

PLANNING STATEMENT

HOE LANE, FLANSHAM



WHALEBACK Trinity Cottage Boxgrove Chichester PO18 0NW 01243 514945 www.whaleback.co.uk	Site	Land adjacent to Bonhams & Flints, Hoe Lane, Flansham PO22 8NP
	Project	Outline Planning Application
	Applicant	Pallant Homes
	Our Ref	W1959
	Date	August 2019
	Revision	-

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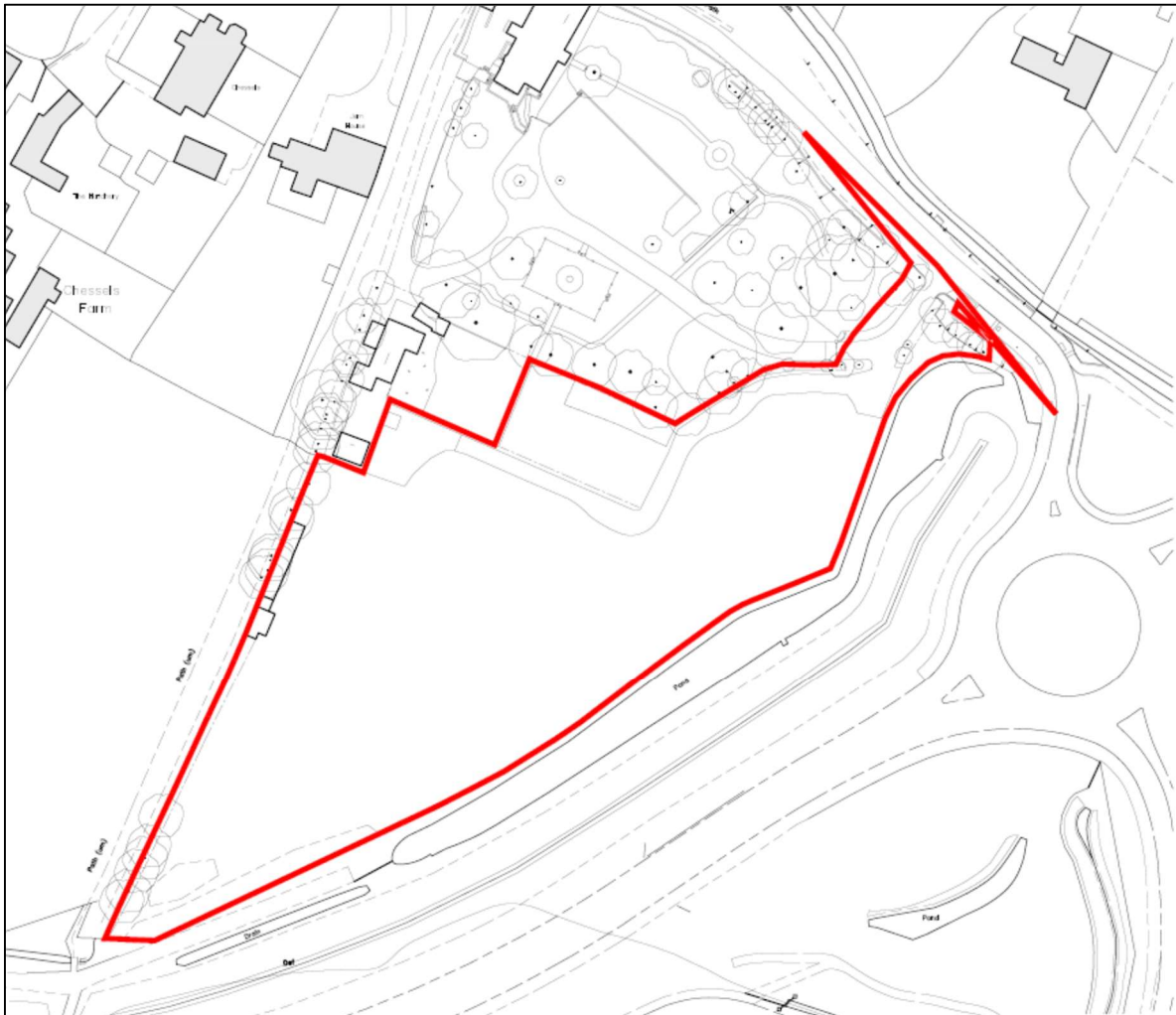
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Introduction

1. WHALEBACK is instructed by the applicant to prepare and submit an outline planning application to Arun District Council for the erection of 10 dwellings south of Hoe Lane, Flansham. The outline application includes a design to widen the site access from Hoe Lane to provide safe and visible access and egress for all users including refuse vehicles.
2. This Planning Statement describes the application site and its surroundings, the development proposal, the planning history of the site and the relevant planning policy framework. A planning appraisal is provided to consider the merits of the application followed by a conclusion.
3. The applicant's agents attended informal meetings with the Yapton Parish Council and Flansham Resident's Association respectively in August 2019, to inform the design of the proposed development.
4. The application is also supported by a submitted Design & Access Statement, Transport Statement, Flood Risk Assessment and Ecology Report (updated August 2019) which should be referred to for further evidence in relation to each specialist area.
5. The evidence provided demonstrates that the site is suitable for development and is supported by the planning policy framework and it is hoped that the local planning authority and community will be able to support the application in light of the further design and character evidence submitted as well as the local housing land supply position.

