

PLANNING STATEMENT

On behalf of:
Castle Property Developments

In relation to:

'Outline planning application for 20 new houses and flats, plus a replacement dwelling (21 units in total) with car parking, landscaping and associated infrastructure, and access off Shripney Road (A29), following the demolition of the existing dwelling and outbuildings'

**'The Cottage', Shripney Road,
Bognor Regis, West Sussex, PO22 9PA**

May 2017

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1. INTRODUCTION

1.1 This statement is prepared on behalf of Castle Property Developments in support of an Outline planning application for the provision of 20 new houses and flats, plus a replacement dwelling (21 units in total) following the demolition of the existing dwelling and outbuildings. Although the plans are indicative in their nature, the proposals provide for car parking, landscaping and associated infrastructure, with new site access.

1.2 Prior to preparing this planning application, the applicants undertook extensive research and diligence in respect of the sites development opportunities. This included initial discussions with the Planning Department at Arun District Council, and engagement with a number of specialist consultants. Their input has assist in the formulation of this submission, and we are confident that the application is presented in a robust form that addresses all planning matters of acknowledged importance.

1.3 This application is presented in Outline form with the only matter for consideration being access and the number of dwellings. All other matters, including the layout, design and scale of the proposed buildings, together with landscaping, are reserved. These issues will be dealt with by way of a separate Reserved Matters planning application at a later date. It should be noted that an indicative site layout plan (*drawing number 334/P/03*) is included with this application. The applicant would be satisfied with a condition of any planning permission linking the detailed design to this plan and the submitted Design & Access Statement.

1.4 The application site is available, suitable and achievable. Castle Property Developments consider that there is a need for Arun District Council (ADC) to continue to grant permission for residential development in order to provide an adequate housing land supply. It is understood that currently the Council are unable to demonstrate a 5 year housing land supply, as is required by national planning policy.

1.5 As outlined at paragraph 14, the fundamental aim of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development, which is the *“golden thread running through both plan-making and decision-taking”*. Allied to this is the requirement to balance the impacts of development proposals against their benefits. In this respect the NPPF states that developments should be approved where they accord with the development plan without delay; and *“where the development plan is absent, silent or relevant policies are out-of-date”*, planning permission should be granted unless: *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole...”*

1.6 This Outline planning application should be read in conjunction with the Design & Access Statement (DAS) prepared by the schemes architects – MHD Architect’s Limited. Additionally the application is supported by a variety of technical assessments and reports. Together these documents demonstrate the merits of this planning proposal when tested against the above criteria, together with other national and local policy requirements.

- 'Design and Access Statement' prepared by MHD Architect’s Limited.
- 'Validation Checklist' prepared by Rodway Planning Consultancy.
- 'Affordable Housing Statement' prepared by Rodway Planning Consultancy.
- 'Flood Risk Assessment' prepared by Hilson Moran.
- 'Acoustic Planning Report' prepared by Hilson Moran.
- 'Transport Statement' prepared by Motion Transport.
- 'Road Safety Audit' prepared by Gateway TSP (*incorporating a Designers Response from Motion Transport*).
- 'Arboricultural and Planning Integration Report' prepared by Arbortrack Systems Ltd.
- 'Landscape Statement' prepared by Huskisson Brown Associates.
- 'Preliminary Ecological Appraisal' prepared by The Ecology Partnership.
- 'Biodiversity Checklist' prepared by The Ecology Partnership.

2. SITE CONTEXT

2.1 The site comprises a residential property, known as 'The Cottage' and some buildings, with remains of old greenhouses, polytunnels and out-buildings dotted over the site. The site was previously in a horticultural use (The Cottage Nursery and Violets Farm). There is a public footpath that runs through the site (*footpath 151*). The site is generally level, rising gradually towards the eastern boundary and has a range of trees, mainly situated around the perimeter. The application site has a total area measuring 0.89 hectares.



Fig 1. Aerial Map of the application site (*courtesy of Promap*)

2.2 The site is positioned adjacent to the A29 Shripney Road, to the east side of the highway adjacent to the part where there is a central reservation, which essentially limits traffic exiting the site to turn left only.

2.3 The site is bordered to the north side by the Robin Hood Pub and Premier Inn with 46 Bedrooms and accompanying facilities, and a residential property to the south, known as 'Royce Cottage'. To the east (rear) of the site there is a ditch and arable field in open countryside. The western side of the A29, opposite the site, is built-up with two storey residential properties, including a cul-de-sac style development at Barn Lane. Further to the west and northwest are sizeable residential and holiday caravan park sites (Pemderton Leisure Homes, Shripney Garden Caravan Park, and Marigolds Park Homes).

2.4 Shripney is a hamlet dating from the 13th century. It lies within the Parish of Bersted, which itself is within Arun District in West Sussex. The main A29 runs through the hamlet, and connects residents to the settlements of Barnham and Eastergate to the north, with the main east-west A27 highway beyond; and also leads to the industrial and out-of-town shopping areas of the Parish to the south. The hamlet is effectively the northern entrance to the town of Bognor Regis. The area is largely rural in essence. Part of Shripney Lane, which lies to the southwest of the application site, has been designated as a Conservation Area. The settlement contains a mixture of houses that are varied in their age and size. More modern housing is apparent to the south of the application site at the Orchard Place development (formerly Richmond Lodge) where 10 new homes were constructed last year.

2.5 The current Local Plan designates that the site as located outside of any built-up area, and as a consequence is deemed to lie within a countryside location. The site is not within or adjacent to the Shripney Lane Conservation Area. The site lies outside of the South Downs National Park, and is also distant from any other designated landscape area (i.e. AONB or Green Belt).

3. THE PROPOSAL

3.1 The application is submitted in Outline form, with the only matters hereby for consideration being the means of access and quantum of development. The Design & Access Statement and indicative 'Proposed Layout' plan (*drawing number 334/P/03*) sets out the key principles of development including the following components:

- The main northern part of the application site is proposed to accommodate a mixture of 20 new residential units (2 no. one bedroom flats; 4 no. two bedroom flats; 2 no. two bedroom houses; 8 no. three bedroom houses; and 4 no. four bedroom), including 30% affordable housing;
- The provision of a replacement detached 3-bed dwelling to the south side of the public footpath;
- Retention and enhancement of the existing public right of way that crosses the site;
- Provision of a new vehicular access from Shripney Road to serve the new dwellings;
- An existing access will be modified to separately serve the proposed replacement dwelling;
- New pedestrian links will be provided;
- The provision of garaging and car parking to serve the new development;
- New drainage infrastructure is to be provided to serve the development;
- Communal open landscaped areas are proposed throughout the site, including a 'communal green', and a landscaped 'bufferzone'.

3.2 Vehicular access to the site is to be provided via Shripney Road (A29), to the west side of the application site. A new access to the site will be provided to serve the main part of the application site (20 new houses). The access road will be constructed to a high standard that will be suitable for serving a development of the scale proposed. An existing access point to the south side of the sites frontage would be modified so as to serve the replacement dwelling that is proposed to be provided on the southern part of the application site. The existing entrance to the north of the site will be closed.

