

PLANNING APPLICATION REPORT

REF NO: M/49/24/PL

LOCATION: Land south of Ancton Lane  
Middleton-on-Sea

PROPOSAL: Demolition of agricultural buildings and development of the site to provide 67 No. dwellings with supporting infrastructure, storage units, public open space, landscaping, sustainable urban drainage, car and cycle parking and associated works. This application is in CIL Zone 5 and is CIL Liable as new dwellings, is a Departure from the Development plan and may affect the setting of a Listed Building. This application is a resubmission of M/63/23/PL.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	<p>67 detached and semi-detached dwellings. There will be six bungalows with the remainder being two storeys. The mix consists of 20 x 2 bed, 33 x 3 bed, and 14 x 4 bed whilst 21 will be affordable comprising 15 x 2 bed, 5 x 3 bed, and 1 x 4 bed. The applicant proposes to provide 6 homes as M4(3) wheelchair accessible dwellings (the bungalows) with the remaining 61 meeting the M4(2) accessible/adaptable standard.</p> <p>Parking provision is in the form of garages, car ports and allocated spaces. Cycles will be stored in small sheds in rear gardens. As there are no plans of these sheds, a condition will be required. The primary vehicular access will be from Ancton Lane in the north-western corner. The existing farm access is slightly to the west of this and will be closed. A second emergency access will be provided on the east side of the site, and this will for use by the emergency services. Otherwise, it will be closed to traffic by a gate or retractable bollards.</p> <p>The main access will measure 7.5m wide with a 6.0m radii on either side and visibility of 2.4m x 33.1m and 2.4m x 43.5m. The main access features a 2m wide footpath on the eastern side. The emergency access will be 3m wide.</p> <p>There will be six footpath links from the site with four to Ancton Lane and two onto the Public Right of Way (PRoW) adjacent to the southern boundary. Two of the six allow for cycle access (these being at the main and emergency access points). It was proposed to provide a cycle path to Lucking Lane but the addition last year of a new crossover and driveway to a dwelling in Lucking Lane dwellings decreased the space available, limiting this to a pedestrian path only.</p>
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The application includes a plan which indicates proposals to widen parts of Ancton Lane along the site frontage just west of the access and then in three further places to the west of the site boundary. In three of the four places, the road will be widened into the verge on the northern side whilst in the other, an existing passing place on the northern side will be used.

Elm Barns will be retained and converted to allow for future communal storage use by residents. This will be managed by the estate management company along with other communal areas. The layout shows areas of new planting, retained vegetation, play areas, public open space, a substation, and drainage features. Bins will be collected from the kerbside in the development.

Boundary treatments are indicated by the landscape masterplan to be a mix of 2m high brick walls, 1.8m high timber fences and 1.5m high timber post and rail fencing. Materials would need to be secured by condition but are indicated to be a mix of red brick, buff brick, render, light & dark timber cladding, hardcore window surrounds and slate roofs. The landscape masterplan indicates new trees and other vegetation including street trees.

SITE AREA	4.04 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	16.6 dwellings per hectare.
TOPOGRAPHY	The site appears predominantly flat but there are noticeable dips in the eastern part of the site and existing ditches notably running north-south in the western half and along the northern boundary. The topographical survey reveals that the levels drop considerably from the southern boundary (around 4.5/4.9m AOD) down to Ancton Lane (around 2.5m AOD at the western end & 3.4m AOD at the eastern end).
TREES	There is a Tree Preservation Order (TPO) on site which protects Oak trees in the north-west corner, an Ash in the south-west corner and a further Oak on the southern boundary (north of 4/6 Ancton Close). The Council has recently served a provisional TPO on 74 offsite Hybrid Black Poplar trees along Ancton Lane to the west. There are further trees and hedging along all boundaries. Some trees and other planting are within the site area particularly along the northern half, in the south-eastern corner and along the ditch in the western part of the site.
BOUNDARY TREATMENT	Aside from more formal boundaries to existing adjoining dwellings, the site is informally enclosed by a mix of hedging and barbed wire fencing. More formal boundaries include 1-2m high walls, 2m larch lap fencing and 1.8m chain link fencing.
SITE CHARACTERISTICS	The site is undeveloped greenfield land comprising a collection of grassed fields previously used for grazing. The

site includes agricultural buildings associated with Elms Farm along the northern boundary. There is a drainage ditch along part of the northern boundary (west of Elms Farm) and running north-south in the western part of the site. Public footpaths run alongside the western and southern boundaries although there is a deep ditch between the path and the boundary on the western edge.

CHARACTER OF LOCALITY

Edge of settlement. There is residential development on three sides but land to the north is rural comprising agricultural land and a few dwellings and farm buildings. Surrounding dwellings are predominantly two storey and some have windows that look onto the site. For the most part adjoining dwellings are well screened by existing planting.

**RELEVANT SITE HISTORY**

M/63/23/PL	Demolition of agricultural buildings and development of the site to provide 67 dwellings with supporting infrastructure, storage units, public open space, landscaping, sustainable urban drainage, car and cycle parking and associated works. This application is in CIL Zone 5 and is CIL Liable as new dwellings, is a Departure from the Development plan and may affect the setting of a Listed Building.	Withdrawn 24-11-23
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**REPRESENTATIONS**

Middleton Parish Council object for the following reasons:

- Outside the Built-Up Area Boundary (BUAB).
- Middleton have not been given a housing allocation.
- Harm to character and Ancton Lane Streetscene.
- Additional visual harm due to raised site levels.
- Overdevelopment of the site.
- Inadequate car parking.
- Harm to privacy of adjoining properties.
- Harm to heritage assets.
- Overbearing and unneighbourly.
- Will set a precedent for more development.
- Light pollution.
- Inadequate local infrastructure.
- Children will need to be bused to schools outside the district.
- Unsustainable site with limited bus services and bus stops too far for older people to walk.
- Ancton Lane is not lit therefore not suitable to walk on at night.
- Loss of on-site Biodiversity.
- Harm to the safety of existing Ancton Lane users.
- Harm to rare bats.
- Loss of valuable agricultural land.

- Site is in Flood Zone 3 and/or at risk of climate change related flooding.
- No capacity in the existing foul sewer network.
- Harm to local water quality.
- Insufficient details of proposed road widening; and.
- No details of future site management.

In addition, as of 05 March 2025, 525 letters of objection raising the following concerns:

### Highways

- The development will cause severe and chaotic disruption.
- Ancton Lane is not suitable for heavy good vehicles.
- Ancton Lane is single lane in places, dangerous to motorists and pedestrians.
- School children and horses walk along Ancton Lane.
- Ancton Lane is dangerous to cyclists.
- Infrequent bus services in the area.
- No bus access to nearby railway stations.
- Farmland access will be affected.
- Increase in traffic particularly as no jobs in the area.
- Increased danger at the Comet Corner junction.
- Insufficient parking provision.
- Not appropriate to reduce parking provision by 10% just because a Travel Plan has been provided.
- Parking standards should be based on number of people accommodated or number of bedrooms.
- Tandem parking leads to roadside parking.
- Errors within the Transport Assessment.
- Has permission been approved for the works to Comet Corner as included in the application?
- Inappropriate to rely on future A259 improvements as there is no definitive time scale for commencement/completion of these works.
- Local roads cannot be widened to facilitate increased traffic.
- Emergency access is on a blind bend.
- What events trigger use of the emergency access and who will have the key to the retractable bollards/gate?
- No more development until A259 improvements have been completed.
- No consideration of improving access for the landlocked June Cottage.
- The two identified pedestrian footpath connections are not disabled/push chair/cycle suitable.
- The Lucking Lane pedestrian/cycle access is not wide enough for cycle and pedestrian use and will therefore result in safety issues.
- The Lucking Lane pedestrian/cycle access will cross the footpath resulting in accidents (need barriers to slow people down at the junction).
- Inappropriate to have a pedestrian/cycle access onto Lucking Lane adjoining a private driveway as this will result in trespass and disturbance.
- No notification of the owners of the land at Lucking Lane where the footpath link terminates.
- Issues with the Lucking Lane pedestrian connection crossing a driveway - the developers produced incorrect drawings.
- Transport modelling increase is incorrectly defined/underestimated.
- The TA does not account for the unbuilt care home traffic and other developments.
- Lucking Lane is not suitable for road access.
- Why was Lucking Lane not considered for road access.
- Impact of construction vehicles.
- No consultation on proposed road widening.
- Inappropriate to leave the details of the road widening to a s278 agreement.
- Inadequate footway on Yapton Road.

- Misleading Travel Plan.
- The access to the storage barns is insufficient in terms of moving heavy items.
- Insufficient information on vehicles entering/exiting the road access to/from the same direction.

#### Principle

- Greenfield sites should not be built on when brownfield is available.
- Guernsey Farm should be built on first.
- Loss of grade 1 and 2 agricultural land.
- Conflict with the emerging Middleton Neighbourhood Plan.
- Contrary with the Arun Local Plan.
- Inappropriate green belt development.
- The land should be used for community purposes such as allotments.
- No more houses needed until those with permission are built.
- HELAA stated this was unsuitable.
- Will lead to the gap between Middleton and the A259 being filled in.
- The site should be used for allotments.
- Not a sustainable form of development.
- The harm and policy conflicts outweigh the benefits.