Site and Surroundings

6. The site is located within the southern part of the village of Flansham, a small nucleated settlement to the immediate north of Felpham. It is within the Parish of Yapton and District of Arun.
7. The site area (within the red line) is 1.15 hectares and approximately triangular in shape. It is flat at a level of about 2.2m AOD. Prior to the construction of the A259 relief road it was used for grazing but since then it has been unused and managed only to prevent it from becoming overgrown. In being reduced in size through the development of the road and drainage infrastructure, the site is no longer viable for agricultural use.
8. The site contains no existing dwellings although does contain some dilapidated former stables on its western boundary.
9. The site contains very few trees, the majority of trees along its boundary are outside of the application site and within the curtilage of Bonhams: a dwelling to the north. The whole area is covered by a woodland TPO designation (TPO/Y/1/18)



The application site (red line) in context

10. The application site is bordered to the north by Hoe Lane from which it gains access; to the east by the A259 and roundabout infrastructure; to the south and east there is a long linear drainage feature; a field boundary hedgerow to the west and the dwellings of 'Flints' and 'Bonhams' to the north.
11. The relatively short boundary with Hoe Lane and position between the settlement and the A259 ensures that the site is concealed with little or no public views from Hoe Lane. A public footpath, Path Number 2988, follows the line of the western boundary, to the west (outside) of a hedgerow and dense belt of trees, which also limit public views into the site. There is a gap in this tree screen towards the southern end which is proposed to be infilled with further native tree planting on the submitted plans.
12. With the land being so low-lying, hedgerows and trees become prominent features of the landscape. The site is partially enclosed by trees and hedges, with those on its north and eastern boundary contributing to the character of Hoe Lane and helping to conceal the site interior. Apart from these peripheral trees on the boundaries, there are no trees of note within the site itself.
13. The site is 0.9 miles to the northeast of Felpham and 1.2 miles to the northwest of Middleton-on-Sea. There are bus stops on the A259 Flansham Lane just 130m east from the site entrance. The No.700 bus provides a service at 20-minute intervals between Chichester and Littlehampton.
14. Beyond this, Bishop Tufnell Church of England Infants & Junior School is 0.8 miles away; Downview Primary School is 1.2 miles; Felpham Community College is 1.3 miles; the University of Chichester (Bognor Regis Campus) is 1.8 miles.
15. In terms of access to jobs, the following employment areas are all within around 2km of the site: Rookery Farm & Chessels Farm (both in Flansham); Central Felpham; and Central Middleton-on-Sea.
16. It would also be possible to take a bus from one of the nearby stops and thus access additional locations within Bognor Regis without the use of a car. Bus routes 700 (Coastliner) & 600 are considered to have a regular service throughout the day and allow connections to Chichester, Bognor Regis and Littlehampton.
17. The following facilities are also available in the local area within a walking distance of between 400m and 1200m from the site: A local park on the B2259 Flansham Lane; Flansham Park Health Clinic & Pharmacy at 0.7 miles; Tesco Express at 0.6 miles; Southdowns Public House 0.6 miles; Esso Petrol Station 0.75 miles; two fish & chip shops at ~0.75 miles; a newsagent at 1.0 miles; Middleton Sports Club at 1.15 miles; and Bognor Regis Golf Club at 0.9 miles.
18. Further afield, there are further shops and services located either in Yapton, Felpham, Bersted, Middleton-on-Sea or Bognor Regis.

Development Proposal

19. The proposed development is the erection of 10 dwellings along with means of access from Hoe Lane.
20. A minimum of 30% of new homes will be bungalows to meet a local need for older residents and as recommended by the Parish Council.
21. The existing site access is to be widened as set out in the Transport Statement to provide safe and convenient access and egress for all users.
22. The submitted layout plan also shows the inclusion of additional tree planting to the site boundaries and a formal orchard within the public open space near to the entrance of the site to further screen views of the new homes from Hoe Lane.
23. 30 off-road parking spaces are proposed, at three per dwelling, within the site to prevent any future residents parking on Hoe Lane.



Proposed Site Plan showing layout more characteristic of Flansham, additional tree planting to screen views from Hoe Lane and footpath to west and 3 parking spaces per dwelling

Relevant Planning History

24. **Y/20/18/OUT** – Outline application with some matters reserved for the erection of 10 dwellings with access from Hoe Lane, Flansham – Refused on 11 March 2019. Reasons for refusal were:
- a. The proposal would constitute an over-intensive use of the site and a unsatisfactory form of development which would adversely affect the existing low density semi-rural, agricultural and historical character of Hoe Lane, Flansham and non-nearby designated heritage assets contrary to policies D DMI, D SPI, QE DM2 & HER SPI of the Arun Local Plan and paragraphs 122, 127, 130, 180 & 197 of the NPPF.
 - b. The proposal represents an incursion into defined countryside and this coupled with the harm to local character means that the proposal is unacceptable in principle and in conflict with policies C SPI of the Arun Local Plan and BBI of the Yapton NDP.
25. **Y/40/17/OUT** – Outline application with some matters reserved (access only) for the erection of 23 No. dwellings with access from Hoe Lane, Flansham – Refused on 9 February 2018. Reasons for refusal were:
- a. The proposal would constitute an unsatisfactory form of development and an over-intensive use of the site which would adversely affect the existing low density semi-rural, agricultural and historical character of Hoe Lane, Flansham contrary to policy GEN7 of the Arun District Local Plan (2003), policies D DMI and HER SPI of the emerging Arun Local Plan (Arun Local Plan 2011-2031 – Consultation on the Main Modifications – January 2018) and paragraphs 17, 58, 60, 61, 64, 123 and 135 of the NPPF.
 - b. *Plus three further reasons relating to the absence of a Section 106 agreement at the time.*

Housing & Economic Land Availability Assessment (HELAA)

26. The Council's HELAA report concludes that the site (reference NEWY22) is deliverable with a potential yield of 39 dwelling total. That yield is derived from an average density of 30-dwellings-per-hectare which is considered too high for the site in reality. Yields of 34 and 23 were tested through previous applications and rejected as being too high and so the current yield of 10 dwellings is now considered to be appropriate.

