

**PLANNING PERFORMANCE AGREEMENT
ARUN DISTRICT COUNCIL AND LINDEN HOMES SOUTH**

PROJECT PLAN FOR DEVELOPMENT

1. Parties

Arun District Council – Local Planning Authority (LPA)¹

Linden Homes South – Applicant

2. Site Description

2.1 This site is located to the west of New Barn Lane, North Bersted.

3. Description of the Development

3.1 The application is for

“Reserved Matters application pursuant to BE/18/17/PL, for development of 90 dwellings, including open space, landscaping, parking and associated infrastructure.”

4. Planning Policy

- ~~Arun District Local Plan 2003 saved policies~~
- Bersted Neighbourhood Development Plan
- Emerging Local Plan
- NPPF

4.1 Whilst the above listed documents form the Development Plan and in the case of the emerging plan and NPPF are material guidance, Arun District Council does not have a five year housing land supply. The Neighbourhood Plan is more than two years old, and therefore, it considered out of date by virtue of the lack of 3 year housing land supply.

4.2 As set out in the Suffolk Coastal Supreme Court decision, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the benefits are “significantly and demonstrably” outweighed by the adverse effects, or where “specific policies” indicate otherwise.

4.3 In relation to the weight to give policies in the Development Plan, the Court confirmed this is always a matter of planning judgement for the decision maker but the weight to policies that restrict development must to be considered against the need for the proposal particularly in the context of a paragraph 14 “tilted balance”.

¹ This PPA relates to Arun District Council as local planning authority and not as a landowner. All discussions with ADC as landowner are outside the remit of this PPA.

5. Principle of Development

- 5.1 The adopted Arun District Plan (2003) and the emerging Arun District Local Plan 2011 – 2031 (October 2014) contain the following policies which set out the requirements for the site

Arun District Local Plan 2003:

- GEN7 The Form of New Development
- GEN15 Cycling and Walking
- GEN23 The Water Environment
- GEN28 Trees and Woodlands
- GEN32 Noise Pollution
- GEN33 Light Pollution
- DEV17 Affordable Housing
- GEN12 Parking in New Development
- GEN20 Provision of Public Open Space within New Development
- GEN29 Nature and Conservation Across the District
- GEN5 Provision of New Residential Development
- GEN8 Development and the Provision of Infrastructure
- GEN9 Foul and Surface Water Drainage

Publication Version of the Local Plan including Modifications (March 2017):

- D DM1 Aspects of Form and Design Quality
- D DM2 Internal Space Standards
- D DM3 External Space Standards
- D SP1 Design
- H DM1 Housing Mix
- OSR DM1 Open Space, Sport and Recreation
- W DM3 Sustainable Urban Drainage Systems
- ENV DM4 Protection of Trees
- INF SP1 Infrastructure provision and implementation

- 5.2 Arun District Council (as LPA) has approved the principle of development under the following outline planning consents:

Outline planning application (BE/142/15/OUT) was granted in February 2016 for 90 dwellings with an approved access (access A), including 27 affordable units (30%). The mix of units was reserved. The outline consent requires the delivery of 1ha of public open space.

This was followed by LPA ref. BE/18/17/PL, which consented a variation of condition 3 for approved plans & 23 for vehicular access imposed under BE/142/15/OUT, and permitting access to the site via Access B.

This Reserved Matters submission will be made pursuant to BE/18/17/PL.

5.3 The Bersted Neighbourhood Plan (2014) includes the following vision/policies for the site:

- ES1 Design of New Development
- ES2 Surface water management
- HDQ2 Integration of new housing
- HDQ4 Housing mix
- HDQ5 Design of new housing development
- HDQ6 Outdoor space
- HDQ7 Attention to detail
- HDQ8 Car parking

6. Key Objectives for this Agreement

6.1 The aims and objectives of this agreement can be summarised as:

- Clarity
- Transparency
- Managing all expectations
- Giving an indication of timescales
- Setting out the actions of both the Applicant and the Local Planning Authority (including the engagement with their Elected Members, so far as that does not conflict with an Elected Members duty to avoid bias and/or not to pre-determine any future decision with which they are to be involved)
- Nothing in this Agreement fetters the Council's statutory powers to grant or refuse planning permission

7. Project Governance

7.1 A dedicated project team, comprising of APPLICANT, ADC and key stakeholders, and clear governance arrangements are required to facilitate this complex proposal and ensure the delivery of a high quality development.

7.2 This is essential to ensure that all stakeholders are successfully engaged, that the planning application provides all the information that will be needed by ADC to properly assess it, and that Officers are able to meet the agreed programme for a Committee resolution.

7.3 Governance arrangements are summarised below and the terms of reference set out at Appendix A.

Project Team

7.4 The Project Team will provide direction to the delivery of the development. It will provide a forum for the discussion of all technical aspects of the development including but not limited to design, housing, associated infrastructure, drainage, landscaping, and public open space.

Member Involvement

- 7.5 Relevant ADC Ward Councillors will be openly and appropriately engaged with the development of the project, whilst ensuring that their decision making function is not compromised.

