

PROPOSED RESIDENTIAL DEVELOPMENT

CHALCRAFT NURSERIES, BOGNOR REGIS

June 2009











PLANNING & PROPERTY CONSULTANTS LTD

PROPOSED DEVELOPMENT WITH UP TO 70 DWELLINGS (UP TO 28 AFFORDABLE)

CHALCROFT NURSERY & ASSOCIATED LAND

CHALCRAFT LANE, NORTH BERSTED, BOGNOR REGIS

Design and Access Statement

June 2009

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ARUN DISTRICT COUNCIL BE/47/09/

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The Agents & The Applicant

PPC Planning & Property Consultants (The Agents) are an independent Chartered Town Planning practice established in 2003. We provide planning advice and services which include the preparation of Site Appraisal & Feasibility Reports, planning applications & drawings, planning appeals, Planning Enforcement cases as well as more general planning and property advice for a diverse range of clients.

The Practice was founded in 2003 by Paul Collins BA (Hons) DipTP MRTPI (Planning Director) who is a Chartered Member of the Royal Town Planning Institute (www.rtpi.org.uk) and has been a Planning Practitioner in West Sussex for over 25 years.

Orchard Enterprises (Southern) Ltd (The Applicants) are a firm of local developers who have instructed PPC to prepare and submit this application for outline planning permission in order that they may develop the site with residential development.

This Design & Access Statement accompanies the submitted application in accordance with relevant legislation and has been prepared on the basis of related government advice and guidance and the Councils Local Validation requirements.

The Site

The application site comprises 3 parcels of previously developed land with a combined site area of 2.5 hectares.

Parcel A is owned by Orchard Entreprises (southern) Ltd. Parcel B is number 78 Chalcraft Lane and its garden which is privately owned by P Cullen, S. Cullen & D. Groves of Orchent Entreprises (southern) Ltd.

Parcel C is owned by Chalcroft Associates LLP. The users of the site (Chalcroft Nurseries, Tropikoi Aquatic Centre and Outside Intervals) occupy the land and buildings comprising Parcel C by benefit of short term (less than 7 years) leases/ licenses granted by the freehold owners.



Aerial photograph showing site

ARUN DISTRICT COUNCIL BE/47/09/



Site Location Plan

The Application

The application the subject of this Design & Access Statement has been submitted in Outline and is for the demolition of all existing buildings and redevelopment of 1.75 Hectares of the site with up to 70 dwellings (with up to 28 affordable), 0.26 Hectares (2,634 sq metres) of public open space and the retention of 0.49 Hectares (4,900 sq metres) of land set aside for ecological enhancement/strategic landscaping.

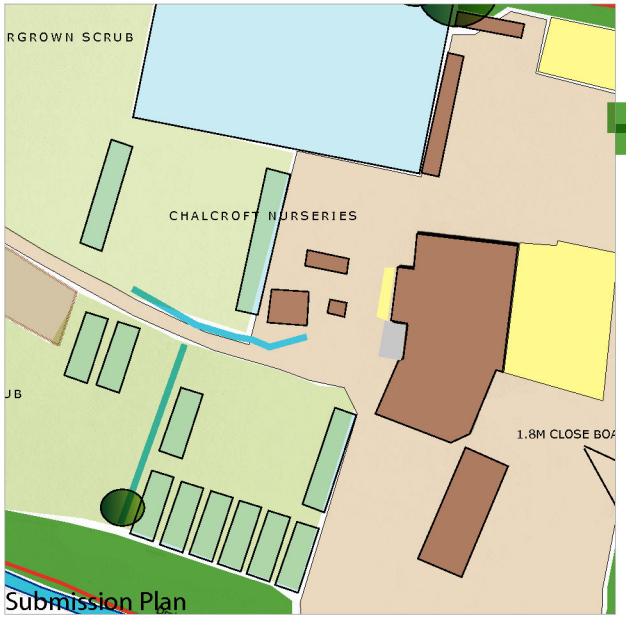
The number of dwellings proposed and the means of access to the site from Chalcraft Lane, form part of the outline application with layout, scale, appearance and detailed landscaping reserved for later approval in the event that outline planning permission is granted.

Although reserved for later approval, indicative plans/illustrations have been provided in accordance with relevant guidance in DCLG Circular 01/06 to demonstrate one way in which the site could be satisfactorily laid out with up to 70 x 2/3 bed dwellings (maximum 2.5 storeys) whilst reserving and providing specified areas for private amenity space, Public open space, ecology enhancement and strategic landscaping.

The Application comprises the following Statements & Plans:

- This Design & Access Statement
- Location Plan Scale 1:1250 (DRG NO 28.2008.01)
- Topographical Site Survey Scale 1:1000 (DRG NO 28.2008.02)
- Existing Block/Site Plan Scale 1:500 (DRG NO 28.2008.03)
- Indicative Proposed Block/Site Plan Scale 1:500 (DRG NO 28.2008.04)
- Proposed Site Access Plan Scale 1:200 (DRG NO 2009/1046/002)


Submission Plan



Submission Plan

The application is supported by the following Reports/Statements which have been used to inform the proposals and this Design & Access Statement:

- Tree survey & Aboricultural - Implications reports (separately bound)
- Ecological Scoping Survey – (separately bound)
- Transport Statement – (separately bound)
- Desk Top land contamination Report - (separately bound)
- Level 1 Flood Risk Assessment – (separately bound)
- Foul & surface water disposal strategy – (included in this Design & Access Statement)
- Loss of Retail Statement – (included in this Design & Access Statement)
- Affordable Housing Statement – (included in this Design & Access Statement)
- POS Statement – (included in this Design & Access Statement)

Draft Heads of Terms for a proposed S106 Unilateral Undertaking together with the suggested wording for a number of possible conditions relating to the control of these matters at detailed design stage (in the event that outline planning permission is granted) are provided for consideration by the Council at Section 4 of this Design & Access Statement.



Submission Plan


Submission Plan

Section 1. Assessment



This section assesses the physical, and historical and planning policy context for the application site and the consideration/determination of the submitted proposals.

In summary the physical context of the site and its planning history result in it being a small self contained previously developed land site adjacent to the existing built up area of a sustainable urban settlement which is available/suitable for housing and achievable in PPS3 Housing terms.

As such it is considered that the development of the site with residential development would accord with relevant national planning policy as well as adopted South East Plan Policies and that its release for housing development now (rather than much later via the ongoing LDF process) is justified given the critical housing needs and supply shortfalls in the area and would accord with PPS3 Housing.

Physical Context

1. The application site lies to the south of the settlement of North Bersted immediately adjacent to the north western edge of the urban area of Bognor Regis of which North Bersted now forms part.

2. In July 2007 Arun District Council published a "Settlement Sustainability Study" as a background document to the emerging Local Development Framework (LDF) that the Council is in the process of producing for the district (see "Planning Context - Planning Policy & other material considerations" later in this statement). The purpose of the study was to give "a clear, if rather simplified consideration of the most sustainable locations in the District." (Paragraph 1.3) and "overall the study results provide a broad indication of each settlement's sustainability and 'self containment'; assessing how far people can meet their basic daily needs within walking distance and within the settlement that they live." (Paragraph 6.7).

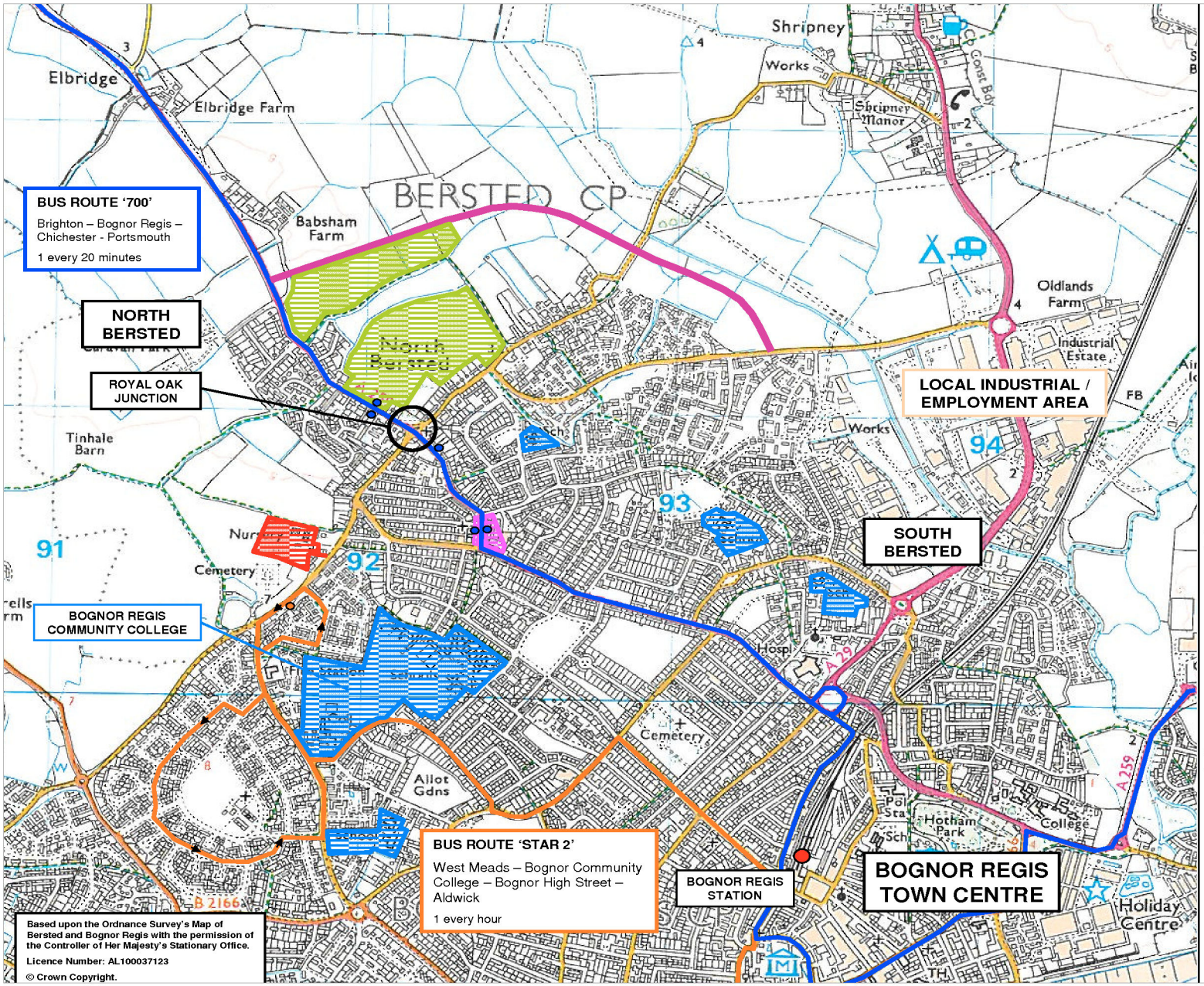
3. The study concludes that Bersted is one of the districts larger settlements which when compared to other settlements provides its residents with very good, good and/or fair range of facilities within walking distance, and/or accessibility to same by public transport and is therefore a suitable location for new housing. Table 7.5 from the results section of the Study is copied below.

4. It is recognised that by necessity this study takes a broad brush district wide approach to comparative sustainability so in preparing this application the study

Facility	Score	Accessibility Category
Bank	0.04	Very Poor Accessibility
Bus	2.37	Very Good Accessibility
Community Hall	2.00	Very Good Accessibility
Food Store	2.11	Very Good Accessibility
Further Education Institution	1.48	Fair Accessibility
G.P. Surgery	1.96	Good Accessibility
Petrol Station	1.52	Good Accessibility
Pharmacy	2.37	Very Good Accessibility
Place of Worship	2.15	Very Good Accessibility
Post Office	2.37	Very Good Accessibility
Primary School	2.22	Very Good Accessibility
Secondary School	1.48	Fair Accessibility
Train Station	0.33	Very Poor Accessibility

results have been updated and the sustainability and accessibility credentials of the proposed housing site have been analysed in more detail as part of the submitted Transport Statement. The relevant Plan which summarises the sustainability credentials of the site is set out overleaf which clearly demonstrates that the application site is in a highly sustainable location abutting the sustainable settlements of North Bersted and Bognor Regis.