Planning Policy Framework

27. Planning and Compulsory Purchase Act 2004 Section 38(6) requires local planning authorities to determine planning applications in accordance with the development plan, unless other material considerations indicate otherwise.
28. The Development Plan now consists of the Arun District Local Plan 2011-2031 (adopted July 2018), the West Sussex Waste and Minerals Plans and Aldingbourne Neighbourhood Development Plan (2014-2034) (adopted November 2016) and the Yapton Neighbourhood Development Plan (made November 2014).

National Planning Policy Framework

29. The “golden thread” running through both plan-making and decision-taking policies in the NPPF is the presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with the development plan without delay, and where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole, or policies within the NPPF which indicate development should be restricted (paragraph 11).
30. There are three dimensions to sustainable development: economic, social and environment, which should not be taken in isolation because they are mutually dependant. Generally, if the presumption in favour of sustainable development is triggered the development should be considered against other policies of the Framework in the round.
31. Paragraph 59 seeks “to boost significantly the supply of housing”. In doing so, local planning authorities are required to use their planning policies to meet the full Objectively Assessed Need (OAN) for market and affordable housing.
32. NPPF paragraph 73 directs LPAs to annually update a list of specific, deliverable sites sufficient to provide a minimum of five years’ worth of housing against their local plan requirement. The LPA Local Plan (adopted in July 2018) is currently defined as ‘recently adopted’ by paragraph 73(b) and footnote 38 which temporarily allows the LPA to avoid producing an annual position statement. Paragraph 73 does not exempt the LPA from needing to demonstrate its 5-year land supply position once per year as per government guidance nor updating annually a list of specific, deliverable sites to provide a supply in years one to five as required by paragraph 67 in any case. The LPA has not published a land supply position in 2018/19 (the most up-to-date Local Plan position is as-at April 2017).
33. The revised NPPF established a new method of measuring local planning authorities performance called the Housing Delivery Test. Government confirmed in February 2019 that Arun District Council failed to meet its housing targets over the previous three years, achieving only 91% and is therefore required to produce an Action Plan to address this by June 2019, a deadline that has been missed; it is not clear when the Council intends to publish this Action Plan.

Arun District Local Plan 2011-2031

34. The Council, in refusing application Y/20/18/OUT, referred to the following policies in its Decision Notice, these policies are therefore the main relevant policies against which to consider the new application:

- Local Plan Policy C SPI Countryside
- Local Plan Policy D DMI Aspects of form and design quality
- Local Plan Policy D SPI Design
- Local Plan Policy QE DM2 Light pollution
- Local Plan Policy HER SPI The historic environment

35. Relevant Supplementary Planning Documents include:

- SPD3 Parking Standards

Neighbourhood Development Plan (2014)

36. The Council, in refusing application Y/20/18/OUT, referred to the following policy in its Decision Notice, this is therefore the main relevant policy against which to consider the new application:

- Policy BBI Built-up Area Boundary

Non-Strategic Sites Development Plan Document (NSS-DPD)

37. The Council is preparing a Non-Strategic Sites Development Plan Document (NSS-DPD) to fulfil an identified deficit of 1,250 houses from smaller sites (under 300 units each) in the Local Plan (see supporting text to Policy H SPI).

38. The Council's adopted Local Development Scheme (2018) states that the NSS-DPD was due to be published for Regulation 18 consultation in May 2019 – this deadline was missed and no further timescale has been published by the Council to date.

39. The NSS-DPD will draw deliverable sites from the HELAA; the application site is identified as 'deliverable' in the HELAA and so there is every likelihood that it will be allocated in the NSS-DPD in any case, indeed the applicant was invited to apply for permission in 2017 by the District Council because of the site's inclusion within this document.

Five Year Housing Land Supply

40. NPPF paragraph 73 directs LPAs to annually update a list of specific, deliverable sites sufficient to provide a minimum of five years' worth of housing against their local plan requirement. The Local Plan (adopted in July 2018) is currently defined as 'recently adopted' by paragraph 73(b) and footnote 38 which temporarily allows the LPA to avoid producing an annual position statement. However, Paragraph 73 does not exempt the LPA from needing to demonstrate its 5-year land supply position once per year as per government guidance nor updating annually a list of specific, deliverable sites to provide a supply in years one to five as required by paragraph 67 in any case. The LPA has not published a land supply position in 2018/19 (the most up-to-date Local Plan position is as-at April 2018).
41. The LPA's latest published five-year supply position as-at April 2018 (AMR 2017-18) claims to demonstrate a 4.7-year supply of deliverable housing sites, below the required 5.0-year supply.

Stepped Trajectory Housing requirement 2018-2022 (930 x 3 + 1310 x 2 + 537 Shortfall*)	5947
5% Buffer	297
Total Requirement 2018-2023	6244
Large Site Commitments (as at 31 st March 2018 from WSCC RLA data – Appendix 2)	2780
Small Site Commitments (as at 31 st March 2018 from WSCC RLA data – Appendix 6)	271
Windfall allowance (as at 31 st March from WSCC RLA data – Appendix 6)	153
Made Neighbourhood Plan Allocations without planning permission as at 31 st March 2018 from HELAA – Appendix 5)	352
Deliverable HELAA Sites within built up area (if a HELAA site gained Planning permission after 31 st March 2018 it will still show in this category up until 31 st March 2019 when it will then move to the large commitments category – Appendix 4)	348
Strategic Site Allocations (without PP as at 31 st March 2018 – Appendix 3)	2007
Total Supply	5911
Supply in years	4.7

