

## **Kingston Parish Council - objection to planning application K/46/23/PL**

**Re** Land north-east of Kingston Lane, Kingston Lane for the Erection of 47 No residential dwellings (including affordable homes) (resubmission following K/56/22/PL).

**Kingston Parish Council is strenuously opposed to the development proposed in this application which will have a significant and detrimental effect on the character of our parish and the extended local area.**

The resubmitted application has few changes compared with the previous application K/56/22/PL that was refused by Arun District Council in April 2023, and this Council does not consider that these changes are significant.

The application is in direct conflict with the policies of the Kingston Parish Neighbourhood Plan, the Arun District Council Local Plan and the National Planning Policy Framework. The adverse impacts of the development far outweigh the benefits of the proposed housing that could and should be accommodated elsewhere.

**Here are the detailed reasons for our objection:**

### **1. Conflict with the Local Plan**

Residential development of the land would be in serious conflict with the development plan.

- The site is not allocated for residential development in the Arun Local Plan 2018.
- It is outside the defined Built-up Area Boundary, within which Policy SD SP2 says development is to be focussed.
- It lies within the Countryside, where only development meeting one of the 6 criteria set out in policy C SP1 is to be permitted.
- The proposed site is an important part of the defined settlement gap between East Preston and Ferring that the parish of Kingston sits within.
- The proposed development would conflict with Policy SD SP3 as all the criteria listed in that policy would not be met.

In the material submitted with the original application, the applicant acknowledges these policy conflicts. Its case in support of the proposed development is essentially that any such conflicts with the development plan should be set aside because of a current shortfall in housing land supply. However, this approach is not consistent with the amended legislative framework set out in the Levelling Up and Regeneration Act (enacted 26 October, 2023). This has fundamentally altered the wording and effect of section 38 of the Planning and Compensation Act 2004 regarding the role of the Development Plan.

Chapter 2, Paragraph 93 of the Act amends section 38 of Planning and Compensation Act 2004 by adding sub-section 5B. This provides that, in deciding an application for planning permission:

“... the determination **must** be made in accordance with the development plan **and any national development management policies**, unless material considerations **strongly** indicate otherwise.” (emphasis added).

It also adds sub-section 5C, as follows:

“If to any extent the development plan conflicts with a national development management policy, the conflict must be resolved in favour of the national development management policy.”

These legislative changes greatly strengthen the importance of the development plan, whose policies **must** now be followed unless material considerations **strongly** indicate otherwise. They

also fundamentally increase the status of National Development Management Policies (such as those set out in the National Planning Policy Framework). These now have statutory status, rather than being simply “other material considerations”. Furthermore, any conflict between the provisions of a development plan and a national development management policy is to be resolved in favour of the latter.

## **2. Loss of open countryside**

The site is within an area designated as countryside and outside the Built-up area Boundary. The proposed development would be visually detrimental to the distinctive rural character of the site and the intrinsic character and beauty of the countryside.

The development will be highly visible from local roads and from the public footpath to the south of the site adversely affecting the public’s appreciation of the countryside views and views towards the South Downs National Park. Long public views across substantially open land should be maintained.

At night there will be light pollution where now the dark night skies can still be enjoyed by residents and nocturnal wildlife.

Protecting the countryside is important for its own sake and also for its provision of space for wildlife habitats and ecosystems.

Development on this site is in conflict with:

- a. NPPF: paras 137 & 145;
- b. Arun Local Plan: SD SP2, C SP1, GI SP1 and H SP3;
- c. Kingston Parish Neighbourhood Plan policies KPNP 2 and KPNP 6.

## **3. The proposed development is on prime Grade 1 agricultural land.**

Valuable agricultural land would be lost forever. This prime agricultural land should be protected for future use to make the area more sustainable in producing its own food. Local farming also contributes to the sense of place felt by the local community.

Paragraph 174 of the NPPF provides that planning decisions should recognise, amongst other matters, “... the economic and other benefits of the best and most versatile agricultural land.” Paragraph 175 goes on to require that, where a national hierarchy of site designation is defined, land with the least value is to be preferred for development. Footnote 58, referred to in paragraph 175, explains that, where development of agricultural land is demonstrated to be necessary, areas of poorer quality land are to be preferred over those of higher quality.

The application site is acknowledged to be of the highest category in agricultural land value terms, identified as Grade 1. In this context the NPPF requires that the application site should only be considered for development if no land of poorer quality is available. Even if it is accepted that some agricultural land may need to be identified for development in Arun, no assessment has been undertaken so as to demonstrate that no land of lesser agricultural quality than the application site is available.