External Agencies

- 7.6 External agencies, such as West Sussex County Council, Environment Agency, Heritage England do not fall within this agreement but will be approached as appropriate to fully engage with the project through attendance at Project Team meetings and through provision of written responses.

Community Engagement

- 7.7 All parties recognise the importance of involving the local community in accordance with the Localism Act 2011. Key community stakeholders will need to be identified, recognised and engaged throughout the project development in accordance with the objectives and framework below:

- Linden Homes South to provide further information to accurately reflect the submitted plans and provide additional feedback opportunities using www.lindenhomes.co.uk/community/northbersted
- Direct engagement with such other non-statutory consultees/ local groups as deemed necessary and most appropriate by APPLICANT and ADC.
- ADC will carry out the normal publicity for a major application as set out in the Statement of Community Involvement.

8. Supporting Documentation

- 8.1 Linden Homes South and ADC will separately agree the documentation required to be submitted in support of the planning application, in accordance with the timetable set out in the Project Plan in Appendix B.

9. Consultation Strategy

- 9.1 The following people will be consulted on the planning application when it is submitted and validated: AMEND AS APPROPRIATE

- WSCC Local Development Division
- WSCC Lead Local Flood Authority
- Southern Water
- Environment Agency
- Natural England
- Sussex Police
- Ecology
- Archaeology
- ADC
 - Housing Strategy
 - Estates Manager

- Parks and Green Space (including Arboriculturalist)
- Ecology
- Environmental Health
- Engineers (Coastal Protection, Flooding, Surface Water Drainage)
- Building Control
- Env. Amenities and Community Safety
- Bersted Parish Council

9.2 If there is a need to re-consult with a consultee, this will be carried out by ADC within 5-days of receipt of the information.

9.3 On validation of the application, the application details will be placed on the District Council's website and advertised in the next available printing of the West Sussex Gazette. Site Notices will also be placed at strategic points around the site within 7 working days following validation.

10. Timetable

10.1 The Project Plan is set out at Appendix B.

Adherence to the Project Plan

10.2 The Lead Council Officer and Applicants' Project Manager shall agree to make each other aware at the earliest possible opportunity (and no later than two weeks from the milestone date) of any commitments made in the Project Plan that will not be met and the reasons for which that is the case.

Changes to the Project Plan

10.3 Where revisions need to be made to the Project Plan, either as a result of the addition of new issues or revisions to existing issues, these shall be agreed (in writing where appropriate) between both the Lead Council Officer and the Applicant's Planning Consultant.

10.4 To adhere to this timetable there is a huge onus on the applicant and their team to be able to provide at the outset all the necessary information to allow the application to be validated, and in order for statutory consultees can respond without the need to seek additional information. Validation should be completed on the same day as submission, subject to there being no validation issues. There is also a requirement to respond to both case officer and consultation comments and supply the requested information to the council in order that any further consultations and discussions can be had.

11. Decision Making and Communication

11.1 The primary line of communication should be between the case officer at Arun DC and the Applicants Planning Consultant. Other team members will continue to work with their counterparts but will also feed in their comments and issues to either the case officer or Applicant's Planning Consultant.

ADC's Obligations

- ADC shall respond substantively to all urgent emails, letters and telephone calls within three (3) working days of receipt and, in any event, within six (6) working days of receipt.
- Notify the Applicants on the date of dispatch, prior to any meeting of the ADC Development Control committee at which any report or matter relevant to the development will be discussed and or considered and to provide the Applicant with a copy of any report to the ADC Development Control committee at that time
- Provide to the Applicant at least three (3) working days prior to any meeting all substantive and relevant documents which are relevant to that meeting which relate to any relevant action or agenda points identified
- To provide the Applicant within five (5) working days of any meeting the minutes or action points arising from that meeting.
- The applicant and Council accept that land ownership issues are separate from the Planning Process and that the lack of an Agreement in place between the parties concerning the leasing of the land and/or other property ownership matters shall not prejudice nor fetter the application in any way.

Applicants' Obligations

- To use their reasonable endeavours to address any concerns raised by any statutory consultee prior to the submission of the application to ADC
- Not to submit the application unless it is accompanied by the discussed application documents
- To provide ADC with such additional information, if reasonable, as may be requested within ten (10) working days of such written request from ADC (or such other time period as may be agreed)
- To provide to ADC at least three (3) working days prior to any meeting all substantive and relevant documents which are relevant to that meeting and which relate to any relevant action points or agenda identified
- To provide to ADC within five (5) working days of any meeting the minutes or action points arising from that meeting.

12. Resources

- 12.1 The applicant will make a financial contribution of £8064. Linden Homes South should send the fee on both parties signing of the PPA. This will allow a dedicated officer resource to work with the Applicant during the determination and post-determination process.

13. Good Faith

Both parties enter into this Agreement in the spirit of good faith and with the intention of working together in partnership to secure the desired result of facilitating this planning application for the proposed development.

