of reserved matters of the A259 Relief Road (see FP/220/07) in March 2008, the County Rights of Way Officer highlighted the pedestrian rights already in existence in Hoe Lane. The Countryside Access Forum for West Sussex (CAFWS) emphasized the importance of considering the needs of the three main users - Walkers, Cyclists and Horse Riders - as well as stating that a key issue was 'retaining where possible the rural character of paths'. Hoe Lane's rural character is an intrinsic part of its nature. Altering the entrance to accommodate what is an over-dense, incompatible urban development at its entrance point jeopardizes its status as a rural asset.

#### 6) The Yapton Neighbourhood Plan 2014-2029,

**Policy 7.35 states:** 'Flansham ... is the oldest hamlet in Arun district.'

**7.36** states that the principle of conservation areas and listed buildings is 'of significance' to Yapton village, and 'extends to Flansham as a place of considerable heritage value'. **Policy E9** states: 'By virtue of the limited extent of the village Conservation Areas and the small number of listed buildings, any development which has a detrimental impact on the setting of these areas/buildings, will be refused. Planning permission will not be granted for development resulting in the loss of existing buildings and structures of interest and importance in the parish which are attractive in their own right or which contribute to the character and appearance of an area. This includes the hamlet of Flansham.' **7.42:** Flansham is considered to merit designation as a Conservation Area or as an Area of Special Character. Such a designation will be strongly supported.' Finally, **E10:** The designation of all or part of Flansham hamlet as a Conservation Area or Area of Special Character will be strongly supported.'

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It is my understanding that Flansham has applied for and is being considered for conservation and/or Area of Special Character status. Even without this, the development contravenes all above parts of the Yapton Neighbourhood Plan.

### **C. Unsustainability / Detrimental Environmental Impact**

**National Planning Policy Framework (NPPF)** establishes a presumption in favour of sustainable development. In the **Ministerial Foreword to the NPPF**, **Minister for Planning Clark MP** writes: 'Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations. Sustainable development is about change for the better, and not only in our built environment. Our natural environment is essential to our wellbeing, and it can be better looked after than it has been. Habitats that have been degraded can be restored. Species that have been isolated can be reconnected. Green Belt land that has been depleted of diversity can be refilled by nature – and opened to people to experience it, to the benefit of body and soul. Our historic environment – buildings, landscapes, towns and villages – can better be cherished if their spirit of place thrives, rather than withers.'

**NPPF Section 10. 117** states: To minimise impacts on biodiversity and geodiversity, planning policies should:

- plan for biodiversity at a landscape-scale across local authority boundaries;
- identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation;
- promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan;
- aim to prevent harm to geological conservation interests

**Arun District Local Plan Policy GEN 3** Protection of the Countryside. Safeguards the countryside outside the built-up area

**Policy C SP 1** Outside the built-up area boundaries the countryside will be safeguarded for its own sake.

**NPPF 4. 30:** Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.'

**Arun Local Plan 2011-2031 17.4 Development & Biodiversity, 17.4.1** 'All development should enhance the biodiversity of the site and the surrounding area... However, in general the loss of habitats should be strongly resisted.'

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Y/40/17/OUT runs counter to and contravenes all of the above. Specifically:

1. It depletes the number of native mature trees and hedges in the local environment to the detriment of both wildlife and local context.

2. It contains no provision for carbon offsetting, rainwater harvesting, or passive solar generation. This is also counter to **NPPF 10: Meeting the Challenges of Climate Change...**; esp. paragraph 97.

3. It increases pressure on overstrained local infrastructure (doctors surgery, schools, postal and waste collection services) and generates increased traffic, air and noise pollution by its location, forcing new residents to rely on car/motor vehicles as transport to main supermarkets, transport hubs, schools, etc, as already admitted by WSCC.

4. It imposes a substantially higher and alien density of housing/overdevelopment amounting to more than 60% of Flansham hamlet's current 53-4 homes, thus forcing an urban-density estate into a low-density rural environment that consists of working farms and separate houses surrounded by large plots of green open space. This alone creates two distinct and alienated communities, not one.

5. Economically, it directly and detrimentally impacts on Flansham's existing local businesses and employment, including a local childminder, who walks the children in her care every day to and from Flansham to Felpham school – sustainably – directly past the site entrance. For reasons of safety, she, like other Flansham parents and schoolchildren, will be forced by this development to use unsustainable motor transport. It directly impacts and harms *all* businesses in the local business centre and especially Flansham's farmers and agricultural workers by dominating and obstructing the sole access point to Hoe Lane, both during and after development. It further impacts detrimentally on local farmers and all residents by an expected increase in detritus, litter, and other site debris polluting nearby watercourses, road edges, and agricultural land, also risking contamination of neighbouring pastureland.