Council's Five-Year Supply Position – AMR 2017-19

42. The Council's land supply figure is incorrect by virtue of: a serious statistical error in the Requirement of the Local Plan; being based on an out-of-date base date (2018 rather than 2019); using a superseded methodology; and, failing to appropriately or rationally consider best available evidence of site-specific deliverability.
43. The Local Plan contains a statistical error in the calculation of the annualised requirement figure stating 930 dwellings per annum instead of the corrected 1,120. This led to a fundamental flaw in the housing land supply calculations and has caused a false five-year supply result in the Authority Monitoring Report (AMR). The Requirement line in the Council's table (above) also incorrectly notes 2018-2022 (should read 2018-2023)

44. The Council's five-year supply calculations use a base date of April 2018 despite last being updated in June 2019 (in the 2017-18 AMR). The appropriate base date for the consideration of this application is April 2019.
45. The Council's five-year supply calculations rely heavily on anticipated delivery from strategic sites in the first five years. The revised NPPF sets a higher bar for the assessment of 'deliverability' and explicitly rules-out the inclusion of strategic sites in the Annex 2 Glossary except in certain circumstances (which are largely not met in Arun). Many of the strategic sites upon which the land supply calculations are based have already fallen behind their anticipated delivery timescales yet have projected completions in the current year within the Council's AMR. These calculations and projections for the delivery of strategic sites ignore obvious and rational evidence of delays (including strategic sites not having planning permission and not having commenced); the result is that much of the housing land supply attributed to strategic sites is undeliverable (under the NPPF definition) and artificially inflates the Council's stated five-year supply position.

Applicant's Five-Year Housing Land Supply Position

46. The applicant has undertaken a thorough and statistically correct five-year supply analysis as-at April 2019 (for the period 2019-2024).
47. The Requirement on 'Line A' is corrected to include 1,120 for the first five years of the Local Plan (instead of 930). As housing completion figures for 2018-2019 are not yet available, the applicant has used the Council's projected completion figures from its Housing Trajectory (AMR Appendix 7) for 'Line C'. Future commitment figures ('Lines G-K') are taken from the Council's Housing Trajectory updated for the 2019-2024 period. Strategic Site Allocations ('Line L') are derived from the Housing Trajectory but only include those sites considered 'deliverable' under the NPPF definition (eg benefiting from planning permission).
48. Based on this work, the following five-year supply position should be considered up-to-date for the purposes of this application. The Council can only demonstrate 2.9 years' worth of housing land supply against the 5.0 years required by the NPPF.

A	Requirement (Stepped) 2019-2024 (1120 x 2) + (1310 x 3)	6,170
B	Past Requirement 2011-2019 (610 x 5) + (1120 x 3)	6,410
C	Completions 2011-2019	4,892
D	Shortfall =(B-C)	1,518
E	10% Buffer (NPPF-73b) =(A+D)x10%	769
F	Total Requirement =(A+D+E)	8,457
G	Commitments (Large sites) 2019-2024	2,784
H	Commitments (Small sites) 2019-2024	97
I	Windfalls	153
J	Neighbourhood Plan Allocations	436
K	Deliverable HELAA sites within BUAB	519
L	Strategic Site Allocations	900
M	Total Supply	4,889
N	Supply in Years	2.9

Planning Appraisal

49. The present application follows the local planning authority's refusal of a previous application (Y/20/18/OUT). In its Decision Notice in that case, the LPA referred to specific policies as listed in the Planning Policy Framework section above which are considered to be the main relevant policies for the new application to be assessed against.
50. In this section of the Statement the principle of development in planning terms is established and the application is assessed against each relevant policy in turn.

Principle of Development

51. The site is located outside of a settlement boundary (also known as a built-up area boundary) as defined on the Local Plan Policies Map and is therefore in an area designated as countryside. Generally, unallocated sites in the countryside are resisted in principle except where material considerations indicated they may be supported – as is the case here.
52. This Statement has confirmed that the Council can only demonstrate a 2.9-year supply of deliverable housing sites. In the determination of planning applications, the lack of a five-year supply engages relevant NPPF paragraphs 11 and 14.
53. NPPF paragraph 11(d) directs decision-makers to apply a presumption in favour of sustainable development if the most important policies for determining the application are found to be out-of-date because the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In these circumstances, applications involving the provision of housing should be granted permission without delay unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
54. The application site is within Yapton Parish where a made Neighbourhood Plan is in force and so the tests of NPPF paragraph 14 must also be addressed. Paragraph 14 enables neighbourhood plans to outweigh the presumption in favour of sustainable development if all four tests, (a)-(d) provided within the paragraph, are met. The Yapton Neighbourhood Development Plan was made in November 2014, being made more than two years prior to the date of this application, so the first test (a) fails. The Parish Council was informed by Arun District Council via letter in December 2018 that it requires further homes in the Parish to meet its housing requirement, to be identified through a review of the neighbourhood plan or imposed through the NSS-DPD. It therefore appears that the District Council considers that the Neighbourhood Plan no longer meets its identified housing requirement and the second test (b) may also fail. As such, the Neighbourhood Plan does not outweigh the presumption in favour of sustainable development.
55. The LPA cannot demonstrate a five-year supply of deliverable sites, NPPF paragraphs 11 and 14 are engaged and the policies most important for determining the application including those relating to settlement boundaries are considered out-of-date. The tilted balance of material considerations is therefore engaged and the presumption in favour of sustainable development applies; those out-of-date policies can only be afforded very limited weight in the consideration of this planning application.
56. The substantial size of the housing land supply shortfall is also a material consideration to support the Government's objective of significantly boosting the supply of homes and the Local Plan's reliance on delayed strategic sites exposes the LPA to considerable shortfalls now and in the years to come.

57. The proposed 10 homes are deliverable within the first five years and would provide a positive contribution to the Council's housing land supply shortfall and can be given additional weight in the planning balance due to the substantial size of the Council's shortfall.

