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Application Reference: A/2/23/OUT Land at Ham Manor Station Road Angmering BN16 4JA.

Outline application with all matters reserved for development comprising up to 133 dwellings along with associated access, internal roads and footpaths, car parking, public open space, landscaping, drainage, undergrounding of overhead HV cables and other supporting infrastructure and utilities.

Angmering Parish Council (APC) **OBJECTS** to this planning application and asks Arun District Council (ADC) to refuse permission.

Our reasons for this objection are set out below: -

1) Principle of Development and Plan Policy

The relevant development plan documents ('the plan') for the determination of this application are the Arun Local Plan 2011 -31 (ALP) and the Angmering Neighbourhood Development Plan 2014 – 2029 'made' in March 2015 (ANDP). A decision to approve or refuse the application must be made by reference to the policies in the plan unless material considerations indicate otherwise.

APC acknowledges that due to the failure of Arun District Council ('the council') to maintain a five-year housing land supply the so-called 'tilted balance' set out in the National Planning Policy Framework (NPPF) will be engaged when the application is determined. Nevertheless, policies in the plan remain the starting point when considering the application and the council is able to make its own judgement as to the weight to be attached to these. The application of the tilted balance requires that any conflict with the plan would 'significantly and demonstrably' outweigh the benefits of granting consent, but plan policies remain the legal basis for decision making.

The relevant policies in the plan are consistent with the current version of the NPPF (July 2021) and remain essential for effective land use planning in Arun district. Although there is currently a significant shortfall in the five-year housing land supply, this arises from a variety of practical problems in housing delivery none of which are 'plan led'. The effect of speculative development taking advantage of this temporary situation is to undermine the principles of sustainable development and make it more difficult to plan appropriate infrastructure. This application is another example of such an approach.

The ALP and the ANDP retain their crucial role in the plan-led system of defining where development may appropriately take place. As such, substantial weight should be attached to the strategic policies of the ALP, and in particular, those which define the boundaries of settlements. Arun should not allow pressure from speculative development to distort and

undermine the purpose of those policies. To do so would be to fundamentally weaken the essential purpose of the plan led system embodied in legislation.

The adverse impacts of this development would significantly and demonstrably outweigh any benefits when assessed against the policies of the plan and the NPPF.

2) **Strategic Policies**

The application is contrary to the most important relevant strategic policies of the ALP and the ANDP. These are policies which provide control on the location of development for reasons entirely consistent with policies of the current NPPF.

ADC Policy C SP1 - Countryside

The application site is located in an area defined as countryside by Policy C SP1 of the ALP. The purpose of this policy is to protect such land from inappropriate development of any scale. Land is not required to have any special status or designation to benefit from this protection.

Development in the countryside can be permitted, but the application meets none of the itemised criteria contained in the policy and is therefore contrary to Policy C SP1.

Policy SD SP2 – Built up Area Boundaries

By way of its policies map the ALP defines a series of 'Built Up Area Boundaries'(BUAB) within which development will normally be permitted. Outside of these boundaries development will be strictly controlled. Policy SD SP2 serves a number of purposes identified in the supporting text. The purpose of the policy is to direct development to appropriate and sustainable locations so that it:

“Preserves the setting of existing settlements by protecting the surrounding countryside from unnecessary development”¹

Policy HD1 (Built up Area Boundary) of the made ANDP precedes the adoption of SD SP2 but is fully consistent with the ALP when it says:

“Development of Angmering village shall be focussed within the Built-Up Area Boundary and will generally be permitted subject to meeting other policies in the Plan”.

A purpose of the BUAB policy is also described in supporting text as to *‘preserve the setting of existing settlements’²*. If that setting is to be preserved it must have some meaningful physical substance, it cannot simply be a name on a map or administrative designation. The BUAB must also be seen in the wider context of its effect on the settlement as a whole because the nature of a settlement does not depend only on the location of one part of its boundary. Any change in the BUAB should only be permitted where it can be demonstrated that this is acceptable, and this should necessarily be a plan led process.

The ANDP provided fully for the housing allocation which the Parish Council was asked to make at the time and included a planned realignment of the BUAB to accommodate this. The express purpose of the way in which the ADNP made its housing allocation was to ensure that no further development needed to be permitted within open countryside.

¹ ALP Section 7 Para 7.2.5 (4) Page 46

² ALP Section 7 7.2.6 Page 46

Regrettably appeal decisions have already undermined this approach, but they provide no precedent for doing so again.

In this case the application seeks to redraw the BUAB without consideration of its impact on the settlement by an extension into countryside land outside of any BUAP. This is in direct conflict with Policy SD SP2 which should be attached substantial weight.