#### Housing Mix

- No account taken of Parish housing needs.
- Need more bungalows.
- Need starter homes.

#### Infrastructure

- Local schools, healthcare facilities, dentists, pharmacies, libraries, fire, police, and utility services are already overloaded.
- Inadequate local shops
- No new infrastructure is planned.
- New housing should only take place alongside infrastructure improvements.
- School children already have to travel to Selsey.
- Houses will not be very affordable.
- It should not be appropriate to state no objection on infrastructure grounds just because the developer pays a contribution to infrastructure or pays to transport children to a secondary school.
- If there is no interested affordable housing provider, then the developer should not be able to just sell affordable homes on the open market.
- Not appropriate to put play areas where they will be affected by flooding.

#### Trees and Biodiversity

- BNG results are wrong due to existing land assessed as poor semi-improved grassland rather than semi-natural grassland.
- BNG Net gain cannot be achieved on the site.
- Widening the lane will destroy ancient hedgerows and the rural character.
- Inadequate information on the impact of widening the road on trees.
- Not acceptable to leave the detail of road widening to a post permission s278 agreement.
- Harm to protected and other species.
- Illegal to move bat roosts or bat boxes.
- New lighting will affect bats and insects.

- Reptile surveys out of date.
- Bat surveys carried out at the wrong time of year.
- The ecology reports are based on a one day walk over survey which is inadequate.
- Artificial bat roosts and bird boxes will not compensate for the loss.
- Impact on nesting Owls.
- Insufficient natural buffer areas.
- Trees outside the site boundaries should not be touched.
- How will the western trees/hedge be maintained from the footpath on the other side of a deep ditch?
- ADC's ecologists objected to the previous application, and it is not appropriate to now find the proposals acceptable.
- ADC's current ecologist should be asked to re-confirm his advice.
- Insufficient number of bird boxes proposed.
- Clearance of the PRoW 164 along the southern boundary will destroy local biodiversity.

#### Flooding/Drainage

- Increased rain flooding of local residents due to land raising and existing inadequate drainage.
- The existing sewage system is already susceptible to water ingress causing flooding.
- The existing sewage system is not fit for purpose and frequently backs up.
- Lucking Lane residents often cannot use their toilets.
- Development in flood zone 3.
- Increase in sewage discharge into the sea.
- The Sequential Test is overly restrictive in its search area (limited to the Greater Bognor Regis urban area) and the sources of information used to identify search areas. Sites have been discounted without reasonable justification. The test also finds one other site is reasonably available.
- On P/35/24/OUT, a sequential search area was requested of the entire district but then, as a compromise, noting the smaller search area agreed by the P/178/22/OUT appeal, there was a request for all sites adjacent to the BUAB of the Greater Bognor Regis urban area which is different to what the developers used.
- The applicant has not responded to the concerns with the sequential assessment.
- The emergency access is within flood zone 3 and will not be safe.
- Need to first implement the recommendations of the WSCC 2012 Flood report.
- New houses will be uninsurable.
- Need to consider effects of climate change.
- Drainage proposals are inadequate.
- On-site ponds will be dangerous to children.
- Need additional Groundwater testing.
- Southern Water should not be trusted.
- Harm to drinking water supplies from extra demand.
- WSCC need to maintain their existing ditches.
- WSCC Highways response does not consider the flooding issues.
- Who will own the ditch between FP161 and the western boundary as previously WSCC said they did not but now they are proposing to trim the vegetation on it.
- Developers frequently breach drainage conditions.
- Existing flood risk areas of the site will be unsafe for children.
- Southern Water took ages to respond and say there are no issues which is untrue.
- Southern Water should be made to provide the background analysis behind their response.
- Southern Water appear to be ignoring the actual situation on the ground.
- Regard should be had to Middleton-on-Sea's Floodwatch reports.

#### Heritage

- Harm to heritage assets and their settings.
- Ancton Lane should be a Conservation Area.
- WSCC have deliberately neglected Elm Farm Barns.
- Important archaeological site.
- Contrary to the view of the Conservation Officer, the harm to the setting of the designated heritage assets should be assessed as substantial.
- The Conservation Officer has not given a view on where on the spectrum the 'less than substantial harm' falls and it is contended this should be on the high side.
- Due to the harm, the presumption in favour of sustainable development should not apply. This was the view of the Inspector in the decision at A/110/21 Chandlers Garage.

#### Character & Design

- Low density character of the village should be retained.
- Harmful loss of a tranquil edge of settlement location.
- Loss of an important area of open space used by the community.
- House designs and scale not in keeping with the local area.
- Conflict with Middleton on sea village statement.
- Due to the ground levels, the houses will sit around 2-3m higher than the surrounding dwellings.
- Ancton lane is under consideration by WSCC for 'quiet lane' status.
- Impact on views of the South Downs.
- Overdevelopment with double the density of existing development.
- No measurements given for building heights.
- Buildings have space in the attic for additional accommodation.
- House designs should include solar and biomass.
- Increased litter in the area.

#### Residential Amenity

- Overlooking, loss of light and privacy to existing homes, particularly due to land level increases.
- Impact on local community cohesion.
- Excessive Noise from air source heat pumps (above background noise levels).
- Ground source heat pumps should be used instead.
- Heat Pump use must be determined now not by condition.
- The developer proposes exhaust heat pumps, these are inefficient compared to ASHP and will be noisy for occupiers. Future residents may add ASHP under permitted development rights.
- Noise disturbance to existing residents.
- Air pollution from vehicle emissions causing illness.
- Loss of views.
- Harm to resident's mental health.
- The Elms Farm Barns storage area is shielded from view and will be a magnet for anti-social behaviour.

#### Lighting

- New street lighting out of character with Ancton Lane.
- Conflict with ADC dark skies policy.
- Need to light the storage area for safety reasons but this will be harmful.
- The pedestrian connection on Lucking Lane would need lighting to be safe but residents do not want any new lighting.

#### General

- The previous planning application M63/23/PL is material and must be referred to.
- No material changes since the first application.
- If WSCC own the land, they have a conflict of interest in providing comments on drainage and flooding and should not be involved.
- Questions about financial arrangements between WSCC and Lovells/Kinsted developments.
- No details of estate management or who will manage the communal barns.
- No pre-submission community consultation on the revised application.
- Site characteristics/issues are similar to a refused application, dismissed at appeal, at Bonhams, Flansham and on the grounds of character - the Ancton Lane decision should reflect the Bonhams one.
- Inappropriate to allow changes to the application and not allow further public consultation.
- The developers should have resolved all issues prior to putting in this application.
- Unclear what the purpose of the adoption/management plan is.
- The application provides two different site areas (3.4ha & 4.03ha).
- Who will own the Elms Farm Barns storage areas.
- The applicants refers to 4 appeal decisions that support their case from these are quite different in characteristics and issues. Here are better comparison sites that would support refusal of the application.
- No consideration in the planning process of power requirements for the development and the impact of this on the wider community.

#### **COMMENTS ON REPRESENTATIONS RECEIVED:**

The comments are noted and where they represent material planning considerations, then the issues raised are considered within the report's conclusions.

#### **CONSULTATIONS**

#### **CONSULTATION RESPONSES RECEIVED:**

ENVIRONMENT AGENCY - no objection subject to conditions to ensure that the flood attenuation features are outside the current flood zones 2 and 3, and to ensure all new dwellings have finished floor levels above the flood level with no sleeping accommodation on the ground floor.

NATIONAL HIGHWAYS - no objection with no conditions or contributions requested.

NHS - state they would request CIL monies for the delivery of new/expanded health services.

SUSSEX POLICE - no objection but list a number of advisory notes regarding improving security.

SOUTHERN WATER - state no objection and that this is based on a desktop study of the impact that the additional foul sewerage flows will have on the existing network.

WSCC EDUCATION - objection due to it not being possible to expand secondary school provision for pupils arising from the development, and the lack of an allocated or secured site for a new secondary school. Until such time that the new secondary school has been built & opened, would require a contribution towards home to school transport in order to enable pupils to access schools outside the district. Also request that this development provides a contribution towards the new school.

WSCC DRAINAGE - no objection subject to conditions regarding surface water, management, and verification.

WSCC HIGHWAYS - requested further information regarding the specification of the pedestrian/cycle



access points. Following several further drawing amendments, receipt of an amended Road Safety Audit and re-consultation, WSCC now advise no objection subject to conditions (clearance of overgrowth on the PRow, access closure, implementation of the emergency access with retractable bollards, dropped kerbs/tactile paving on Ancton Lane, and construction management). WSCC also request that the Section 106 include the following:

- £15,412 towards improvements at Comet Corner.
- A £3,500 travel plan monitoring fee; and
- The proposed 'Off-Site Highway Works' comprising localised widening of Ancton Lane, the main access into the site, and to provide the three pedestrian routes onto Ancton Lane (x2) and Lucking Lane.

Full comments are on the Council's website.

WSCC FIRE & RESCUE - no objection subject to a condition to secure the required fire hydrants.

ADC HOUSING STRATEGY - need 30% provision (21 based on 67 dwellings). No concern with the distribution of the affordable homes. The proposed mix of affordable housing - 0 x 1 bed (0%), 15 x 2 bed (71%), 5 x 3 bed (24%) and 1 x 4 bed (5%) in overall terms is an acceptable mix. It meets the current need for affordable housing providing the majority of properties as two beds and aligns with the overall size of properties to be provided on the site.