6. It places human-generated stresses in the form of noise, light and air pollution, incursion into and encroachment on an unprecedented scale into the rural and natural environment at large, including land supporting breeding livestock (breeding dairy cattle).

7. It jeopardizes existing and potential protected species, in the form of reptiles, bats, water voles and probable great crested newts (GCN), whose presence DNA evidence indicates. Although the exact type and size of population of each species have yet to be precisely determined, three-quarters are known to exist in the area, as stated by Chichester District Council's Environment Office; one-quarter (GCN) has left DNA traces so cannot be ruled out. Additionally, evidence of water voles *has* been confirmed in nearby ponds by CDC, and this species is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 and is a priority conservation species.

8. Regardless of the proposed development site's proximity to the ponds, trees, and natural verges that support all of these endangered species, and regardless of the exact numbers and types of said species, it is clear that this plot of mainly traditionally agricultural land/green space, which has no

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history of building upon it, acts as part of a vital wildlife corridor and natural 'stepping stone' environment that links the hedgerows leading in from the carefully managed organic environs of Rookery Farm, on the east side of Hoe Lane, as well as from the Wildlife Trust site of Worms Wood via Worms Lane south off the roundabout, and connects both of these to the neighbouring fields and hedge boundaries that the site immediately abuts. Given the vast amounts of former agricultural and wild land already sacrificed for the building of Site 6, for this reason alone this plot should be protected and maintained as green space/agricultural land, because it forms a vital link to surviving natural environments of the area. . (Please see again the Foreword to the NPPF, cited above).

9. Finally, *despite* regular herbicidal spraying of the site that will have contributed to a reduction in its suitability for such species, endangered species nonetheless do survive on it and in the surrounding landscape in populations high enough to be measured. This fact alone shows that this parcel of land is undoubtedly endangered-species-viable and indeed vital. If managed in accordance with environmental protection guidance and law, it could actually *increase* the number of all species in question. Building upon it, however, will only be to their detriment, and is a direct violation of both UK and EU laws.

See specifically [www.gov.uk/guidance/great-crested-newts-protection-surveys-and-licences](http://www.gov.uk/guidance/great-crested-newts-protection-surveys-and-licences) document, *Great crested newts: protection and licence*. Regulations listed in the above apply to the site, irrespective of how low the potential GCN populations is.

In regards to water voles, a licence to displace them can only be granted 'if your actions will result in a conservation benefit for water voles'.

Source: <https://www.gov.uk/government/publications/water-voles-licence-to-displace-them-for-development-projects>

Nothing about this development shows any conservation benefit to water voles.

It is also well documented that bats, whose presence is known in and around the site, as well as in and around many properties of Flansham, prefer mature trees, and no amount of mitigation planting or erection of bat boxes will make up for the loss of potential roosting sites, particularly in an area where noise and introduced artificial light pollution will turn this paddock land and green space into an area of natural avoidance.

I respectfully remind the planning authorities of their responsibility under **NPPF, Section 10, para. 125**: '...planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation'. Flansham has resisted all street lighting attempts by ADC in the past, precisely to preserve its inherent and traditionally dark landscape.

#### **D. Flood risk : GEN9 - Foul and Surface Water Drainage**

**\*\*Please refer also to <http://www.bbc.co.uk/news/science-environment-40683302> for information released 24 July 2017 by the Met Office, showing a definitive increased risk of 'unprecedented winter downpours'. This data**

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should be taken into account for any future flood risk assessment, especially as it states that: 'Not only is there a greater risk, but ... these events could break existing records by up to 30%.'