Local Plan Policy C SPI Countryside & Neighbourhood Development Plan Policy BBI Built-up area boundary

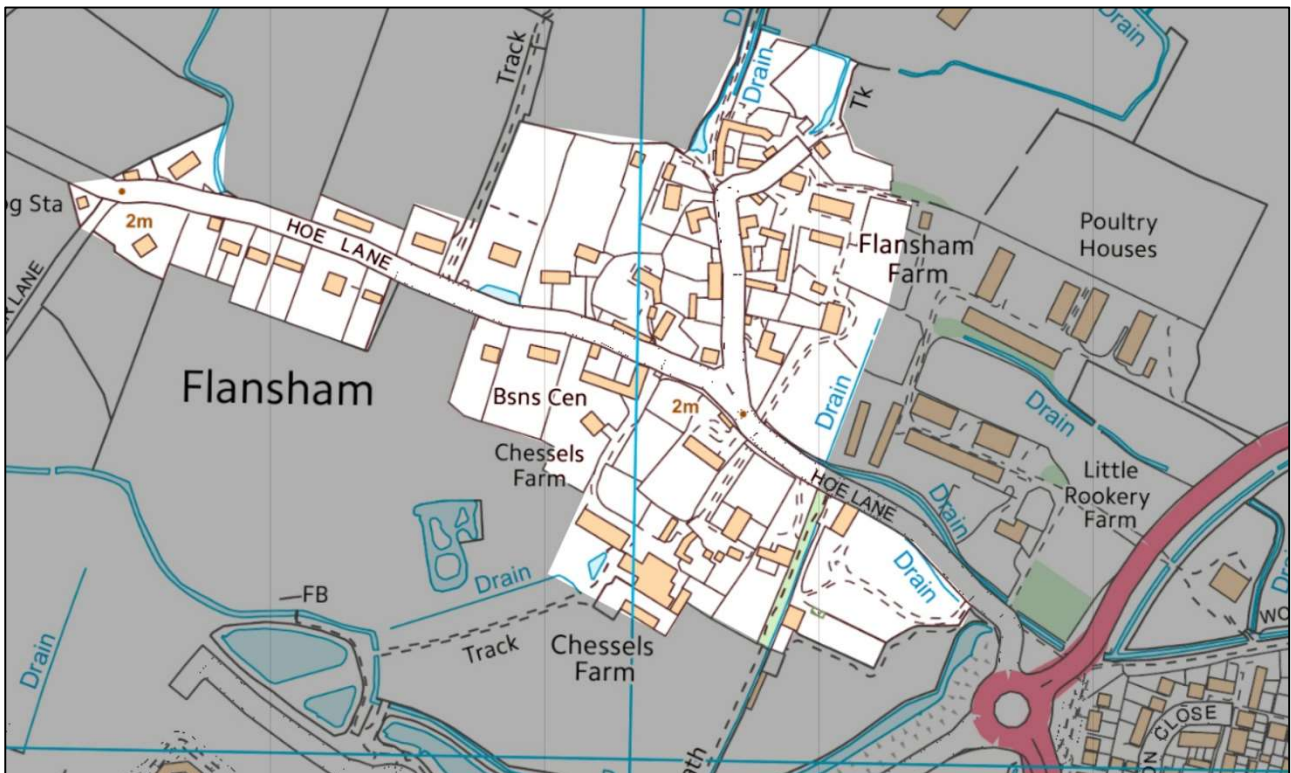
58. Local Plan Policy C SPI and Neighbourhood Development Plan Policy BBI both seek to direct new residential development to be within existing settlement boundaries, restricting development in principle for the remaining countryside area to a closed list of categories. Policies C SPI and BBI are therefore important for determining the acceptability of the application and is subject to the test of NPPF paragraph 11(d) that decision-makers should apply a presumption in favour of sustainable development and permission be granted if such a policy is found to be out-of-date. Because the LPA cannot demonstrate a five-year supply, this policy must be considered out of date and assigned minimal weight.
59. The effect of Policy C SPI being out of date is that the location of the application site in the countryside and outside of any built-up area boundary can only be assigned minimal weight allowing the principle of the development to be accepted in light of its positive merits.
60. On this basis, the reason for refusal (#2) of Y/20/18/OUT concerned with the countryside location is no longer a sound basis to consider this new application.

Local Plan Policy D DMI Aspects of form and design quality

61. Local Plan Policy D DMI requires applications to address fifteen aspects of good design including character, appearance, neighbouring amenity, adaptability etc. As this application is in 'outline' form (with matters of detailed design, appearance etc reserved for consideration in later stages) many of these aspects cannot be fully addressed at this stage. However, the applicant has worked hard to propose a layout, massing and housing types that best reflect the positive qualities of Flansham following constructive meetings with the Yapton Parish Council and Flansham Resident's Association respectively in August 2019.
62. The design and layout of the site is carefully considered in the submitted Design & Access Statement and is proposed in the character of a traditional farmstead with a collection of traditional-style buildings clustered around a central access-way. It is noted that Flansham in fact features a range of traditional and modern buildings with a number built in the 1960s and some infill plots and replacement dwelling sites under construction at present.
63. At least three of the new homes are proposed as bungalows, taking the form of converted barns similar to those found in the centre of Flansham, and will be designed to meet a local need for larger, single storey homes for particularly elderly residents of the parish.
64. As the Resident's Association and Parish Council also raised concerns about overspill parking onto Hoe Lane, the applicant now proposes three off-street parking spaces for each house (as well as widening the access) to prevent future residents from parking on Hoe Lane.
65. Additional trees are proposed to the western boundary to screen any possible views from the public footpath) and a formal orchard is proposed to the public open space, near to the entrance to the site, to minimise views of the new buildings from Hoe Lane.