Policy SD SP3 – Gaps between Settlements.

Policy SD SP3 is a strategic policy which seeks to prevent the coalescence of settlements by protecting the gaps between them. Such gaps are, by definition, what makes them defined settlements in the first place.

A settlement gap between Angmering and Rustington/East Preston (the 'AREP' gap) is identified on the policies map in the ALP and has been identified in previous Arun Local Plans. In 2006 the council's landscape consultants carried out an assessment of proposed settlement gaps for the emerging Local Development Framework. In relation to the AREP they wrote:

*"The gap is heavily influenced by the residential areas of Littlehampton and the A259. However, the gap does function, it has the potential to avoid coalescence between the settlements, it visually contains Angmering, and it maintains the individual and separate identify of the village."*³

This is an important, longstanding, and meaningful gap which has been retained in successive development plan documents because of its strategic significance and great weight should be attached to its role and function.

Policy SD SP3 does not entirely exclude the possibility of development in a settlement gap, but provides a closed list of requirements that a development proposal would have to satisfy, these being:

- It would not undermine the physical and/ or visual separation of settlements.
- It would not compromise the integrity of the gap, either individually or cumulatively with other existing or proposed development.
- It cannot be located elsewhere; and
- It maintains the character of the undeveloped coast:
- Or if a subsequent DPD or neighbourhood plan deems it appropriate through an allocation.

The supporting text at Para 7.4.4 (page 54) makes clear this policy applies to land in addition to any other protection accorded by the plan. The purpose of the gap policy is to ensure the retention of a long-standing settlement patterns within the district. It is not a policy to protect landscape; it is a policy to prevent coalescence and to prevent a loss of historic identity.

³ Hankinson Duckett Arun Landscape Study August 2006 Para 6.5.2.3

The applicant considers that the application is consistent with (a.) and (b.) of SD SP3 and is therefore in accordance with this policy. The Parish Council does not agree.

The AREP consists of what the applicant chooses to call 'undistinguished farmland'. This is irrelevant to the assessment of the gap policy. It presents as a large, flat and open site, creating a positive separation between what is obviously urban to the south and the village to the north. The free-standing avenue of large pine trees which runs north to south on the site accentuates this openness and lends the site a considerable part of its character. The effectiveness of any settlement gap is not necessarily a function of scale or distance, but in this case the openness and glimpse of East Drive as a distant backdrop is essential to its character. The development proposal would occupy this gap in its entirety. 133 dwellings and their associated hard surfaces would occupy the northern part of the site and is without doubt contrary to (a.) and (b.) of SD SP3. The southern part would become a formally laid out green space which, though potentially attractive, has a fundamentally different aspect from the open character of the site now. It will be understood both within the site and from outside as being intimately associated with built development. This impact is confirmed by the applicants own landscape consultants who say:

*"There would inevitably be a substantial change in the character of the Site as existing farmland within the urban area is replaced by housing, infrastructure, open space and landscaping."*⁴

This confirms that the existing gap will be entirely (not partly) replaced with built development and its associated open space and is at odds with their half-hearted conclusion that there will nevertheless be a 'meaningful gap' between Angmering, and the coastal strip as required by the policy SD SP3.

In their analysis of the effect of the development on the AREP, the consultants completely fail to engage with the impact of what they accept would be the urbanisation of open farmland stating only that there will be a 'clear, physical break in development along the A259' but providing no assessment of how this new landscape form would present as an effective settlement gap.

The assessment also fails to take into account the possibility that further features, such as noise reducing fencing, will be required as a mitigation strategy now or at a later date. This would clearly have a further enclosing and urbanising effect.

If this development is permitted what is currently the gap between Angmering and the urban edge of Rustington/East Preston is to be occupied by new build development – albeit that some of it is green space provision. This can only be properly understood as 'deleting' the gap rather than consisting of development within the gap and as such great weight should be attached to this conflict with Policy SD SP3.

The Parish Council also notes that the applicant controls additional land immediately to the west of the application site which has not been brought forward within this application. There is no obvious explanation for this since the land would appear to be effectively continuous with the application site. Arun should be alive to the possibility that the applicant has excluded this land for the time being as a tactical ploy. It may fully intend to bring this land forward at a later date if it can persuade the council or an inspector that the AREP policy can be overridden arguing that a principle has been established.

⁴ CSA Environmental Report November 2022 Para 5.24

3) Relevance of Recent Appeal Decisions

Two recent appeal decisions may be considered relevant to the determination of this application, both of which are noted by the applicant.