It seems inconceivable that any comprehensive assessment of the availability of potentially developable land in Arun could reasonably conclude that no land of lower agricultural quality than the Grade 1 of the application site is available for development. It follows, therefore, that the proposed development of the Grade 1 land of the application site would amount to a fundamental conflict with the national development management policy set out in paragraphs 174 and 175, and footnote 58, of the NPPF.

The proposed development is in conflict with:

- a. NPPF: paras 174 and 175;
- b. Arun Local Plan policies: SO DM1, H DM4, H SP3;
- c. Kingston Parish Neighbourhood Plan policy KPNP 6 (A).

#### **4. It is an infringement of the Gap Between Settlements (East Preston to Ferring).**

The proposed development would compromise the integrity of the Gap. Kingston Parish is within the Gap and it is important for the community's sense of identity that the gaps between itself and East Preston and Ferring are also maintained.

The proposed development lies within Kingston Parish and builds right up to the northern boundary of the parish so that the new dwellings back on to existing dwellings in Somerset Road to the north, and North Lane and Kingston Lane to the west – all properties in East Preston Parish. So, there will no longer be a Gap between our communities at these points. Further, it may lead to a false perception that the new build is part of East Preston and not Kingston and that does not fit well with nurturing a community's sense of identity.

The loss of the Gap threatens not only the separation and setting of the settlements of Kingston, East Preston and Ferring but also the overall character of the wider area. It is important to resist creeping coalescence between local communities as the cumulative effects of such developments adversely affect and diminish the local environment for all.

Every loss of a single piece of the Gap contributes to its erosion.

There are no compelling circumstances for this development that are not outweighed by the adverse impacts it creates.

The proposed development is in conflict with:

- a. NPPF: paras 118 b & c, 133, 134, 136,137, 143-145;
- b. Arun Local Plan policies: SO DM1, C SP1, GI SP1, SD SP3, ENV SP1, LAN DM1, QE DM1(2c), QE DM2;
- c. Kingston Parish Neighbourhood Plan policy KPNP 1, KPNP 3 and KPNP 6.

#### **5. Loss of Natural Habitat for Wildlife**

The proposed development will severely impact on the natural habitats for wildlife and the local flora. As the site is presently an undeveloped open field, there is a reasonable likelihood that protected species and/or their habitats are present on or near the site. Trees and hedgerows are also to be felled along Kingston Lane.

Residents attest to having seen extensive wildlife around the site including: Swifts, Skylarks, Buzzards, Kestrels, Red Kite, Barn and Tawny Owls, Woodpeckers, 3 species of Bats, various Butterflies and Moth, Hedgehogs, Badgers, Foxes, Frogs, Toads and Slow Worms.

**It is disappointingly short sighted** that the Ecological Assessment submitted by the applicant concludes "The loss of this area of farmland as part of the wider farmed landscape will reduce the overall resource for farmland birds, but given the percentage loss it is only a localised loss and is therefore not considered a significant impact on the wider resource."

**Every loss is important.** This site is being considered in isolation and takes no account of the cumulative total effect that these 'insignificant' losses of farmland for development have on the land available for farming and wildlife. Our farmland and the habitat for wildlife is being 'picked off' by each development coming forward labelling its impact as 'insignificant'.

## **Council has also sought the opinion of the Sussex Wildlife Trust who say:**

‘There is no discussion of Biodiversity Net Gain (BNG), which is a big concern. There are some enhancements suggested but these are minimal. The Arun Biodiversity Net Gain evidence study does highlight this area as a potential wildlife corridor/stepping stone - See: <https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n19224.pdf&ver=21103> This is just a suggestion in an evidence document for the new plan, at the moment, but it does highlight the applicant’s lack of ambition. Even with the site being arable currently, it’s unlikely the proposed development would come out favourably using the BNG metric.’

A Biodiversity Net Gain Report should be submitted by the applicant **before** the application is considered by Arun District Council.

The proposed development is in conflict with:

- a. NPPF: para 174
- b. Arun Local Plan policy: ENV DMM1
- c. Kingston Parish Neighbourhood Plan policies KPNP 4 and KPNP 7.

## **6. Design impact on the neighbourhood**

Loss of the open field will badly impact on the rural character of the area. Trees are to be felled along Kingston Lane for access and sight lines and this will also be very detrimental to the character of the area and reduce the natural habitat for wildlife.

Local residents have used the field for some considerable time for leisure activities e.g. family walks, dog walking, nature watching, and the proposed public space is inadequate for this to continue or to meet the needs of the number of residents of the proposed development.