Density

66. Density, being the number of dwellings per hectare of new development, is mentioned throughout Policy D DMI in the sections on Character and Density, specifically. It directs applications to make the best possible use of available land whilst reflecting or improving upon the character of the site and surrounding area.
67. The Decision Notice for application Y/20/18/OUT, in refusing that previous scheme, described the existing character of Flansham as “low density semi-rural” and found that the previous scheme would be out of character. The Officers Report noted that although “*this site could be developed*” in principle, the Council remained of the opinion that the scheme is an “*overdevelopment*”. This question of ‘density’ and its interaction with ‘character’ is therefore addressed more thoroughly in this new application.
68. Careful balance is required between the need to efficiently use land and also respect local character and distinctiveness. This is drawn out later in Policy D DMI: “*The density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings.*” Policy D SPI also applies this balance stating: “*All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density [etc].*”
69. This balance between the need to develop land efficiency and also protect local character is emphasised further in the NPPF namely paragraph 122 which seeks to make efficient use of land whilst taking account of the desirability of maintaining an area’s prevailing character; paragraph 123 which directs densities to be increased where housing land supply is in shortfall; as well as other policies which promote sensitivity to local character.
70. The submitted Design & Access Statement has undertaken a thorough character analysis of Flansham as well as similar villages in the area and sets out a list of locally distinctive characteristics. It then assesses the proposed development against these characteristics.
71. Specifically relating to density, an analysis of development-density has been undertaken to provide robust evidence of the character of the existing village.
72. Of particular note is that the development-density in the existing village, being the ratio of building footprints relative to their undeveloped curtilages, is higher than expected and higher than the proposed development.
73. It appears that although the village has a low density feel, it has evolved from clusters of large agricultural buildings many of which have been converted with further domestic outbuildings added later, creating a greater-than-expected level of development-density within the village. The Design & Access Statement found that within the existing village the development-density is 23.6% (being building-coverage relative to undeveloped land).



OS base-map showing ratio of developed land (orange) to undeveloped land (white) in Flansham, as existing:
development-density of 23.6%

74. The same exercise has been undertaken for the proposed development which found the development-density to be 16.0% (1,845sqm) with 84.0% remaining undeveloped (9,655sqm). This evidence-based analytical approach demonstrates beyond doubt that the proposed development is in fact less dense than the existing village and would not detract from its character as a low-density semi-rural village.



Schematic base-map showing ratio of developed land (red) to undeveloped land (blue) on the application site, as proposed: development-density of 16%

75. This evidence shows that a low number of dwellings per hectare does not necessarily result in a low overall amount of developed land and consideration of “density” must move beyond one narrow set of statistical measures alone.
76. The character of the development site upon completion will be perceived by residents and visitors within its vicinity. The Council’s report for application Y/20/18/OUT (under heading ‘Impact on the character of Flansham’) acknowledged that the proposed “*houses would be hidden from Hoe Lane and the access is an existing feature of the road*” suggesting the density of the site would be difficult to judge from public rights of way. Partial existing visibility of the site from the footpath to the west is proposed to be obscured through additional in-fill tree planting to this boundary and the formal orchard in the north of the site will obscure views from Hoe Lane further than existing – although making the future houses entirely invisible from outside of the site is neither necessary nor appropriate.
77. The application demonstrably supports the careful balance of the need to ensure a more efficient use of land in modern development while at the same time conserving the low-density and special character as shown above and in the Design & Access Statement.

Local Plan Policy D SPI Design

78. Policy D SPI promotes the efficient use of land reflecting national policy to make efficient and effective use of land through the planning process. The policy also recognises the need for balance and respect for the characteristics of specific sites and local areas.
79. The Council’s report, in refusing application Y/20/18/OUT, made no specific references to conflict with Policy D SPI (referring only passively to the policy in the sections on Design) but it was nevertheless included in the reasons for refusal.
80. As demonstrated in the Design & Access Statement and in this Statement above, great care has been taken to analyse the character of the existing settlement to understand its positive and locally distinctive characteristics. This application proposes to maintain these positive attributes through the development of the site whilst balancing the need to make efficient use of land as required by planning policies. As such, it is submitted that Policy D SPI is complied with.

Local Plan Policy QE DM2 Light pollution

81. Policy QE DM2 seeks to control outdoor lighting and sets criteria against which to assess submitted lighting schemes.
82. The Council’s report, in refusing application Y/20/18/OUT, considered that it was not possible to fully assess the potential lighting impacts of the scheme at outline application stage but that the introduction of lighting could have an adverse impact on the character of the locality during periods of darkness as there would be illumination of an existing open, dark space.
83. The correct approach would be to consider lighting at the full application stage when a detailed lighting scheme could be assessed or conditioned, but in order to reassure the Council and residents at the current outline application stage, a Lighting Assessment is provided in the Design & Access Statement to comply with Policy QE DM2. The site as a whole would have no street lights to preserve the rural characteristics of Flansham although it is noted that Hoe Lane does in fact have street lights in a traditional lamppost design.