Appeal APP/C3810/W/22/3298192 allowed an application for 192 dwellings on the site of the Rustington Golf Centre, immediately to the north of the A259 and to the east of Angmering.

In reaching his decision the Inspector specifically mentions the AREP observing:

17. Because Angmering is separated from Rustington by agricultural fields which are protected by the 'Gap Between Settlements' designation in the LP and given that Ham Manor Park separates the site from the BUAB of Angmering, the development would not result in coalescence of the settlements. The identity of Angmering as a separate settlement would be maintained if the appeals were to be allowed.

The Inspector was clearly aware of concern that the golf centre development would cause coalescence between Angmering and Rustington. He specifically relies upon the existence and integrity of the AREP (the 'agricultural fields') as reasoning within his decision. His view is that because these 'agricultural fields' exist he could safely exclude coalescence as a reason for dismissing the appeal. Whilst that appeal decision cannot be said to 'safeguard' the gap, it does point to the significance which has been attached to it by a planning inspector in a recent decision.

Appeal APP/C3810/W/22/3295115 relates to the land south of the Littlehampton Road. In this decision the Inspector makes clear that the large distance between East Preston and Ferring is of fundamental importance to his decision. He makes clear that he is not challenging the gap policy itself, only concluding that in this limited case the effect on the gap would not be such as to reduce its integrity.

Neither of these appeal decisions present any support for the applicant's case. On the contrary, they emphasise the importance of Policy SD SP3 and the significance of gaps in the wider context. Neither inspector suggested that the policy was 'out of date' or not in conformity with the NPPF.

4) Environmental Considerations

The fundamental conflict with the strategic policies of the plan, carry substantial weight and are sufficient to justify refusal of the application.

However, the application raises a number of other issues which are in conflict with the plan and with the policies of the NPPF and which also represent grounds for refusal.

Policy SO DM1 - Soils

The evidence submitted by the applicant confirms that the entire application site is assessed as being Grade 2 agricultural land and falls short only marginally of a Grade 1 classification. It is therefore best and most versatile agricultural land towards the upper end of the classification.

Policy SO DM1 of the ALP says unambiguously:

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

The land has not been designated in the plan, and none of the policy exclusions to the prohibition on the loss of best and most versatile agricultural land apply to this application. The policy refers to ‘the need to protect such land’ and this has become significantly more important since the adoption of the plan as the importance of local food production capacity has been prioritised.

Whilst a statutory referral to Natural England is not required due to the size of the site, the council is asked to consider ensuring that it has comments from Natural England on the potential loss of best and most versatile land across the whole area in the applicant’s control.

Policy W DM2 - Flood Risk

The geo-technical assessment of the site provided by the applicant makes clear that the site is poorly drained. Two sets of consultants acting for the applicant were unable to complete infiltration tests to British Standard requirements because water refused to permeate the ground.

This evidence, which is consistent with the observations of local residents, is that the site holds water due to its poor permeability and that its large, open nature is essential to allow surface water to discharge slowly in a natural fashion. The construction of large areas of hard surfacing, roofs etc will fundamentally change the operation of this natural system and increase flood risk both on site and off. The photographs included as an appendix show typical examples of flooding adjacent to the pedestrian footpath resulting from poor infiltration and highlight the potential for run-off the A259 causing a hazard to traffic especially in an easterly direction.

Contrary to what the applicant says in their planning statement, the site is unsuitable for the use of a sustainable drainage system. Proposals for permeable surfacing and SUDS elements on the site will not be properly functional features and the site will require surface water to be piped off site via an ordinary watercourse. The applicant has provided no evaluation of any impact or risks which might elsewhere as a result. Nor has the applicant provided any assessment of the risk of flooding that would arise for occupiers of new houses or of waterlogging of gardens and green infrastructure. There is also a fundamental disagreement between records and observations in regard to ground water levels which is unresolved by the evidence provided with the application.

Whilst the site is not identified as one of high flood risk, it is a speculative site which has not been considered as part of the ALP. The shortcomings of the land are demonstrated by the fact that two sets of experts both failed to demonstrate that infiltration rates for the site are within normal parameters. As a result, the scheme is unable to provide a sustainable urban drainage scheme, instead relying on piped drainage discharging to an existing ordinary watercourse with some essentially non-functional SUDs features incorporated largely for show.