ADC ENVIRONMENTAL HEALTH - no objection subject to conditions to control construction hours and to protect against unexpected land contamination. Requested clarification on noise levels for the proposed Air Source Heat Pumps (ASHPs) and following receipt of further information, requested an additional condition concerning the noise levels of ASHPs.

ADC ECOLOGY - no objection subject to conditions to secure a bat licence prior to demolition, further surveys if more than a year elapses between permission and commencement, Barn Owl boxes, a suitable lighting scheme, more than 67 bat bricks/tubes, more than 67 universal bird nesting boxes, a Biodiversity Enhancement Strategy, and a Construction Environmental Management Plan for Biodiversity. No conditions are requested regarding badgers, dormice, reptiles, or Great Crested Newts.

ADC BIODIVERSITY NET GAIN (BNG) - states no objection to the BNG information. Requests the standard BNG condition, a BNG Habitat Management & Monitoring Plan and inclusion of BNG within the s106 legal agreement.

ADC TREE OFFICER - objection to the layout based on residential gardens abutting important trees resulting in shading and potential to prune or fell. This is particularly an issue along the southern and western boundaries. Request landscaped buffers and that important TPO trees be visible in the layout not solely to houses that abut them. No concerns with vehicular and pedestrian/cycle access points but are concerned given the lack of information on the impact of the Ancton Lane widening on off-site trees.

ADC LANDSCAPE OFFICER - no objection subject to conditions to secure details of landscaping and future management of the areas of open space & play.

ADC CONSERVATION OFFICER - concludes that the proposal will result in less than substantial harm to the settings of the heritage assets. As a consequence, the application should be determined in accordance with the relevant policies within the Development Plan, and the NPPF. Full comments are available on the website and the following is a summary of the main points:

- The group of assets is of heritage significance.
- The site contributes towards the significance of the assets as a result of forming the historic

rural/agricultural context

- The development is very close to the various listed and non-designated heritage assets. For instance, to the rear and side of the manor house. This is not positive, and it is harmful.
- A large area of the site would be lost to buildings, roads etc. Whereas at present it forms the agricultural context for the assets and a buffer from the nearby modern suburban development of Middleton. The areas of open space do not form a buffer but an area of open space and SUDS.
- The proposal will result in the loss of some of the historic barns to the side of the Manor House - including historic fabric.
- The lack of maintenance on the barns is also disappointing.
- The site is much higher than the lane and will increase when raised as part of the development, and the new buildings will clearly be seen in the context of the various heritage assets.
- The designs of the houses and the elements of the barns which will be kept and converted into storage is poor and clearly not based on a sound assessment of the houses in the lane (horizontal boarding and white brick is not an Arun feature and should not be used here, especially on houses. It is not clear why buildings in the Middleton on Sea Estate Area of Character, which is in a different part of the parish, is used as a design steer; and
- The development will negatively impact on the significance of the assets.

ADC DRAINAGE - object due to the following issues:

- Inconsistencies between drawings/calculations.
- Inadequate information to determine if the proposed layout will be implementable without increasing flood risk on site or elsewhere.
- Existing site drainage features (to which the site will drain at a greenfield rate) have not been adequately investigated.
- No details of watercourse easements have been shown.
- Concerns regarding spare capacity in the system upstream of an existing culvert on the site.
- Ground raising has the potential to result in flooding of surrounding residential properties and the southern footpath
- Further consideration needs to be given to the landscaping and potential conflicts with the surface water drainage design.
- Existing flooding on Ancton Lane needs to be considered by the Flood Risk Assessment (FRA); and
- The potential for foul sewer flooding also needs to be considered by the FRA.

COUNCIL's ARCHAEOLOGIST - no objection subject to a condition to ensure archaeological works.

#### **COMMENTS ON CONSULTATION RESPONSES:**

Comments noted except as discussed below:

ENVIRONMENT AGENCY - their concern regarding the attenuation features will be resolved through the subsequent determination of drainage conditions.

WSCC EDUCATION - this objection is due to the current inability to expand secondary school provision to accommodate pupils arising from the development (and other developments in the district) and the lack of an allocated or secured site for the delivery of the new secondary school. This development does not itself generate the need for a new secondary school and there is no policy requirement for the development to provide a school on site or to fund the whole cost of one elsewhere.

CIL contributions can be used to fund new school facilities, and the developer will be liable for such. WSCC raised similar concerns in respect of the Land South of Barnham Station appeal, but the Inspector dismissed this stating "if allowed, the appeal proposal would be subject to a CIL liability in terms of

contributing to wider infrastructure needs such as health and education". It is important to ensure consistency of decision making.

It has been agreed with WSCC that ADC will revisit looking at potential secondary school sites, but it is unreasonable to reject this application solely on the absence of a secured school site when an appropriate contribution through CIL will be secured towards its delivery. The requested school transport contribution will be secured through the s106 agreement. However, it is not possible to secure a contribution towards the actual school as this application is liable for CIL.

ADC ENVIRONMENTAL HEALTH - The applicant tried to counter the concerns re ASHPs and objected to the proposed condition. The EHO maintained their position and the applicant proposed the use of exhaust heat pumps. These use energy from exhausted humid air to heat the home and/or provide hot water and will be within the home. The EHO has confirmed no objection to the use of these.

ADC TREE OFFICER - Further comments are expected and will be reported by way of an update.

ADC DRAINAGE ENGINEERS - Following a re-consultation on amended plans, have advised they maintain an objection on similar grounds to those stated originally with the primary concern being proposed discharge rates and discharge locations. Landscaping, tree conflicts and easements have also not been satisfactorily addressed by the submission.

**POLICY CONTEXT**

Designations applicable to the site:

- Countryside.
- Predominantly Flood Zone 1 (FZ) but some areas of FZ2 & FZ3 including FZ3b.
- Future FZ3 by 2061 (small areas) and by 2111 (approximately half of the site).
- Potential for high groundwater levels.
- Surface Water Flood Risk (1:1000 risk).
- TPO refs M/1/23 and M/1/25
- Grade 2 Agricultural Land Value.
- HELAA Site ref 114.
- Adjacent to 2 no. Grade II Listed Buildings.
- Adjacent to 2 no. Locally Listed Buildings.
- Lidsey Treatment Catchment Area.
- Archaeology Notification Area.
- Public Right of Way (PRoW) ref MOS/164/1 on the southern boundary.
- PRoW ref MOS/161/1 on the western boundary; and
- CIL Zone 5.

**DEVELOPMENT PLAN POLICIES**

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

AHSP2	AH SP2 Affordable Housing
CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation

ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERSP1	HER SP1 The Historic Environment
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
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
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

**PLANNING POLICY GUIDANCE:**

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

**SUPPLEMENTARY POLICY GUIDANCE:**

SPD9	Buildings or Structures of Character
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.

Where applicable, Neighbourhood Development Plan's, once made by Arun, will form part of the statutory development plan for the relevant designated neighbourhood area. There is no Middleton Neighbourhood Plan and their proposed plan is not at a stage where its consideration is required.

## 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 the development plan in that it would result in development outside of the defined settlement boundary, and will result in the loss of best & most versatile agricultural land. In addition, there is conflict with policy regarding flooding, drainage and existing trees.

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 other material considerations to be weighed in the balance with the Development Plan and these are discussed in the next section.

## BIODIVERSITY NET GAIN

This application is liable for Biodiversity Net Gain (BNG) and the applicant proposes the following on-site provision:

- 12.51% Hedgerow units (0.96).
- 19.77% Watercourse units (0.13).

Due to the loss of 6.57 habitat units (29.92%) and the inability to provide habitat units on the site, 8.77 units will need to be provided off-site and it is proposed to purchase these from the Environment Bank.

## CONCLUSIONS

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 solely comprises the Arun Local Plan 2011-2031 (ALP).

Paragraph 11(d) of the NPPF sets out the presumption in favour of sustainable development which is to be applied where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. Paragraph 14 serves to provide additional weight to Neighbourhood Plans in cases where para 11(d) is engaged) but as there is no current Neighbourhood Plan for Middleton, para 14 is not relevant to this decision.

ALP policy C SP1 states residential development in the countryside outside the BUAB will not be

permitted unless it accords with policies in the Plan which refer to a specific use or type of development. None of these relate to the proposal. Policy SD SP2 states development should be focused in the BUAB. The application conflicts with ALP policies C SP1 and SD SP2.

In January 2025, the council published its Authority Monitoring Report (AMR) for 2023/24, and this shows that the Housing Land Supply (HLS) is 3.41 years. On the basis of the new AMR, the policies most important for the determination in the ALP (C SP1) have reduced weight.

The council's Action Plan (June 2019) made a series of recommendations to boost housing delivery. It recommended the council consider inviting applications from landowners / developers on 'deliverable' Housing & Economic Land Availability Assessment (HELAA) sites to re-establish the 5-year housing land supply. The site (ref 114) was assessed as being "Not Currently Developable" due to flood risk and therefore the Action Plan does not lend any weight to the proposal.

In February 2021, Arun published an Interim Policy Statement for Housing Delivery (IHS). This is not policy but was meant as a guide for developers proposing development on sites outside the BUAB and to inform decision-making. The IHS applies to sites adjacent to settlement boundaries and this site meets the criteria as there is BUAB to the immediate west and south. The IHS sets out criteria to help speed up determinations of suitable residential developments. The application scores highly against the criteria with the exceptions being the countryside location and current/future flood risk.