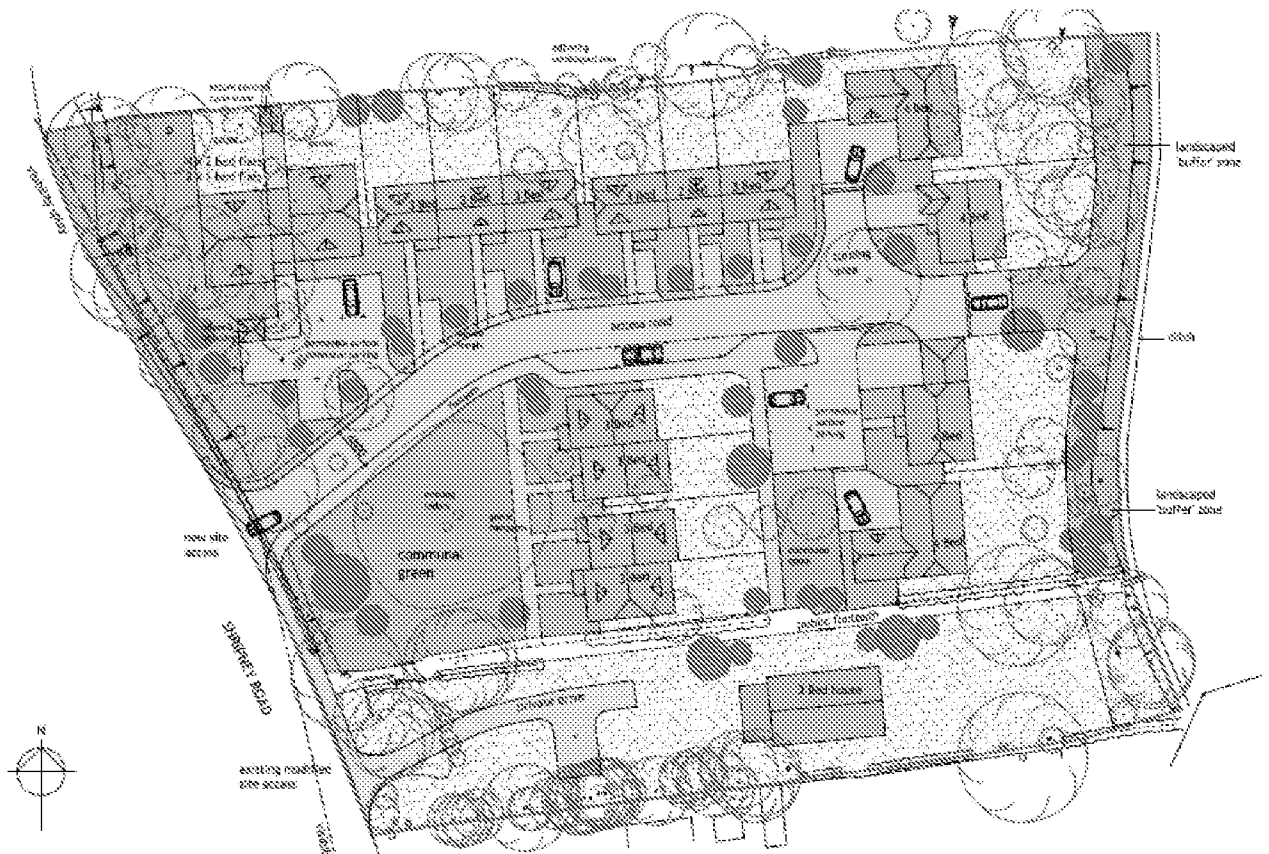


Fig 2. Proposed Indicative Site Layout Plan

3.3 The indicative proposed site layout provides a mix and size of dwellings as detailed below:

Dwelling Type	Market Housing	Affordable Housing
1-bed flats	0	2
2-bed flats	0	4
2-bed houses	2	0
3-bed houses	9*	0
4-bed houses	4	0
TOTAL	15*	6

* = including 1 no. replacement dwelling

4. POLICY CONTEXT

Introduction

4.1 This application falls to be determined in line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, which states that:

"If regards 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."

4.2 At the present time, the Development Plan in Arun District comprises the National Planning Policy Framework (NPPF), the saved policies of the Arun District Local Plan (2003), and the Bersted Neighbourhood Plan (2014).

National Policy Context

4.3 The National Planning Policy Framework (NPPF) was published on 27th March 2012, and at that time the policies in the Framework came into use, with immediate effect. This guidance is now the most-up-to date Government Guidance and replaces all planning policy statements/ guidance that were previously in place.

4.4 The focus of the new NPPF is achieving sustainable development, the definition of which is summarised in paragraph 6 as being the whole of paragraph's 18-219 of the Framework. Paragraph 7 goes further as it specifies that there are three dimensions to sustainable development: economic, social and environmental. Under the social role it states that the planning system should provide *"the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment..."*

4.5 Under paragraph 11, the NPPF confirms that planning law requires planning applications to be determined in accordance with the development plan unless material

considerations indicate otherwise. The NPPF does not change the statutory status of the development plan.

4.6 Paragraph 14 is an important element of the NPPF. It states that:

“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For plan-making this means that:

- local planning authorities should positively seek opportunities to meet the development needs of their area;*
- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:*
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - specific policies in this Framework indicate development should be restricted.⁹*

For decision-taking this means:¹⁰

- approving development proposals that accord with the development plan without delay; and*
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - specific policies in this Framework indicate development should be restricted.”*

Footnote 9: For example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.

Footnote 10: Unless material considerations indicate otherwise.

4.7 The NPPF advises that a set of 12 core land-use planning principles should underpin both plan-making and decision-taking, and these principles are listed under paragraph 17. Although the NPPF omits the wording that was present in the draft which referred to the default position of “yes” to applications for sustainable development, it does retain the significant change that requires a response to market signals. Each of the bullet points are important, but of particular note is no. 5, where it details that account should be had of the character of different areas, and no. 11 which requires development to be focused *“in locations which are or can be sustainable.”* Para 17 also encourages *“the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”* (bullet 8).

4.8 Section 4 is entitled ‘Promoting Sustainable Transport’. Under paragraph 28 it advises that different policies and measures are required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. This section also highlights the importance of LPA’s and/or developers working with transport providers, and also that Travel Plans are key documents. With reference to car parking, paragraph 39, states that if a LPA provides local parking standards, account should be had of *“the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high-emission vehicles.”* The application scheme has been fully informed by the guidance of Section 4 of the Framework with regards to sustainable transport and is expanded upon further in the Transport Statement presented by Motion Transport. Paragraph 32 of the NPPF confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

4.9 Section 6 of the NPPF is entitled ‘Delivering a wide choice of high quality homes’. It seeks to *“boost, significantly”* the supply of housing, whilst placing more reliance on windfall sites as a source of housing supply. Realistic historic windfall delivery rates and expected future trends are legitimate sources of supply. At para. 47 it states *“where there*

has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land". The associated footnotes numbered 11 and 12 are consistent with key paragraphs on the previous PPS3: Housing, relating to site suitability, deliverability and availability.