Sustainability and Accessibility Plan



LEGEND

- SITE
- BUS
  - Local Bus Stops
  - Existing Star 2 Bus Route
  - Existing No.700 Bus Route
- RAIL
  - Local Rail Stations
  - Railway Line
- PEDESTRIAN LINKS
  - Existing Pedestrian/Cycle Route
- LOCAL SERVICES
  - Local Retail Facilities
  - Local Educational Facilities
- LOCAL PROPOSALS
  - Site 6 Development Areas
  - Bognor North Relief Road
- Assessed Junctions

Transport Planners and Civil Engineers
Primrose Place
Portsmouth Road
Godalming
Surrey GU7 2JN

Orchard Enterprises (Southern) Limited

Chalcroft Nurseries, Chalcraft Lane, North Bersted, Bognor Regis

Site Location & Accessibility Plan

Plan No:	Job No:	Date:	Scale:
Plan 01	09/1046	May 2009	1:12500
Drawn By:	**Checked By:**	**Approved By:**	**Rev:**
SAJ	KFM	CMB	-

5. The site is bounded on two sides by existing development at Chalcraft Cemetery to the south and the predominately post-war residential suburbs of Bognor Regis to the east.



Aerial photograph of site and surroundings

6. The northern and western site boundaries adjoin undeveloped countryside (or "Greenfield land") but the settlement area of North Bersted lies only 125 metres to the north and physically encloses much of the land in the immediate vicinity of the site giving the area a character and appearance which is heavily influenced by its urban surroundings.

7. Parcel C (Chalcroft Nurseries) is currently occupied by existing buildings and structures, including retail units and display areas, polytunnels and related buildings and hard surfaced car parking and other areas with the remainder of the site within the site boundaries being given over to vehicular access from Chalcraft Lane and overgrown scrub land which conceals pockets of dumped debris and rubbish deposited by previous occupiers over many years and areas of localised contamination.

8. Number 78 Chalcraft Lane comprises a house and garden (Parcel B within the application site) and the eastern boundaries of Parcel C abut existing 2 storey dwellings/Flats and a large 2.5 storey Care home. Access to number 78 is via a private right of way onto Chalcraft Lane.

9. Access to Parcel C is via an existing tarmac road located between no's 88 and 92 Chalcraft Lane. This access road is approximately 5.5 metres wide and is bounded to the south by an open grassed area (Parcel B) which accommodates existing signage for Chalcraft Nursery and forms part of the application site.


Aerial photograph of site

Existing Site Layout



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KEY

- THE SITE 2.5 HA
- EXISTING BUILDINGS 1130 SQ M FLOORSPACE
- POLYTUNNELS 2162 SQ M
- DISPLAY/STORAGE AREAS 1125 SQ M
- GRAVEL 6005 SQ M
- EXISTING BOUNDARY PLANTING AS IDENTIFIED IN CBA TREES' TREE SURVEY REPORT
- INDIVIDUAL DECIDUOUS AND EVERGREEN TREES IDENTIFIED IN CBA TREES' TREE SURVEY REPORT
- DITCHES
- DISCARDED DEBRIS
- PUBLIC RIGHT OF WAY
- PRIVATE RIGHT OF ACCESS
- EXISTING VEHICULAR ACCESS FROM CHALCRAFT LANE
- AMENITY GRASSLAND

10. The previously developed nature of the site together with its close proximity to the eastern edge of the main urban area results in the site being urban in character and appearance which contrasts with the Greenfield land immediately to the north and west which is open, undeveloped and distinctly rural in appearance and character. The application site is also visually and physically self contained and separate from the surrounding land and also benefits from an independent existing access onto Chalcraft Lane.

11. The northern boundary of Parcel C is defined by a public footpath and drainage ditch (which are outside the application site) and an approximately 8 metre high landscape screen planted along/both sides of the site boundary. This comprises trees and hedging including hawthorn, Elder, Ash, Oak and Flowering Cherry.

12. The western boundary of Parcel C is defined by a drainage ditch (also outside the application site) and an approximately 6 metre high landscape screen planted along/ both sides of the site boundary. This comprises a broad mix of mature hedgerow species interspersed with Oak, Elder, Ash, Field Maple, Goat Willow visually dominated by a central group of approximately 9 metre high Field Maple Trees.

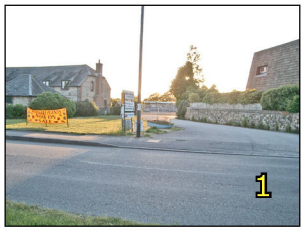
13. The southern boundary of Parcel C is also defined by a drainage ditch (also outside the application site) and an approximately 5 metre high landscape screen planted along and both sides of the site boundary. This comprises a broad mix of Honeysuckle, Elder, Goat Willow, Holly, Flowering Cherry, Box, Poplar, Laurel & Hornbeam.



Existing development on site


Dense boundary planting

Photographic Appraisal



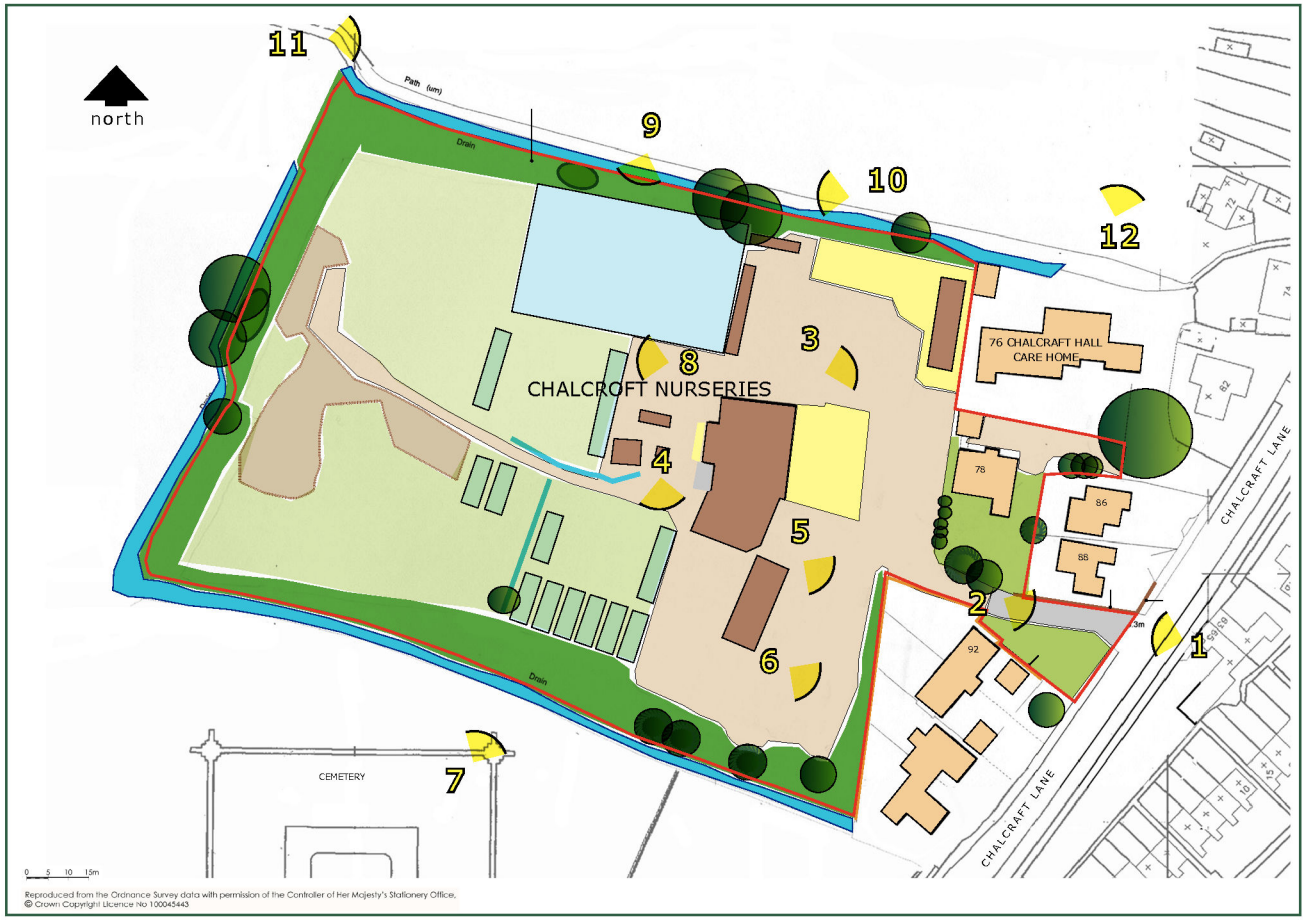
EXISTING ACCESS FROM CHALCRAFT LANE



ENTRANCE DRIVE TO CHACROFT NURSERIES



LOOKING EAST TOWARDS CHALCRAFT HALL CARE HOME





LOOKING NORTH TOWARDS THE JUBILEE PLAYING FIELDS



VIEWS TO EAST BEYOND THE SITE BOUNDARY



LOOKING WEST ALONG THE PUBLIC FOOTPATH



LOOKING SOUTH TOWARDS THE CEMETERY



SITE BOUNDARY WITH NOS 92 & 94 CHALCRAFT LANE



BOUNDARY WITH NOS 96 & 98 CHALCRAFT LANE



SOUTHERN BOUNDARY OF THE SITE FROM THE CEMETERY



LOOKING WEST ACROSS THE SITE



LIMITED VIEWS OF THE SITE FROM THE PUBLIC FOOTPATH

Planning Context

The Relevant Planning History of the Site

14. Parcel C benefits from planning permissions and a Certificate of lawfulness (CLE) in respect of its use as a shop and outside sales area for garden products, a shop/pollytunnel currently specialising in the sale of tropical cold water fish and associated aquatic items. (Council references: BE/24/95 & BE/156/07/CLE)

15. The remainder of the front part of the site benefits from a lawful use as a car park in association with these A1 retail uses and the rear part of the site benefits from a lawful use as a nursery comprising growing tunnels, office caravan, store and land.

16. The land to the rear is within the same ownership and curtilage as the A1 Retail and car park areas at the front of the site and therefore this part of the site together with parcels A & B are "previously developed land" as defined in Annex B of PPS3 Housing which reads as follows:

'*Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.*'

17. Chalcraft Nursery itself formed part of a larger site (Parcels C & D) which was the subject of 2 previously unsuccessful outline planning applications for 140 and 137 dwellings submitted by previous owners of the site.

18. The most recent of these was Council reference BE/136/06 for 132 affordable dwellings which was refused outline planning permission by the Council on 20 March 2007 on the basis that the site lay outside the built up area and within a Strategic Gap as defined in the Arun District Local Plan adopted in 2003 and was not allocated for residential development. The promoters of that scheme also failed to satisfy the Council that the scheme then proposed could be undertaken in a satisfactory manner against a range of technical criteria.

19. There have been important and significant material changes to the policy context for the consideration/determination of such housing proposals since 2007 which are fully explained under the heading "Planning Policy & other material considerations" that follows.


Existing retail use


Existing retail use

Planning Policy & other material considerations

20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

21. On 6 May 2009 the Development Plan for Arun District for the purposes Section 38(6) became the South East Plan (SEP) and the "saved" policies in the Arun District Local Plan adopted in 2003.

Compliance with the South East Plan

22. The South East Plan sets the regional strategic planning framework for the period 2006 to 2026. The Plan sets out a Spatial Strategy for the whole South East Region with cross-cutting Policies that apply throughout the region. In addition, the Plan includes nine sub-regional strategies for defined areas. Arun District is within the Sussex Coast sub-region.