It is also material that the Government has recently amended the NPPF with a particular focus on raising housing targets and turbo charge growth in order to build 1.5 million homes within the UK over the next five years. The changes to housing delivery and supply have resulted in an annual increase of 67 dwellings to Arun's Housing requirements which coincidentally is the quantum of this proposal.

The proposal, despite being within the countryside, is sustainably located as it adjoins with the defined BUAB, and it will be possible for residents to use non-car means of transport to access pubs, shops, and other facilities. There will be safe walking and cycling routes to the facilities of Middleton-on-Sea.

The principle of development conflicts with the ALP in respect of development in the countryside. These conflicts do not automatically result in a refusal as it is necessary to determine the application in accordance with the NPPF presumption in favour of sustainable development under paragraph 11(d). This report will discuss the other issues and will discuss para 11(d) at the end.

#### **AGRICULTURAL LAND:**

The application is accompanied by an Agricultural Land Classification Assessment (ALCA) and a separate Soil Resources and Management Plan. The former concludes that the site is predominantly Grade 2 (very good quality) with some small areas of non-agricultural land. The ALCA states the site is pastureland and this has been confirmed by the council's own site visit.

Historic photography demonstrates a longstanding pastoral land use (dating back to at least 1991 - when photos were first taken). The ALCA states the loss of 4 hectares of agricultural land will not affect the farming business's long-term viability and is not of more than local significance in terms of its potential loss.

ALP policy SO DM1 states unless land is allocated, then the use of Grades 1, 2 and 3a of the ALC for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless the need for the proposal outweighs the need to protect such land in the long term.

The HLS shortfall is significant, and agricultural land will need to be built on to meet the shortfall. Sites

that are close to settlement boundaries such as this would be preferred to meet this need. The site has been used for grazing not for the growing of crops. There are some constraints to an arable use namely the undulating nature of the topography and the existing ditch system in the western part.

Policy SO DM1 makes it clear that in order to fully justify the loss of the agricultural land, the policy criteria (a) to (b) and (d) to (g) should be met. These require assessment of the land's economic status, the land's environmental & other benefits and mitigation measures. The applicant has not specifically responded to these criteria but has provided a Soil Resource Plan (criteria g) and their Planning Statement sets out:

- The loss of circa. 4 hectares of agricultural land will not have a material impact on farming.
- Arun has a very high percentage of Best and Most Versatile (BMV) land, particularly of Grades 1 and 2, representing around 40% of agricultural land in the District and grade 3a a further nearly 30%.
- The presumption in favour of sustainable development therefore means that the tests set within Policy SO DM1, for development on classified agricultural land, are awarded limited weight and the far-reaching benefits of the proposed development outweigh the need to protect the land; and
- The report confirms that soils on the site have the potential to be re-used in domestic gardens and areas of soft landscaping, such as swales and play areas.

It is material that the additional requirements of policy SO DM1 are more onerous than para 187(b) of the NPPF which just requires the economic and other benefits of BMV agricultural land to be recognised. Appeal decisions concerning residential development in Arun have typically given low weight to the loss of BMV agricultural land. The exception being the recent Yapton case (Y/68/23/PL) where the conflict related to a Neighbourhood Plan policy benefitting from para 14 protection (which is not the case here).

On an appeal concerning a site on Pagham Road in 2022 (P/178/21/OUT), the Inspector noted that most countryside surrounding main coastal towns in Arun is characterised as BMV land, but it is difficult to avoid development on the edge of such settlements resulting in the loss of high value agricultural land. Further, the NPPF does not provide adequate policy justification for this to be a stand-alone point of objection and the removal of the footnote from the December 2024 version further emphasises this. The publication of the proposed National Land Use Framework does not change this conclusion.

There is conflict with the agricultural land policy in respect of criteria (a) to (b) and (d) to (f). This, by itself, would not result in a stand-alone single reason for refusal. However, in combination with other issues, it is an issue that weighs against the presumption in favour if it were applied.

#### TRAFFIC, ROAD SAFETY & PARKING:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking. Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes.

Para 115 of the NPPF states: "In assessing ... specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para 116 states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios".

The application proposes to take vehicular access from Ancton Lane. There is an existing farm access

just west of the proposed access that will be permanently closed. A second emergency access will be provided on the eastern side of the site, and this will for use by emergency services. Otherwise, it will be closed to traffic by way of either a gate or retractable bollards.

The comments of WSCC Highways are set out in full on the council's website and summarised elsewhere in this report. They initially responded with a request for further information regarding the foot and cycle path connections but following several changes and a review of such information, they have advised no objection subject to conditions. The application has also been subject to independent Road Safety Audits (RSAs) concerning the vehicular and pedestrian/cycle access points. The RSA's both identified some issues, and these have been designed out by the scheme designer.

WSCC state that the number of westbound trips to the A259 in the A.M. period is not at a level that requires junction modelling but instead a contribution to the Comet Corner improvements scheme will be required. WSCC also confirm that the development will be required to deliver localised highway widening on Ancton Lane and minor footway improvements to the Yapton Road roundabout (tactile paving at all dropped kerbs and new dropped kerb and tactiles where the footway onto Ancton Lane terminates to allow for mobility impaired road users to gain access to the footway with ease).

WSCC conclude no objection and consider there would not be an unacceptable impact on highway safety, and no severe residual cumulative impacts on the road network. As this site is liable for CIL, it would normally not be possible to use s106 to secure financial contributions towards infrastructure. The Comet Corner contribution has been discounted to account for CIL contributions and reflects the approach taken in respect of Y/3/22/OUT and Y/52/23/PL (both Bilsham Road).

The Parking Standards SPD sets out a need for 148 allocated spaces to include 8 suitable for disabled parking and a further 14 spaces for visitors (total of 162). The proposal does not meet this requirement, providing 152.5 (albeit this does include the requisite amount of visitor and disabled spaces). The .5 is due to the need to count garages as providing half a space. There is a shortfall of 9.5 spaces (10). However, para 3.2 of the SPD states:

"To satisfy the promotion of sustainable travel modes and choices, it is considered that a 10% variation below the target parking demand value be allowed where appropriate travel option provision is provided including travel plans, public transport contributions (e.g. through section 106 contributions involving Strategic Allocations and Community Infrastructure Levy once adopted, for other non-strategic sized developments for offsite infrastructure of a strategic nature) and other sustainable travel initiatives. This is also as a result of increasing affordability issues resulting in young people staying with parents for longer."

The parking shortfall represents a circa 6% reduction. This is acceptable given the scheme includes a Travel Plan and that public transport improvements can be secured through CIL. The scheme includes cycle storage comprising 2 per dwelling in private sheds. The Parking SPD requires a single cycle space for 1/2-bed houses and 2 spaces for 3+bed houses. Pedestrian/cycle connections will be positive and allow residents to reach local shops/services without needing to use a car.

National Highways raise no objection and do not request a financial contribution towards any A27 junction improvements. It is acknowledged that there is significant local opposition to this scheme on highway grounds however, given the views of WSCC Highways, it has to be determined that there is no conflict with the relevant planning policies or the guidance on highway safety within the NPPF.

#### **FLOOD RISK:**

ALP policy W DM2 requires that proposals in areas at risk of flooding provide a Flood Risk Assessment



(FRA), meet the sequential and exceptions tests, provide sustainability benefits to the wider community, demonstrate that the development will be safe and do not increase flood risk elsewhere. Policy ECC SP1 requires that development be designed to take account of future flood risk.

The site is predominantly Flood Zone 1 (FZ1) but parts along the site frontage including Elm Barns are affected by FZ2 (medium risk) and FZ3a (high risk). In addition, the ditch that runs North/South in the western half of the site is designated as FZ3b (defined as functional floodplain). No houses or private gardens are shown in any of these areas. The two vehicle accesses do cross the extent of FZ3a, but future residents will be able to leave the site by footpath in times of flooding.

Greater areas of the site are predicted to be within FZ3a due to the results of climate change. Mapping in the Council's Strategic Flood Risk Assessment (SFRA) shows greater areas affected by 2061 (but still not including any homes), however, by 2111, several homes would be within FZ3a. The site is also at risk of surface water flooding, but this is restricted to parts of the frontage and the afore mentioned drainage ditch which are at low risk (1:1000 year).

The NPPF and the National Planning Practice Guidance (NPPG) state a sequential test (ST) is required where a site is at high risk of current or future flooding from any sources. Recent case law (Mead Realisations Ltd v Secretary of State for Housing Communities and Local Government and another EWCA Civ 32) determined that the NPPG has the same legal status as the NPPF so it should be treated as policy and not just guidance.

Para 175 of the NPPF states that a ST will not be required where the FRA demonstrates that no built development 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. This means that it is entirely appropriate to site areas of public open space including play areas in flood zones. However, in terms of this application, a ST is required as a result of the vehicular accesses being within FZ3a and in respect of the homes affected by the future flood risk in 2111.

Guidance in the NPPG states the search area will be defined by local circumstances relating to the catchment area for the type of development proposed. The Local Planning Authority (LPA) consider that as this is a residential major development, that the HLS shortfall is a district issue and that there is no local Neighbourhood Plan to state a local housing requirement, the search area should encompass the whole district. The LPA is aware of cases in the past where a more restricted search area has been accepted (such as P/178/22/OUT which looked at sites solely in the Pagham area). It is not appropriate to persist with an inappropriate search area just because of previous decisions.