4.10 Para. 49 states "*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*".

4.11 Paragraph 50 states: "*To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:*

- o plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);*
- o identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and*
- o where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time."*

4.12 At paragraph 55, the NPPF advocates the key village theory and *“development in one village may support services in a village nearby.”* This is of relevance to the application site, which is linked by Parish to the settlement of Bersted, whilst also being geographically located close to communities at Bognor Regis, Lidsey, Eastergate, Aldingbourne, Westergate and Barnham.

4.13 Section 7 discusses the need for good design. Under para. 58 the NPPF provides what appears to be a clearer and more robust approach to design than in PPS1 paragraph 33 – 39.

4.14 The NPPF wishes to avoid unnecessary prescription or detail (para. 59), whilst the key criteria of scale, density, massing, height, landscape, layout, materials, access, relationship to neighbouring buildings and relation to the local area more generally remain. Para. 58 expands on this by stating that developments should: *“function well and add to the overall quality of the area... establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit... optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses... respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping”.*

4.15 The crucial caveat of PPS1 para. 35 remains within the NPPF. This is that good design goes far beyond aesthetic considerations, with para. 61 specifically referring to *“integration of new development into the natural and historic environment.”*

4.16 Under the heading ‘Conserving and enhancing the natural environment’ the NPPF advises that Plans should allocate land with the least environmental or amenity value,

where consistent with other policies in this framework (para. 110), and also re-inserts the encouragement of effective use of land by re-using previously developed land (para. 111). In addition the document places great weight on conserving the landscape in specialist areas (para. 115) and in para's 117-119 it appears to summarise all the biodiversity policies of the previous PPS9.

4.17 Under the 'Plan making' section, the NPPF states that *"Local planning authorities should set out the strategic priorities for the area in the Local Plan. This should include strategic policies to deliver: the homes and jobs needed in the area..."* (para. 156). *"Crucially, Local Plans should:*

- *plan positively for the development and infrastructure required in the area to meet the objectives, principles and policies of this Framework;*
- *be drawn up over an appropriate time scale, preferably a 15-year time horizon, take account of longer term requirements, and be kept up to date;*
- *be based on co-operation with neighbouring authorities, public, voluntary and private sector organisations;*
- *indicate broad locations for strategic development on a key diagram and land-use designations on a proposals map;*
- *allocate sites to promote development and flexible use of land, bringing forward new land where necessary, and provide detail on form, scale, access and quantum of development where appropriate;*
- *identify areas where it may be necessary to limit freedom to change the uses of buildings, and support such restrictions with a clear explanation;*
- *identify land where development would be inappropriate, for instance because of its environmental or historic significance; and*
- *contain a clear strategy for enhancing the natural, built and historic environment, and supporting Nature Improvement Areas where they have been identified"* (para 157).

4.18 In addition, the NPPF confirms that *"Local planning authorities should have a clear understanding of housing needs in their area. They should:*

- *prepare a Strategic Housing Market Assessment to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The Strategic Housing Market Assessment should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:*
 - *meets household and population projections, taking account of migration and demographic change;*
 - *addresses the need for all types of housing, including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); and*
 - *caters for housing demand and the scale of housing supply necessary to meet this demand;*
- *prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period” (para 159).*

4.19 Under the title of ‘Examining Local Plans’ the NPPF advises that “The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is “sound” – namely that it is:

- *Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;*
- *Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;*
- *Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and*

- *Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.” (para 182).*

4.20 Under the ‘Decision taking’ section, it states that *“Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development”* (para. 186), whilst adding that *“Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible”.* (para. 187).

4.21 The NPPF also underlines the retention of the plan led system (para. 196), and confirms that account should be had of market conditions when obligations are sought or revised (para. 205).

4.22 Annex 1 to the NPPF entitled ‘Implementation’ (para’s 208-219) also contains important advice. At paragraph 215 states that *“due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”*. At paragraph 216, the NPPF identifies the weight to be given to emerging plans, referring to *“stage in preparation of the emerging plan”*; *“extent of unresolved objections to particular policies”*; and, *“consistency of emerging policies with the policies in the NPPF”*.

Local Planning Policy

(i) The Arun District Local Plan (2003)

4.23 This document continues to be the most relevant local planning policy document. The Proposals Map that accompanies the Local Plan does not include an Inset Map for Shripney. However it is clear that the application site is defined as being outside of any defined built-up area boundary.

4.24 Saved Policy GEN3 relates to the protection of the countryside, stating that *"Outside the Built-Up Area, as defined on the Proposals Map, the countryside will be safeguarded for its own sake. Development will not be permitted unless:*

- (i) it meets the operational needs of agriculture, forestry, the extraction of minerals or the deposit of waste; or*
- (ii) for quiet, informal recreation; or*
- (iii) for the diversification of the rural economy; or*
- (iv) for essential road schemes; or*
- (v) it is in accordance with a policy in Sections 2 and 3 of the plan referring to a specific use or type of development".*

4.25 Saved Policy GEN7 is a general policy that relates to The Form of New Development and states that *"planning permission will only be granted for schemes displaying high quality design and layout".* Developments are considered in relation to a number of criteria.

4.26 Saved Policy GEN8 relates to the Development and provision of infrastructure and notes that *"development will not be permitted unless the infrastructure or facilities made necessary by the development are available or will be provided at the appropriate time".* Whilst saved Policy GEN20 relates specifically to the provision of open space within new development.

4.27 Saved Policy GEN9 relates to Foul and Surface Water Drainage, whilst saved Policy GEN12 relates to Parking in new development.

4.28 Finally, Saved Policy GEN11 relates to Inland Flooding and states that *"Permission for development which would be at risk from flooding and/ or materially decrease the capacity of a floodplain to store or pass flows of floodwater, will be refused unless the Local Planning Authority is satisfied that compensatory flood storage/ waterway areas can be provided as part of the development and the function and effectiveness of existing*

watercourses, or their replacements, are not adversely affected".

Supplementary Planning Guidance

4.29 The following Supplementary Planning Guidance is considered of relevance to this proposal:-

- Open Space & Recreation Standards - October 2000
- Parking Standards - October 2000

(iii) Bersted Neighbourhood Plan (2014)

4.30 The Bersted Neighbourhood Plan ("the NP") was formally 'made' in October 2014, and as a consequence it now forms part of the development plan for the part of the District in which the application site lies. However, the context of the NP's housing policies is that they are based on now superseded housing figures as contained in previous drafts of the Local Plan, and therefore it does not take into account the current strategic housing requirements as set out by the modified version of the Local Plan, which is currently subject to further public consultation ahead of the Local Plan Examination re-opening later in Summer 2017. As such, the NP no longer provides for strategic housing needs in a NPPF compliant manner, and is out-of-date by reference to paragraph 215 of the NPPF.