The new development will be visually intrusive to properties neighbouring the site and will also impact on the privacy of existing residents because of overlooking. The development includes houses with roof lines significantly higher than houses in Somerset Road at points where they will be most visible from Kingston Lane and the footpath running south of the development. It will also impact on an Area of Character along Elm Avenue and on the setting of Kingston Manor a Grade 2 Listed Building.

The density of the dwellings on the site is out of keeping with the rest of the Parish as set out in the Kingston Design Statement para 7.9.

The proposed development is in conflict with:

- a. Arun Local Plan policy: H SP3
- b. Kingston Parish Neighbourhood Plan policy KPNP 7 and Kingston Design Statement Section 7.

## **7. Lack of Services/Infrastructure**

The increase in residential properties will significantly increase demand for local services such as educational and medical facilities, libraries sports and community facilities.

The local infrastructure capacity e.g. transport network, waste management, energy and water supply, surface water drainage, and safe sewage disposal is already struggling to cope. The new dwellings (on top of local developments already approved but not yet built) will place considerable extra strain on this essential infrastructure.

**Medical** - The extreme pressure on existing GP and Dental practices (including finding both private and NHS dentists) in this area is well known.

**Schools** - West Sussex County Council have objected to the application because local secondary schools are not able to accommodate new pupils. This could mean that pupils without a placement locally could need home to school transportation to alternative secondary schools that may even be out of the Arun District. This is not a green sustainable option and is also not good for the pupils who may have to spend a disproportionate amount of time travelling, adding significantly to the length of their school day. Parents will also have further to travel to attend meetings and events at the school.

**Sewage Disposal** – It is important that this is done safely. The Waste Treatment Works for this area is located at Ford and is already due to take additional sewage flow from large approved housing developments. Storm water causes sewage overflows for up to 30% of the year and this is already adversely impacting on the quality of protected water bodies. The application should demonstrate, where it will materially increase foul and/or surface water discharges, adequate drainage capacity exists or can be provided as part of the development. Further large-scale development should not be approved until sewage issues in the District are resolved.

**Flooding and Road Network** concerns are as set out in 8. and 9. below.

The proposed development is in conflict with:

- a. NPPF: paras 155 – 163;
- b. Arun Local Plan policies: W DM1, SD SP1a
- c. Kingston Parish Neighbourhood Plan policy KPNP 4 (1)

## **8. The site is situated within an area prone to flooding from the land**

This is denoted in the Arun Strategic Flood Risk area reported by the Capita Symonds (2008) and JBA Consulting report v.2 (2016). Any development of this site should, before approval, prove that the surface water and sewer management will be adequate to deal with this and that the problem is not solved by moving the flooding to another area in the parish.

The application does not adequately demonstrate that the development would provide wider sustainability benefits to the community that outweigh the flood risk; and that the development will be safe for its lifetime, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Council understands that groundwater level measurements were taken by the developer over winter 2021/22. Council considers these readings to have been overtaken by the weather in 2023. To put the recent events into perspective, the long-term average rainfall for West Sussex during October is 62.2mm and this year for the Bognor Area it was 274.6mm. The proposed site was recently underwater and Kingston Lane to the south of the site was flooded.

**New groundwater level monitoring and further comprehensive investigations need to be carried out. Flood protection measures need to be capable of dealing with these new rainfall levels that may increase further in the future due to climate change to avoid, where possible, flood risk to people and property.**

The proposed development is in conflict with:

- a. NPPF: paras 155 – 163;
- b. Arun Local Plan policies: W SP1, W DM2 & 3
- c. Kingston Parish Neighbourhood Plan policy KPNP 6 (vi) and policy KPNP 5.

## 9. Detrimental impact on Road Network and Road Safety

The proposal will directly add to existing local road congestion and to associated road safety issues.

Apart from the fundamental conflicts with national and development plan policies identified above, the proposed development will result in unsatisfactory and unsafe conditions for users of the local highway network. Such impacts would impinge especially on pedestrians, including vulnerable children on journeys to and from local schools.

The proposals envisage pedestrians, especially children making their way to the west of North Lane including journeys to the local Infant and Junior Schools. This would lead to an uncontrolled crossing of North Lane immediately to the north of the complicated Kingston Lane/Golden Avenue/North Lane junction and close to a sharp bend. **Council does not consider this to be a safe crossing point as explained further in APPENDIX 1.**

There is also only limited access to the site close to a sharp corner of Kingston Lane and there will be restricted forward visibility onto the narrow lane. Therefore, the access is hazardous and unacceptable - **see evidence of this in APPENDIX 1.**

The development will significantly increase the volume of traffic using Kingston Lane and Elm Avenue (an area of local character) with a knock-on effect to other local roads. It will increase the congestion and wait times at the Roundstone Level crossing, exacerbating the safety hazards that are already an issue of concern at the crossing.