In an appeal from Uckfield in East Sussex (APP/C1435/W/22/3307820), as has been raised by an objector, that the developers used a search area of 7km from the site. The Inspector commented there was no need for such a limitation "given that the development is primarily for housing". The Inspector added that "taking into account (other areas) to accommodate housing of this scale seems eminently sensible to me in undertaking a sequential test as a wider area would significantly broaden the scope for opportunities to reduce flood risk".

The Uckfield decision was a proposal for 290 dwellings and is a completely different scale to this application. However, this supports the LPAs view that the catchment for housing developments should be the whole of the district.

The applicant's ST uses a search area defined as 'within the Greater Bognor Regis Urban Area' and 'South of the A259'. They did not seek pre-application advice on this search area, so this has not been agreed. There is no map provided to indicate the full extent of the search area, but it appears to include Pagham, Aldwick, Bognor Regis, and parts of Bersted/Middleton/Felpham south of the A259.

The LPA therefore finds that the search area is inappropriate, and its restricted nature prevents the consideration of sites in the wider district that could be sequentially preferable.

The NPPG also states that ST's should consider 'reasonably available sites' and that these are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development. These can include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development. Such lower-risk sites do not need to be owned by the applicant to be considered 'reasonably available'.

The LPA finds issues with the applicant's discounting of several sites on the basis that they were either 'not currently developable' / 'not deliverable' per the HELAA or that they were too small in size. The Ancton Lane site has been determined by the HELAA as not currently developable, so it is questioned why sites of a similar status have been discounted. The NPPG makes clear that it is appropriate to consider a series of smaller sites.

Applicants proposing development in current FZ3a are also required to satisfy the Exceptions Test (ET) which has two parts, firstly that that the development will provide wider sustainability benefits to the community that outweigh flood risk; and secondly, 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.

It is only necessary to consider the ET if the ST is passed and this assessment finds that this has not been achieved. Even if it were necessary to consider the ET at this time, many of the wider community benefits identified by the applicant are actually policy requirements or would be expected on any development (e.g. Affordable Housing, POS & play, appropriate housing mix, private gardens). The refurbishment of Elm Farm Barns is positive, but it is questioned how the storage use will benefit the community outside of the site.

The application does not pass the sequential test, and the proposal is contrary to Arun Local Plan policies W DM2 and ECC SP1, the NPPF and the associated NPPG. Due to there being a strong reason to refuse the development on flood risk grounds, it would not be appropriate to undertake the balancing exercise for the presumption in favour of sustainable development at Para 11(d)(ii) of the NPPF.

#### 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.

Ground investigation results have confirmed that it will not be possible to drain the site by infiltration and therefore the scheme proposes to drain to the existing ditches on Ancton Lane at greenfield runoff rates. Attenuation and treatment measures are proposed comprising four holding ponds, permeable paving, underground cellular storage and roadside bioretention features (tree pits, rain gardens).

Arun consults with the Local Lead Flood Authority (WSCC) on all major applications, and they advised no objection subject to conditions. Given the drainage issues prevalent in the surrounding area and the local knowledge held by the council's own engineers, they too have provided advice. This is summarised elsewhere in this report but in short, amounts to an objection due to missing information and inconsistencies. The applicant responded to these objections and ADC engineers were re-consulted. They maintain their objection on similar grounds to those expressed originally with the primary concern being the proposed discharge rates and discharge locations. In addition, landscaping, tree conflicts and easements have also not been satisfactorily addressed by the submission.

Noting the significant local opposition in respect of the potential for surface water from the development to exacerbate existing foul and surface water flooding in the area, it is especially important to ensure that the drainage scheme will function correctly and not result in flooding elsewhere. The scheme as submitted does not give this certainty and accordingly, there is conflict with the relevant policies.

#### FOUL DRAINAGE:

The site falls in the Lidsey Wastewater Treatment Catchment Area and ALP policy W DM1 states 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 states a drainage impact assessment (DIA) is required for major proposals.

The application provides a DIA within the Flood Risk Assessment. This states the site will connect to Southern Water's foul network to the north of the site, just upstream of the Ancton Lane pumping station. The pumped main then discharges to a gravity sewer around 0.55km to the west beyond Yapton Road. The gravity sewer then runs north-west towards Hoe Lane Wastewater Pumping Station, which pumps to the Lidsey Wastewater Treatment Works.

The DIA notes surface water will be discharged to the local ditch network at the greenfield rate and this strategy will ensure no adverse impact on surface water flood risk downstream of the site and prevent surface water from the site entering the foul sewer. On-site foul sewers will be constructed in accordance with current best practice to prevent groundwater infiltration and surface water ingress and ensure no adverse impact on sewer flood risk downstream of the site. This will include measures as follows:

- No surface water connections permitted to the wastewater system.
- Use of joint sealant or mass concrete chamber surrounds to prevent infiltration.
- Use of bolt down sealed chamber covers in areas of potential surface water inundation.

The DIA confirms it is only possible to contribute to foul sewer capacity improvements through the New Connection Charge which is a charge by Southern Water per new dwelling. Investment needs are identified by Southern Water in the Drainage and Wastewater Management Plan for the Arun and Western Streams River Basin Catchment. These needs are reviewed with Ofwat for each business plan period.

Southern Water have no objection, and they confirm there is sufficient capacity in the system to accommodate the foul needs of the development. It is acknowledged there is significant local opposition in respect of the potential for the development to exacerbate existing foul and surface water flooding in Middleton. Southern Water advise there is sufficient capacity. Should any future network reinforcement be required then Southern Water will have funds to do so via the infrastructure charging regime. It is not recommended that the scheme be refused with regard to foul drainage given these factors and principally due to the lack of an objection from Southern Water.

#### HERITAGE ASSETS:

Heritage assets are termed as designated or non-designated. Designated heritage assets are commonly Listed Buildings or Conservation Areas whereas non-designated assets are predominantly locally listed buildings and Areas of Character but can include buildings or structures that have not been locally listed but nonetheless have heritage value.

The site directly adjoins Ancton Manor Farmhouse which is a Grade II Listed Building and adjoins Ancton

Barn (locally listed) and Cottage Farm (locally listed). Ancton House Hotel (Grade II Listed) lies on the opposite side of Ancton Lane at the east end of the site. The Council's Conservation Officer identified the following non-designated heritage assets:

- Ancton Manor Historic Farmstead (also known as Elm Farm Barns). This forms part of the farm complex of Ancton Manor Farmhouse and is partly within and partly adjacent to the site. The applicant suggests sections may date to the 17th Century, but the Conservation Officer is not able to confirm this and states the buildings likely date to the mid-19th Century.
- Ancton Farm. This is approximately 50m east of the site and forms part of the farm complex of the Ancton House Hotel. It dates to the 19th Century.
- Flint wall / former farmstead. This is in the east section of the site and to the west side of Ancton Lane (opposite the drive leading to Ancton Farm). The applicant states the wall may date to the 18th century.

ALP policy HER SP1 states development likely to prejudice designated or non-designated heritage assets and their settings will be refused. Policy HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings. Policy HER DM2 refers to locally listed building but only in terms of demolition, alteration or extension and so does not apply to this determination.

The NPPF provides guidance on how to determine impacts on heritage assets and para 207 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 208 then requires Local Planning Authorities (LPAs) to identify and assess the particular significance of the heritage asset that is affected by a proposal. The LPA must then consider the level of harm associated with the proposal and decide whether there is no harm, 'less than substantial harm' (LSH) or 'substantial harm'.

Some objectors state the Conservation Officer must identify where on the spectrum the LSH falls. This was discussed in the public inquiry concerning BMW House in Angmering (A/110/21/) and the Inspector determined that this was not a requirement. At para 48 of the decision, the Inspector stated "The NPPG also states that the category and extent of harm may vary and should be clearly articulated but it also states that even minor works have the potential to cause substantial harm. The PPG requires the extent of the harm to be articulated but does not require the identification of any scale."

It is necessary to counterbalance 'less than substantial harm' with the level of public benefits associated with the proposal (as set out in para 215). The NPPG sets out that such benefits must be public not private and must deliver the economic, social, or environmental objectives as described in the NPPF. There is a separate test for non-designated heritage assets where a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (para 216).

The submission includes a Heritage Statement which concludes there will be less than substantial harm (LSH) to the two Grade II Listed Buildings but there will be low levels of harm to the significance of the non-designated heritage assets. The Council's Conservation Officer has comprehensively assessed the application and has concerns with the scheme but ultimately agrees with the assertion that there is LSH to the designated assets. The scheme would deliver the following public benefits:

- 67 new homes to contribute to the Council's significant current housing land supply shortfall.
- 21 new affordable homes.
- A contribution towards the A259 Comet Corner Improvements Scheme.
- Various off-site localised road improvements.
- Improved pedestrian/cycle connectivity between Ancton Lane and Elmer Road.
- Biodiversity Net Gain.
- Community Infrastructure Levy payments.
- Increased spending by new local residents on goods and services.

