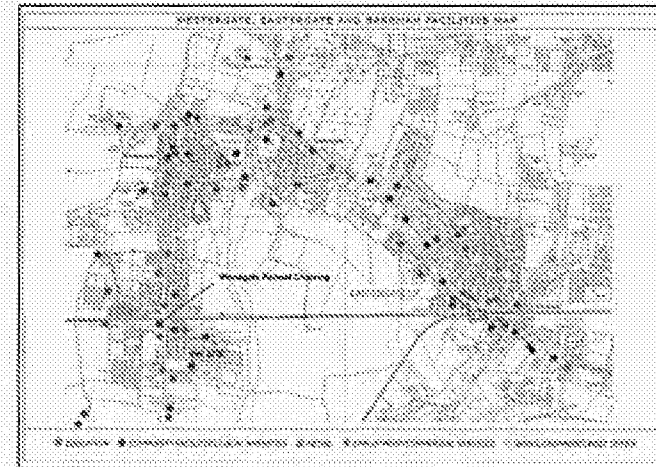


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DESIGN & ACCESS STATEMENT



OUTLINE APPLICATION FOR 2.85 HECTARES OF RESIDENTIAL DEVELOPMENT (UP TO 60 OPEN MARKET DWELLINGS, AND UP TO 25 AFFORDABLE DWELLINGS (30%)), 2.71 HECTARES OF PUBLIC OPEN SPACE, 0.22 HECTARES FOR RETAIL/LIVE WORK UNITS AND 0.17 HECTARES FOR COMMUNITY SERVICES

LAND AT THE WOODGATE CENTRE WESTERGATE WEST SUSSEX PO20 3GU



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Contents

Background

Site Context

Summary of the previous appeal Inspectors Decision

- Planning Policy
- Location Outside any Settlement Boundary
- Sustainability/Accessibility
- Living Conditions
- Pedestrian and Cycle Routes
- Woodgate Road – Lidsey Road Junction
- Housing Need
- Other Material Considerations
- Overall Balance of Planning Considerations

Emerging Draft Local Plan

The changes/improvements made to the scheme to address those matters that led the Inspector to dismiss the Appeal

- Reduction in the scale of residential development proposed
- Provision of onsite retail/live work units, community services and open space facilities for existing and future residents
- The Woodgate Road – Lidsey Road Junction
- Contributions towards provision/improvement of offsite Pedestrian/Cycle Routes
- Scheme Delivery
- The Overall Balance of Planning Considerations

This Design and Access Statement is also accompanied by separately bound Appendices cross referenced throughout.

Background

1. The Woodgate Centre and all the land and buildings in the same ownership were the subject of two previous outline applications for planning permission in 2011 which combined to demonstrate a comprehensive master planned approach to the redevelopment of the whole site with a mixture of commercial, residential and public open space development.
2. The existing buildings on the site together with the associated land and access from Oak Tree Lane were the subject of an outline application for the demolition of all existing buildings and replacement with 940 square metres of B1 commercial development together with associated service area parking for 40 vehicles and landscaped amenity space (Council Reference: AL/70/11) and this was granted outline planning permission subject to conditions on 2nd November 2011.
3. The applicants have submitted a reserved matters application in respect of the layout and landscaping for that approved scheme which also seeks to discharge condition 9 of the planning permission as a precursor to implementing the approved scheme in its entirety. That application includes the provision of allotments as part of the proposed landscaping as referred to in this application.
4. The remainder of the overall site in the same ownership was the subject of an outline application for the erection of up to 100 dwellings (including 30% (up to 30) affordable) together with 7,115 square metres of landscaped open space within the residential area and an additional 1.95 hectares of land to be laid out as publicly accessible amenity woodland (Council Reference: AL/69/11) and this was refused outline planning permission on 29 September 2011 for the 8 reasons set out on the Council's decision notice of that date copied at **Appendix 1**.

