

Angmering Parish Council

The Corner House
The Square
Angmering
West Sussex BN16 4EA

Telephone: 01903 772124

E-mail: admin@angmering-pc.gov.uk

[Website: www.angmeringparishcouncil.gov.uk](http://www.angmeringparishcouncil.gov.uk)

Dear Leanne Richardson,

Application Reference: A/154/24/OUT

Land West of Bewley Road, Angmering

Outline planning application with all matters reserved, other than principal means of access from Bewley Road, for the construction of up to 190 residential dwellings and a community building (use class E (d,e) or F2 (b)), together with the provision of open space, landscaping and associated infrastructure.

Introduction

1. The parish council, having considered the proposal carefully, **OBJECTS** to the application and asks Arun District Council ('Arun') to refuse permission. The reasons for our objection are set out below.
2. At the time of writing a number of statutory consultees, including the highway authority, have not submitted their comments on the application and we reserve the right to make further representations when we have been able to review these. The parish council has appointed transport consultants to scrutinise the transport assessment which accompanies the application and we will submit their full report to you as soon as possible. Some of their initial feedback informs these comments.

Planning Policy Position

3. The policies for the determination of this application are set out in the Arun District Local Plan 2011 – 2031 ('ADLP') and the Angmering Neighbourhood Plan 2014 – 2029 made in 2015 ('ANP') which together form the relevant part of the current development plan. Whilst the weight to be attached to those policies is always a matter of judgement, they remain the statutory basis for decision making and it is essential that this simple but vital point is not clouded by any other arguments put forward by the applicant.
4. Policy SD SP1a of the ADLP sets out the strategic approach to achieving sustainable development. It articulates the overarching principles on which sites are to be selected sites are allocated on this basis and offers no support to speculative development outside of those allocations.

5. Policy H SP1 of the ADLP sets out the distribution of new residential development over the plan period. Two strategic sites were identified in Angmering, to accommodate 1,050 dwellings in total, and these are in the process of being built out. The ADLP also requires 1,250 dwellings in total to be provided on non-strategic sites across the district, primarily in the larger settlements of which Angmering is one. The ANP allocated three sites for development which together exceed the 100 dwellings requested by Arun to meet the requirements of what was then the emerging ADLP.
6. This plan-led process identified a sustainable level of growth which the infrastructure and the highway network in and around Angmering could be expected to manage.
7. At the point of adoption, the ADLP contained allocations sufficient to meet housing need in full across the district. It did so having considered the merits of the available sites, the most sustainable locations for development, and the capacity of local settlements to respond positively to growth. The strategic policies of the ADLP set out justified and evidence-based constraints on additional development which were and remain consistent with the National Planning Policy Framework ('NPPF') in their intention and purpose.
8. SD SP2: Built -up Area Boundary makes clear that development outside of the urban boundary of settlements is not supported by policy and says:

Built Up Area Boundaries are defined for the main towns and villages in the District and shown on the Policies Maps. Development should be focused within the Built Up Area Boundaries and will be permitted, subject to consideration against other policies of this Local Plan.

The supporting text for SD SP2 explains why it is important to apply this policy to individual decisions:

In recognising the importance of the natural environment, Arun District Council has identified a 'Built-Up-Area-Boundary' which will strictly control development in the countryside. This boundary, which is outlined on the Proposals Map:

1. *defines those areas within which planning permission will normally be granted for new development, subject to the Local Plan policies*
2. *enables the best use to be made of existing and future services*
3. *provides a useful tool to protect against inappropriate development, and*
4. *preserves the setting of existing settlements by protecting the surrounding countryside from unnecessary development*

Outside the Built-Up Area Boundaries (as identified on the Policies Maps) land will be defined as countryside and will be recognised for its intrinsic character and beauty.

9. Development outside of a built up area boundary and therefore in the countryside is only supported in very limited circumstances set out in policy C SP1 Countryside :

Development will be permitted in the countryside where it is:

- a. for the operational needs of agriculture, horticulture, forestry, the extraction of minerals or the management of waste as part of a waste site allocation within the West Sussex Waste Local Plan; or*
- b. for quiet, informal recreation; or*
- c. for green infrastructure; or*
- d. for the diversification of the rural economy; or*
- e. for road and/or cycle schemes; or*
- f. in accordance with other policies in the Plan which refer to a specific use or type of development.*

The Council will take into account cumulative impact of development in the consideration of planning applications.¹

10. The Bewley Road application site is outside of the built up area boundary of Angmering and is therefore in conflict with both SD SP2 and C SP1 of the ADLP. It is also in conflict with Policy HD 1 of the ANP which states that:

The fundamental principle is that the Neighbourhood Plan allocated sufficient land to deliver at least the minimum housing requirement in the emerging Arun Local Plan and that, without a Built-up Area Boundary, significant new development would encroach into open countryside.