The development is essentially a dormitory housing estate from which residents will have to commute to places of employment and the main amenities of the District. As the Roundstone and Angmering level crossings often have a build-up of traffic and waiting times it is likely that commuters will resort to other routes by using local roads through East Preston and Rustington particularly if they are heading west. The additional traffic will impact on the wider road network along the A259 and links to the A27 as well as local residential roads.

**It is essential that a comprehensive in-depth assessment of the strategic and local road network, including the cumulative effect on infra-structure of this development and planned developments in the wider area be carried out before this development is considered for approval.**

The proposed development is in conflict with:

- a. Arun Local Plan policy T SP1
- b. Kingston Parish Neighbourhood Plan policy KPNP 9

## 10. Questionable Sustainability

There are no facilities in Kingston, so new residents would need to use facilities in neighbouring parishes such as East Preston, Rustington and Angmering. The distance of some of these from the development site will make car use essential. Furthermore, the development site is some distance from the main centres of employment in the District and that will also make car use essential.

The proposed development is in conflict with:

- a. NPPF: para 8
- b. Arun Local Plan: SD SP1a and T SP1
- b. Kingston Parish Neighbourhood Plan policies KPNP 1

## **11. Archaeological Finds**

Council notes that the Archaeological statement submitted by the applicant recommends further works to explore in more detail the finds of C 1<sup>st</sup> – C 2<sup>nd</sup> roman/Romano British Pottery that may attest to possible Roman occupation on part of the development site.

This is an exciting find in the history of the Parish and it is essential that further archaeological works are carried out before any development work is permitted.

## **12. Construction Management Plan**

If the application should be approved, despite our objections, it is important for safety reasons and the amenity of residents that prior to the commencement of any works a Construction Management Plan and restrictions on operational hours of work are agreed in writing. As a minimum these should include:

- Operational hours of work taking in to account the peak hours for traffic use of Kingston Lane when residents will be travelling (mainly by car) to and from work and to and from local schools.
- The anticipated number, frequency and types of vehicles used during construction,
- The method of access and routing of vehicles during construction,
- Full details of any construction compound,
- Dust mitigation measures,
- Noise reduction measures,
- The parking of vehicles by site operatives and visitors,
- The loading and unloading of plant, materials and waste,
- The storage of plant, materials and waste used in construction of the development,
- The erection and maintenance of security hoarding,
- The provision of effective wheel washing facilities and other works required to mitigate the impact of construction upon the public highway
- Details of public engagement both prior to and during construction works.

## **CONCLUSION**

The clear conflicts with development plan policies SD SP2 (Built Up Area Boundary), C SP1 (Countryside), SD SP3 (Gaps Between Settlements) and LAN DM1 (with regard to the setting of the South Downs National Park), and the loss of Grade 1 agricultural land contrary to the clear policy of the NPPF in this regard, amount to compelling reasons for refusing planning permission for the proposed development. The deficiencies in terms of pedestrian safety also weigh heavily against the proposed development. They are sufficient to justify refusal of planning permission irrespective of the clear policy conflicts identified.

Although the proposed 47 dwellings could be said to make some limited contribution to the alleviation of any numerical shortfall in housing provision locally, this would be modest. In view of the nature and extent of the policy conflicts, it cannot reasonably be concluded that this modest contribution would amount to a consideration of such strength that it would justify setting aside the relevant development plan and national development management policies, with which the proposed development would clearly conflict.

**Kingston Parish Council urges that the application is refused.**

Val Knight,  
Clerk of Kingston Parish Council

5 December, 2023

**TRAFFIC ISSUES re PLANNING APPLICATION K/56/22/PL**

**Introduction**

Having considered the content of the submitted application transport evidence there are significant concerns regarding highway safety, with journeys on foot being made to and from the site to East Preston Junior and Infant Schools of specific concern.

**Junction Of North Lane/Kingston Lane/Golden Avenue**

The existing arrangement at the junction of North Lane, Kingston Lane and Golden Avenue is highly unconventional. North Lane is the free flow movement running west-to-north, with Kingston Lane (east) and Golden Avenue (south) arriving at North Lane at the same place. The existing design is wholly substandard. Golden Avenue is not part of the adopted highway, with pedestrians in the carriageway, further complicating the overall arrangement. Traffic from North Lane turning into Golden Avenue gives way to traffic on Kingston Lane, with any obstruction causing drivers heading to Golden Avenue having to abruptly stop within the Kingston Lane carriageway on the 90-degree bend on North Lane. A following vehicle into Kingston Lane would block North Lane.