5. The applicant appealed against that decision on 20 October 2011 and the appeal was scheduled to be heard at an inquiry commencing on 17 April 2012. (PINS Reference: APP/C3810/A/11/2163208). During the course of evidence preparation for the Appeal a number of changes occurred which became material to the Inspectors deliberations regarding the appeal as follows:
- Reason 6 relating to drainage was withdrawn by the Council
 - Reasons 7 & 8 were withdrawn by the Council as they were addressed by the Appellants S106 Unilateral Undertaking
 - The Council indicated that concerns regarding the design of the proposed right turn lane junction improvements at the Woodgate Road/Lydsey Road junction (Related to Refusal Reason 5) could be addressed by way of a condition imposed on any outline planning permission granted.
 - The National Planning Policy Framework was published on 27 March 2012 and the Appeal was heard in the light of the policies it contains.
6. The Inquiry opened on 17 April 2012 and sat for 5 days but the appeal was dismissed by the Inspector who set out his reasoning for dismissing the appeal in a decision letter dated 20 June 2012 **(Copied at Appendix 2 for ease of reference)**.
7. This application has therefore been prepared and submitted following a careful analysis of the previous appeal decision and these later material considerations. The scheme proposals have been significantly revised in a genuine attempt to address those objections raised by the Inspector with regard to the previous scheme so that an otherwise beneficial and much needed housing scheme can be allowed to proceed.

Site Context

8. A factual description of the application site and its surroundings together with a list of community facilities and public transport services in the locality of the site was agreed in writing with the Council in a "Statement of Common Ground" (SOCG) as part of the previous appeal process and since this was an agreed joint statement on behalf of the Council and the then appellants (now applicants) and has not changed since it is not repeated here. Aerial photographs and plans illustrating the agreed site context are at **Appendix 3**.

Analysis of the Appeal Inspectors Decision

General Approach

9. National Planning Policy Framework (The Framework) paragraphs 14, 17, 186 & 187 make it clear that development should be viewed positively due to its many economic and social benefits particularly where there are no specific environmental policies which restrict development as is the case here.
10. Moreover, Framework paragraphs 49 and 197 make it clear that following the publication of the Framework development local planning authorities should apply the presumption in favour of sustainable development at paragraph 14 when determining proposals generally and housing proposals in particular.

11. Therefore, the key question in considering the previous appeal decision is not how can this be used to prevent the development from taking place but how can the disadvantages that were said by the Inspector to prevent this much needed and beneficial development from proceeding be addressed and resolved.
12. Therefore it is important that any analysis of the previous appeal decision is accurate and comprehensive so that the inspectors concerns can be properly understood as a starting point for a positive exploration of how the benefits of the proposed development can be enhanced and the disadvantages reduced or resolved.
13. The Appeal decision **(AD)** is at **Appendix 2** and what follows is a summary of the Inspectors findings under the various Headings used in considering the 7 main issues identified by the Inspector at paragraph 7 of the decision.

Planning Policy (AD Paragraphs 8 – 28)

14. For all the reasons given the Inspector reaches the following clear cut conclusions on relevant matters of planning policy:
 - The development plan currently comprises the South East Plan 2009 (SEP) and the Arun District Local Plan 2003 (ADLP) and any proposal should be determined in accordance with the development plan unless material considerations indicate otherwise and the National Planning Policy Framework (The Framework) is one such material consideration
 - Relevant SEP Policies CC6, H1, H2, SCT1 and SCT5 are essentially consistent with the Framework policies so in accordance with Framework Paragraph 214 continue to carry their full statutory weight. Such policies are, however,

broad based and, whilst not precluding the appeal development, are of limited assistance in assessing whether the appeal site specifically is sustainably located.

- The weight to be attached to any conflict with relevant ADLP Policies GEN2, GEN3, GEN5, GEN7 and GEN32 falls to be considered on the basis of the Framework paragraph 215 as the ADLP was adopted prior to 2004.
- ADLP Policies GEN 7 and GEN32 are essentially consistent with the Framework and continue to carry full weight but the requirement of Policy GEN3 to protect the countryside for its own sake, reflecting former national advice, has given way to the provision in Framework paragraph 17 simply to recognise its intrinsic character and beauty. As a result, the Framework attracts greater weight than Policy GEN3.
- The settlement and housing policies of the ADLP (GEN 2 and GEN 5) are not only time expired as they make no provision for housing beyond 2011 but are also out of date because they were established on the basis of earlier and now superseded planning circumstances. Housing has not come forward as envisaged in those policies so meeting future housing needs will require housing sites to be identified outside of existing built up area boundaries contrary to those policies.
- Whether the adopted local housing policies are out of date with respect to the presumption in favour of sustainable development in terms of Framework paragraph 49 is a matter of judgement based on the five-year housing land supply currently available. (Addressed by the Inspector under the Heading "Housing Need")