4.31 In a Written Ministerial Statement, dated 12th December 2016, the Government advice that relevant policies for the supply of housing in a NP that is part of a development plan "*should not be deemed 'out of date' under paragraph 49 of the National Planning Policy Framework*" if the following three circumstances arise at the time the decision is made:

- The written ministerial statement is less than two years old, or the neighbourhood plan has been part of the development plan for two years or less;
- The NP plan allocates sites for housing; and



- The local planning authority can demonstrate a three-year supply of deliverable housing sites.

In this context, it must be acknowledged that as the NP is now in excess of 2 years old, and further it is understood that the District do not currently have a 3 year housing land supply. Therefore, the Written Ministerial Statement does not apply, and the effect of paragraph 49 of the NPPF in stipulating that the policies that relate to the supply of housing within the NP are out-of-date is not affected.

4.32 Appendix F to the BNP confirms that the application site is located outside of any built-up area boundary.

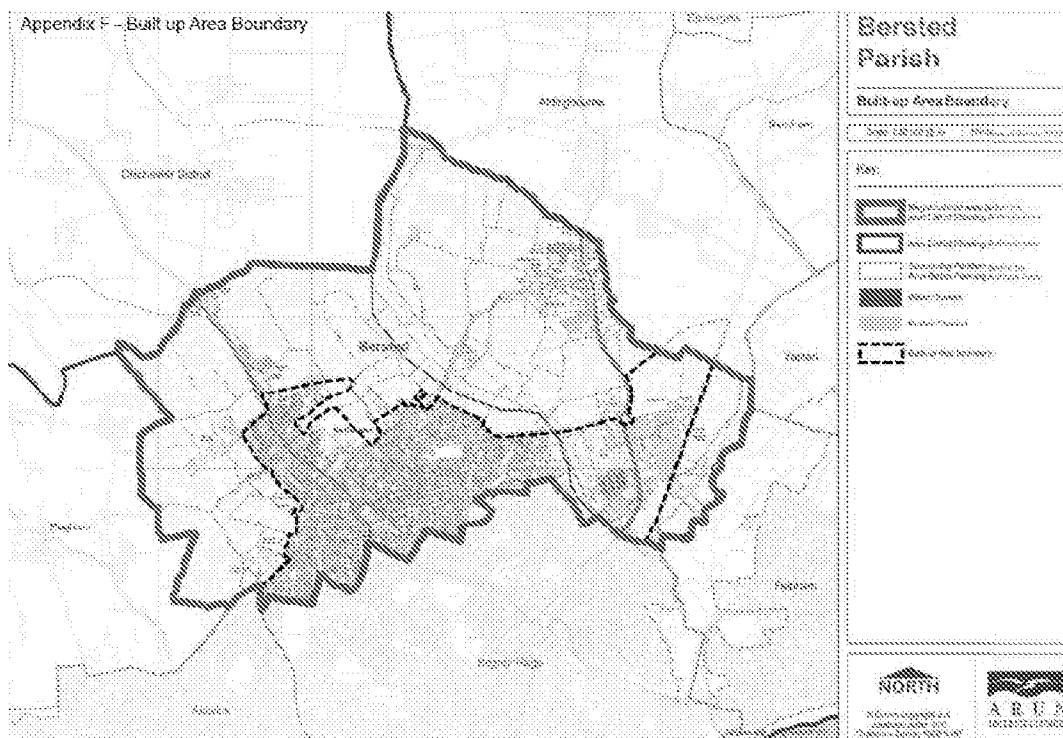


Fig 3. Appendix F of the ‘made’ Neighbourhood Plan

4.33 In respect of this planning application, the following NP policies are considered of relevance:-

- **Policy ES1** is a general design policy, which noted that new development should be of a high quality design and should contribute to local character.
- **Policy ES2** relates to Surface water management.
- **Policy ES5** relates to Building design and notes that *"the design of new buildings should contribute positively to the historic character. Listed Buildings and their settings and Conservation Areas and their settings, will be conserved and enhanced to reinforce the quality and character of Bersted"*.
- **Policy ES7** states that *"Development outside of the built-up area boundary, as shown in Appendix F, development or redevelopment will not be supported"*.
- **Policy HDQ2, HDQ4 and HDQ5** relates to Integration of new housing, Housing mix and Design of new housing respectively.
- Finally, **Policy HDQ8** refers to Car parking. This policy states that proposals for *"new development will have adequate onsite parking to meet current and future needs at a minimum rate of two spaces per dwelling unless alternative and accessible car parking arrangements can be made which do not add to on-street congestion. Developments which remove of road parking spaces will not be supported unless alternative provision is made which increases or maintains the number of parking spaces"*.

(iv) Emerging Local Plan

4.34 The Arun District Local Plan 2011-2031 was submitted on 30th January 2015 for independent examination to the Secretary of State for Communities and Local Government via the Planning Inspectorate. The Local Plan sets out a vision for the future of Arun District up to 2031. The Council have previously suggested that in determining development proposals at this time, regard should be given to the policies contained

within this emerging Local Plan, as it is considered that some weight in the planning balance can now be given to this document. However, this weight must be tempered by the fact that the Plan is still to undergo its examination in public.

4.35 Further, the Local Plan Examination-in-Public was formally suspended by the Planning Inspector in February 2016 following a Procedural Meeting and initial Hearing sessions. The suspension was granted to enable the Council to undertake further work and produce proposed modifications to the Local Plan in response to a range of observations and concerns identified by the Planning Inspector.

4.36 We are aware that a report was presented to the Councils Local Plan Sub Committee on 6th March 2017, which presented the proposed modifications that have been produced to the Arun Local Plan for approval so that they can be published and representations be invited accordingly by the Council for consideration by the Inspector. Following the current six-week public consultation period, the modifications, together with representations received and all other supporting documentation produced by the Council, will be submitted to the appointed Planning Inspector in order to enable the Examination-in-Public of the Arun Local Plan to resume.

4.37 The modifications proposed constitute both ‘minor’ grammatical, and non-material changes to the Plan, and ‘main’ substantive material changes to the contents of the Plan.

4.38 A number of new evidence base studies have been produced and presented on an ongoing basis to the Local Plan Sub-Committee. These studies have been produced to inform and support the proposed modifications to the Local Plan.

4.39 It appears that the most significant modifications required to the Plan relate to the need for a substantial uplift to the housing requirements for the District. The latest evidence produced by GL Hearn (applying the approach endorsed by the Inspector through existing Hearings and interim conclusions) utilising the 2014 Sub-National

Population Projections and associated Housing Projections indicates that OAHN equates to 919 dwellings per annum, or 18,380 dwellings over the Plan period 2011 – 2031. This is significantly higher than the OAHN in the Submitted Local Plan (580 dwellings per annum) or the OAHN figure recommended by the Local Plan Inspector (845 dwellings per annum) in February 2016 following the OAHN Hearing.