The risk of flooding to this development and to any green space associated with the development must therefore be considered as 'unknown' and therefore mitigation measures proposed cannot be properly assessed. Planning practice guidance says:

*"The National Planning Policy Framework sets out strict tests to protect people and property from flooding which all local planning authorities are expected to follow. Where these tests are not met, new development should not be allowed."*⁵

The purpose of this guidance was explained by the then Secretary of State in the following way:

*"Councils will need to demonstrate that the development will be safe from flooding for its lifetime, will not increase flood risk elsewhere, and where possible will reduce flood risk overall."*⁶

Pending comments and advice from the lead flood authority Angmering Parish Council considers that in the light of the applicant's own evidence a precautionary approach should be adopted, and the application **refused**.

5) Transport and Accessibility

Policy T DM1 - Sustainable Travel and Public rights of Way of the ALP 'states:

"New development must ensure ease of movement prioritising safe pedestrian and cycle access to the green infrastructure network and access to public transport and community transport services where a need has been identified. Access to alternative modes of transport including public transport services, the public right of way and cycle networks, must be available and accessible to all members of the community."

The Travel Plan submitted in support of the application provides no meaningful information regarding proposed measures to encourage modal shift or reduce the impact of the development on the highway network. It contains only 'boiler plate' measures of the type always offered in development proposals of this scale where no attention has actually been paid to promoting active travel.

In particular, the walking distance from the development to the nearest primary school (given as 1.9km by the submitted travel plan or 2.1km by google maps) will inevitably mean that children are moved to and from school by car and through the village centre.

6) Infrastructure Considerations

Policy INF SP1 – Infrastructure provision and implementation

Policy INF SP2 – New Secondary School

Education

In its consultation response (24th January 2023) West Sussex County Council as local education authority formally objects to the proposal on the basis of conflict with Policy INF

⁵ Paragraph: 003 Reference ID: 7-003-20220825 Revision date: 25 08 2022

⁶ DLUHC Press Release 25th August 2022

SP1 and INF SP2. The County Council states that 'existing secondary schools are not able to accommodate the new pupils' and that 'existing secondary school provision is unable to expand'. There is a requirement in the ALP for the provision of a new secondary school within Arun district to accommodate planned additional development, but the County Council response makes clear that there is no site identified for the school and no prospect of its delivery.

The County Council proposes a planning obligation to provide revenue funding to 'bus' pupils to alternative schools in West Sussex until such time as a new school is provided. However, the County Council notes correctly that this is an ad hoc solution contrary to good place making and national sustainable travel policies.

In such a situation the application places an additional load on local infrastructure which cannot be mitigated by planning obligations, but this cannot be considered acceptable to mitigate the impact of development in accordance with the ALP or the NPPF.

Healthcare and Other Services

It is entirely natural for local residents to be concerned about the impact of unplanned new development on the services and facilities that serve their community. The purpose of the plan led system is to provide some measure of alignment between housing growth and infrastructure growth. Speculative development of this type, especially in combination with other development permitted on appeal is never subject to proper scrutiny of cumulative impact. Ad hoc contributions via planning obligations are no substitute for such infrastructure planning and unless it can be shown that they will actually (not theoretically) mitigate the impact of development cannot meet the test of INF SP1 or INF SP2 or indeed the principles of the NPPF.

7) Conclusion

In a recent government press release setting out the direction of travel for planning policy the Secretary of State for Levelling Up, Housing and Communities, Michael Gove said:

*"If we are to deliver the new homes this country needs, new development must have the support of local communities. That requires people to know it will be beautiful, accompanied by the right infrastructure, approved democratically, that it will enhance the environment and create proper neighbourhoods."*⁷

This application:

- does not have the support of the local community because it is contrary to the plans properly approved by the local community at parish and district level.
- will not be accompanied by the right infrastructure.
- cannot be approved democratically because it is contrary to the democratically approved plan.
- will not enhance the environment.
- will not create a proper neighbourhood and will undermine the integrity of the existing neighbourhood.

⁷ DLUHC Press Release 5 December 2022

- Will, in combination with other development recently permitted on appeal in the area substantially increase the level of traffic within the district and lead to an increase in localised air pollution.
- Mr Gove's statement is not new policy, it is a statement of the government's intentions as to how the existing planning system should operate.

On that basis, and because as we have demonstrated the application is significantly and demonstrably in conflict with strategic policies in the plan, we urge that the application is **REFUSED**.

At the time of writing a number of important responses from other statutory consultees had not been received and we have not been able to use them to inform our assessment of the application. We therefore reserve the right to make further representations when we have been able to review those responses.

Comments have been submitted by Katie Herr – Clerk and RFO, Angmering Parish Council on behalf of Angmering Parish Council.

All photographs in this appendix were taken on 16 January 2023 at 9am.



**Application Reference: A/2/23/OUT, Land at Ham Manor, Station Road, Angmering BN16 4JA
Appendix to Angmering Parish Council consultation response**



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