23. The proposals which are the subject of this application involve development comprising up to 70 dwellings on a sustainably located, previously developed land site adjacent to an existing urban area.

24. The proposed development is not of a scale which is of Regional, sub regional and/or district wide significance and a number of the Spatial Strategy policies (SP policies) Cross cutting Policies (CC Policies) and/or Sussex Coast Sub- regional Policies (SCT Policies) do not, therefore, provide a specific guide for the determination of the submitted application.

25. Notwithstanding the above, as a matter of principle the submitted proposals are considered to be fully consistent with the aims of Regional Spatial Strategy Policy SP3

POLICY SP3: URBAN FOCUS AND URBAN RENAISSANCE

The prime focus for development in the South East should be urban areas, in order to foster accessibility to employment, housing, retail and other services, and avoid unnecessary travel.

Local planning authorities will formulate policies to:

i. concentrate development within or adjacent to the region's urban areas

ii. seek to achieve at least 60% of all new development across the South East on previously developed land and through conversions of existing buildings

iii. ensure that developments in and around urban areas, including urban infill/intensification and new urban extensions are well designed and consistent with the principles of urban renaissance and sustainable development

iv. use strategic land availability assessments to identify the scope for redevelopment and intensification of urban areas, seeking opportunities for intensification around transport hubs and interchanges.

26. It is also considered that the submitted proposals are consistent with the aims of the cross cutting and themed policies of the SEP (where these are relevant) notably those relating to sustainability, climate change, the environment, Housing, Transport and Natural Resource Management and Social and Community Infrastructure.

27. The section of the South East Plan most directly relevant to Arun District is the sub-regional strategy set out for the Sussex Coast. This interprets and adds to the higher order policies and the submitted proposals are considered to be fully consistent with policies SCT1-SCT7 (where these are relevant).

28. Policies SCT 5 & SCT6 are considered the most relevant to the determination of the submitted

POLICY SCT5: HOUSING DISTRIBUTION

Local planning authorities will allocate sufficient land and facilitate the delivery of 69,300 net additional dwellings in the Sussex Coast between 2006 and 2026.

In managing the supply of land for housing and in determining planning applications, local planning authorities should work collaboratively to facilitate the delivery of the following level of net additional dwellings in the sub-region:

Arun District - Annual average 565 pa (net) equating to 11,300 dwellings 2006 - 2026

Most of the development should be focused on existing towns by optimising the use of previously developed land and, where necessary, by making new land allocations as sustainable extensions of existing towns (including appropriate provision for employment uses, local services and facilities and open space).

29. When read in conjunction with Policy SP3, Policy SCT5 makes it clear that in providing for SEP Housing requirements the first priority should be to optimise the use of previously developed land within or adjacent to urban areas through the grant of planning permissions for available, suitable and achievable sites (in accordance with PPS3) and that the subsequent priority is to allocate land for sustainable urban extensions where this is considered necessary.

30. Policy SCT6 Affordable Housing states that as a general guideline, 40% of the new housing development provided to meet the districts requirements should be affordable. This supersedes the previous lower target for the district set out in the Arun District Local Plan, a subsequent "Interim Statement" produced by the Council which derived from the now superseded Structure Plan and generic guidance in PPS3 respectively.

31. For the reasons set out elsewhere in this Statement the submitted proposals are considered to be consistent with and/or fully compliant with the relevant policies of South East Plan which now forms part of the development plan for the purposes of Section 38 (6)

Compliance with "Saved" Policies in the Arun District Local Plan 2003

32. The Local Plan adopted in 2003 forms part of the development plan for the purposes of Section 38 (6) and contains "saved" Policies relevant to the determination of the submitted application.

33. The proposals the subject of this application have been prepared in compliance with the adopted Policies of the South East Plan which in turn was prepared and adopted on the basis of the most up to date government Planning Policy Statements, circulars and guidance.

34. As a result whilst the principles and details (where provided) of the submitted outline proposals accord with the most up to date national planning policy, adopted South East Plan Policies and are broadly consistent with the aims of many of the theme based "saved" local plan policies, they do conflict with "saved" Local Plan Policies GEN 2 Built up area boundary (and therefore GEN 3), AREA 10 Strategic Gaps as well as the specific wording of some of the now out of date "saved" theme policies in the 2003 Local Plan.

Other material considerations

35. The age of the "saved" 2003 Local Plan Policies is a significant material consideration in this case

36. Paragraph 10 of PPS1 "The Planning System: General Principles" reads as follows:

"Local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision. One such consideration will be whether the plan policies are relevant and up to date. The 2004 Act provides that if there is a conflict between policies in an RSS or policies in a DPD, the most recent policy will take precedence."

37. The application site lies outside of the built up area and within a strategic gap as defined by the Arun District 2003 Local Plan.

38. The built up areas in the 2003 plan were, however, defined according to the development needs and priorities of two previous (but overlapping) County Structure Plans which were superseded with the adoption of the SEP and the strategic gap policy boundary was defined in accordance with a now superseded policy in the last County Structure Plan and the SEP explicitly/deliberately excludes any reference to the protection of any gaps between settlements other than those already designated as Green Belts.

39. In view of paragraph 10 of PPS1 and the fact that the proposals seek to optimise the use of a previously developed land site adjacent to an existing urban area for housing to meet the districts future requirements in accordance with relevant and up to date SEP Policy, it is considered that any perceived conflict with the built up area and strategic gap policies (and all others that rely on same) in the 2003 Local Plan should be afforded very limited weight in the determination of this application.

40. Relevant and up to date Government Planning Policy Statements published since 2003 are considered to be significant material considerations in this case. These include:

Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1, Planning Policy Statement 3: Housing, Planning Policy Statement 9: Biodiversity and Geological Conservation, Planning Policy Statement 12: Local Spatial Planning, Planning Policy Statement 22: Renewable Energy, Planning Policy Statement 23: Planning and Pollution Control and Planning Policy Statement 25: Development and Flood Risk

41. Paragraphs 11 & 13 of PPS1 read as follows:

11. "In principle...any consideration which relates to the use and development of land is capable of being a planning consideration. Whether a particular consideration falling within that broad class is material in any given case will depend on the circumstances" (Stringer v MHLG 1971). Material considerations must be genuine planning considerations, i.e. they must be related to the development and use of land in the public interest. The considerations must also fairly and reasonably relate to the application concerned (R v Westminster CC ex-parte Monahan 1989).

13. The Courts have also held that the Government's statements of planning policy are material considerations which must be taken into account, where relevant, in decisions on planning applications. These statements cannot make irrelevant any matter which is a material consideration in a particular case. But where such statements indicate the weight that should be given to relevant considerations, decision-makers must have proper regard to them. If they elect not to follow relevant statements of the Government's planning policy, they must give clear and convincing reasons (E C Grandsen and Co Ltd v SSE and Gillingham BC 1985).

42. In view of these paragraphs in PPS1 and the outline nature of the application, the submitted proposals have been prepared in accordance with the most up to date national Planning Policy Statements and SEP Plan policies (where these are relevant) in preference to the out of date 2003 Local Plan policies as it is considered that any perceived conflict between the submitted proposals and those out of date policies should be afforded very limited weight in the determination of this application.

43. The most significant material consideration relevant to the determination of this outline application for Housing is considered to be PPS3 Housing which has been a material consideration in the determination of planning applications for housing since April 2007 and its requirement for the Council to identify and maintain a rolling five-year supply of deliverable land for housing starting from the date of 1st April 2007 (Paragraphs 7 and 68 to 74), particularly in connection with the determination of individual planning applications.

44. Unlike many other Councils, Arun District Council has not published a clear statement regarding the 5 year housing land supply position for the purposes of PPS3. The Council has not published any 5 year requirement/supply calculations for the period 1st April 2007 – 31st March 2008 as required by PPS3 Housing and the relevant 5 year period for the purposes of PPS3 in respect of the submitted application is 1st April 2008 – 31st March 2013 since actual housing completion figures for the period 1st April 2008 – 31st March 2009 have not yet been published by West Sussex County Council.

45. In September 2008 the council lost an appeal in respect of an outline application for the erection of 59 dwellings on a previously developed land site on the edge (but outside of) an existing sustainable settlement (Ref: APP/C3810/A/08/2069053/ Y/37/07). In upholding the appeal the Inspector commented that:

> *"Evidence to the inquiry showed that the shortfall in Arun District was either 16% of the Structure Plan housing requirement or 20% of the emerging South East Plan requirement based on a 2007 start date for the 5 year land supply; the shortfall rises to 24% or 29% if a start date of 2008 is used. I consider that all these figures confirm a significant deficit in housing land supply"*

46. In December 2008 the Council published its Annual Monitoring Report (AMR) for 2007 – 2008 which asserts that for the period 1st April 2009 – 31st March 2014 the Council can demonstrate a supply of 2820 dwellings net against a requirement for the same period of 2756 (net) (102.32%). These figures present a number of difficulties when attempting to use them for PPS3 purposes.

47. The monitoring period (2009 – 2014) used provides no comparable data which can be used to assess the need for a continuous, rolling 5 year calculation from 1st April 2007 for the purposes of PPS3.

48. The requirement figure used in the AMR is based on the now superseded (and lower) Structure Plan figures rather than the now adopted SEP (higher) figures.

The correct requirement figure for the 5 year period 2008 – 2013 based on the SEP requirement is as follows:

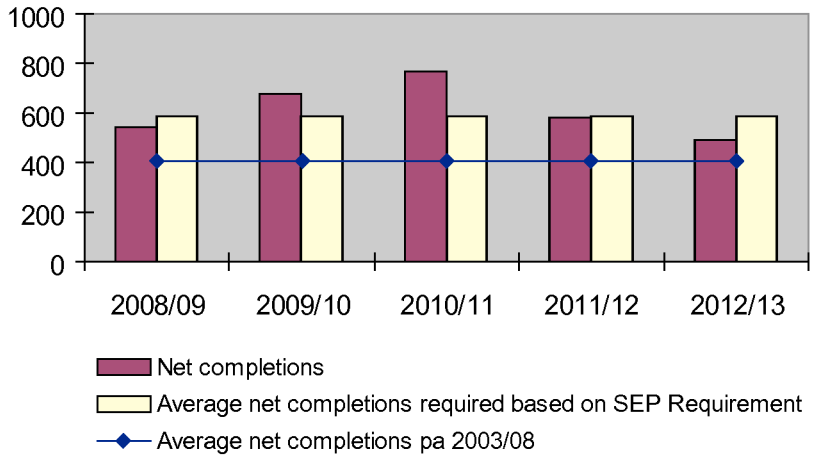
5 year supply as stated in the Councils AMR including completions from SHLAA Sites

Structure Plan Requirements 2001 – 2006	Dwellings	Calculation
Structure Plan Requirement mid 2001 – 31st March 2006 (a)	2680	536 pa (net) x 5 years
Dwellings actually built mid 2001 – 31st March 2006 (b)	2468	An average of 493 pa (net)
Residual Structure plan requirement @ 31st March 2006	212	2680 net required - 2468 actually built (net)
SE Plan Requirement 2006 - 2026	Dwellings	Calculation
11300 + residual SP 212 deficit (575 pa net)	11502	
Net Dwellings actually built 1st April 2006 – 31st March 2008 (b)	909	454 pa net
SE Plan Residual Requirement 2008- 2026 @ 31/3/2008	10601	10601/18 years = 589 pa net (rounded)
5 Year Requirement 1st April 2008 – 31st March 2013	2945	589 pa net x 5 years

Table 2 Sources
(a) Structure Plan Policy NE1 and WSCC Gross and Net Housing Provision Figures by District
(b) West Sussex Net dwelling Completions by District Mid 2001 – 31st March 2008

49. The stated supply figure in the AMR for the period 2008 – 2013 is 3057 which represents an over supply against SEP requirements but this assumes 345 projected completions from SHLAA sites in the period 2010 – 2013.