These benefits are of a level that enables the LSH can be outweighed. In respect of the impact on the non-designated heritage assets, there will be some loss of the assets themselves (Ancton Manor Historic Farmstead/Elms Farm Barns) but overall, the harm to this and the other assets is not significant such that there would be conflict with para 216. The LPA determines the proposals to be in accordance with the NPPF and raises no concerns in terms of compliance with the relevant policies and the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### ARCHAEOLOGY:

ALP Policy HER DM6 states 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 development will not be harmful to the archaeological interest of the sites. The policy requires a desk based archaeological assessment be submitted.

The site is on the Arun Local Plan proposals map as having archaeology potential and the applicant provided an Archaeological Desk Based Assessment. This has been considered by the Council's Archaeologist who agrees to the conclusions regarding the potential impact of this proposal on deposits of interest. There is no conflict with the policy subject to a condition being imposed to secure detailed recording of finds prior to development taking place.

#### HOUSING MIX:

ALP policy HDM1 seeks a mix of dwelling types and sizes to address the nature of local housing needs and market demand. The policy preamble (12.2.4) acknowledges that the final mix will be negotiated on a site-by-site basis, having regard to the most up to date Strategic Housing Market Assessment (SHMA).

Para 63 of the "Updated Housing Needs Evidence" (September 2016) stated the evidence highlights a direction towards the provision of 2 and 3 bed units for market units and smaller affordable units. Table 29 identifies a suggested broad mix of market housing by size comprising 5-10% 1 bed, 40-45% 2 bed, 35-40% 3 bed, and 10-15% 4 bed. The scheme includes the following market housing mix:

- 0 x 1 bed dwellings (0%).
- 5 x 2-bed dwellings (11%).
- 28 x 3-bed dwellings (61%); and
- 14 x 4-bed dwellings (29%).

There is conflict with the Housing Needs Evidence associated with the policy. H DM1 allows for the mix to be negotiated on a site-by-site basis and states this does not need to be in complete accordance with the latest SHMA. Nonetheless, the applicant has justified the mix in their "Case Officer Response" (29/10/24) which states that the mix has been prepared taking into consideration the SHMA, market advice, input from housing associations and feedback received during pre-application engagement with the local authority. They list a number of other permissions granted with similar mixes. It is relevant to note that 1 bed homes typically means flats and the inclusion of these would not respect local character. For these reasons, there is no conflict with H DM1.

In terms of affordable housing, Policy AH SP2 sets out a mix comprising 35-40% 1 bed, 35-40% 2 bed, 15-20% 3 bed, and 5-10% 4 bed. The mix conflicts with this as there will be 0 x 1 bed (0%), 15 x 2 bed (71%), 5 x 3 bed (24%) and 1 x 4 bed (5%). The Council's Affordable Housing Manager does not object as stated above.

#### CHARACTER, DESIGN & DENSITY:

ALP policies D SP1 and D DM1 require developments make the best possible use of land by reflecting or improving on the character of the site/surrounding area. Policy LAN DM1 states development should respect the particular characteristics & natural features of the landscape character areas and seek, where possible, to reinforce or repair the character of those areas. Policy AH SP2 seeks to ensure affordable housing is visually indistinguishable from market housing and layouts avoid large clusters.

Section G of the Arun Design Guide (ADG) suggests a density of 10-20 for detached/semi-detached houses in suburban centres. The site adjoins the edge of Middleton-on-Sea and Middleton Road/Elmer Road are listed in the ALP as being part of a suburban centre. The ADG also states density should be appropriate to the location, balancing the need for efficient use of land with a design that responds to and enhances the existing character. The overall density of 16.6 dwellings per hectare is clearly within this range and in accordance with the ADG.

This proposal was subject to pre-application advice in November 2022 concerning a scheme of 70-90 dwellings. Officers stated that the proposal would be unacceptable when assessed against local and national planning policy with regards to density, design, layout, and its impact on heritage assets. Accordingly, the developers brought the numbers down and reduced the density of the scheme.

The layout makes efficient use of the space within the site whilst also mitigating the impact on the Grade II Listed Ancton Manor Farmhouse by setting new housing well away from this. There are no concerns with the layout of the development itself, and it is also recognised that the proposed scale is in character with the surrounding area with a maximum of two storeys and also six bungalows (including 4 where the site adjoins with the locally listed Cottage Farm).

There are no concerns with the distribution of affordable housing (AH) as whilst there are two groups of 7, these are within rows also containing market housing. The other AH plots comprise a pair of semi-detached houses flanked by market dwellings, a group of 4 semi-detached also flanked by market dwellings and a single AH plot in the SW corner. It is clear from the plans that the house types are shared between tenures. It is positive that Public Open Space (POS) is predominantly sited centrally in the scheme with other smaller elements in the western and eastern parts of the site. The layout provides sufficient play spaces (1 LEAP and 3 LAPs), and these are spread through the layout. The scheme includes a significant number of street trees and other frontage landscaping. The existing north-south ditch in the western part is retained as a natural feature.

The existing topography includes noticeable dips in the eastern part of the site and existing ditches notably running north-south in the western half and along the northern boundary. The topographical survey shows the levels drop considerably from the southern boundary (around 4.5/4.9m AOD) to Ancton Lane (around 2.5m AOD at the western end & 3.4m AOD at the eastern end). In order to construct the homes and implement the necessary services, roadways, and a functioning drainage scheme there will be a requirement for levels to change. The plans show levels changes consisting of:

- A range of 0.5-0.7m increases on the western side of the site.
- A range of 0.2-0.4m increases on the southern side of the site; and
- Some considerable increases on the northern edge such as 0.8m (plot 67 which is a bungalow), 0.7m (plot 24), 0.8m (plot 17), and 1.5m (plots 23/24).

The effect of development on site and the contribution of these levels changes will result in some harm to the character and appearance of the locality. It is positive that for the most part, all houses are well set back from Ancton Lane and will benefit from existing, enhanced, or proposed landscaping which will help to screen and soften the appearance of the site. The exception to this set back is plot 67 but this is a bungalow and will have less harm on the streetscene.

The proposal sets out three character areas in the layout comprising the rows of the dwellings along the western and part southern boundaries, the block of houses set back from Acton Lane in the western part and then the houses in the eastern area. These feature different materials and different porch designs. The house types are contemporary in appearance but mixed with good design variations.

The Landscape Visual Impact Assessment (LVIA) concludes the change of use would not appear out of character with the wider landscape context of the site, due to views currently seen from the site and surrounding area towards the adjacent settlement edge of Middleton-on-Sea. The layout and form of the dwellings would reflect the adjacent morphology of the settlement and rural edge - therefore the proposal would integrate well with the character of the rural-urban interface. It states in the long-term, as they mature the landscape proposals would increasingly enhance the landscape of the site and the character of the settlement edge. The Council's Landscape Officer raises no objection.

The proposal will result in a change to the character of this edge of settlement location deriving from the loss of the grazing land and the development with new homes. However, there is existing residential development to the west, south and east and the site represents a logical extension to the existing settlement. The scheme will largely retain and enhance the existing natural screening which will mitigate the impact on the streetscene and soften/green the resultant site. The change in character will not be harmful to the settlement as a whole and the proposal is in accordance with all of relevant development plan policies.

#### RESIDENTIAL AMENITY & NOISE POLLUTION:

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The ADG sets out the following guidance on interface distances between houses:

- Back-to-Back: min. 21m between habitable rooms of properties or to existing buildings.
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property.
- Front to Front: min. 16m between habitable rooms of properties facing each other.
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.
- There are no standards for either side to side or front to back.

The layout has been assessed versus ADG standards and there are only a couple of shortfalls comprising the distance from the rear of plot 12 to the side of 34 (14m versus the 14.5 requirement) and the rear of plot 17 to the side of plot 18 (at 13m). The latter was increased from 12m to 13m by the applicant following initial concerns. The only window affected on the flank of plot 34 is to an ensuite which can be obscure glazed whereas there are no windows on the flank of plot 18 therefore no potential for overlooking. Given that the interface shortfalls are minor in the context of a scheme of 67 dwellings and that no windows will be adversely affected, a refusal on these grounds is not sustainable.

The development as a whole will result in an increase in activity levels to this part of Ancton Lane and to the existing edge of Middleton which will be noticeable to existing residents. However, the new activity will be residential in nature and so not dissimilar to the existing uses. The increase in activity levels will contribute to a change in character but will not be detrimental to the amenities of existing residents. There is no conflict with the relevant development plan policies.

It is positive that the applicant has responded to previous objections of the Council's Environmental Health Officer concerning potential for noise from ASHP's and has replaced these with exhaust heat pumps which will be within the envelope of the dwellings.

#### QUALITY OF ACCOMMODATION:

ALP policy D DM2 states internal spaces should be of an appropriate size and that the Nationally Described Space Standards provide guidance. The application demonstrates all dwellings meet or exceed the internal space standards. The ADG requires rear gardens to be a minimum of 10.5m deep and front gardens at least 2m. All front/rear gardens meet the standards.

#### HOMES FOR OLDER PEOPLE:

Arun has an 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 and does not have supplementary planning document status either. However, it has some weight as a material planning consideration and is supported by references in ALP policies D DM1 & D DM2.

This sets out a requirement for 35 homes meeting the M4(2) standard and 4 to meet the M4(3) standard. The application proposes 61 M4(2) and 6 x M4(3) and so well exceeds these standards. ADC policy states schemes larger than 100 units should make some provision for bungalows. Whilst this development does not exceed the 100-dwelling threshold, the scheme does include six bungalows, and these are those which will be M4(3) compliant.