- The emerging Local Plan is at such an early stage of preparation that it carries very limited weight.
15. It is considered important to recognize that there has been no material change in circumstances since the appeal decision was issued that would result in these conclusions being changed.

Location outside any Settlement Boundary (AD Paragraphs 29 – 32)

16. The Inspector makes two key findings under this heading as follows:
- That the scale and intensity of the amount of new building then proposed would substantially alter the character of both the landscape and the adjacent settlement (paragraph 30) but
 - When judging the proposal on its individual merits, there are considerations in its favour to mitigate that impact (paragraph 31) In particular the Inspector concludes that:
 - There was no reason that this outline proposal could not be the basis for a development of the high quality required by SEP Policy CC6 and ADLP Policy GEN7
 - The development would avoid any southward linear extension of Woodgate, would relate to the existing settlement and would not be greatly visible in the wider landscape beyond limited local viewpoints.

- The site is not subject to any protective landscape designation, does not in itself make a particular contribution to the appearance or character of the surrounding countryside and the scheme incorporates landscaped open space and public amenity woodland.

17. Having assessed the degree of impact without mitigation and the degree of impact with mitigation the Inspector concludes that the proposed development would cause a degree of harm to the intrinsic semi-rural character of the appeal site, and to the countryside on its eastern flank (paragraph 32).

Sustainability/Accessibility (AD Paragraphs 33 – 46)

23. The Inspector found that:

- Woodgate has good access to community facilities and services
- Comparisons with the findings of an appeal inspector in respect to a site at Yapton were inconclusive as to the sustainability of this sites location relative to those facilities
- Distances between the site and the available facilities coupled with the frustrations and increased journey times caused to prospective pedestrians/cyclists by the closure of the railway crossing would lead most residents to be dependent on the use of their private cars at the expense of more sustainable modes of transport.

24. As a result of these findings the Inspector concludes that the site has a *“low level of sustainability for the proposed development with respect to transport modes and the proximity of community facilities”* and it is clear from paragraphs 46

and paragraph 88 that it is this conclusion which weighed heavily against the previous scheme and tipped the balance in favour of dismissing the appeal.

25. The Applicants disagree with the Inspectors findings in this regard in that Framework paragraphs 29 – 41 make it clear that the aim is to maximize the potential for development to promote the use of sustainable transport modes and Paragraph 17 bullet point 11 states that the planning system should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable (authors underlining).
26. Therefore we take the view that the Inspectors findings in this regard do not definitively rule out the development of this site as a matter of principle. Taking the Inspectors findings at face value there remains a clear opportunity to use the development as a creative exercise in accordance with paragraph 17 bullet point 2 in finding ways not only to enhance and improve the community facilities and services available within walking distance for existing/future residents but also to resolve some of the issues that may discourage existing and future residents from choosing to walk or cycle to the good range of facilities that do exist. Therefore rather than seeking to challenge the Appeal decision issued the Applicants have decided to take the more positive approach of improving the sustainability credentials of the scheme proposed and the benefits of the scheme in terms of the improvements it can offer to the wider area generally.

Living Conditions (AD Paragraphs 47 – 49)

27. Notwithstanding the Councils and residents concerns regarding the unsuitability of Woodgate Road to accommodate the additional traffic generated by the scheme and the asserted noise/disturbance to existing residents that would result the Inspector concluded that:

- Woodgate Road is not particularly narrow for a residential access, has footways and verges on both sides and houses are not especially close to the carriageway.
- There would be no through traffic and the access could be configured to calm traffic speeds and there was no evidence that noise levels would increase to unacceptable levels

28. Therefore the Inspector found that whilst the increased traffic would be noticeable there was no evidence or ground to conclude that the concerns expressed by the Council and residents were justified in this regard