Local Plan Policy HER SPI The historic environment

84. Policy HER SPI provides for the protection of designated and non-designated heritage assets and states that the setting of such assets should be conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment.
85. The Council's report, in refusing application Y/20/18/OUT, made no specific references to conflict with Policy HER SPI (referring only passively to the policy in the sections on Design) but it was nevertheless included in the reasons for refusal.
86. There are no heritage assets (being listed buildings or conservation areas) in the immediate vicinity of the site nor any that would be directly affected by this development. Flansham contains four Listed Grade II buildings located around the 3-way junction at the core of the village and the application site will have no impact on their setting. Notwithstanding this, the proposed design of the development has been created with sensitivity to these listed buildings and the wider historic character of the village, not only limiting visual impacts but by responding to characteristic building layouts, types and materials in the intended design approach.
87. There are no non-designated heritage assets in the immediate vicinity of the site nor any that would be directly affected by this development. The Council's report for application Y/20/18/OUT suggests the dwelling Bonhams (outside of, and to the north of the site) is a non-designated heritage asset. National policy regarding the identification of non-designated heritage assets, and consideration of impacts upon them through development proposals, shifted significantly in July 2019 with an amendment to National Planning Practice Guidance (paragraph 040 Reference ID: 18a-040-20190723) that now states:
- a. *"Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. This includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets. It is important that all non-designated heritage assets are clearly identified as such."*
88. The Council has no clear and up to date information on non-designated heritage assets and has not formally identified Bonhams as such. Nevertheless, the proposed development is very well screened from Bonhams by a substantial tree belt within the current curtilage of Bonhams that would prevent any visual impact on its character or appearance. It is also noted that the current curtilage of Bonhams is significantly larger than its historic curtilage as can be seen on historic OS maps. It appears that its setting is far wider than it was originally and would still be unaffected by the proposed development.

Access

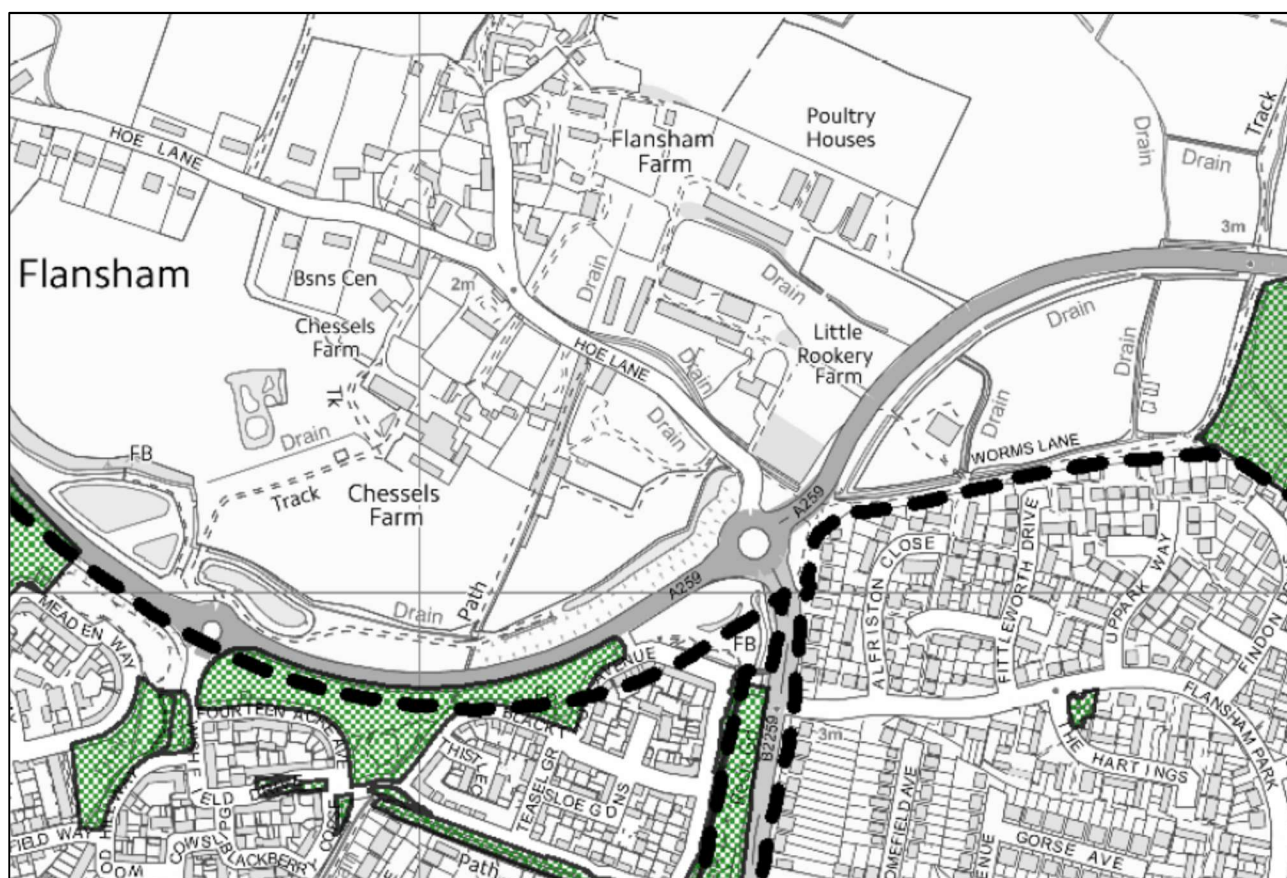
89. The application is supported by a Transport Statement which should be consulted for full details. The existing site access is being widened to allow two-way traffic to safely and conveniently access and egress the site including refuse vehicles. A full swept-path analysis is provided within the Transport Statement to demonstrate this.
90. For the avoidance of doubt, the existing access to the site (between two flint walls) is proposed to be widened to a full 6m roadway with standard visibility splays along Hoe Lane through the removal of these walls and the Highways Authority was content with this design in the previous application.

Landscape Character and Visual Impact

91. The submitted Design & Access Statement contains a detailed assessment of the landscape character and proposed landscape strategy and makes clear that the design of the site incorporates positive characteristics from Flansham and other villages in the same landscape character area.