#### TREES:

ALP policy ENV DM4 states TPO protected trees or trees that contribute to local amenity must not be damaged or felled unless the development meets certain criteria including that the benefits outweigh the loss of trees or woodland. The ADG states that trees should be afforded sufficient space to grow and mature. In addition, they should be considered as focal points in developments and there should not be any incursion into Root Protection Areas (RPAs) with buffer zones being provided around important/retained trees to provide additional protection. Appendix 9 of the Council's Open Space SPD also provides guidance on adequate tree protection areas and buffer zones.

The application proposes to retain the vast majority of trees and hedging, the exceptions being T2 Sycamore, T6 Poplar, T11 Ash, T12 Ash, G19 Hawthorn/Elder/Elm (remove part), G20 Hawthorn/Elm/Hazel (remove part), G24 Lawson Cypress (remove part), G25 Hawthorn/Elm/Elder/Field Maple (remove part), G34 Willow (remove part), and G35 Ash. It is proposed to remove Hedge 4 and parts of H13, H16, H18, and H32. Several trees will be subject to pruning.

As set out elsewhere, there are two relevant TPO's which provide protection to important trees within the site area and along Ancton Lane west of the site access. As per the applicant's report, the trees subject of the first TPO are referenced as T23, T26, T30, T31, and T33 whilst those of the second are noted as G38. The applicant describes the G38 trees as being Monterey Cypress whereas the Tree Officer (and the TPO schedule) refers to them as Hybrid Black Poplars.

The Council's Tree Officer provided initial comments and has reviewed several further submissions from the applicant but retains several concerns with the proposal as follows:

- The layout proposes residential gardens abutting important trees with no buffer areas. These trees may result in the shading of new gardens affecting amenity and limiting new landscaping. The trees may also create nuisance to new residents (i.e. leaf litter or falling twigs/branches) resulting in future pressure from residents to prune or fell such trees. In addition, typical garden activities (such as planting, lawn treatments, digging) and permitted developments have the potential to damage root systems.
- The layout also means that important TPO trees are obscured from public view by the new houses thus



impacting on their existing public amenity value. This is particularly the case with T26 Ash in the south-western corner and T23 Oak on the southern boundary at the rear of plots 48/29.

- There is presently insufficient information regarding the off-site road widening proposals on Ancton Lane west of the access and the impact of this on the line of Poplar trees set within the northern verge. It is this concern that led to the serving of the second TPO.
- Some drainage attenuation features are within the root protection areas (RPAs) of retained trees (such as the pond in the north-western corner of the site).

The Tree Officer recommends there be no residential development/gardens in the RPA of TPO T26 and that it be provided with an additional 2m buffer. TPO T23 and T26 should not be overlapped by any plot and remain visible to more than just adjacent dwellings. A landscaped buffer should be provided along the western and southern edges to ensure the retention of other trees and hedges. There needs to be assurance that TPO T33 is not affected by the attenuation pond.

The applicant recently provided an amended Arboricultural Impact Assessment, and the Tree Officer has been asked to provide final comments, and these will need to be reported by way of an update. Given there have been no changes to the layout, it is very unlikely that the Tree Officer will withdraw his objections. The proposal is in conflict with ALP policy ENV DM4 and with the supporting guidance in the ADG and SPD.

#### **BIODIVERSITY:**

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. Where there is evidence of a protected species on a proposed development site, planning applications shall include a detailed survey of the subject species, with details of measures to be incorporated into the development scheme to avoid loss of the species.

Due to the potential for species to be affected, the applicant provided supporting documents including a Preliminary Ecological Appraisal, a Protected Species Walkover Survey & Bat Assessment, a Barn Owl Survey, a Bat Survey Report, and a Great Crested Newt Habitat Suitability Index Report.

There has been substantial objection on grounds of harm to biodiversity. The Councils Ecologist assessed all the submitted reports and provided two sets of comments which jointly set out that there is no objection on ecology grounds subject to conditions to ensure the necessary mitigation and enhancement measures. These include the need for a bat licence prior to demolition, Barn Owl boxes, a suitable lighting scheme, bat bricks/tubes, universal bird nesting boxes, a Biodiversity Enhancement Strategy, and a Construction Environmental Management Plan for Biodiversity. Conditions are deemed necessary concerning badgers, dormice, reptiles, and Great Crested Newts.

The application is required to demonstrate Biodiversity Net Gain (BNG), and it is proposed to provide part of this on-site (0.96 hedgerow units & 0.13 watercourse units) and part off-site (8.77 habitat units to be secured by Environment Bank credits). The Ecologist raises no concern, but a legal agreement would be required to secure this provision and 30-year monitoring.

Given the lack of any objection from the Ecologist, the proposal is in accordance with the relevant development plan policies.

#### **AIR POLLUTION & CLIMATE CHANGE:**

ALP Policy QE DM3 requires that major developments are in easy reach of established public transport services, maximise provision for cycling & pedestrian facilities, include electric car charging points and contribute towards the improvement of the highway network.

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 new development be designed to adapt to impacts arising from climate change and all major developments must produce 10% of total predicted energy requirements from renewables unless unviable.

As set out elsewhere, the scheme proposes to provide pedestrian and cycle links to Ancton Lane and pedestrian links to the public footpath running along the southern boundary which in turn facilitates access to Elmer Road via Lucking Lane. Future residents will be able to walk or cycle using local roads/footways to reach local facilities and will not need to rely on the private car. The submission includes a Travel Plan and proposes storage facilities for bicycles.

The application proposes electric vehicle charge points and is accompanied by a Sustainability & Energy Statement which proposes the use of exhaust heat pumps for heating & hot water (instead of natural gas). The houses will be designed to be thermally efficient and use passive design features to maximise solar gain and ventilation. The homes will be designed to meet the optional 110 litres/per person/per day water standard in accordance with ALP Policy W DM1.

The submitted Air Quality Assessment (AQA) concludes compliance with the relevant policies and states:

- The development will not introduce new receptors into locations where air quality objectives are not met.
- The results of the dust risk assessment indicate that construction activities, at worst, have a 'Medium' risk of dust soiling and a 'Low' risk of health effects at nearby receptors without mitigation.
- Air quality impacts from construction and operational traffic will be negligible, due to the expected small number of vehicle movements during construction and operational phases.
- The results of the emissions mitigation assessment show that the five-year air quality damage cost of the proposed development is equal to £12,155. This represents the minimum sum of money to be spent on mitigating adverse air quality impacts from the proposed development.
- The proposed electric vehicle charging points, exhaust heat pumps and bicycle storage facilities are expected to cover the five-year air quality damage cost presented in the report.

The Environmental Health Officer raises no objection and subject to conditions. The proposal would comply with relevant development plan policies.

#### AFFORDABLE HOUSING:

Developments over 11 residential units require a minimum provision of 30% affordable housing on site as per ALP policy AH SP2. The council's interim affordable housing policy sets out the need to secure first homes as part of the affordable housing mix. The scheme proposes sufficient affordable housing to meet this requirement. Subject to a legal agreement being signed to secure the affordable housing, there would be no conflict with the policy.

#### PUBLIC OPEN SPACE (POS) & PLAY:

ALP policy OSR DM1 requires housing developments provide sufficient public open space, playing pitch provision and indoor sport & leisure provision. Policy HWB SP1 seeks to ensure development is designed to maximise the impact it can make to promoting healthy communities and reducing health inequalities.

The council's SPD sets out an overall requirement of 5,528m<sup>2</sup> of POS to include 811m<sup>2</sup> of play facilities. The play provision should comprise a Local Equipped Area of Play (LEAP) and informal Local Areas of

Play (LAPs). The layout includes a total of 6,856m<sup>2</sup> of POS with a centrally sited LEAP and 3 LAPs spread through the site. The Council's Landscape Officer raises no concerns with POS and play proposals.

Contributions to off-site leisure & sports facilities, and allotment provision would need to be funded by CIL instead. There is no conflict with the relevant ALP policies.

#### **SUPPORTING INFRASTRUCTURE:**

ALP policy INF SP1 requires development proposals to provide for or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and existing community.

This development would be liable for CIL. Infrastructure providers such as WSCC and the NHS can bid for a portion of the CIL payments collected to spend on their own projects. The Parish council will be provided with a percentage of the CIL receipts (15%) to spend on their own projects. These payments go towards infrastructure the district needs to support existing and future development.

Where CIL is applicable, it is only possible to use s106 agreements to require affordable housing and on-site mitigation and the latter is generally restricted to items in the red edge. It would be appropriate to use s106 to secure a s278 highway agreement for the road widening, localised highway improvements and a contribution to the Comet Corner junction improvements scheme. The latter has been discounted to account for CIL contributions and reflects the approach taken in respect of Y/3/22/OUT and Y/52/23/PL on Bilsham Road. WSCC Education request a school transport contribution.

Subject to the applicant entering into a s106 Agreement to secure a school transport contribution of an appropriate level, the Comet Corner contribution, and implementation of the travel plan (plus associated monitoring/auditing fee) then there would be no conflict with ALP policy INF SP1. WSCC Education previously advised the school transport contributions are CIL compliant, so securable under s106, but cannot be secured through CIL. Recent appeal decisions have agreed this approach.