Pedestrian and Cycle Routes (AD Paragraphs 50 – 55)

29. The Inspector concludes that:

- Woodgate Road/Oak Tree Lane provide adequate pedestrian/cycle routes into the site from Lidsey Road as proposed
- ADC is justified in seeking to improve pedestrian and cycle routes from the site northwards to existing facilities in Westergate through the following measures:
 - ◊ three new pedestrian refuge islands on the A29, (including one serving an existing bus stop south of the level crossing)
 - ◊ a shared pedestrian and cycle route along the A29, at least as far as Eastergate

- The estimated budget cost for making such provision is £200,000 but the financial contribution in the submitted S106 Unilateral Undertaking was an estimated £162,000 and would be insufficient in this regard so to that extent an objection remained with respect to cycle and pedestrian routes.

Woodgate Road – Lidsey Road Junction (AD Paragraphs 56 – 64)

30. The Inspector assesses the existing situation and how this might change post development with traffic generated by the scheme and the proposed Right Turn Lane Improvement secured by negative condition and concludes that:

- There is no question that the traffic generated by extending Woodgate Road to serve an additional 100 houses, as proposed, would exceed the free-flow network capacity of either road.
- The proposed Right Turn Lane facility as proposed would improve the capacity of the junction overall but when assessed on the principle that nil detriment or better must be achieved in connection with new development (as opposed to the more up to date Framework paragraph 32 principle that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe") there would be some detriment in terms of delay due to additional queuing and impeded turning movements, with implications for road safety.

18. In our view this conclusion needs to be considered in the context that despite the concerns of the Council and the Highway Authority with regard to the specific design of the right turn lane junction then proposed there was no objection to the

suitability of this form of junction design as a solution and both authorities indicated in their evidence to the Inquiry that a suitable Right Turn Lane Junction design was capable of being delivered by way of a condition imposed on any outline planning permission granted.

Housing Need (AD Paragraphs 65 – 82)

The Requirement

31. The Inspector concluded that:

- The Appellants approach was preferred as it was SEP compliant in comparison with the arbitrary methodology of ADC
- The requirement for the current 5 year period 1st April 2012 – 31st March 2017 is to be regarded as being 3,618 dwelling units (equivalent to 723dpa) as opposed 3,085 units (equivalent to 617 dpa) as stated by the Council.

The Supply

32. Overall the Inspector concluded that:

- Given the uncertainty surrounding the delivery of SHLAA sites and recently identified sites, the total SYHLS of 3,381 dwellings assumed by ADC represents a maximum figure and
- The current supply amounts to about 4.68 years with optimism and would reduce to 3.8 years or less if more pessimistically assumed build rates were not forthcoming.

History of Under Delivery and the Supply Buffer

33. The Inspector concludes that:

- Framework paragraph 49 requires that a buffer of either 5% or in the case of persistent under delivery 20% is added to the maximum supply (and not to the requirement as suggested by ADC) in order to provide the requisite realistic prospect of achieving the planned supply.
- Under delivery of housing in Arun District might reasonably be regarded as "persistent" justifying adding a 20% buffer to the five-year HLS making it necessary to identify a 6 year supply in Arun District
- Currently the maximum available supply is no more than 4.7 years compared with the desirable figure of 6 years in response to persistent under delivery.
- As a neither a five-year nor 6 year supply of deliverable housing is demonstrated relevant policies of the ADLP and SEP for the supply of housing are not to be considered up-to-date in terms of Framework paragraph 49 and the presumption in favour of sustainable development set out in Framework paragraph 14 therefore applies.

Affordable Housing

34. The Inspector concludes that the benefit of a contribution of up to 30% additional affordable dwellings in compliance with ADC policy was a material factor in favour of the proposal.

Other Material Considerations (AD Paragraphs 83 – 85)

35. The Inspector found that:

- Foul and surface water drainage could be addressed by way of conditions as proposed by the appellants
- The Unilateral Undertakings provided by the Appellants were compliant with Regulation 122 of the Community Infrastructure Levy Regulations 2010 and were therefore a satisfactory mechanism for delivering those obligations requested and specified in the Unilateral Undertakings
- There would be some degree of community benefit from the provision of the 1.95 hectares of publicly accessible amenity woodland included in the proposals, as well as a level of support for economic growth in terms of Framework paragraphs 18-19.