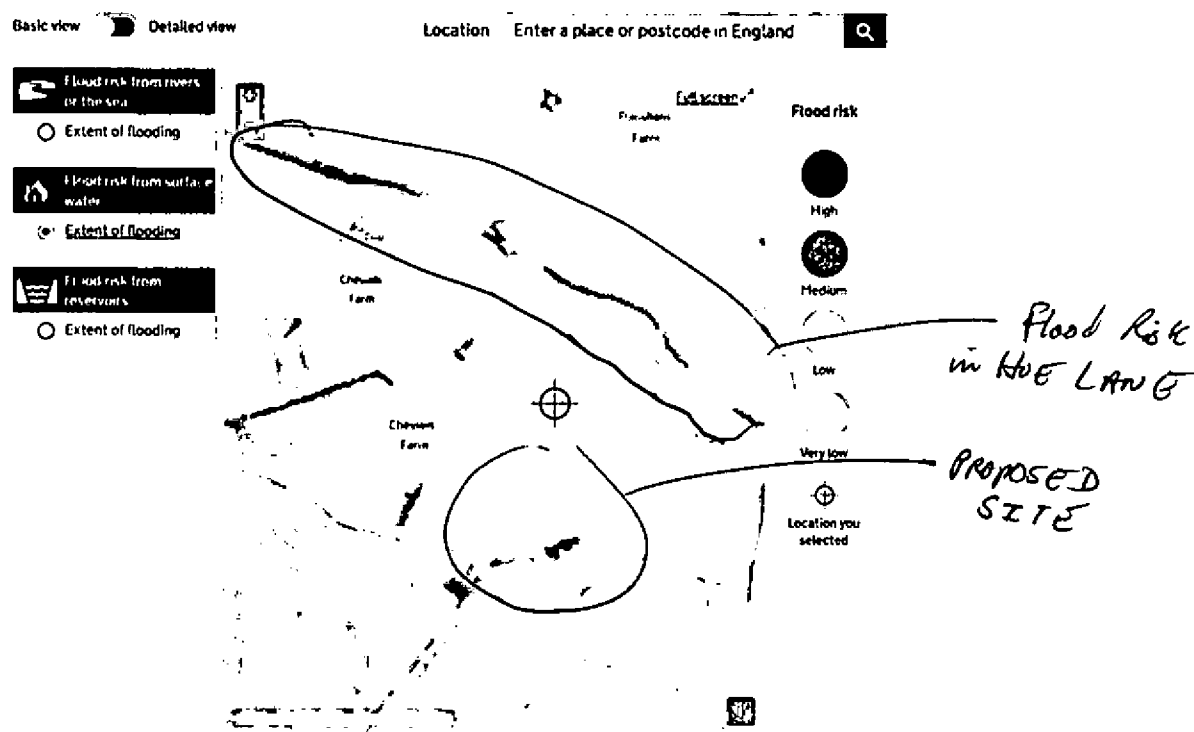
1. I attach the Environment Agency's Flood Warning Information Service page with reference to 'long term flooding' ( <https://flood-warning-information.service.gov.uk/long-term-flood-risk/map?easting=496114&northing=101102&address=100062420206&map=SurfaceWater> ).

The crosshairs on the attached screenshot of the above mark the position of Flints, adjacent to the proposed site. While the site itself is 'low to medium risk', any water collecting here travels downwards naturally into Hoe Lane, clearly illustrated by the low to high flood-risk areas shown. Covering this area with 34 houses and associated drives, pavements and other hard surfaces, will push surface water directly into Hoe Lane, via the lane itself and the site's adjacent watercourse threatening nearby properties.

## Learn more about this area's flood risk

From the list on the left, select the information you're interested in. The map view will then update.

'Detailed view' shows more options.



2. On 16 November 2015, residents of Hoe Lane were informed by Paul Cann, Senior Engineer Drainage and Coastal, at Arun District Council, that, because the Environment Agency had abdicated responsibility for maintenance, residents of Hoe Lane had been reclassified as riparian owners and are thus responsible for all future maintenance and upkeep of drains, ditches, culverts and any watercourses adjoining and crossing beneath their properties. While the Flood Assessment document submitted acknowledges

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this, it references only one sewer plan, derived from Southern Water. Due to Flansham's great age, there likely to be many other subterranean watercourses and drains running beneath Bonhams, the core of which dates from at least the early 1700s. When Flansham residents asked for plans of these from ADC, they were told that any plans ADC possesses are 'very inadequate and not helpful'. In terms of visible watercourses, the development land is bordered by one ditch on its eastern edge (running alongside part of the Hoe Lane wall surrounding the Bonhams enclosure), one to the south, and one to the west. Another large ditch runs along the eastern side of Hoe Lane, opposite the proposed development site and Bonhams. It is documented that watercourse/drainage networks run somewhere beneath the land belonging to Bonhams, because this was blocked when the eastern and lowest-lying part of the lane flooded in 2011, and many Flansham residents had to abandon their cars and walk home across higher-elevation fields. Thus, drainage beneath the higher-elevation Bonhams' site has a known recorded history of affecting other properties and access in lower-lying parts of Hoe Lane.