#### **SUMMARY & THE PRESUMPTION:**

There is conflict with the ALP in terms of development in the countryside, and the loss of best & most versatile agricultural land. This report has identified harm to important on and off-site trees, conflicts with drainage policy and with the detailed requirements for a flood risk sequential test.

The Council cannot currently demonstrate a policy compliant 5-year Housing Land Supply (HLS) and the NPPF directs that the presumption in favour of sustainable development is engaged. In terms of decision making, this 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 (as is the case for Arun due to the HLS situation) then permission should be granted 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.

Normally, the LPA would then determine the application by assessing the policy conflicts/harm against the benefits with reference to (ii). In this case, (i) is engaged as there are policy conflicts concerning flood

risk that provide a strong reason for refusal. It is appropriate to refuse the application without considering whether the benefits override the concerns in respect of trees and drainage.

Some residents have highlighted the appeal decision for BMW House (as mentioned elsewhere) and state it directs that para d(i) should be engaged where there is any level of harm to a designated heritage asset. The NPPF is clear that where there is less than substantial harm (LSH) to a designated asset, it is necessary to assess this harm versus the benefits. It would not be appropriate to undertake this balancing exercise finding in favour of the scheme only to then state that the harm still represents a strong reason for refusing the development proposed. In any case, this conclusion identifies that para d(ii) is not engaged due to flood risk.

It is therefore recommended that the application be refused for the reasons set out below.

### **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**

Were this application to be approved then it would be granted subject to a s106 legal agreement to secure the following obligations:

- (1) The provision of 21 affordable dwellings (comprising of 14 affordable rented, 5 First Homes & 2 Intermediate/Shared Ownership).
- (2) A Secondary School Transport Contribution as per WSCC's standard formula but for 1-10 plus 4 years.
- (3) A contribution of £15,412 towards improvements at Comet Corner.
- (4) Delivery of the following proposed 'Off-Site Highway Works' via the s278 process:
  - To provide localised widening of Ancton Lane, as per plans submitted as part of this planning application. (Plan 183-0004-0008 P04).

- To provide the main access into the site from Ancton Lane as per plan. (Plan 183-0004-0008 P04).
- To provide 1 pedestrian route to the north of the site by Elm Barn as per plan (Geometries plan 183-0004-0022 P03).
- To provide 1 pedestrian/cycle routes out of the site from the East onto Ancton Lane as per plan (Geometries plan 183-0004-00016 P02).
- To provide 1 pedestrian link from the south of the site inking into Lucking Lane as per plan (Geometries plan 183-0004-0018 P05).
- (4) A Travel Plan monitoring fee of £3,500 (index linked).
- (5) On-site BNG and future management/monitoring.
- (6) ADC's standard monitoring fee of £1000; and
- (7) WSCC's standard monitoring fees (to be determined by WSCC during the drafting).

## **CIL DETAILS**

This is a CIL Liable development. It is in Zone 3 and CIL would be liable unless the applicant applies for an exemption subject to the requirements of the CIL Regulations 2010 (as amended). A proportion (15%) of the final total would go to the Parish Council.

## **RECOMMENDATION**

### **REFUSE**

- 1 The proposal requires the widening of Ancton Lane west of the site to accommodate the increase in traffic to and from the site and this widening will affect a line of hybrid black poplar trees, the subject of a Tree Preservation Order which contribute to public amenity and the character and appearance of the Ancton Lane streetscene. No definitive information has been put forward to properly determine the level of impact and the Local Planning Authority has to conclude that the proposal will be harmful in conflict with Arun Local Plan policy ENV DM4 and the NPPF.
- 2 The layout is unsympathetic and intrusive to important trees within and adjacent to the site, failing to ensure maximum visibility of trees protected by Tree Preservation Orders and to provide all retained trees with landscaped buffers to ensure future protection from third party pressure to prune or fell such trees. The layout proposes new drainage features in the Root Protection Areas of important trees. The proposal will be harmful to important trees and their contribution to local amenity and so, the proposal is in conflict with Arun Local Plan policy ENV DM4, the Arun Design Guide, Open Space Supplementary Planning Document and the NPPF.
- 3 Parts of the site containing built development are affected by known flood risk (zones 2, 3a and 3b) whilst a greater extent (approximately half of the site) is predicted to be within flood zone 3a by 2111 due to the effects of climate change. The applicant is required to demonstrate via a sequential assessment that there are no other reasonably available sites in the district that are sequentially preferable in flood risk terms. The applicant provided a sequential assessment, but it is based on a search area limited to the Greater Bognor Regis urban area and the Local Planning Authority are of the view that sequential assessment for major residential development outside the built-up area boundary should consider sites in the whole of the district. Several sites have been discounted for being too small or for having the same status as the application site in the Housing and Economic Land Availability Assessment (HELAA). The sequential test is not passed, and the proposal is contrary to Arun Local Plan policy W DM2 and ECC SP1, the NPPF and the associated PPG.
- 4 Insufficient information has been submitted to demonstrate that the drainage scheme will not result in off-site flooding, that the drainage scheme will not be adversely affected by proposed landscaping and existing retained trees or that there will be sufficient maintenance access to

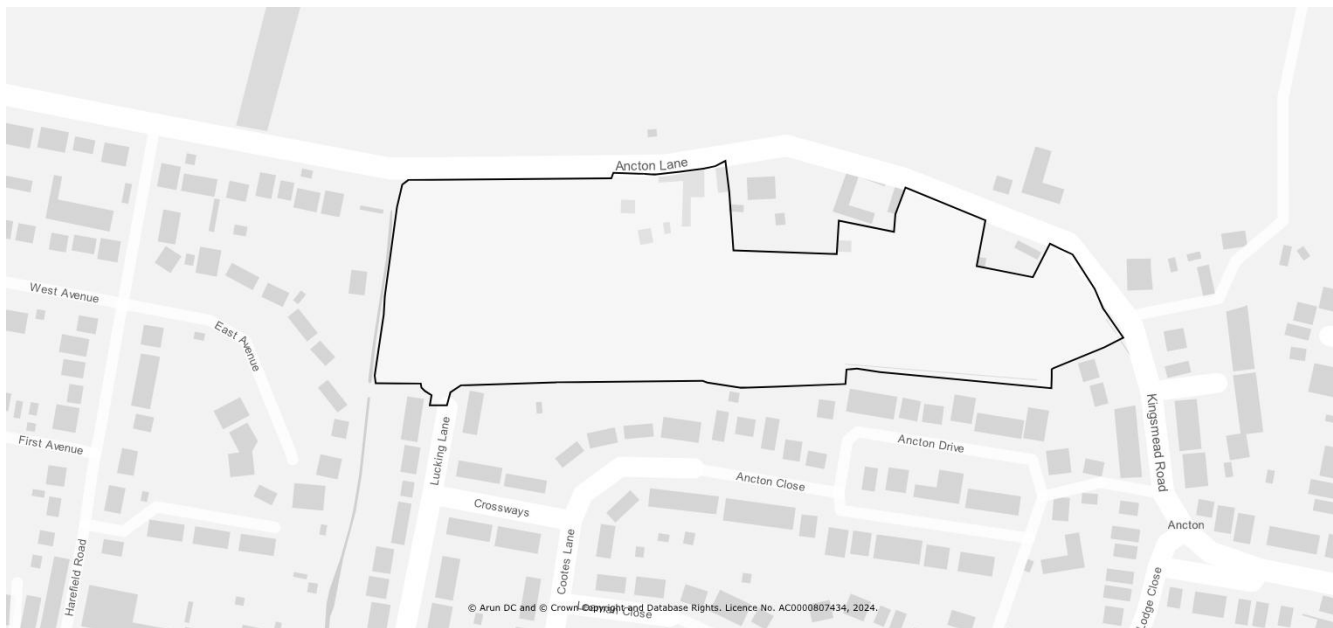
drainage features in the future. The proposal conflicts with Arun Local Plan policies W DM2 and W DM3, West Sussex Surface Water Design Guidance, the NPPF and the associated Planning Policy Guidance on Flood Risk.

- 5 The proposed development would result in a net loss of high value agricultural land. The harm identified, in combination with other issues, clearly and demonstrably outweighs the benefits of the application including its contribution to the Councils Housing Land Supply shortfall contrary to Arun Local Plan SO DM1.
- 6 In the absence of a signed Section 106 legal agreement, the development makes no contribution towards affordable housing, secondary school education transport, or improvements to the A259 Comet Corner junction and also fails to secure the necessary local highway improvements in conflict with Arun Local Plan policies AH SP2, INF SP1, INF SP2, T SP1 and T DM1 and the NPPF.
- 7 In the absence of a signed Section 106 legal agreement, the development is unable to secure the provision of on and off site Biodiversity Net Gain and the future monitoring of the on-site proposals in conflict with Arun Local Plan policy ENV DM5, the NPPF and the NPPG.
- 8 **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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.
- 9 **INFORMATIVE:** Listed Building Consent will be required for the works to the eastern barn in the Ancton Manor Historic Farmstead (also known as Elm Farm Barns) as this would be considered curtilage listed in association with Ancton Farm House.

## **BACKGROUND PAPERS**

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or by clicking on this link and clicking on View Documents.](https://www.arun.gov.uk/weekly-lists)

**M/49/24/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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