Overall Balance of Planning Considerations (AD Paragraphs 86 – 89)

36. Any objective reading of these paragraphs makes it clear that the Inspectors decision was finely balanced. These paragraphs read as follows:

86. With respect to Framework paragraph 14 and the presumption in favour of sustainable development, the degree of under-supply of housing in Arun District amounts to a material consideration in favour of allowing the proposed development unless it is judged on the evidence to be unsustainable due to its location or adverse planning impacts that would significantly and demonstrably outweigh any benefits.

87. On that basis, the degree of adverse impact due to the location of the development outside the settlement boundary and with to respect the Woodgate Road junction and the need for pedestrian and cycle route improvements would not together justify dismissing the appeal in the face of the evident degree of identified housing need.

88. However, taking these disadvantages with the evident poor level of sustainability of the site, the case against the proposed development is sufficient to override both the degree of shortfall in the five-year housing land supply, and the economic growth and other benefits arising from up to 70 open market and 30 affordable dwellings, and the associated public amenity woodland.

89. On this overall balance of planning considerations it is concluded that the appeal should be dismissed.

Emerging Draft Local Plan

37. The only significant change in material considerations since the Inspector issued his Appeal decision is the Council's publication of the Draft Local Plan for public consultation in July 2012.
38. The Draft Local Plan Extracts at **Appendix 4** demonstrate that the application site lies within an area which the Council has deemed suitable as a potential strategic location for future housing albeit that this is subject to many caveats.
39. Whilst it remains the case that the Draft Local Plan is at an embryonic stage and carries very limited weight (AD Paragraphs 8 – 28) with regard to the determination of applications at this time particularly as it remains to be seen whether or not the Westergate/Woodgate area needs to accommodate new housing of the scale envisaged (2000 dwellings), the Draft Local

Plan is indicative of the Councils view that Westergate/Woodgate is an area that should accommodate at least some of the Housing that may be needed in the district which lends further weight to the principle of these proposals.

40. The Officers Report at **Appendix 5** is dated September 2012 and relates to a site elsewhere in the district but it is indicative of the Officers views regarding all relevant matters of principle pertaining to the proposals subject to this application and whilst it is noted that Officers disagree with the AD Inspectors findings with regard to the 5 year housing land supply it is notable that this was not in any case considered to be determinate in that case in terms of their professional recommendations to their members. Moreover, whilst it is also noted that members rejected their professional recommendations in refusing that application this does not negate the fact that professional views (Officers, Inspectors and ours) all point to the submitted proposals being acceptable in principle subject to the Inspectors principle concerns relating to impact, sustainability and accessibility being addressed.

The changes/improvements made to the scheme to address those matters that led the Inspector to dismiss the Appeal

Reduction in the scale of Residential Development proposed

41. The previous scheme related to the development of 3.2 hectares of the site with up to 100 dwellings of which 30% would be affordable (up to 30 dwellings) with the remainder of the site (2.75 hectares) being given over to public open space in a variety of forms.
42. The current scheme reduces the area to be used for residential development to 2.85 hectares with the resulting maximum number of dwellings proposed being reduced to 85 dwellings of which 30% would be affordable dwellings (up to 25 dwellings) with the remainder of the site being given over to public open space (2.71 hectares) an onsite community service area (0.17 hectares) and retail/live work units (0.22 hectares)
43. It is considered that this addresses the Inspectors previous concerns in a number of ways.

Traffic Impact

44. The reduction in the amount of residential development proposed reduces the net level of traffic (Anticipated Traffic generated by the proposed development minus the existing traffic generated by existing uses) that would be generated by the scheme in the manner set out in the updated Transport Assessment submitted.