50. The Councils SHLAA has not yet been published, none of the sites have been identified and none benefit from planning permission at the time of the study. Therefore these sites have not progressed sufficiently through the planning system at the time of this study for projected net completions from them to be included in a PPS3 5 year supply calculation as this can only include identified sites which are available, suitable and deliverable at the time of the study.



5 Year Requirement Calculation for 1st April 2008 – 31st March 2013 based on the adopted SE Plan
(All figures are net)

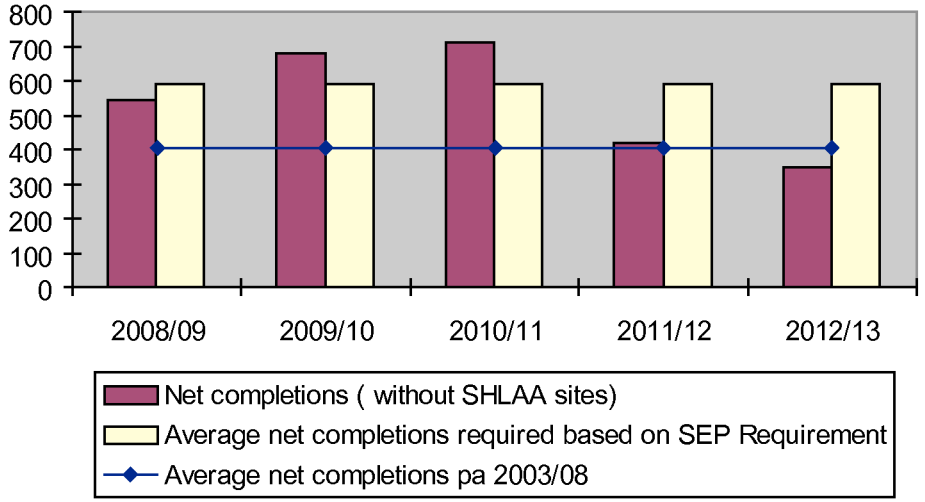
51. Equally no information has been published to demonstrate that the projected annual net completions from the stated supply sites at the time of the study is realistic and achievable as required by PPS3. Achieving the stated supply would require an annual delivery rate of 611 net completions per annum whereas the average annual net completion rate for the previous 5 year period 2003 – 2008 was just 406 net completions pa.

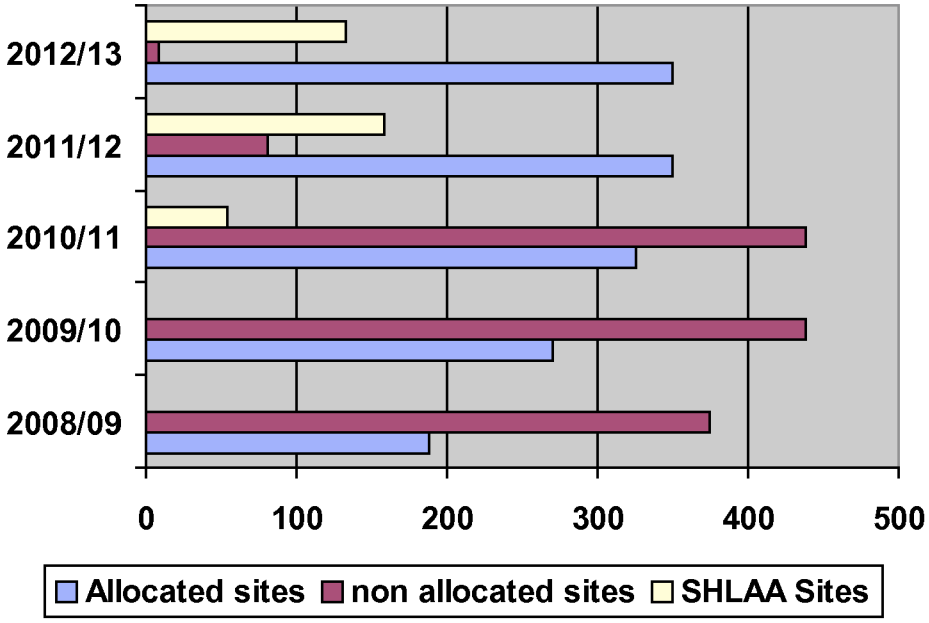
52. If the SHLAA sites are removed from the 5 year supply figures the Councils anticipated supply for the period 1st April 2008 – 31st March 2013 is 2712 net or (542 pa net rounded) which represents a shortfall in the 5 year supply against SEP requirements.

53. Moreover the stated supply is heavily dependent on 1484 completions (297 pa rounded) from large sites allocated in the existing Local Plan. This not only means that 48% of the stated supply will need to come from this single source but also that if these large sites do not deliver housing at the pace expected the 5 year supply for the purposes of PPS3 will decrease rapidly year on year.

54. The delivery of housing on large allocated sites is not only dependant on very significant infrastructure requirements but would also trigger the delivery of that infrastructure and in the current economic climate it seems unrealistic to rely on developers being financially able to deliver housing on those sites at the rate required.

55. In January 2009 the Council lost another appeal in respect of an outline application for 24 dwellings on a Greenfield site in a defined strategic gap adjoining another sustainable settlement in the district. (Ref: APP/C3810/A/08/2085759/ LU/85/08). In upholding that appeal the Inspector commented that:





"It is not contested that the Council has a 15% (or just less than 1 year) shortfall in its 5 year housing land supply. Paragraph 71 of Planning Policy Statement 3 (Housing) states that where there is not a 5 year supply of deliverable sites the Local Planning Authority should look favourably on applications for permission for housing. Paragraph 72 goes on to say that applications should not be refused solely on the grounds of prematurity."

8. However, the Council maintains that the shortfall is less than it appears. They originally withdrew their Core strategy because the SESP allocated an additional 2000 houses for Arun which suddenly increased the apparent shortfall. They have also had a historically high level of windfall sites and have undertaken a Strategic Housing Land Availability Assessment (SHLAA) to identify all future housing sites, including as many potential windfall sites as possible, so that they can be included in the land supply figures. The SHLAA is due before the Council in 3 months time. This will then provide the Council with a clear picture of housing land availability in the short term.*

9. In the longer term the Council are proposing major housing allocations at North Littlehampton and Bognor. There is also the possibility of an eco-town at Ford, although the Council are resisting this. However, I do not think these longer term uncertainties have any great relevance to the immediate 5 year supply of housing land……..

10. In the short term I share the view of the Inspector in another recent appeal (2062314) who took a pessimistic view of the chances of the existing large Bognor sites producing the anticipated completion rates. Bognor SITE 6 is intended to produce 1500 or so houses, but requires a new by-pass to be built and is at outline stage at present. It seems to me highly likely that in the present economic climate completion of this site will be significantly slowed. This will have an impact on the shortfall figures and increase pressure on the Council to identify sites that are available for development without major infrastructure problems……..

11. I cannot fault the Council for wishing to plan coherently for the future of housing in the district but it is quite possible that the SHLAA will recommend the appeal site for development, especially as that was the view of the Council's officers in this appeal. Nevertheless, the SHLAA is not due to report for 3 months, and that is only one stage in the process. It would still seem to me to be some time before the Council is able to confidently address the current shortfall. I thus conclude that the Council does have a shortfall of 15% and although they are taking steps to deal with this, it might well get worse in the short term, and there is no certainty that the SHLAA will resolve the problem as quickly as the Council suggest."

*Authors note: The Councils SHLAA has not yet been published at the time of submission (June 2009) some 3 moths on from the date anticipated by the Council at the time of this appeal

56. As we have indicated elsewhere in this statement, this application has been submitted on the basis that the proposals accord with the most up to date SEP Policies and Government Planning Policy Statements and as such it is highly likely that it would be identified in the SHLAA for development but it is also considered that the Councils overly optimistic and unrealistic assertions about its albeit short term inability to demonstrate a 5 year housing land supply simply adds further material weight to that view in accordance with paragraph 71 of PPS3.

57. The subject site is a small, self contained, available, suitable and achievable housing site that should be released for housing now in accordance with the most relevant policies in the development plan and other policies in PPS3 Housing (paragraphs 54 and 69) as envisaged by the Inspector in this appeal decision as the lack of major infrastructure issues would mean that it could be delivering much needed open market and affordable housing in the short term whilst the infrastructure issues relating to other more ambitious strategic housing sites are resolved via the ongoing LDF process.

58. The fact that the Council has commenced the preparation of an LDF is a material consideration. Paragraphs 14 & 17 – 19 of PPS1 read as follows:

Emerging policies, in the form of draft policy statements and guidance, can be regarded as material considerations, depending on the context. Their existence may indicate that a relevant policy is under review; and the circumstances which have led to that review may need to be taken into account.In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD. A proposal for development which has an impact on only a small area would rarely come into this category. Where there is a phasing policy, it may be necessary to refuse planning permission on grounds of prematurity if the policy is to have effect.

Otherwise, refusal of planning permission on grounds of prematurity will not usually be justified. Planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging DPDs. The weight to be attached to such policies depends upon the stage of preparation or reviews, increasing as successive stages are reached.

For example:

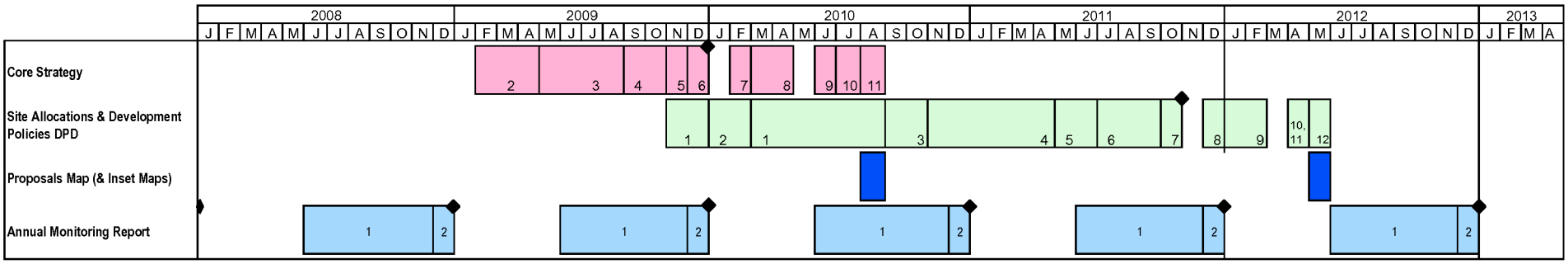
• Where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay which this would impose in determining the future use of the land in question.

• Where a DPD has been submitted for examination but no representations have been made in respect of relevant policies, then considerable weight may be attached to those policies because of the strong possibility that they will be adopted. The converse may apply if there have been representations which oppose the policy. However, much will depend on the nature of those representations and whether there are representations in support of particular policies.

Where planning permission is refused on grounds of prematurity, the planning authority will need to demonstrate clearly how the grant of permission for the development concerned would prejudice the outcome of the DPD process.

59. The Councils LDF process and timetable as described in the (recently) approved Local Development Scheme (LDS) is set out below. Currently the Council is still gathering evidence to support the Draft Core Strategy. The Council has published a number of background Studies which include the Arun Housing Needs Survey 2003, Affordable Housing Viability Study 2005, Affordable Housing Viability Study 2006, Economic Viability of Affordable Housing Options - Update Study 2007 Urban Housing Potential Study for Arun District 2006,, Arun and Chichester - Assessment of Employment Needs 2005, Coastal Districts Retail Study 2005,Arun District Shopping Centre Survey and Indicative Shopping Centre Hierarchy 2006, Arun District Strategic Transport Study 2006, Settlement Sustainability Study 2007, Landscape and Visual Amenity Aspects of Development Choices in Arun District 2006, Habitat Study in Arun District, Gypsy, Traveller and Travelling Show People Sites Study, West Sussex Travelling Show People Study and the West Sussex Gypsy and Traveller Accommodation Assessment and the Strategic Flood Risk Assessment. These studies and their findings have all been taken into account when preparing the submitted scheme.