4.40 The Council has proposed substantive modifications to chapter 12 of the Local Plan ‘Housing Delivery’ to reflect ‘testing’ of spatial options, Sustainability Appraisal, other evidence, and the substantial increase in OAHN for the District. These changes can be summarised as follows:-

- Chapter largely re-written;
- Updated references;
- New policies HSP1 and HSP2;
- New policies HSP3 - HSP5 relating to site allocations;
- Revised affordable housing mix HSP2.

Through the proposed modifications, Arun District Council is planning to meet an updated housing requirement. The proposed modifications to the Local Plan respond to the latest evidence, which indicates an OAHN equating to **919 dwellings per annum**.

4.41 On behalf of the applicant we will continue to keenly monitor the progress of the new Local Plan. Although the Plan is a material planning consideration, our view is that due to the lack of agreement and ongoing examination of the Plan, the status of the Plan remains unconfirmed, and therefore currently only limited weight can be given to the Plan in the decision making process.

(v) Housing & Economic Land Availability Assessment (HELAA)

4.42 The application site has been previously considered as part of the Councils HELAA report, which is one of several technical reports that the Council is required to produce to underpin the emerging Local Plan. It is important to note that the HELAA is a technical and theoretical assessment of sites which could potentially contribute towards the future

supply of housing and employment land within the Local planning authority Area (LPAA). As a consequence, the HELAA does not set policy, but provides background evidence on the potential availability of sites. It is acknowledged that the identification of sites in the HELAA should not be seen as an intention to allocate these sites for development, or that planning permission will, or will not, be granted.

4.43 In November 2016, the Council published their updated HELAA report. The application site is identified as Site Reference 143, and is concluded as being 'not currently developable'. The reason for this conclusion being reached is due to the site is adjudged to have a 'Low' landscape capacity for development – as set out below:

HELAA Assessment Summary Table – Not Currently Developable

Reference	143
NLPG	2.00E+11
Site Address	The Cottage Nursery, Violet Farm, Shripney Road
Grid ref	493834-102318
Parish Group	Bognor Regis & Surrounding Area
Parish	Bersted
Settlement	Shripney
Site Area (ha)	0.86
Suitability Summary	The site is not considered suitable for further assessment. This site is located outside of the settlement boundary and is judged as having a 'Low' Landscape Capacity for development.
Availability Summary	The site was promoted for development in October 2016, which suggests that it is available for development.
Current Status	Not Currently Developable



Fig 4. Extract from HELAA Interactive Map

4.44 However, as has been confirmed by the applicant's landscape consultants, Huskisson Brown Associates, the application site does not lie within an area forming part of the 'Landscape Capacity Study', and therefore the HELAA is incorrect insofar as its assessment of the site's landscape capacity is concerned. This matter is explained in more detail within the accompanying *Landscape Statement*, which has been prepared by Huskisson Brown Associates, and which confirms that the proposed landscaping proposals are robust and advantageous for the application site.

5. PLANNING HISTORY

(i) Application Site

5.1 According to the Council's online planning records, the site has no planning history.

(ii) Nearby Sites

5.2 We are aware of the nearby development of '**Richmond Lodge**', which is positioned south of the application site on Shripney Road, less than 350 metres from the application site. This site has a wealth of planning history, with the most recent planning approval being for the 'Erection of 10 no. 2 bed dwellings, incidental sheds for cycle storage, alterations to existing access, new access road & provision of 14 no. parking spaces' Approved conditionally subject to a S106 agreement (*planning ref: BE/100/15/PL*).

5.3 At the time of this application, the planning case officer stated that "*although the site lies in a countryside location, the principle of 10 houses on this site has already been established with the approval of BE/10/10 in outline and the subsequent reserved matters approval BE/88/10. This permission is still able to be implemented as confirmed by BE/34/15/CLP. Furthermore, the application BE/9/14/PL and subsequent appeal were only dismissed on the grounds of failure to adhere to internal & external space standards policies*".

5.4 It is our view that the redevelopment of this site can be seen as an example of planning precedent in terms of the acceptability of Shripney as a sustainable location for new build housing, despite being located outside of the built-up area.

5.5 To the north, the Robin Hood/Premier Inn site most recently received planning permission for a 'Two storey hotel extension with amended car park layout, air conditioning compound and unit' (*planning ref: BE/47/14/PL*).

6. PLANNING ASSESSMENT

a. Principle of Development

6.1 As identified by the Arun Local Plan and Bersted NP, the site lies outside any settlement boundary. The site is not within or adjacent to any Conservation Area, and nor is the site affected by any other landscape or other planning designation or constraint.

6.2 The National Planning Policy Framework was published on 27th March 2012, and this sets out the government's planning policies for England and how these are expected to be applied. The purpose of the planning system is to contribute to the achievement of sustainable development, encompassing economic, social and environmental dimensions. Paragraph 49 states that: *"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites"*.

6.3 It is understood that the District Council are currently unable to demonstrate a deliverable Five Year Housing Supply (5YHLS).

6.4 In addition, the Local Plan policies relating to the supply of housing were only intended for the period up until 2011. In any case, recent discussions with Officers at the Council have indicated that on current figures, the estimate is that the Council have less than a 2 year supply of housing. The lack of a 5YHLS has been confirmed by the Council themselves within a number of recent Planning Committee reports, as well as within a large number of appeal decisions. This evidence can be provided upon request. **This is a material consideration that must be taken into account in determining this proposal.**

6.5 Paragraph 14 of the National Planning Policy Framework states: *"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable*

development, which should be seen as a golden thread running through both plan making and decision-taking. For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and*
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - specific policies in this Framework indicate development should be restricted."*

6.6 It is our view that in the absence of a five year housing land supply, Development Plan policies that seek to control the supply of housing cannot be considered to be up-to-date for the purposes of decision taking and therefore the application falls to be determined against Paragraph 14 above.

6.7 In light of the above, notwithstanding the fact that the site lies within the countryside, it is considered that, in principle, given the presumption in favour of sustainable development in the NPPF, this site can be considered for housing development. We are of the view that the proposed development is acceptable in principle. We will now consider the specific site constraints and application details, and discuss whether these would create any adverse impacts which would significantly and demonstrably outweigh the benefits or conflict directly with specific policies within the NPPF.

b. Sustainable Development Assessment

6.8 It is our view that in the absence of a five year housing land supply, the policies contained within the Development Plan (including the Arun District Local Plan, 2003; and the Bersted NP, 2014), which seek to control the provision and location of housing, cannot be considered to be up-to-date for the purposes of decision taking, and therefore the application falls to be determined against Paragraph 14 above.