45. The Inspector in his decision acknowledged that the net traffic generation from the previous scheme was not sufficient to justify a refusal of planning permission for any of the reasons previously given by the Council and concluded that the residual cumulative impacts of the net traffic that would be generated would not be severe.
46. The net traffic generated by the current proposals would be less than in the previous scheme and Paragraph 32 of the National Planning Policy Framework (NPPF) makes it clear that Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Impact on its surroundings

47. The Inspector found that the previous scheme with the mitigating public open space then proposed would result in "a degree of harm to the intrinsic semi-rural character of the appeal site" but that this degree of harm would not in itself justify withholding planning permission.
48. The degree of harm said by the Inspector to be caused by the previous level of residential development proposed would be reduced still further by the current proposals.

Provision of onsite retail/live work units, community services and open space facilities for existing and future residents

49. The previous scheme made no provision for retail/live work units or community services but did make provision for public open space.

50. The Inspector found that the public open space provision was a benefit that weighed in the previous schemes favour but expressed some limited concerns about the lack of onsite facilities being provided with reference to paragraphs 35 and 38 of the NPPF as being illustrative of his view that future residents may be more dependent on the use of their cars than might otherwise be the case.

51. It is considered that the current scheme addresses the concerns and increases the identified benefits in a number of ways.

Addressing the concerns

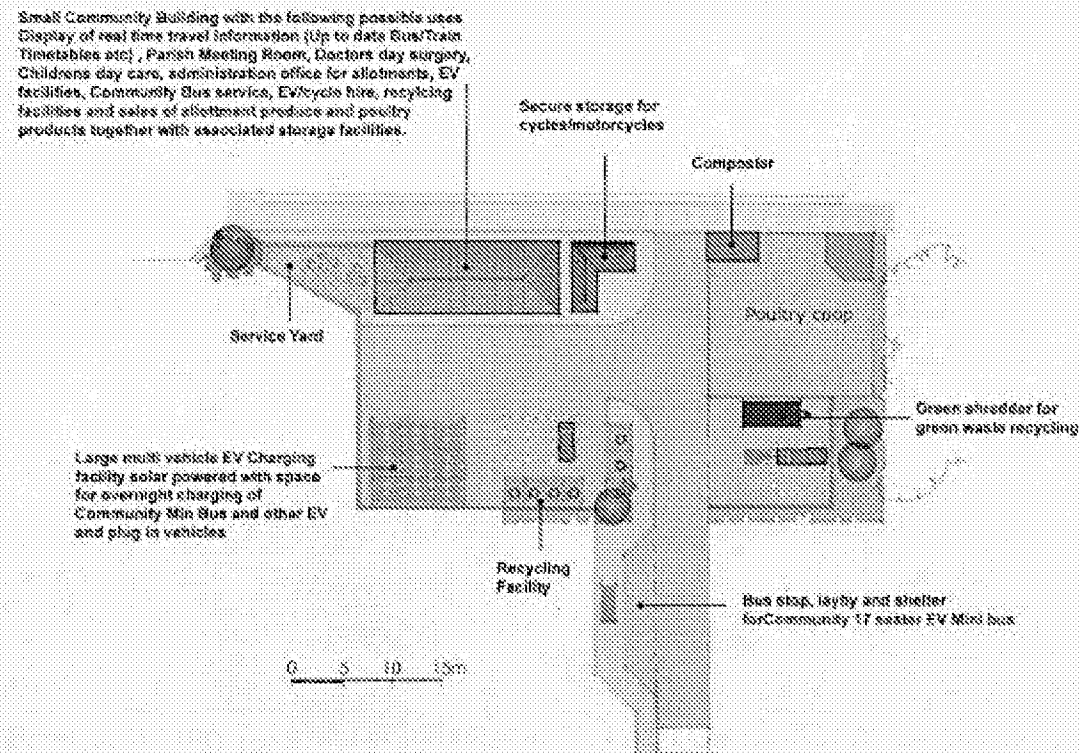
Reduction in the need to Travel

52. The proposed development would include retail/live work units (up to 4 retail units and up to 3 live work units on 0.22 hectares of the site) which would reduce the need for some future residents to travel at all and provide existing and future residents as well as future employees in the proposed adjoining B1 Commercial scheme with access to retail services (such as butchers, baker, newsagents etc) of a type that would serve their daily needs within walking and cycling distance of their homes. (NPPF Paragraph 38)

Increased access to sustainable Transport modes

53. The proposed community services area would include a range of facilities and services that would promote sustainable transport modes and provide future and existing residents with access to alternatives other than the private car.