**ADC's 'Rights and Responsibilities of Living by a Watercourse'** states: Where a watercourse is between two or more property boundaries each owner may be equally responsible.'  
This responsibility will fall on the 34 new owners of the proposed new residences.

**West Sussex County Council's** website states: 'Riparian owners are responsible for the maintenance and upkeep of watercourses on their land to ensure that they are not a flood risk to other people or property.' 'The riparian responsibilities for landowners under law are to:

- ensure the flow of water is not obstructed or polluted
- maintain the bottom and sides of the watercourse (including managing any trees and vegetation growing on the banks), remove any obstructions (like rubbish, fallen branches or garden waste) and look after any structures (such as trash screens, culverts, weirs and mill gates) on it.'

Will 34 new householders, many of whom in affordable/social housing residences will already struggle to cope with day-to-day life, be expected to assume this responsibility? This is not only untenable, it is unsustainable and as such, **contravenes ADC's General Policies Objective 1.02: '... sustainable development is ... development that meets the needs of the present without compromising the ability of future generations to meet their own needs.'**

The Flood Assessment states that a 'management company' *might* be a solution, but implementing this would not necessarily be viable, sustainable, and affordable by the new home owners, especially given the Government's recently announced review of leasehold properties in precisely such developments. Depending on the outcome of the review, this could make any supposedly 'affordable' homes out of reach of many by virtue of increased costs of flood-prevention upkeep.

I would also remind the council of its responsibilities to those affected by any approved development. **NPPF Section 10. 100 states:** 'Inappropriate  
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development in areas at risk of flooding should be avoided by directing development away from areas at highest risk but where development is necessary, making it safe without increasing flood risk elsewhere.'

**NPPF Section 10.102: states**

●● a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Finally, **WSCC**, in commenting on the proposed viability of the SUDS drainage system, admits in its assessment that it 'does not expect to act as the SUDS Approval Body in this matter', so its advice on this particular and vital aspect of drainage mitigation cannot be considered absolute.

## **F. Factual errors/lack of local knowledge/biased and misleading information submitted**

**A. The HELAA report's** Suitability Summary states the site is 'outside but adjoining the settlement boundary', but does not define what the 'settlement' is.

Clarification of this is vital, because it is evident by responses from various assessment bodies, including WSCC, that Flansham hamlet is clearly unknown to said bodies or is mistakenly believed to be 'part of' Felpham or Flansham Park.

Bonhams and its land - i.e. the proposed site – are part of Flansham hamlet; if Flansham is the settlement to which the HELAA statement refers, then as such the site is completely *within* the settlement boundary, particularly as part of said site is admitted to be residential curtilage. If the 'settlement'; refers to the Agreed Development Area - i.e. Felpham, Flansham Park and Site 6, then the site is completely *outside* the 'settlement' and not at all adjoining. Flansham does not 'adjoin' the development area at any point; it is a separate community with a distinct, highly individual identity. This assurance from ADC that the A259 Relief Road formed the Development Area's northern boundary reinforces this, as the A259 specifically separates Flansham hamlet from the communities of Felpham, Flansham Park, and Site 6. The proposed development site is located at the top of Hoe Lane, the only entrance/exit point to Flansham, and is one of the first parts of Flansham encountered when entering Hoe Lane.

### **B The application**

**NPPF 4. 48 states** ' Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.' Permitteddevelopment.org defines curtilage as 'usually a garden, but can include parking areas, access roads, vegetable plots, children's play equipment, and stables (where the horses are kept for pleasure rather than agricultural use).'

In the application form, the developer describes the site under 'Existing Use' as 'part residential curtilage/part previous paddock'. Thus, all parts of the

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site classed as residential curtilage should therefore be disallowed and disregarded as being open to development.

### **C. The Design and Access Statement (DAS)**

1. On p.12, the developer states: 'The applicants notified neighbours of the proposed development in advance of the submission of the planning application, in order to ensure that they were informed of the intended development at an early stage and to allow them the chance to comment and make suggestions on the proposal.'

This is not entirely true. Information from the developer, Pallant Homes, arrived to a few Flansham residents on 15 May 2017 - the date by which Pallant asked for its questionnaire to be returned; other letters arrived up to a week later.