6.9 When considering this issue, we consider it important to consider the implications of the Court of Appeal's recent judgement in Hopkins Homes & Richborough Estates vs SSCLG [2016] EWCA Civ 168. The principal implication is that it is now definitively established that general countryside/settlement boundary policies are subject to paragraph 49 of the NPPF where, as here, the Council is unable to demonstrate a 5 year housing land supply. This had been subject to conflicting High Court decisions, which the Court of Appeal did not seek to reconcile – rather, it overruled those decisions which appeared to favour a 'narrow' interpretation of para. 49 [see judgement at para. 41]. As such, the decision maker must proceed on the basis that countryside policies are 'out of date' for the purposes of the NPPF. Whilst it is our case in respect of this proposal that as a matter of impact, there is no unacceptable effect on the special character and visual quality of the countryside, the Council should now record that any conflict, if there is any, with countryside policies arises in relation to policies which are deemed out of date by national policy. The second implication is that the Court of Appeal has affirmed the position in Crane and Woodcock Holdings that while the weight to be given to out of date policies is as a matter of law to be determined by the decision-maker, it is judged, of course, in the light of national policy, which 'is likely always to merit significant weight' [judgement para. 42]. Paragraph 52 of the Judgment records that only up to date policies are capable of carrying full weight; by contrast [see para. 47 of the Judgment] one may infer from para. 49 of the NPPF that in the Government's view the weight to be given to out-of-date policies for the supply of housing will normally be less than weight due to policies that provide fully for the requisite supply.

6.10 Therefore it follows that the approach that must be taken is that the development is assessed against paragraph 14 to see whether any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The weight to be given to saved policies of the Arun District Local Plan and the emerging Local Plan will need to be assessed against the degree of conformity with the NPPF. In this case whilst the housing land supply element of ADLP policy GEN3 is out of date, the general objective to recognise the intrinsic character and beauty of the countryside seems to accord with the

NPPF (paragraph 17) and thus some weight may be afforded to this element of the policies referred to.

6.11 As is detailed at paragraph 4.31 above, the same assessment of the Bersted NP should also be applied. This is because the Written Ministerial Statement (December 2016) in respect of the weight to be afforded to NP's does not apply in this case, due to (i) the District not having a 3 year housing land supply; and (ii) in any case, the NP is in excess of 2 years old.

6.12 The most recent case law has confirmed that the presumption in favour of sustainable development is not an additional test for development. The sustainability credentials of the development are therefore measured within the balance of paragraph 14, as part of the weighing up process. Therefore this development must be assessed against the 3 limbed definition of sustainable development at paragraph 7 of the NPPF. If a development is found to be sustainable, that would weigh heavily in favour of granting permission in the paragraph 14 balance. If however the development is not found to be sustainable, that is not the end of the matter; the decision maker will still need to go through the weighing up process between the positive benefits of the scheme against any harm that may be caused.

6.13 The NPPF (para 7) sets out the three dimensions to sustainable development: economic, social and environmental. Paragraph 8 goes on to say that these roles should not be undertaken in isolation, because they are mutually dependant.

- THE ECONOMIC ROLE

6.14 Part 6 of the Localism Act was enacted on 16th January 2012. This requires the Local Planning Authority to have regard to local finance considerations (as far as material to the application) as well as the provisions of the Development Plan and any other material considerations. The New Homes Bonus commenced in April 2011, and will match fund the additional Council Tax raised for new homes and empty properties brought back into

use, with an additional amount for affordable homes, for the following six years. The New Homes Bonus is now a material planning consideration and if permitted the LPA would receive a New Homes Bonus for the new dwellings proposed.

6.15 The proposed development of this site would result in the creation of construction jobs during the build period. The additional population would help generate spending in the local community, provision of infrastructure and services, and generate New Homes Bonus funding, as well as additional Council Tax receipts. It is therefore considered that development of the site would fulfil the economic role of sustainable development as set out within the NPPF.

- SOCIAL ROLE

6.16 The NPPF seeks to promote a strong vibrant and healthy community by providing a supply of housing required to meet the needs of present and future generation and by creating a high quality built environment, with accessible local services that reflect the community's needs and supports its health, social and cultural well-being.

6.17 In terms of housing supply, we are of the view that the housing needs of the District are significant. The erection of 20 new dwellings at our client's site (plus the replacement of the existing property), including a policy compliant level of on-site affordable housing, will clearly add to Council's housing stock and help meet an identified need. There is an identified need for particular housing types in this area, including affordable housing, and this proposal will assist in meeting this need.

- ENVIRONMENTAL ROLE

6.18 Saved Policy GEN7 of the Arun District Local Plan seeks a high standard of design in all new developments, which is consistent with the aims of the NPPF. Further, Saved Policy GEN3 of the Local Plan, considers the intrinsic character and beauty of the countryside, and is also considered to comply with one of the core planning principles of the NPPF.

6.19 As detailed above, this proposal seeks planning permission for the erection of a total of 21 dwellings (a net gain of 20 units), comprising mainly a mixture of individual house types, and a limited number of flats. The Design & Access Statement submitted with this application explains in detail the design concept and process that has informed the indicative site layout plan.

6.20 In landscape terms, the development of this site will be well related to the existing established built form and pattern of development within the hamlet of Shripney, and consequently it would not represent an isolated form of development. The site is well-contained from existing vegetation and other built form that provides screening, and the development of the site would not be visually prominent.

6.21 The proposal will not appear obtrusive within the landscape or remote in terms of its location. Over time the development will appear as a cohesive part of the urban fabric of Shripney. The proposal would therefore respect the existing settlement pattern, and provide a density that is in keeping with neighbouring existing built form, whilst also providing an efficient use of the site.

6.22 The proposal will have a very limited visual impact when viewed from surrounding public vantage points. We consider the application site does not itself make a significant contribution to its landscape setting and given that there is existing development to the west, south and north, the site represents a suitable infill development on 'previously developed land' (PDL), and will also not result in the coalescence of settlements. The development has been designed to blend in with the built form of Shripney and its existing landscape, whilst preserving existing vegetation and key views. The development has been concentrated in the northern part of the site where it will be well related to the neighbouring hotel, which together with existing and proposed landscaping, will also assist in effectively screening the development. The proposed properties have been arranged at an appropriate density to ensure that the scheme appears in keeping with the

character of Shripney. Consequently it is not considered that the proposal would harm the character of the surrounding countryside.

6.23 When referring specifically to the issue of sustainability, paragraph 14 of the NPPF relates. It states that: *“at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking”*. It details that objectively assessed needs, such as housing, have to be met unless *“any adverse impact of doing so would significantly and demonstrably outweigh the benefits.”*

6.24 Although we acknowledge that the site lies within a countryside location, this should not automatically bar it from development; rather, the test is whether the development will be sustainable. It is considered that, assessed against the guidance set out in the NPPF, we consider that the application site is suitable for residential use, due to:

- It comprises previously developed land and will not encroach on open countryside;
- It being well contained in landscape terms;
- It having an acceptable relationship with neighbouring buildings and residential uses;
- It being located in an area where other differing in scale residential developments have been previously permitted; and,
- The lack of visual impacts arising from development at this site.