LDS Timetable Issue 4



Core Strategy

1 - Evidence gathering
2 - Regulation 25 consultation
3 - Preparation of Submission Core Strsategy and SA
4 - Pre-Submission Publication
5 - Preparation of additional submission material
6 - Submission
7 - Pre-examination meeting
8 - Examination
9 - Inspectors report - check
10 - Inspectors report - formal
11 - Adoption

Site Allocations and Development Policies DPD

1 - Evidence gathering
2 - Regulation 25 consultation
3 - Options Consultation
4 - Preparation of Submission Core Strsategy and SA
5 - Publication of proposed submission document and SA
6 - Preparation of additional submission material
7 - Submission
8 - Pre-examination meeting
9 - Examination
10 - Inspectors report - check
11 - Inspectors report - formal
12 Adoption

Annual Monitoring Report

1 - Preparation of AMR
2 - Date of Submission to S of S

- Update Proposals Map on Adoption of DPDs

- Milestone

60. The LDS, however, makes it clear that a number of other studies will need to be completed before the Draft Core Strategy can be prepared. These include the Strategic Housing Land Availability Assessment, Sub-Regional Housing Market Assessment, Open Space, Sport and Recreation Study, Urban Design and Landscape Study, Infrastructure, Delivery and Funding Study, Strategic Transport Modelling Update and the Appropriate Assessment Report

61. The Core Strategy is the LDF document that will set out the long term spatial vision and strategy for the District up to 2026 and the broad location/s or Strategic site allocations to deliver the district housing requirements as set out in the Regional Spatial Strategy and the timetable states that this will be submitted for examination in December 2009 with adoption currently anticipated in August 2011.

62. The Council has undertaken the "Arun Core Strategy Options for Growth Consultation" ("Regulation 25 Consultation") in accordance with the LDS. This took place between February and April 2009 and the key aim was to set out and consult upon the strategic options in order that the Council could decide which of these would be put forward in the Draft Core Strategy to be submitted for examination in December 2009.

63. The Consultation document identifies 3 options available to the Council. Option 1 identifies large areas of Greenfield land outside of Bognor Regis and Littlehampton where development growth could take place in the form of "Sustainable Urban Extensions" in order to accommodate a combined total of 4,500 dwellings with the remainder of the housing requirement being accommodated on smaller Greenfield land sites on the edge of larger villages elsewhere in the district. (Paragraph 4.37 in Part D Spatial Options for Growth).

64. The application site is situated within the large area (125 hectares) of land lying North West of Bognor Regis identified in the Consultation document as an "Sustainable Urban Extension" for 2,500 dwellings as part of Option 1. The Consultation document, however, wrongly concludes at Appendix 4 that there is no previously developed land within the site/search area implying that any site within the search area would require a prior allocation through the LDF process in order for development to take place.

65. At the time of writing the results of the public Consultation are still being analysed and have not been published and it is understood that the Council will not be publishing a pre submission draft Core Strategy until November 2009.

66. Clearly the emerging LDF is still at consultation stage and has not yet progressed to a point where it could be considered to be a material consideration of any significant weight for the purposes of determining planning applications. There are 3 competing Options for locating strategic scale Greenfield development in the district are still under consideration, the Draft Core Strategy has not yet been written and its submission for examination is still some way off. What is more even when submitted for examination it is highly likely that the strategic option finally chosen for inclusion will be subject to significant opposition and representations given the scale of the choices available.

67. The application site is 2.5 hectares in area and therefore represents a very small percentage of the 125 hectare land area currently being considered for release as a strategic scale urban extension and the release of the small, previously developed land site the subject of this application for development could not, reasonably, be said to prejudice the emerging Core Strategy by predetermining decisions about the scale, location or phasing of new development which are being considered as part of that process particularly as the submitted scheme is capable of being designed in a way that makes it self contained in terms of providing its own infrastructure and access arrangements and the fact all of the Strategic options available still make it necessary for land to be identified for small scale housing proposals.

68. The application site represents a small – scale housing site situated (in part) just outside the existing defined built up area and the Councils LDS indicates that decisions about the allocation of such sites will be made via the "Site Allocations & Development Policies DPD which will identify the location of small-scale housing allocations both within and outside the defined Built up Area Boundary."

69. Currently the LDS indicates that work on this DPD will not commence until November 2009 with adoption not expected until May 2012. For the reasons given earlier in this statement it is considered that the affordable and market housing shortfalls in the district are such that available, suitable and achievable small scale housing sites of the type proposed should not be delayed whilst the LDF process runs it course particularly as all 3 of the Strategic growth options envisage that further smaller scale housing sites would be required regardless of which one is chosen as part of the Core Strategy.

70. In our view artificially preventing/inhibiting or delaying the delivery of small previously developed land sites like the application site pending the determination of choices regarding strategic Urban Extensions on Greenfield land would be contrary to the aims of SEP Policy SP3 and more particularly SCT5 which make it clear that " Most of the development should be focused on existing towns by optimising the use of previously developed land and, where necessary, by making new land allocations as sustainable extensions". Arguably these policies combined with bullet point 5 at paragraph 69 of PPS3 Housing suggest that it is applications and decisions relating to the release of large areas of Greenfield land as Strategic Urban Extensions that would be premature prior to the options available for optimising the use of previously developed land have been fully explored and not the other way around.

Prior Consultation

71. In view of the planning history relating to the site the Council were invited to provide an Environmental Impact Assessment screening opinion prior to the submission of the application. In their written response dated 3 June 2009 the Council confirmed our opinion that an EIA was not be required given the limited scale of the proposals and their limited impact on the area beyond the site and its immediate environs.

Section 2. Evaluation



Successful residential design is not solely dependent on the aesthetics of the final buildings but also depends on the degree to which the development responds to the opportunities and constraints presented by the Physical and Planning Policy context for the site and its environs. This section therefore evaluates the opportunities and constraints presented by the site and its surroundings and the balance to be struck when addressing these sometimes competing considerations.

In summary it is concluded that the opportunities presented by the site for residential development outweigh the constraints on such a use as all constraints identified can be addressed through scheme design.

Land Use Opportunities & Constraints

72. The site is previously developed land situated adjacent to a predominately residential urban area and is in a highly sustainable location, within easy walking & cycling distance of a range of schools, shops and recreational and employment areas.

73. The Council has an urgent (albeit short term) need to make provision for available, suitable and achievable housing sites in order to maintain a continuous 5 year supply whilst longer term decisions regarding the location of major strategic development sites are made through the ongoing LDF process and this site therefore provides an opportunity for the Council to identify a site capable of delivering a limited amount of housing in the short term.

74. Moreover successive Arun District Council Housing Needs Studies and the West Sussex Strategic Housing Market Assessment, May 2009, highlight critical net annual affordable housing needs in the district. Currently this amounts to 658 dwellings pa which significantly exceeds the total annual housing requirement

75. This site therefore provides an opportunity to provide much needed market and affordable housing in the short term without prejudicing longer term strategic solutions.

76. The applicants are local developers who intend to pursue the site from planning through to construction and sale. The site is also relatively small and self contained with very few physical infrastructure requirements that would delay construction.

77. Currently on the assumption that outline planning permission for up to 70 dwellings was granted this year it is anticipated that detailed planning permission would be sought and secured by February 2010 with construction starting in March 2010 and site completion taking place by the end of that year. Therefore the opportunity exists to identify a housing site which is deliverable and would be providing market and affordable housing as part of the district supply within 18 months in accordance with the requirements of PPS3.


Nearby facilities


Nearby facilities

Loss of Retail Statement

78. The site is located outside the defined Principle Shopping Areas in the Arun District Local Plan and is currently occupied by existing retail uses and the proposed development is therefore subject to Policy DEV30 "Local and Village Centres" of the adopted Local Plan which reads as follows:

> *"Change of use from retail will not be permitted for shops which are located outside the defined Principal Shopping Areas. An exception may be made where it can be demonstrated that retailing is no longer a viable use, particularly where the premises have remained vacant for a long period and that reasonable attempts have been made to market the premises for retail purposes".*

79. The purpose of Policy DEV30 is to "prevent the loss of local and village shops which are of community benefit" and is, therefore, clearly aimed at safeguarding shops which serve a local community purpose by meeting the daily purchase needs of local residents from within the local community who would mainly walk or cycle to the shop. These community needs are already addressed by the local shops in the nearby areas in Chichester Road and West Meads Precinct.

80. In contrast, the Chalcraft Nursery A1 retail units exist and were designed to provide facilities for the retail sale of specialist and/or typically bulky goods which are delivered by large lorries/vans and then sold to a customer base which predominantly comes from outside of the local community and travel to the site by car or van for the express purpose of making such purchases.

81. The existing occupiers, the nature of the use and the buildings occupied by the users are described in Table 1 below:

Name of Occupier	Chalcroft Nurseries	Tropikoi Aquatic Centre	Outside Intervals
Use Class	A1	A1	A1
Description of Use	Retail nursery including plant display area and plant growing area.	Retail sale of aquatic merchandise, including pond fish, reptiles and aquariums.	Retail display of conservatories and garden sheds
Associated Buildings/structures	Sales buildings at centre of site. 7 polytunnels/ frames, 7 shade tunnels, store, pumphouse.	Occupy an 'L' shaped compound with gravel base, with some outside display areas and two buildings	External display area at northeastern part of site, adjoining car park.

82. Although a large area of the site is occupied by the existing retail uses, most of the existing buildings and structures are in need of considerable improvement and investment and the northern section of the site remains underused, visibly unkempt and represents a significant cost to the site owners in terms of on-going maintenance and rodent control. Furthermore, the remainder of the site is not intensively occupied, with large tracts of unoccupied space visible between individual display areas.

83. The site was offered for sale by the previous owners in 2005 following a steep drop in the profitability of the business between 2001 and 2005, down from 11.6% of turnover to less than 4% of turnover in 2005.

84. The reduced profit levels can be partly explained by the significant increase in wage costs from 20.9% in 2001 to 30.6% in 2004. However, the reduced profits were also attributed to the turnover of the business, which dropped more than 7% over the period from 2001 to 2005 and this drop in turnover can be attributed to the poor condition and under utilisation of the buildings and facilities at the site by comparison to the large number and range of competitor retail edge of town sites within the wider area, which offer a broader spectrum of merchandise and better quality facilities.

85. The current owners have considered investing in the site in order to improve the quality and range of facilities that it provides but given current market conditions, the strong competitor market and the prohibitive costs associated with developing the site to a standard comparable with competitors, it is considered that such proposals would not be viable.

86. Moreover, the site is essentially a non conforming use in a predominantly residential area and it is not considered that the level of intensification in the commercial use of the site necessary to ensure viability would be appropriate given the sites close proximity to residential properties.

87. It is therefore considered that the most effective and efficient use of the land would be to redevelop it for residential rather than commercial purposes as the proposed market and affordable housing would be of more community benefit than the existing or a more intensive retail use.


Dilapidated buidings


Underused retail display area

Landscape and visual opportunities and constraints

88. Section 1 Assessment highlights the close relationship of the site to the existing urban areas of North Bersted and Bognor Regis and the fact that the site is previously developed land. Although the site is previously developed the Arun District Local Plan 2003 indicates that the site is outside the defined built up area and therefore in the "countryside" for the purposes of planning policy and within the designated Bognor Regis and Chichester Strategic Gap.