**Pedestrian Safety Concerns Arising From The Proposals**

The applicant proposes a footway on Kingston Lane between the site and North Lane.

Journeys on foot to and from the west (on North Lane) will be catered for by a proposed uncontrolled drop kerb crossing on North Lane immediately to the north of Kingston Lane. No central refuge is provided, and there does not appear to be room to provide one. This forms part of the route from the site to the local junior and infant schools, as well as to the shops and other facilities on Sea Road.

The proposed uncontrolled crossing on North Lane is adjacent to a 90-degree bend into the already unconventional junction arrangement. For journeys made on foot heading west to east, pedestrians need to cross 7.5m of carriageway. Able bodied adults would cross in around 6-7 seconds (based on average walk distance of 1.2m/s). Young children, some elderly people or those with disabilities will take significantly longer.

Without actual speed measurements, the applicant has assumed very low vehicle speeds (of 25kph or 15mph) and thus allowed only 18m forward visibility across the bend for drivers to see pedestrians and vice versa.



This first two images show a driver's view on North Lane as they approach the bend. At this point, the proposed crossing point is completely hidden by the close boarded fence.



The third view from the driver perspective below is from a position taken only around half a second later where the crossing point can now just be seen (at the far end of the close boarded fence in the image). This is the 18m visibility referred above.



The 18m distance gives an approaching driver (at 15mph) just 2.3 seconds to see and react to a pedestrian crossing North Lane. Drivers travelling more quickly will have less time. In favourable conditions a pedestrian would only be a third of the way across the road i.e., not even half-way in that timeframe.

Even then, the measured 18m distance assumes that pedestrians are standing at the kerbside and are precisely aligned with the angle of the close boarded fence. In practice, achievable visibility between driver and pedestrian is likely to be less than that as it not a natural location to stand being half obscured by the fence.

To explain this, this fourth photograph shows the pedestrian's view standing close to the kerb where they are being expected to cross.



Adults crossing west to east with young children, or indeed young children crossing by themselves are confronted with the need to stand close to the kerb looking in four different directions at once, north, south, east and west, with the latter requiring them to look over their shoulders before making an instant decision whether or not to cross.

It is going to feel extremely uncomfortable stepping out into the road. Pedestrians cannot know whether there will be an opposing vehicle before they step into the road.

It is particularly difficult to envisage how someone waiting to cross with a child's pushchair will be able to see sufficiently to make an informed decision when crossing from west to east.

These final two photographs give an impression of the view from a pedestrian set back away from the kerb, if for example they were positioned behind a pushchair, and how even a large vehicle (bus) will be hidden from view from a waiting pedestrian.



Each of the images illustrate that there will be very little time for pedestrians to take the decision to cross; or for drivers to react to the presence on-carriageway of someone who has started to cross. On occasions, pedestrians will have to rely on drivers stopping on carriageway to allow them to complete their crossing. Added to the context of an adjacent unconventional junction layout, and proportionally significantly intensified traffic levels on Kingston Lane arising from the proposals, this results in a hazardous environment within which to undertake key pedestrian journeys, especially those made by vulnerable road users.

Moving the crossing location slightly further north is likely to make the situation even worse.

**This aspect of the proposal is considered to be contrary to the National Planning Policy Framework and Arun Local Plan Policy T SP1, by failing to provide a safe environment for pedestrians, and failing to appropriately consider the needs of people with disabilities.**

### **Site Access Junction Visibility**

A separate concern exists at the site access, where adequate vehicular visibility splays for traffic turning right into the site have not been demonstrated. It is noted that Kingston Lane is not a no-through road until after its junction with Elm Avenue to the south of the site. It is therefore recognised that right turns in to the site will most likely be from delivery, postal and refuse vehicles; and residents of the site using vehicles to travel home via Elm Avenue after using local roads to reach areas to the west (e.g. Rustington and Littlehampton) and facilities in East Preston to the south: shops, restaurants, various halls, the library, schools, children's play areas, places of worship and of course the beach.



There are also concerns that the visibility splay may assist residents of the new development but do not help vehicles travelling along Kingston Lane to see what on-coming cars are around the corner with the additional hazard of vehicles crossing the carriageway when exiting and entering the proposed site.

**The splay construction needs to be prepared to demonstrate whether it can be achieved within land controlled by the applicant. It may be that the splay requires the removal of tree(s) within the highway on the inside of the bend on Kingston Lane opposite the site access. If so, such loss that will affect the character and biodiversity of the area needs to be considered in the overall site appraisal.**



Kingston Lane is rural in character. The site access is on a sharp bend. Views towards the site access looking east (above) and north (below).