11. There is obvious harm in permitting sizable development on sites in the countryside, even where they are adjacent to the boundary of a settlement. The ‘very limited circumstances’ of C SP1 do not include meeting housing need as a justification. The applicant’s approach is to ‘wave aside’ the significance of these strategic policies on the basis that the presumption in favour of sustainable development (‘the tilted balance’) as set out in Para 11 (d) of the NPPF must be applied to this decision, given Arun’s housing delivery position. Whilst it is correct that the decision will have to be made on the basis of the tilted balance, Arun should not adopt the applicant’s suggested (and misguided) approach to the planning judgement. The application of the tilted balance does not alter the status of development plan policies even though reduced weight may be attached to some of them. It simply requires that there must be ‘significant and demonstrable’ reasons why development should not be permitted - which can include the operation of those policies. Given that they define the nature of sustainable development in the plan area, they remain a significant consideration in respect of this proposal.
12. In particular we believe that the requirement in C SP1 that the ‘cumulative impact of development’ should be taken into account when evaluating an individual application is highly relevant. There is potential for those cumulative impacts to have a significantly harmful effect on Angmering and its ability to sustain any further growth.

¹ Our emphasis

13. In addition to the sites allocated in the development plan, 191 dwellings were allowed on appeal in 2022 on the site of Rustington Golf Centre and construction is underway. 160 dwellings are being built immediately to the north of the application site and accessed from the Arundel Road. Permission for development at Bewley Road would mean a cumulative growth of at least 541 dwellings **over and above** what was considered sustainable when the local plan was drawn up. Other smaller sites have also been permitted which also add incrementally to pressure on local services and resources. The impact of this speculative development has not yet been felt or understood at village level, especially given the slow pace at which the allocated sites are also being built out. Our view is that the cumulative impact of this proposal on the village and its infrastructure cannot be rigorously assessed at this time. Arun (as the decision maker) simply cannot know whether permitting this application would constitute manageable growth for our village. Given the clear statement at the end of C SP1 and the fundamental purpose of the planning system to promote sustainable development, this is a matter to be given substantial weight in decision making. Where there is properly planned mitigation and increased infrastructure provision it may be possible for settlements to grow at this rate on a sustainable basis. But speculative applications make theoretical assumptions about existing and additional infrastructure provision which do not necessarily reflect the reality of service provision or access to them.
14. Since 2018 Arun has approved planning applications for the development of allocated sites, including major development at Ford, Barnham and Eastergate. The delivery of some of that housing has frequently been delayed by factors beyond the control of the local planning authority and sometimes beyond the control of the developer themselves, for instance where they are dependent on third party infrastructure provision. A number of sites which were not allocated in the ADLP have been granted permission on appeal. Arun estimates that over 5,000 permissions are currently unimplemented for one reason or another. This has been recognized during the determination of recent appeals.
15. We urge Arun to stand by its own local plan and the efforts it has made to deliver housing since that plan was adopted as it is perfectly entitled to do. It should resist arguments that unallocated sites should simply be conceded on the basis of the tilted balance. As the inspector in the recent appeal at Highfield House, Yapton said (correctly) in dismissing that appeal:
- the presumption in favour of development does not change the statutory status of the development plan, including a neighbourhood plan, as the starting point for decision-making.²*
16. The applicant makes much of the fact that the site is considered 'deliverable' within the HEELA but no weight should be attached to this. That assessment makes no allowance for policy objections (i.e. that it lies in open countryside) for the obvious reason that the HEELA methodology does not exclude sites because they conflict with existing planning policy. Nor

² Appeal Ref: APP/C3810/W/23/3327867 Land adjacent to - Highfield House, Yapton Road, Barnham PO22 0AZ 3 June 2024

does the HEELA make any attempt to assess the practical, ground level, issues – such as safe access – which must be considered when an application is submitted. The HELAA pro forma for the land west of Bewley Road makes no endorsement of the site and simply says:

Due to the size of the site it has been categorized as developable in the medium term³

17. This is hardly conclusive evidence that the site is suitable for development. The question of whether the site is genuinely deliverable is precisely that which must now be determined through this decision.

Detailed Issues

18. There are a number of important issues on which applicant has failed to provide the information necessary to inform your decision and in the absence of which you would have no alternative to refuse the application. You will no doubt have already identified these shortcomings and will be in process of requesting additional information to test whether there is any chance that they be resolved.

Transport and Access

19. Bewley Road is a sub-urban cul-de-sac which was not designed to accommodate through traffic over and above the housing with which it was built. Whilst it may conform to the relevant technical standards, that it is far from confirmation that it is suitable as the only road into and out of a development of the proposed scale.

20. Policy T SP1 of the ADLP requires that:

development: provides safe access on to the highway network; contributes to highway improvements and promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network

and more specially that an application:

Is supported by an effective and deliverable Transport Assessment which demonstrates that the transport effects of development on the local and strategic road network can be satisfactorily mitigated and a Travel Plan, which is effective and deliverable,

21. Policy TM1: Local Highways of the ANP requires that:

Proposals for new development shall demonstrate that adequate and satisfactory provision has been made to mitigate the impact of traffic generated both during development and on completion.