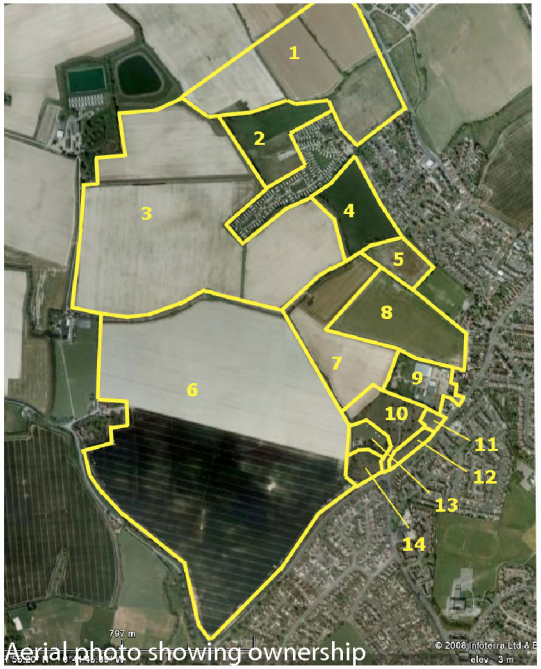
89. It is important to recognise that these are not landscape designations and are not intended to be visual or physical designations as they existed for the purely for the purposes of defining those areas to which certain rural policies elsewhere in the plan would be applied and that for the reasons given earlier these policy designations are now out of date as they have been superseded by the most recent national planning policy (PPS 3 and PPS7)and Regional Policy in the South East Plan.

90. The wider landscape to the west and North/south west of the site is characterized by large low-lying, open, agriculturally productive/ economic fields subdivided by relatively few field boundaries comprising hedgerows and trees which are more functional than environmentally sensitive in their purpose.

91. The application site and its immediate environs to the north and south differ significantly in character in that the close proximity of the urban edge of North Bersted and Bognor Regis has resulted in a typical urban fringe landscape with fragmented ownerships leading to smaller fragmented field patterns visually and physically contained and dominated by these urban influences.



Aerial photo showing landscape



Aerial photo showing ownership

Parcel 1 - Church Commissioners
Greenfield Land

Parcel 2 - Metzner
Greenfield Land

Parcel 3 - Langmead
Greenfield Land

Parcel 4 - Amorette Ltd
Greenfield Land

Parcel 5 - Church Commissioners
Greenfield Land

Parcel 6 - Church Commissioners
Greenfield Land

Parcel 7 - Harnett/Westlake
Greenfield Land

Parcel 8 - Money
Greenfield Land

Parcel 9 - The Application Site
Previously developed Land

Parcel 10 - Arun District Council
Previously developed Land

Parcel 11 - Electricity Board
Greenfield Land

Parcel 12 - Harnett/Westlake
Greenfield Land

Parcel 13 - Gill
Previously developed Land

Parcel 14 - Harnett/Westlake
Greenfield Land

92. As a consequence the Arun Landscape Study, April 2006 concluded that the site is within the Rose Green Coastal Plain Landscape Character Area which is of "low sensitivity and low landscape value, which from a landscape perspective, could accommodate significant allocations of development"

93. The site itself is typical of the landscape in its immediate environs in that it is visually and physically self contained by well established tree and hedgerow planting on all boundaries which result in their being no views into the site from surrounding publically accessible areas and no open views from the site to the South Downs to the north.

94. Therefore in landscape, physical and visual terms the site relates to the urban edge of North Bersted and Bognor Regis rather than to the surrounding countryside and landscape to the west.

95. Paragraph 5.2.1 of the Arun Landscape Study cautions that where development can be accommodated, regard must be had for the "setting and form of existing settlement and the character and sensitivity of adjacent character areas". The site therefore provides an opportunity to accommodate development without adversely affecting the integrity or quality of the surrounding landscape.



Aerial photo showing relationship of site to urban area



Dense boundary planting

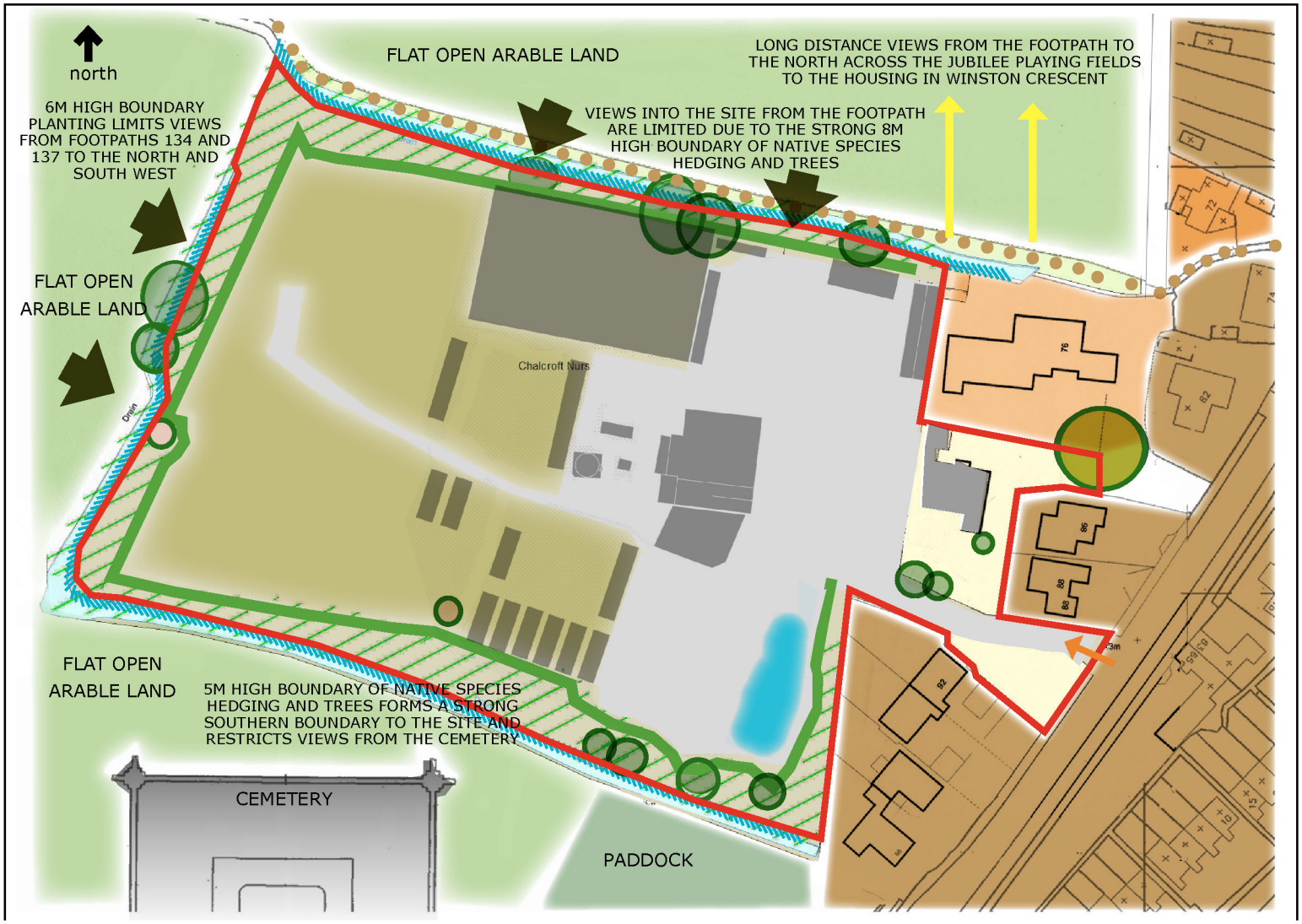
Existing Site Layout

THE SITE 2.5HA

EXISITNG VEHICULAR ACCESS FROM CHALCRAFT LANE

EXTENT OF ECOLOGICAL ENHANCEMENT AREA AS DEFINED BY ECOLOGICAL AND TREE SURVEYS, FOR THE PROTECTION OF HABITATS AND ROOTS OF EXISTING BOUNDARY HEDGING AND TREES

DEVELOPABLE AREA 1.75HA



KEY

- EXISTING BUILDINGS, POLYTUNNELS AND HARD SURFACING 1.06HA
- AREA AT RISK OF FLOODING DURING PERIODS OF HIGH RAINFALL
- EXISTING MATURE BOUNDARY OF NATIVE SPECIES INCLUDING HAWTHORN, OAK, FIELD MAPLE AND ASH
- INDIVIDUAL TREES IDENTIFIED AS WORTHY OF RETENTION AND REQUIRING ADDITONAL PROTECTION DURING CONSTRUCTION
- SIGNIFICANT OFFSITE TREE TO BE PROTECTED DURING CONSTRUCTION
- TREE ADVISED TO BE REMOVED/ TREE OF LOW QUALITY
- DITCHES
- PUBLIC FOOTPATH
- RESIDENTIAL DEVELOPMENT
- CARE HOME
- GARAGE

Trees, Ecology, Biodiversity, strategic landscaping and Public Open Space

96. The submitted Tree Survey and Reports do not identify any significant trees within the site itself worthy of retention but there are a number on the boundaries of the site which do need to be retained and protected.

97. The submitted Ecological Scoping Report does not identify any national or local designations or known ecological constraints affecting the site itself but it does identify that the drainage ditches around but outside the site coupled with the landscaped areas which straddle the boundaries should be retained as they provide possible habitats for flora and fauna including some protected species.

98. The ditches and existing landscaping are a constraint on development but also provide significant opportunities for ecological enhancement through strategic amenity landscaping linked to the new public open space provision as well as providing a rare opportunity to provide good boundary screening, an attractive back drop for the residential development and an unusually green environment for future residents.

99. Maximising these opportunities does however constrain the developable area of the site to just 1.75 hectares. Inevitably this increases the net site density for up to 70 dwellings to 40 dwellings per hectare and also influences possible layouts for the site.


Dense boundary planting


Dense boundary planting

Technical Opportunities and constraints

Flood Risk, Climate change & Drainage.

Surface Water

100. The Flood Risk Assessment that accompanies this planning application was prepared in accordance with PPS25 Planning and Flood Risk and is based on the Environment Agency Flood Risk maps as informed by the Councils Strategic Flood Risk Assessment.

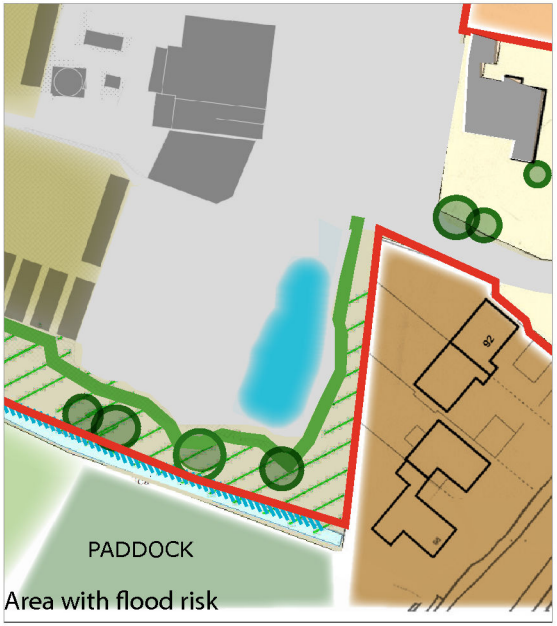
101. The site is not affected by tidal or fluvial flood risk (even accounting for future sea level rises due to climate change) but the south eastern corner of the site is (historically) prone to risks from pluvial flooding at times of high rainfall due to a higher than normal groundwater table land levels which result in surface water runoff draining to this corner of the site and a lack of any on site drainage infrastructure. It is accepted that such risks may increase in the future due to climate change.

102. The development of the site together with the intention to provide larger than usual areas of amenity and public open space therefore provides an opportunity to explore the use of sustainable urban drainage systems, on site retention systems and/or connections to the main surface water sewer in Chalcraft Lane as a means of addressing this issue and providing better protection from flooding for the occupiers of numbers 92 – 98 Chalcraft Lane which adjoin this part of the site. The aim of any system would be to ensure that the proposed development does not increase surface water runoff beyond existing levels (taking into account climate change factors) and addresses the known problem relating to this small part of the site.

103. When commenting on previous schemes and proposals The Environment Agency indicated that the surrounding drainage ditches should be retained together with a 5 metre buffer for access and maintenance.