6.25 Aside from the countryside designation there are no other notable constraints that relate to this site. There are trees within and surrounding the application site, and although none are subject to any protection (i.e. TPO's), we are confident that the important specimens situated within and around the edges of the site can be accommodated via a detailed and sensitive layout approach – as is detailed by the indicative site layout plan that accompanies this Outline planning submission. A comprehensive planting strategy is to be provided as part of the development proposals, and this will ensure that the scheme will provide significant levels of new planting.

6.26 As discussed in greater detail below, there are no flood risk issues. There are no physical or infrastructure constraints; indeed the site is served by excellent infrastructure. The site is accessible by a range of transport modes, including bus services, and good access to public rail transport in neighbouring settlements. In addition, the majority of retail, employment, education and leisure facilities are within the recommended IHT 5km cycling distance of the site, and many are within a 2km easy walking distance of the application site also. Therefore the site is appropriately located in terms of allowing satisfactory access by a range of sustainable modes. Due to the site's location to existing bus stops, and compliance with industry standard walking/cycling distances to local facilities, it is considered that the site accords with both local and national planning policy guidance. As will be discussed below, biodiversity surveys are being carried out, and these confirm that the site is generally of low biodiversity value. There are no known contaminants at the site, although further appropriate surveys (and any necessary remediation) would be carried out at the appropriate time.

6.27 In summary, we are of the opinion that the proposed development would not represent an inappropriate incursion into the countryside. The housing scheme proposed would be accessible to services and facilities, it will not be visually isolated from the settlement of Shripney, and it will not create any other demonstrable harm that would suggest that permission should not be granted. As such it would accord with paragraph 7 of the NPPF by providing a sustainable form of development.

6.28 In the context of the Council's lack of a 5-year housing land supply, new residential development should only be refused if any adverse impacts would significantly and demonstrably outweigh the benefits of the development, when assessed against the NPPF as a whole, or specific NPPF policies indicate development should be restricted.

6.29 The application site, whilst falling outside of the built-up area as defined by the Local Plan, lies immediately adjacent to existing residential development and directly neighbouring a large hotel, has good access to public transport opportunities, and is

within walking distance of a range of amenities and services. It is therefore deemed to be in a sustainable location. **It is considered that the proposal constitutes sustainable development.**

c. Other material planning considerations

- Quantum of Development

6.30 The total application site area measures approximately 0.89 hectares. The provision of 21 dwellings equates to a residential density of 23.6 dwellings per hectare. Given that our application proposals include the provision of areas of planting and public open space, as well as a retained public footpath and a range of housing including smaller dwellings (in order to meet local needs), the application site clearly provides an appropriate residential density, which balances the need to make efficient use of land, and the need to respect the character of the locality.

6.31 In this context, it is considered important to note that the surrounding area is fairly mixed in its character, with lower density housing immediately to the south, whilst further to the south is the more recent development at the former Richmond Lodge site (now known as Orchard Place) on Shripney Road, which provides 10 no. terraced houses at a density of 62 dwellings per hectare. This level of development has clearly been deemed appropriate in this location in recent times by the District Council. Therefore, we consider that our proposed density is appropriate given the character of the immediate surrounding area, which is located on a previously developed site fronting the main A29 carriageway, and will effectively appear as an infill style development.

- Residential Amenity

6.32 The amenities of residents of the nearby properties have been given careful consideration during the design process. Clearly any impact on these existing residents will be fairly limited due to the position of the proposed housing, and its relationship and proximity to neighbouring properties. In any case, via the provision of a spacious layout, with the retention of all significant landscape features, and the provision of additional

planting where required, this will ensure that residents' outlook is of a high quality development that in time will blend with the natural environment and be a positive expansion of the existing settlement of Shripney. The majority of the new development is proposed to be on the north side of the site, but neighbouring to the north is a large pub / restaurant and large hotel, and therefore there are no residential amenity issues in this respect. To the south is a detached dwelling, but the replacement dwelling will border this, and the proposed layout demonstrates that this can be provided whilst not impacting on the amenities of the residents of this neighbouring property.

6.33 The proposed layout provides ample separation distances to all existing neighbouring development and as such there will be no undue loss of privacy by way of overlooking. Although the scale and height of the buildings is a Reserved matter and therefore not hereby for consideration, it is envisaged that the majority of buildings will be 2-storey, with some accommodation in their roofspace served by rooflights and dormers. Given the separation distances proposed, this will ensure that there will be no significant loss of light or overbearing issues. The position of estate roads, parking areas and public areas are also proposed to be located away from boundaries shared with existing properties, and therefore the development will not impact on existing residents demonstrably by way of excessive noise, activity or disturbance.

6.34 Hilson Moran have been commissioned by the applicant to undertake a noise assessment of the development proposals in accordance with Arun District Council's noise requirements. The key outcomes of the assessment are that the internal areas of the proposed housing will be provided with satisfactory living conditions for future occupiers via the installation of double glazed windows with appropriately designed trickle vents. In addition, the private gardens throughout the development are considered to provide adequate areas of external amenity that achieve the target criteria of Arun District Council, considering the development site's proximity with Shripney Road.

6.35 In this context it is clear that the proposed development will comply with Policy GEN7 of the Local Plan insofar as it relates to the provision of satisfactory living conditions for existing and future residents.

- Drainage & Flood Risk

6.36 The application is supported by a Flood Risk Assessment, prepared for the applicants by Hilson Moran. Their report confirms that the Council's Strategic Flood Risk Assessment (SFRA) provides a detailed account of the risk of flooding across the District and, as such, supplements the Environment Agency (EA) Flood Map. These indicate that the proposed development is currently wholly located in the EA's Flood Zone 1. Referring to NPPF Technical Guidance, the location of the proposed development would be categorised as "Low Flood Probability" - i.e. the annual probability of flooding from riverine sources is less than 0.1 %. Consequently, there is no requirement to provide compensatory fluvial flood storage and the residual risk of fluvial/coastal flooding is deemed to be of neutral/negligible significance.

6.37 However, Hilson Moran note in the FRA that part of the site is modelled to be at risk of undefended risk of flooding by 2070 and the whole site by 2115, although the site is currently protected by tidal flood defences and the EA is committed to maintain the current Standard of Protection (SoP) throughout the lifetime of the proposed development. Nevertheless, flood resilience measures are recommended to reduce the residual risk of flooding. This will be achieved by ensuring that the ground floor levels are raised above the 2070 flood level and by employing a flood exclusion strategy to protect the dwellings by 2115. Hilson Moran conclude therefore that the residual risk with climate change taken into account would therefore be considered of negligible/neutral significance.

6.38 The FRA confirms that the site does not lie within an area susceptible to groundwater flooding, and the risk of flooding of the proposed development from surface water flooding or from highway sewers is considered to be negligible also.