Planning Constraints and Designations

92. The site is within an area subject to a woodland TPO designation (TPO/Y/1/18); in spite of this the site itself contains very few trees, the majority of trees along its boundary are outside of the application site red-line and within the curtilage of Bonhams: a dwelling to the north. A detailed Tree Survey and Report is submitted in support of this application.
93. A search of the Local Plan Policies Map and 'Arun Maps' database shows there are no planning designations or other constraints affecting the site.



Site identified on the Arun Local Plan Policies Map

Ecology

94. The application is supported by a Phase I Habitat Survey (dated March 2017) by The Ecology Coop. Bat activity and emergence surveys, great crested newt population surveys and reptile presence/absence surveys were also completed in 2017 and submitted to form a complete ecological assessment of this site for protected species.

95. Following a site visit on 31st July 2019, The Ecology Coop provided an update-report to confirm that the Phase I Habitat Survey and Phase two surveys conducted remain valid as there has been no significant change to the habitats present. A formal letter to this effect is provided alongside the original surveys.

Agricultural Land

96. Local Plan Policy SO DMI Soils seeks to protect high grade agricultural land in the long term. The application site is within an area of grade 1 and 2 agricultural land.
97. The previous application at this site (Y/20/18/OUT) provided no justification for the loss of agricultural land although this did not form a reason for refusal as the Council considered there were other material considerations that would outweigh this loss. The previous Decision Notice made no reference to Policy SO DMI and so it would be unreasonable for the Council to raise this as an issue for the current application, but for completeness a full justification is provided in this Statement as follows.
98. There is both a practical and a policy-based justification for the loss of agricultural land on this development site.
99. Practically, the land has been severed by the construction of the A259 relief road and is now surrounded on all sides by roads (south, east and north), dwellings (north and west) and footpaths (west). The size of the vacant parts of the site (outside of the sustainable drainage area, access ways etc) is approximately 0.95 hectares and is physically segregated from adjacent agricultural land to the west (also being in separate ownership) by public footpath No.2988 and a belt of TPO-protected trees, making a return to agricultural use highly unlikely and logistically unviable.
100. Furthermore, although the land may have a base soil quality for the growing of crops, the site has most recently been used as grazing pasture and all nearby land is also in pasture use so it is therefore likely that any future agricultural use of the application site would be limited to the grazing of cows or sheep.
101. Parts (a) to (c) of Policy SO DMI set out scenarios that outweigh the need to protect agricultural land. As noted above, the site is practically no longer suitable or viable for an agricultural use and is located adjacent to an existing settlement boundary; as such the site is a better and more sustainable location for housing development than agricultural land further away from existing settlements. Other land, further from existing settlements, would have far greater benefits in terms of ecosystems services as part of a wider network of connected, undeveloped land. Furthermore, the countryside policy (referred to at part (c)) is outweighed by the lack of five year housing land supply.
102. In policy terms, the NPPF refers to agricultural land at paragraph 170 with less emphasis than the superseded 2012 NPPF and in the context of enhancements to the natural environment, only. Policy SO DMI includes an exception to allow development on agricultural land where the “*need for the development outweighs the need to protect such land in the long term*”. Because Policy SO DMI is ‘*relevant to applications for new housing development*’, it should be considered out-of-date when the LPA cannot demonstrate a five-year supply of deliverable housing sites; the exception provided for in the policy wording is triggered due to a district-wide housing need and lack of five-year supply as set out above.
103. When considering agricultural land as a material consideration in the tilted balance, the Council should consider this policy in the wider context of land supply and the pressing need for new housing, attributing it minimal weight.

SI06 Planning Obligations

104. The application is supported by a Section 106 obligation providing financial contributions to education facilities locally as well as on-site recreation space and other obligations.

Other Material Considerations

105. Flood risk is addressed in the submitted evidence base; the trees subject to the Tree Preservation Orders will be retained and protected as set out in the Tree Survey and Report; ecology is addressed in the submitted evidence base; all other matters can be secured by condition.
106. The LPA raised no other issues in its consideration of the previous application Y/20/18/OUT and so with no material changes in the planning context or circumstances since that time (except for a loss of five-year supply and more limited definition of non-designated heritage assets) all other matters are considered to be accepted in planning terms.

Conclusion

- 107. The proposed development is sustainable in economic, social and environmental terms. It relates well to the existing built-up area boundary and has been designed to complement the hamlet of Flansham.
- 108. The Council's two reasons to refuse the previous application have been addressed and demonstrably overcome by the new submission and further evidence provided demonstrating that the development can be supported in this location and without harm to the existing character of Flansham.
- 109. The LPA cannot demonstrate a five-year supply of deliverable housing land and so the application should be assessed on the tilted balance of material considerations and approved without delay to boost the provision of housing in Arun District. The District suffers from a chronic and long-standing shortfall in supply, which at only 2.9 years supply at April 2019 is significant and rectifying this shortfall should be given great weight in the planning balance.
- 110. The development-density of Flansham as existing has been analysed and covers 23.6% of the village envelope; the development-density proposed for the application site is 16.0% demonstrably lower density than the existing village. This evidence-based analytical approach demonstrates beyond doubt that the proposed development is in fact less dense than the existing village and would not detract from its character as a low-density semi-rural village
- 111. The proposed 10 homes are deliverable within the first five years and would provide a positive contribution to the Council's significant housing land supply shortfall. The application demonstrably supports the careful balance of the need to ensure a more efficient use of land in modern development and at the same time conserving the character of the area. The Council is therefore implored to approve this application without delay; the applicant is willing to work with the Council, Flansham Residents Association and Yapton Parish Council on any matters within its control during the course of this application to ensure a well-integrated and successful development results.

WHALEBACK LTD

Trinity Cottage
Boxgrove
Chichester
PO18 0NW

Chichester Office - 01243 514945

Brighton Office - 01273 234354

info@whaleback.co.uk

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