104. The drainage ditches are situated outside of the site and are accessible from open land in the ownership of others. Nonetheless the opportunity presented for the ecological enhancement of these areas can also be used to provide a more than adequate accessibility buffer.


Area with flood risk



Area with flood risk

Foul water drainage/treatment

105. The main part of the site is not currently connected to the main foul sewer that is located in Chalcroft Lane and Southern Water Services (SWS) have previously indicated that there would be insufficient capacity in the system to accommodate developments at the site for 137 and 140 houses.

106. SWS Ltd have been asked to provide a capacity statement in respect of the submitted scheme for up to 70 dwellings and this will be forwarded once it is provided.

107. In the event that the existing system has capacity to accommodate the scheme foul sewage can be disposed of via a new connection to the system. In the event that the existing system does not have sufficient capacity consideration will be given to funding the works required to increase the capacity to accommodate the scheme and/or the use of an on site sewage treatment system which could be sited below ground under any of the proposed POS and amenity areas proposed at the front of the site.

108. The existing uses on site benefit from a licence to treat its own waste. The neighbouring property, Chalcraft Cemetry also uses an on-site Reed Bed system for water treatment. The opportunity therefore exists to provide detailed designs and solutions at the detailed planning stage (once the detailed layout and siting of roads and dwellings are known) so as to provide a flexible approach to water and wastewater treatment, subject to capacity within the local network.

Renewable Energy and Climate Change

109. Bognor Regis ranks highest in the UK for the number of sunshine hours.The site therefore offers significant inherent opportunities for reducing energy demand using passive and active design technologies in accordance with relevant SEP policies and government guidance and this opportunity is addressed at Section 4.

Land Contamination

110. The submitted Land Contamination Report identifies that there is a strong likelihood of some localised on site contamination resulting from oil spillage and other contaminates generated over a number of years by the commercial use of the site.

111. This contamination is very localised and the opportunity will be taken to clear the site of same prior to commencement of works in the event that Outline Planning Permission is granted.

Access & Accessibility

112. The site is situated in a highly sustainable location close to a range of facilities and services, including local shops, schools, public open space and public transport. The opportunity therefore exists for the development to enhance existing pedestrian/cycle links to these amenities, thereby encouraging existing and future residents to reduce their reliance on the need to travel by car.

113. There is a network of existing public footpaths in the vicinity of the site, which provide access to the wider countryside and to existing facilities but the entrance to this network from Chalcraft Lane is unattractive and uninviting. Opportunities therefore exist to provide an additional link into this footpath network from a more inviting and attractive entrance from the proposed development thereby providing a benefit for existing and future residents.

114. The site benefits from an existing vehicular access onto Chalcraft Lane and a large car parking area which provide for the high level of vehicular movements associated with the commercial A1 Retail uses on the site. The submitted Transport Statement (TS) has therefore assessed the level and nature of the vehicular movements and volume of traffic that the existing commercial uses on site could attract if the site was used to its full potential and compared the results to the level and nature of vehicular movements and volume of the traffic that a residential scheme for up to 70 dwellings would generate if the proposed pedestrian/cycle improvements were in place.

115. The TS concludes that not only would the nature of the traffic be lighter but the number of vehicular movements at the access point would reduce. Moreover the volume of traffic generated would be very similar to the existing and therefore the impact on the wider road network/junctions would not warrant any further improvement works beyond those already planned.


North Bersted Recreation Area



Existing footpath


West Meads facilities



West Meads recycling facilities

Section 3. Design Principles



This section seeks to demonstrate (to the degree that this is possible given the Outline nature of the submitted Application) how the opportunities identified in the previous Section have been adopted and exploited to the maximum and that the identified Constraints have been minimised and addressed through the design principles of the scheme.

The use and amount of development

116. In light of the current local need for both market and affordable housing and given the local context, the site is considered to be an appropriate location for residential development and that the most effective and efficient use for this site is residential. The amount of development proposed is up to 70 dwellings with up to 28 of these being affordable houses as defined at Annex B of PPS3 Housing in accordance with Policy SCT6 of the SEP.

117. This amount of development was determined by the size of the developable area remaining (1.75 hectares) once the opportunities and Constraints relating to the ecological enhancement areas, tree and hedgerow retention and the provision of Public Open Space had been accommodated on the site and equates to a net site density of 40 dwellings per hectare (28 dwellings per hectare gross)

118. The residential areas to the east of the site are developed at higher densities, often in excess of 50 dwellings per hectare (gross). The gross density of the proposed development is however intended to be lower than neighbouring areas in response to the site's location at an urban/rural interface and is considered to provide an appropriate balance between making the best use of the site, whilst respecting the countryside beyond and addressing the on site constraints.

Indicative Layout, Scale parameters and appearance

119. The planning application has been submitted in Outline with all matters (except access) reserved for later approval but an indicative site layout accompanies the proposal and provides information on how up to 70 dwellings could be satisfactorily accommodated on the site within the developable area.

120. This indicative layout suggests a development comprising a mix of detached, semi-detached and some terraced 2/3 bed family houses which would reflect local housing needs and the fact that there is an over availability of flats in the area. The indicative layout scheme provides for a variety of properties of 2 and 2.5 storeys (maximum 2.5 storeys) of differing traditional styles in order to achieve visual interest in the street scene and provide an attractive environment for future residents.

121. Particular regard has been taken to the need to incorporate sustainable features into the proposed development and at this Outline Stage, passive solar design has had a significant influence on the indicative site layout. The majority of proposed dwellings shown are orientated within 30 degrees of due South to maximise opportunities for sunlight and daylight, where this has not been possible, an east-west orientation has been adopted.

122. The proposed development will also provide adequate space for waste facilities, including general waste and recyclable waste. Where possible waste facilities will be provided on plot for individual dwellings, however where necessary, communal bin storage facilities will be provided at the entrance to private drives/ courtyards. These waste storage buildings will be designed to be both functional and an attractive element of the proposed development.

ARUN DISTRICT COUNCIL BE/47/09/

Proposed Site Layout



KEY

- THE SITE 2.5HA
- ECOLOGICAL ENHANCEMENT AREA/ STRATEGIC LANDSCAPING 4900 SQ M
- DEVELOPABLE AREA 1.75HA 70NO DWELLINGS 40dph
- WITHIN THE DEVELOPABLE AREA THE OPPORTUNITY EXISTS TO PROVIDE POTENTIAL PEDESTRIAN LINKS THAT COULD IMPROVE ACCESS TO LOCAL FACILITIES
- LANDSCAPED PUBLIC OPEN SPACE 1008 SQ M
- LANDSCAPED PUBLIC OPEN SPACE WITH LAP 1626 SQ M
- INDIVIDUAL TREES IDENTIFIED BY TREE SURVEY WITH ROOT PROTECTION AREAS CALCULATED BY CBA TREES

Strategic Landscape POS & ecological enhancement

OUTLINE APPLICATION FOR THE DEMOLITION OF ALL EXISTING BUILDINGS AND REDEVELOPMENT OF THE SITE WITH UP TO 70 DWELLINGS, PUBLIC OPEN SPACE AND STRATEGIC LANDSCAPING, CHALCROFT NURSERIES SITE, CHALCRAFT LANE, BOGNOR REGIS
for Orchard Enterprises (Southern) Ltd

INDICATIVE PROPOSED BLOCK / SITE PLAN

DRG NO 28.2008.04 SCALE 1:500 @ A1 DATE MAY 2009

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Cottages facing the open space, south of entrance



Village street, centre of the development



Two/two and a half storey development with carriage arches, south of access road

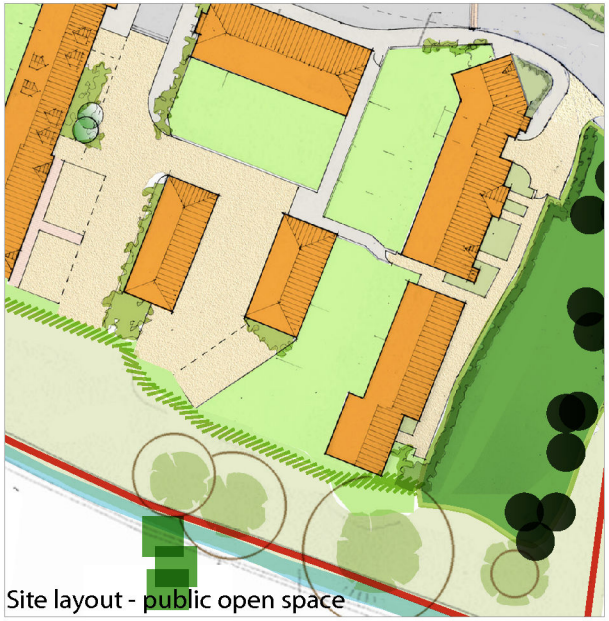
Indicative street scenes

123. The Indicative site layout maximises the opportunities that the site provides for strategic landsacaping, POS and ecological enhancement which minimises the developable area and would provide future residents with an attractive green environment and excellent access to open areas of amenity space in a variety of forms.

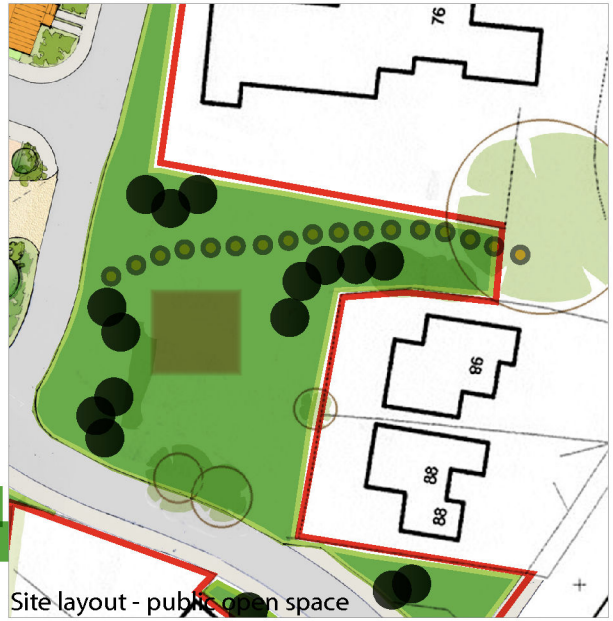
124. Three forms of publicly accessible landscaped amenity space are to be provided:

- Two formal areas of public open space, extending to a total of 2,291 square metres, will be provided at the eastern entrance to the site with space for the location of a Local Area for Play (LAP). The siting of this open space will provide a buffer between the proposed development and the neighbouring properties on Chalcraft Lane and will offer a very attractive setting to the development.
- A large area of informal green space and strategic landscaping, extending to 6,000 square metres will be provided around the perimeter of the site. This natural area will provide some opportunity for walking and informal recreation and will also serve to link the areas of open space and provide access from the development onto the public footpath which provides access to the footpath network in the wider landscape. The priority for this area will, however, be ecological enhancement, therefore signage will be provided at access points to highlight the ecological resources of the zone and thereby reduce disturbance to the sensitive habitats for flora and fauna that it will create.
- Space also exists for the provision of some 686 sq metres of landscaped amenity areas at the site entrance and the rear of the site as indicated on the indicative layout.

125. The landscaped areas at the access will significantly improve the appearance of the Chalcraft Lane street frontage and reduce any possible impact of the revised access road layout on the amenities enjoyed by the occupiers of the residential properties on either side.



Site layout - public open space



Site layout - public open space

EXISTING STREET SCENE FROM CHALCRAFT LANE



Existing access to Chalcroft Nurseries
from Chalcraft Lane

PROPOSED STREET SCENE FROM CHALCRAFT LANE



126. The open spaces will also protect residential amenity and to contribute to the quality of the public realm. The open spaces will be fully accessible to disabled people and will be carefully designed to minimise opportunities for crime and anti-social behaviour. The open spaces will be overlooked by new dwellings, thereby providing natural surveillance, in accordance with the principles of Secured by Design. It is intended to delineate boundaries between public and private spaces using subtle changes in materials and appropriate boundary treatments, such as hedging. This approach is intended to instil a pride of place in the development.