Acceptance of Planning Performance Agreement

Signatories

Applicant [REDACTED]

■■■■■

For Linden Homes South

Local Planning Authority

■■■■■

for Arun District Council

Appendix A: Project Team Terms of Reference

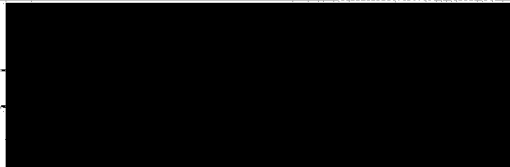
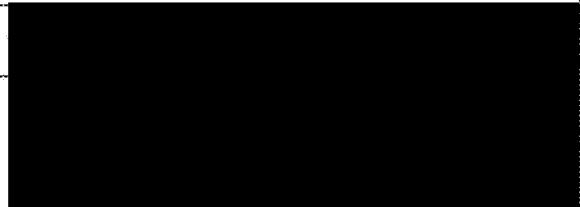
The role of the team:

- To manage the implementation of the PPA, oversee the direction and progress of the application
- Commit resources and make key decisions on the project (where within its power to do so)
- Resolve any blockages and issues in the determination/ planning process, should they occur
- Approve any changes to the PPA including Project Plan and timescales
- Monitor progress against key milestones
- Ensure an effective flow of information between all parties and the statutory consultees and key stakeholders, including elected Members
- Identifying and evaluating risks to project delivery, identifying actions to reduce risks
- Act as a decision making body with regard to technical issues – meetings will be focused on specific topics
- Facilitate the cohesive development of the proposal, through promoting effective communication between all technical disciplines, to ensure the development proposals progress in accordance with the PPA.
- Use all reasonable endeavours to prevail upon all third parties, stakeholders and consultees to respond within a timescale that does not compromise nor prejudice the timescale or the progress of this application.

Timing and location of meetings

Meetings will be held monthly in Arun Civic Centre, Littlehampton, unless otherwise agreed by the Chair

Members

Principal Names	Position and Role	Contact Details
Case Officer	David Innes ADC	
Team Leader	Claire Potts ADC	
Head of Planning	Karl Roberts	
APPLICANT		
Linden Homes South	Applicant	
Rebecca Horrocks	Planning Consultant	
Other appropriate specialists or external agencies to be invited depending on the agenda as follows:		
APPLICANT	Landscape Architect	Stephen Dale

	Architect	
	Ecologist	
	Engineer	
	Transport Consultant	
	Solicitor etc	
ARUN DC		
	Housing Strategy and Delivery Manager	
	Planning Solicitor Arun District Council	
	Environmental Services & Emergency Planning Manager (Open Space for Arun District Council)	
	Engineering Services (Drainage for Arun District Council)	
tbc	Environmental Health Officer	

Confidentiality

Outcomes of the Project Team meeting will be made available on ADC website where relevant. However, the minutes of the meetings will be confidential.

Appendix B: Project Plan

When submitted to the Council, it is anticipated that the Reserved Matters application will be accompanied by the following information (actual titles may differ):

Requisite planning application fee (£23,649);
 Completed application form for approval of Reserved Matters;
 Planning Statement;
 Affordable Housing Statement;
 Design & Access Statement;
 Plans and drawings of the proposed development including:

- Site Location Plan
- Layout plan
- Elevations
- Sections
- Street scenes
- House types
- Material finishes layout

- Boundary treatments
- Finished floor levels
- Parking plan

Landscape proposals

Landscape plan

Transport Statement

Statement of Community Involvement;

Biodiversity checklist

Details of internal road layout

General arrangement plans showing highways infrastructure

If the application is complete and submitted prior to 6th September 2017, the following dates will be relevant:

- 11/9/17 - submission & validation
- 13/9/17 - 21 day statutory consultation
- 20/9/17 - Press advert
- 11/10/17 - Advert expiry
- 23/10/17 - November committee agenda close (if required)
- 30/10/17 - November committee agenda printed (if required)
- 03/11/17 – November Planning Briefing Panel
- 15/11/17 - November planning committee (if required)
- 17/11/17 – December committee agenda close (if required)
- 27/11/17 – December committee agenda printed (if required)
- 01/12/17 – December Planning Briefing Panel (if required)
- 13/12/17 – December planning committee (if required)

In the event that there are no objections from statutory consultees, and the decision can be made under delegated powers, the decision shall be made by the end of November. If an objection is received by a statutory consultee, the application shall be considered at the December planning committee.

Following the reserved matters submission, the following information will be submitted to discharge Pre-commencement conditions associated with the Outline Planning Application (LPA ref. BE/18/17/PL):

- Surface water drainage strategy, including maintenance and management (conditions 5 & 6)
- Arrangements for future access & maintenance of any watercourse (condition 7)
- Landscape scheme including amenity space scheme, hard works, soft works, tree retention and protection measures (condition 9)
- Foul water drainage strategy (condition 14)
- Ecological enhancement scheme (condition 15)
- Landscape management plan (condition 17)
- Proposals, including maintenance, for public open space (condition 18)
- Renewable energy strategy (condition 20)
- Street lighting strategy (condition 21)
- Location of fire hydrant (condition 22)

- Travel Plan Statement (condition 28)