³ HELAA Assessment Summary Table – Developable – Residential Site reproduced in the Applicant's Planning Statement Appendix 2

22. Consideration of whether an application conforms to these policies must include detailed evaluation of the impact on local road users going about their everyday activities, as well as traffic volumes on the wider network. Of particular concern to the parish council are the potential for a safe access to the new development, additional traffic flows onto Arundel Road and the impact of additional traffic on parking along Bewley Road, including parking for school drop off and collection given the proximity to a primary school. The applicant has provided very little information to demonstrate that Bewley Road could be made safe and convenient for existing residents and new road users if development takes place.
23. It is for the applicant to satisfy the local planning authority that the policy requirement is satisfied. The advice of the highway authority (which we have yet to see) is of course extremely important, but the decision-making responsibility lies with Arun, not with West Sussex. The parish council will be submitting a report commissioned from its transport consultant which makes an assessment of the information provided.
24. Our consultant's initial review has found significant amounts of relevant evidence and supporting information to be missing from the transport assessment. This includes parking survey information which is particularly important given the additional pressure that will inevitably arise. It also includes the omission of some modelling of important junctions and traffic survey data. In the absence of further information the application would have to be refused, and any further information requested and received must be fully tested to ensure that it does meet the policy requirements.
25. The proposals for this application differ significantly from those for the site off Arundel Road immediately to the north which was approved under A/122/19/OUT. That site provides access onto Arundel Road in two location and was (after previously being refused on highway grounds) able to demonstrate satisfactory arrangements.

Flood Risk

26. The local lead flood authority has raised an objection to the application on a number of grounds relating to the incomplete and unconvincing nature of the flood risk assessment.⁴ We share these concerns as our community has experience of the sensitivity of the network of local watercourses, including the Black Ditch. If Arun is not satisfied that the flood risk assessment (with whatever additional information is submitted) demonstrates a correct analysis and proposes effective mitigation that would protect the site without raising flood risk elsewhere then the proposal would be in conflict with policy W DM2: Flood Risk of the ADLP and policy EH3: Flood Prevention of the ANP. This would 'disapply' the tilted balance and represent an overwhelming reason to refuse the application.
27. We note that no sequential test has been carried out to assess whether this site would have a lower risk of flooding than available alternatives as required by Paras 167 and 168 of the NPPF and the relevant sections Planning Practice Guidance ('PPG'). The sequential test required by the NPPF:

⁴ Consultation Response from Local Lead Flood Authority 5 September 2024

*is designed to ensure that areas at little or no risk of flooding **from any source** are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding.*⁵

And that:

*the Sequential Test ensures that a sequential, risk-based approach is followed to steer new development to areas with the lowest risk of flooding, **taking all sources of flood risk and climate change into account.***⁶

28. Although the site is in Flood Zone 1 for the purposes of river flooding, the flood risk assessment acknowledges the presence of:

*an area at the centre of the site that is at a high risk of surface water flooding*⁷

Meyer Brown seek to demonstrate this area is only flooded because of flows contained on the site itself (which can be mitigated) but the PPG requires the sequential test to be met even if on-site mitigation measures can be shown to be effective. We believe that Arun should request a sequential test analysis to demonstrate that no alternative sites are available and in the absence of a sequential test should refuse the application.

Best and Most Versatile land

29. The development of the site would result in the loss of approximately 15 hectares of best and most versatile farmland ('BMV') which would be contrary to policy SO DM1 of the ADLP which states that:

Unless designated by this Plan or a Neighbourhood Development Plan, the use of Grades 1, 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.

30. We acknowledge that there are exceptions to this policy, and that whether those exceptions apply in this case must be part of the decision-making judgement. Nevertheless, the significance of this policy in protecting land of the highest grade for food production cannot be ignored. The representation you have received from the 'Save Farmland West of Bewley Road' group provides considerably more detail on this issue.

Land for the Cancer United building

⁵ Our emphasis

⁶ Paragraph: 023 Reference ID: 7-023-20220825 and Paragraph: 024 Reference ID: 7-024-20220825

⁷ Mayer Brown Flood Risk Assessment and Drainage Strategy Page 9

31. The parish council supports the valuable work which the Cancer United charity undertakes. It would be delighted if a suitable site can be found to provide a new permanent home for the organization. However, no weight can be given to the proposed gifting of a site to the charity within the current application.
32. In the absence of any planning related connection between the proposed residential development and the Cancer United building or any site-specific considerations which would support the facilities being located here rather than elsewhere, it cannot lend any weight to the application.

Summary

33. Based on the information currently provided in support of the application there are significant and demonstrable reasons to refuse permission for this development. Further information will need to be provided if the applicant has any expectation of a different outcome, and we look forward to commenting on this in due course. Although the housing supply position remains challenging for Arun, recent planning consents give every prospect of that position improving rapidly. Permitting speculative development over and above a sustainable level in any part of the district would be contrary to the development plan and the NPPF.
34. The parish council OBJECTS to this application because it is contrary to the provisions of the development plan. The information provided by the applicant does not demonstrate, as it is required to do, that it would not have significant and demonstrable harm arising from its impact on the local highway network, creating an unacceptable risk of flooding and the loss of BMV land. Significant weight can still be given to the strategic housing policies of the plan which resist development in the countryside and outside of urban areas including cumulative impact. We urge Arun to refuse the application.

Yours sincerely

Angmering Parish Council