127. The submitted application therefore provides for a strategic landscaping and POS strategy and framework focused on retaining and enhancing the existing resources within which a detailed housing layout and detailed landscaping and POS scheme can be designed and submitted together at reserved Matters stage as suggested in Section 4.

128. An arboricultural assessment of the site has been undertaken to ensure that all existing mature trees and hedgerows and their roots will be protected and retained on site.

129. Similarly, the submitted Ecological Scoping Study identifies clear opportunities for ecological protection and enhancement and the strategy adopts a cautious approach so that its recommendations can be followed in full at the appropriate reserved matters stage. More then adequate space has been provided in the proposed perimeter buffer zone to protect, enhance and encourage existing and future ecological resources and it is intended that the recommended protected species surveys would be undertaken prior to the submission of reserved matters applications and prior to the commencement of development to ensure that the opportunities for protecting and providing habitats for those identified can be fully explored at the detailed design stage in accordance with PPS9 and other relevant policy as described at Section 4.

130. Finally, the Indicative site layout also provides for generous private garden areas for all dwellings by modern standards which reflect the emphasis on the provision of family accommodation and the commitment to creating an attractive green environment for future residents.


North Bersted recreation ground


North Bersted recreation ground

Foul & Surface Water Drainage

131. As previously described the opportunity exists at detailed planning stage to provide a flexible approach to Foul and surface water drainage subject to capacity within the local network and the detailed design of the site layout at reserved Matters stage and at this outline application a range of possible solutions have been identified as part of an overall strategy.

132. Over 1.06 hectares of the site is presently covered in buildings and hardstanding and there is no on site drainage system to reduce surface water runoff from these areas. In the first instance the intention is to reduce the potential for surface water runoff by these large impermeable areas by dedicating over 34% of the site to open space and at least 14% of the site to private gardens. The total "green" space will therefore amount to at least 48% of the site area.

133. Subject to detailed permeability and capacity tests at detailed application stage it is intended that surface water drainage will be resolved by a combination of soakaways, retention systems and discharge to the existing surface water sewers. Given the areas of POS and landscaped areas proposed there are several areas of adequate size available to accommodate underground retention systems if this proves neccessary at detailed design stage and this matter can therefore be controlled at this stage by condition as suggested at Section 4

134. Similarly Foul Water drainage can also be controlled by condition given that any suitable system which may include an on site package treatment plant and/or upgrades/connections to the main sewer in Chalcraft Lane would need to be designed in conjunction with the detailed designs for the layout of the site and the houses proposed.



Existing hardstanding



Site layout showing gardens

Access & Accessibility

135. Based on the sustainability credentials of the site and the submitted TS the intention is to provide vehicular access to the site via a redesigned access road from Chalcraft Lane as shown on the submitted plans. This road together with improved pedestrian and cycle crossing points across Chalcraft Lane together with new pedestrian links will ensure the permeability of the site by opening up new pedestrian links for existing and future residents to the surrounding public footpath network on the northern boundary of the site.

136. Within the site itself the Indicative layout provides for a safe and preferential environment for pedestrians and cyclists by using frequent changes in direction, road narrowing and changes in surface materials and textures to slow vehicles and emphasise their presence to drivers.

137. The indicative layout also provides for car parking to be accommodated within individual plot boundaries and for large car parking areas to be avoided so as to create an attractive streetscape. Similarly, space has been provided so that cycle and bin stores could be provided within each plot.

138. Within this indicative layout there would be sufficient space to provide car parking for future residents and visitors at a level consistent with the Councils maximum standards but given the sustainability and accessibility credentials of the site it is intended to provide for car parking on the basis of 1.2 spaces per dwelling.


Site layout showing parking


Site layout showing parking


Site layout showing access

Section 4. Draft S106 Unilateral Undertaking & Conditions



This section suggests heads of terms for a possible Section 106 Unilateral Undertaking in respect of contributions towards the provision of infrastructure and the subject matter for possible conditions in the event that Outline Planning Permission is to be granted. These are provided without prejudice to the Councils consideration of the application and are intended to form the basis of an ongoing dialogue with the Council prior to a decision in accordance with best practice.

General matters

139. Department of Communities and Local Government Circular 05/2005 (which replaced Circular 1/97) provides guidance to local authorities in England on the use of planning obligations under section 106 of the Town and Country Planning Act 1990 as substituted by the Planning and Compensation Act 1991.

140. PPS1 states that Planning obligations should meet the Secretary of State's policy tests set out in Department of the Environment Circular 1/1997 (or its successor); i.e. they should be:

(a) Necessary;
(b) Relevant to planning;
(c) directly related to the proposed development;
(d) fairly and reasonably related in scale and kind to the proposed development; and
(e) reasonable in all other respects.

and the heads of Terms set out in this statement follow that advice.

141. Advice regarding the use of conditions on planning permissions is contained within Circular 11/95: Use of conditions in planning permission and the Planning Inspectorate working in conjunction with the Planning Officers Society has recently prepared an updated list of model conditions which it recommends for use by Local Planning Authorities and the suggestions in this section utilize that advice and those models where relevant to the submitted application.

Draft Heads of Terms for a S106 Unilateral Undertaking (S106UU)

WSCC Infrastructure Contributions

142. It is anticipated that WSCC will seek financial contributions towards meeting the increase in services and facilities necessary to serve the needs of the increased population arising from the proposed development but it is not possible to quantify the contributions at this stage for 2 reasons.

(a) the application is submitted in outline for up to 70 dwellings of indeterminate housing mix with no certainty regarding the population that would be generated and

(b) Individual WSCC departments have yet to determine the level of need in the area

143. On this basis it is suggested that a formula based approach is used for the proposed S106 Unilateral Undertaking which would enable the likely contributions to be quantified at detailed application stage according to the formulas used in the S106 UU.

144. Subject to this approach and the requested contributions meeting the Secretary of States Policy Tests it is confirmed that the applicant is prepared to provide a S106 UU to this effect.

Arun District Council Infrastructure Contributions

Public Open Space Statement

145. It is anticipated that ADC may wish to seek financial contributions relating to the adoption and maintenance of some of the Public Open Space to be provided but it is not possible to determine or quantify the contributions at this stage for 3 reasons.

(a) the councils published information regarding open space is not up to date and it is therefore unclear as what the Council would require

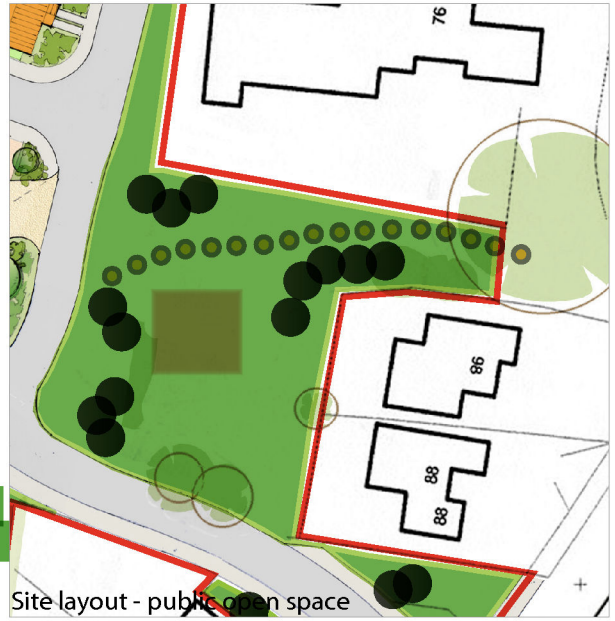
(b) the amount of open space to be provided in this case is fixed but we have suggested that for sound planning reasons the open space to be provided should perform differing functions and it is not clear at this stage whether or not the Council is agreeable to the proposed strategy and

(c) It is not clear whether or not the Council would wish to adopt and/or maintain the areas of open space to be provided and if so which areas.

146. Subject to clarification of these points during the consideration of the application and any requested contributions meeting the Secretary of States Policy Tests it is confirmed that the applicant is prepared to provide a S106 UU to address these matters.



Site layout - public open space



Site layout - public open space

Draft Conditions

147. The Council will wish to impose a range of standard conditions but those suggested here relate to specific matters arising from our proposals and are set out here to suggest one way in which the council can retain control over those matters given the outline nature of the proposals.

Affordable Housing Statement

148. SEP Policy SCT6 requires that all residential schemes above locally determined thresholds should provide 40% affordable housing.

149. The Council has not yet determined the threshold above which they will seek affordable housing since the previous guidance used has been superseded and has not yet been revised.

150. The Applicant in this case is however, willing to commit to 40% of the housing proposed being provided as affordable housing in accordance with SEP Policy SCT6.

151. The scheme has been submitted in outline and is for up to a maximum of 70 dwellings but the precise number (subject to this maximum) and the mix of housing types is reserved for later approval as part of any detailed layout for the site.

152. In view of this it is considered that the most appropriate mechanism for ensuring the delivery of the affordable housing proposed would be to use the model condition posted on the Planning Inspectorate web site which is now used as a matter of standard practice nationally and by some West Sussex Authorities.

153. The wording of the condition amended to reflect the circumstances of this scheme is set out overleaf

Affordable Housing - Provision of

154. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of PPS3 or any future guidance that replaces it. The scheme shall include:

i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of the

approved housing;

ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

iii. the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved) ;

iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced

Renewable Energy & Climate change

155. Once again the Applicant is committed to ensuring that the proposed development meets the latest national and regional policies relating to renewable energy and climate change but the outline nature of the application makes it difficult to be specific at this stage about the details of such proposals. Therefore it is suggested that the Council considers the use of the following model conditions posted on The Planning Inspectorates web site.

Code for Sustainable Homes

156. *"The dwelling(s) shall achieve Level 2 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 2 has been achieved."*

Decentralised Energy Supply

157. *"At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources (as described in the glossary of Planning Policy Statement: Planning and Climate Change (December 2007)). Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority [as a part of the reserved matters submissions required by condition x]. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority."*

POS Strategic Landscaping/Ecology

158. Landscaping is a reserved matter and some issues relating to the provision, maintenance and long term management of the proposed open space and ecological enhancement areas have yet to be agreed with the Council but it is considered that these matters can be secured and controlled by judicious use of model conditions set out in Circular 11/95 linked to any S106 UU Clauses.

Vehicular Access

159. The proposed access arrangements and the off site improvements for pedestrians and cyclists form part of the application and can be made subject to standard highway conditions

Foul & Surface Water Drainage

160. The submitted strategy indicates that satisfactory foul and surface water drainage can be achieved through a variety of possible methods and that there is sufficient space within the development to implement any of those methods. Therefore this can controlled and implemented by way of the imposition of a standard condition.

Archaeology

161. Previous reports submitted with previous applications for the development of this site have indicated that this can be controlled via the imposition of standard conditions relating to pre development investigation



Section 5. Conclusion

The proposed development seeks Outline Planning Permission for the erection of 70 dwellings on a brownfield site adjoining the urban area.

- The proposed development is situated in a highly sustainable location, within walking distance of a wide range of facilities and services, including shops, schools, recreation and public transport.
- The proposed development has been designed to respond to the existing site constraints and to the character of the area.
- The design of the proposed units would compliment the design of neighbouring properties, the introduction of open space and landscaping along the eastern boundary would improve the streetscene along Chalcraft Lane.
- The proposed landscaping scheme has been designed to ensure that the site maintains its high degree of visual enclosure by retaining existing boundary planting, which will also provide a beneficial ecological resource.
- The proposed development would achieve the redevelopment of an underused site and would therefore accord with Government guidance in respect of making the best use of brownfield land.
- The proposed development would accord with the current Development Plan, the South East Plan, which requires local authorities in the Sussex Coast to omtimise the use of previously developed land within or adjacent to urban areas.
- The proposed development is relatively unconstrained, available, and deliverable.

In light of the above, it is considered that the proposed development represents an entirely appropriate proposal.