54. The intention is that as a minimum the Community Services area would provide all of those features shown on the indicative plan below and that these features would not only reduce the need for people to travel but would also maximize the schemes ability to promote sustainable transport modes and be of great community benefit to future and existing residents as envisaged at NPPF paragraphs 35 and 38.



55. This aspect of the scheme is discussed further in the submitted Draft Travel Plan and under the heading scheme delivery below.

Increasing the previously identified benefits

56. The previous open space proposed which was considered to be a scheme benefit has been increased as a result of the overall scheme now proposed in a way that meets many of the aspirations for the promoting a healthy community at NPPF paragraphs 69 – 78.

Public Open Space

57. It is intended that the 2.71 hectares of public open space should be utilized to provide the following key elements as identified on the submitted Indicative Master plan:
- **A village Green** – A centrally located shared green space that provides opportunities for meetings between members of the existing and future community that might not otherwise meet (NPPF Paragraphs 69/70)
 - **The LEAP and LAP** – Centrally located areas where younger children can engage in healthy recreation and play in safety and parents can meet (NPPF Paragraph 73)
 - **Amenity Woodland Area with Cycle/Fitness Trail** – Publically accessible area for recreation and sport (NPPF Paragraph 73)

Allotments

58. The contemporary application for those landscaping matters reserved for later approval by Outline planning permission AL/70/11 includes details of the proposed 4 no 5 rod and 4 no 10 rod allotments.
59. The approach to the location and layout of these allotments is deliberate in that the opportunity has been taken to use the allotments as a means of integrating the commercial and residential elements of the overall master plan for the development of the site.
60. The allotments would be made available for the use of employees in the new commercial development during their lunch hours or after work as well as existing and future residents and their use would be managed and administrated via the proposed community building in the proposed community services area.
61. Once again this approach is demonstrably in accord with the aspirations for promoting healthy living set out in NPPF Paragraphs 69 – 78 and represents yet another benefit of the overall scheme proposed.
62. Taken all together it is considered that these community and open space services/facilities proposed would not only reduce the need for residents to travel but would also promote sustainable transport modes and provide existing and future residents with access to the sort of high quality open spaces and opportunities for sport and recreation that NPPF paragraph 73 states can make an important contribution to the health and well-being of communities.

The Woodgate Road – Lidsey Road Junction

63. The Inspector found that the right turn lane junction improvement proposed would not only improve that junction but would also be adequate in capacity terms to address the likely net increase in vehicular movements at the junction that it was estimated that the previous scheme would create.
64. Both Arun District Council and West Sussex County Council also previously confirmed that whilst they both had reservations about the detail of the design for that offsite junction improvement as then proposed a more satisfactory design could be achieved without the need for third party land to be included (i.e. within Highway owned land) and that the issue could therefore be addressed by way of a condition imposed on any outline planning permissions granted.
65. In view of this and the fact that the net increase in vehicular movements at this junction that would be created by this scheme would be fewer than those that would have been created by the previous scheme it is considered that there is no need to support this outline proposals with a detailed right turn land junction design.
66. Whilst it is still intended that the Woodgate Road/Lidsey Road junction would be improved by the introduction of a right turn lane junction it is considered that the detailed design for same could be addressed by way of a condition imposed on any Outline planning permission granted.

Contributions towards provision/improvement of offsite Pedestrian/Cycle Routes

- The Inspector found that the Council was justified in seeking to improve pedestrian and cycle routes from the site northwards to existing facilities in Westergate through the following measures:

- three new pedestrian refuge islands on the A29, (including one serving an existing bus stop south of the level crossing)
 - a shared pedestrian and cycle route along the A29, at least as far as Eastergate
67. Moreover the Inspector also found that whilst a S106 Unilateral Undertaking committing to financial contributions towards the provision of such facilities was an acceptable mechanism for addressing this matter the estimated budget cost for making such provision is £200,000 but the financial contribution in the previously submitted S106 Unilateral Undertaking was an estimated £162,000 which would be insufficient in this regard so to that extent an objection remained with respect to cycle and pedestrian routes.
68. Notwithstanding this point the Inspector also found that distances between the site and the available facilities coupled with the frustrations and increased journey times caused to prospective pedestrians/cyclists by the closure of the Woodgate railway crossing would lead most residents to be dependent on the use of their private cars at the expense of more sustainable modes of transport.
69. For the reasons given it is considered that the this revised scheme reduces the need for future residents to travel to some of the available facilities by any means due to the provision of day to day services on the site itself but the Inspectors findings and perceptions regarding the frustrations caused to those pedestrians/cyclists who might otherwise wish to access the good range of other facilities in Westergate (such as schools and leisure facilities) which are well within recognized walking and cycling distances remain to be addressed.

70. In view of the foregoing the applicant has decided to increase the potential financial contribution towards the provision/improvement of offsite Pedestrian/Cycle Routes from the estimated £162,000 previously proposed up to a maximum of £475,000.
71. This level of contribution would be sufficient for Arun District Council/West Sussex County Council to jointly commission and fund the construction of the following possible improvements which would be of benefit to existing residents as well as future residents of the proposed scheme:
- Pedestrian/cycle Bridge on the west side of the existing Woodgate Railway Crossing (Circa £275,000)
 - Three new pedestrian refuge islands on the A29, (including one serving an existing bus stop south of the level crossing) and a shared pedestrian and cycle route along the A29, at least as far as Eastergate (Circa £200,000)
72. It is considered that this approach is entirely consistent with the aspirations for promoting sustainable transport set out in NPPF Paragraphs 29 – 41.

Scheme Delivery

73. The proposed 2.85 hectares of residential development, 2.71 hectares of public open space, 0.22 hectares for retail/live work units and 0.17 hectares for Community services all form part of the application and their delivery can be ensured through the use of conditions imposed on any outline planning permission granted.

74. The delivery of all the component elements, layout and detailed design of the key uses proposed in this outline application could all be controlled by standard conditions imposed on any permission granted which would require that detailed plans and a program for their delivery and future maintenance be submitted for later approval.
75. The applicants propose that the capital cost of providing the proposed public open space, allotments and the Community services area (including the proposed community building, EV Community minibus, EV powered cycles, mobility scooters and other cycles for hire) be funded by and delivered by the commercial/ residential/retail/live work development proposed and that their future maintenance and management be undertaken by a Community management company established for the purpose prior to occupation taking place in accordance with standard arrangements that are used in respect of development schemes nationally .
76. The affordable housing proposed could also be delivered by way of a condition imposed on any outline planning permission granted but we understand that it is the Councils policy to seek a S106 Unilateral Undertaking to control this matter and the applicants have no difficulty in agreeing to meet this policy.
77. The financial contributions towards the provision/improvement of offsite Pedestrian/Cycle Routes can be secured by way of a negotiated agreement or Unilateral Undertaking under S106 of the principal Act.

The Overall Balance of Planning Considerations

78. It remains the case that in assessing and determining these development proposals the local planning authority should apply the presumption in favour of sustainable development. (NPPF Paragraph 197).
79. It is also the case that Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. (NPPF Paragraph 187).
80. This proposal addresses the economic, social and environmental dimensions to sustainable development (NPPF Paragraph 7) and it remains the case that the proposed housing would make a significant contribution towards meeting the housing needs of the immediate locality and the district generally.
81. NPPF Paragraph 14 states that: For decision-taking the presumption in favour of sustainable development means:
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

82. The inspector found that although the development plan is absent, silent or relevant policies are out-of-date in this case (and this remains the case) he also found that there were disadvantages to the previous scheme which taken together amounted to adverse impacts that should outweigh the benefits in that case.
83. The proposals have now been redesigned, however, so that the benefits previously identified by the Inspector have been significantly increased and the adverse impacts have been reduced so that they are no longer significant or demonstrable to the extent that they could outweigh the enhanced benefits. Moreover there are no specific policies in the Framework that indicate that development should be restricted.
84. Therefore on this overall balance of planning considerations it is considered that the previous Inspector's concerns have been addressed by the revisions made to this scheme and that outline planning permission should now be granted.