The Developer's Plans Contextual Images Sheet dwg. 17-071 009 Rev A lists 4 photos claimed as 'Local Context'. The 1st is of the Bonhams, the applicant's own residence; the 2nd is our local business centre: *not* a residence; the 3rd is a recent barn conversion, one of the smallest residences in Flansham; the latter two are farther from the site than the closest residential properties. The fourth is in Flansham Park, Felpham, a separate community within the Agreed Development Area south of the A259 and shows estate-type houses built in the late-1970s/early 1980s. Of the 53-54 residences currently in Flansham, only 12-13 were built after 1960; the rest predate this date, many by several centuries.

The next line, 'Previous Developments: features ... considered as precedent', are photos from Site 6, Felpham. Neither Flansham Park nor Felpham Site 6 homes are part of Flansham, but are separate communities in their own right. Neither bears any resemblance to Flansham hamlet, which is an identifiable, semi-rural, separate and largely ancient community of c. 53-54 homes, with its own character well known throughout West Sussex. These images are therefore invalid as 'local context'.

The Third Line, 'Materials Palette ... potential surface treatment of the scheme' shows hard, non-draining surfaces in 4 out of 5 photos pertaining to ground coverings. Some Flansham properties have hard drive/parking surfaces; many more have gravel because the area is prone to surface water runoff and flooding. The pavements, block-paved surfaces, and kerbsides shown are not representative of Flansham at large but reflect a suburban setting; Flansham is classed as rural/semi-rural, possesses no pedestrian pavements and no streetlighting. This part of the planner's documents shows a considered lack of local knowledge, is flawed and inappropriate as a reference basis. It also goes against **ADC Council Objective 1.03, (4): The protection, conservation and enhancement of the natural and built environment.**

**D. Landscape Appraisal** - hugely misleading, contains factual errors and shows bias, as has been flagged in other objections. I will not list particulars here as you have most of these already. However, please note that I object to this document, as much of it is inaccurate, misleading and misrepresentative.

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### **E. The Acoustic Assessment:**

The report submitted by Anderson Acoustics makes no mention of wind direction on the days it conducted its attended and unattended survey. However, it relies on and quotes from data supplied by Wunderground.com - specifically <https://www.wunderground.com/personal-weather-station/dashboard?ID=IENGLAND885>. An examination of the days in question, 31 March-3 April 2017, reveals that wind direction on all four survey days was either southeast, or south-southeast: these wind directions are rare for the area, which is normally subjected to west or west-southwesterly winds, which hugely amplify noise from the A259 Relief Road. Noise levels from the A259 Relief Road during SE/SSE periods are greatly decreased, as all residents of Hoe Lane can verify. Given that the readings for outside space taken were already high-borderline according to World Health Organisation (WHO) guidelines quoted, normal/usual outside noise levels will easily breach the recommended WHO limits most of the year during normal wind direction conditions.

The report also mentions 'occasional' traffic, which is grossly misleading. Traffic begins to build on the A259 Relief Road from around 4am onwards, and does not become 'occasional' until nearly midnight on weekdays. Two of the assessment days were during the weekend period, which represents only 28% of a 7-day week. At the very least, another acoustic assessment should be made of the site on normal-noise-level days, in order to prevent the houses on the westernmost section of the proposed development from becoming bombarded with noise levels detrimental to their health.

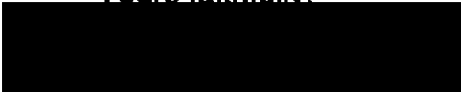
### **F. Transport Statement/WSCC Assessment oversights and errors**

Please see also above, **B Degradation of a wider community asset**

Also the WSCC document seems to be relying on severely outdated information, as the 'village shop/post office' it mentions as being 'on the A259' was apparently a) in Felpham, b) closed roughly 15 years ago and c) the former location is now actually the B2259. Also, there is no 'Newpound Lane' anywhere in the vicinity; the only one a search reveals is currently in Billingshurst. This is hugely worrying as, if this information is being relied on for assessment, it is a) severely outdated, b) inaccurate/inappropriate to the area and c) shows a substantial void in the WSCC's information concerning what and where Flansham and Hoe Lane are. I respectfully request that WSCC officials therefore be asked to review and revise their assessment, preferably visiting the site and Flansham beforehand prior to making any kind of recommendations.

Thank you for your time. I ask that all these valid objections to this outline planning application be carefully considered and taken into account for a decision about Y/40/17OUT.

Yours faithfully,

  
Jamie Ambrose