6.39 In respect of surface water drainage, Hilson Moran confirm that *“within the bounds of the proposed development site, infiltrating subsurface storage will be incorporated into the design to sustainably manage runoff from rainfall events up to and including the 1 in 100 year event. As a consequence of the proposal, the rate of runoff generated from the site will be maintained at the current greenfield rate. The effect of the proposed redevelopment on the volume and rate of surface runoff generated is, therefore, deemed to be of neutral/negligible significance. The Sustainable Drainage System (SuDS) for the proposed redevelopment will be designed to accommodate all additional runoff from the site for rainfall events up to and including the 1 in 100-year event and infiltrate it to ground. Consequently, there will be no requirement for additional discharges to the surface water sewer system, and thus no mitigation is deemed necessary. The residual risk from surface water sewer flooding is therefore deemed to be of neutral/negligible significance.”*

6.40 In respect of Foul Water drainage, it is acknowledged that the proposed redevelopment will likely lead to an increase in foul water discharges from the site. However, the developer will augment the existing sewer infrastructure accordingly. The FRA states that *“in accordance with Building Regulations Part G, it is also anticipated that low water consumption appliances (low-flow taps and white goods) will be introduced throughout the proposed redevelopment, which will minimise foul water discharges. Following the introduction of these measures, the residual impact of the proposed redevelopment on the local sewerage infrastructure is deemed to be of neutral/negligible significance.”*

6.41 In light of the above, the principle of the proposed development within the application site is found to be acceptable on flood risk and drainage grounds and will provide a positive contribution to the sustainable management of local flooding and surface water runoff.

- Highway Considerations

6.42 Although the application is in Outline form, the scheme does include access arrangements to serve the proposed development. In summary, the development will be accessed from the eastern section of Shripney Road (A29), which is part of the adopted highway. It is acknowledged that there are no footways located along the sides of Shripney Road in the vicinity of the application site although there are pedestrian footways that run along the service road which runs parallel to Shripney Road, a mere 10 metres to the west. Shripney Road and the service road benefit from street lighting and the footways provide continuous pedestrian access to the nearby local bus stops, the settlement of Bognor Regis, and retail parks to the south. In addition, Public footpath 151 crosses the southern part of the site and this provides pedestrian access to Sack Lane and public footpath 200 which enables recreational walks to Barnham and Yapton to be undertaken. At the end of the service road, 250 metres south of the site, a cycleway commences which provides a link to a comprehensive network of cycle routes around Bognor which provides links to Barnham, Bognor, Chichester and the national south coast cycle route.

6.43 This application is supported by a Transport Assessment (TA) that has been prepared by Motion Transport. This document provides a detailed explanation of the proposed access arrangements, in addition to an assessment of all other transport related matters. The TA confirms that vehicular access to the proposed development will be provided via a new access from Shripney Road. The access road into the site will be 4.8 metres wide to allow two vehicles to pass each other. The proposed access to the site as shown on Drawing 160818-04 within Appendix G of the TA confirms that a splay of 2.4 metres by 120 metres can be achieved in the trailing direction to the south, which complies with the relevant Manual for Streets guidance based on the 40mph speed limit of Shripney Road in this location.

6.44 However, the TA acknowledges that given the horizontal alignment of Shripney Road, visibility splays of 2.4 metres by 120 metres are not achievable in the leading



direction to the north. Therefore a speed survey as detailed within Section 3 of the TA was undertaken to determine the 85th percentile speed of southbound vehicles. The TA confirms that the *“speed survey shows that the 85th percentile speed for southbound vehicles approaching the location of the new access is 34.5 miles per hour and as the observed vehicles speeds are below 37 miles per hour, the requirements contained within “Manual for Streets” (MfS) can be used to determine the visibility splays. Therefore, in accordance with MfS, appropriate visibility splays of 2.4 metres by 53 metres are required to the north... The visibility splays have also been calculated on the observed vehicle speeds and have not had a wet weather reduction applied as detailed within Department for Transport document “TA 22/81 Vehicle Speed Measurement on All Purpose Trunk Roads”. Therefore, the visibility splay to the north is greater than that required of 2.4 metres by 48 metres, if a wet weather reduction was applied in accordance with guidance.”*

6.45 The application proposals will also provide for betterment in respect of the visibility splays to be made available for the adjacent Premier Inn Hotel. The TA confirms that *“the existing splay to the south is restricted to 2.4 metres by 26 metres given the vegetation across the application site frontage. The removal of this vegetation will result in visibility splays of 2.4 metres by 120 metres to the south from the public house exit being obtainable... For the first 70 metres into the site, a 1.8 metre wide footway will be provided along the southern side of the access road, which will connect into the existing footway along Shripney Road. The footways within the site will also provide a link to public footpath 151”.*

6.46 In summary, the TA that accompanies this Outline planning application confirms that:

- A review of personal injury accident information has identified no significant issues associated with the local highway network that are detrimental to road safety levels;



- Suitable and appropriate vehicular access to the site can be achieved via Shripney Road in accordance with current best practice guidelines;
- Car and cycle parking has been provided in accordance with relevant parking guidance;
- Appropriate provision is made for servicing, having regard to relevant design guidance; and,
- Although the proposed development will result in an increase in vehicle movements it has been demonstrated that the proposals will not interfere with the operation, capacity or safety on the adjoining highway network. On the basis of the above, it is concluded that the proposals accord with national and local transport policies and can be accommodated without detriment to the safety or operating capacity of the local highway network. As such, it is considered there is no reason why the proposals should be resisted on traffic or transportation grounds.

6.47 It is noted that the National Planning Policy Framework advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. However, we have no reason to suppose that the development proposed would lead to any material increase in danger to highway users. There would be no conflict with saved policies of the Arun Local Plan or the National Planning Policy Framework insofar as they relate to highway safety and access matters.

- Accessibility

6.48 The submitted TA demonstrates that the site can be suitably accessed from Shripney Road, and that the traffic generated can be accommodated on the local highway network. Pedestrian access from Shripney Road is shown by providing a new footway on the eastern side of Shripney Road into the development site. Residents can then cross Shripney Road to access the existing footways on the opposite side of the road.

6.49 The TA confirms that the development will have no material impact on the surrounding highway network, nor lead to any deterioration in highway safety or capacity. The site is sustainably located, being located within an established village and with easy

walking and cycling distances to a range of local facilities. The site is also located close to four existing bus services. The site is also well located for end occupiers to 'rail head' to local rail stations to make longer distance trips towards a range of employment, retail and leisure destinations, including central London.

6.50 Based on this assessment the site is appropriately located in terms of allowing satisfactory access by a range of sustainable modes. Due to the site's compliance with industry standard walking/cycling distances to local facilities, it is considered that the site accords with both local and national planning policy guidance.

6.51 Consequently, the site is appropriately located in terms of allowing satisfactory access by sustainable modes. Due to the site's compliance with industry standard walking/cycling distances to local facilities, it is considered that the site accords with the Arun Local Plan, and the objectives of the NPPF, which, together, seek to direct development to sustainable locations in order to reduce reliance on the private car. Future occupiers would not be heavily reliant on the private car and the site can be considered as a reasonably accessible location for the residential development proposed.

- Car Parking

6.52 Although the scheme presented by this application is in Outline form, the illustrative plan has been prepared with the intention of maximising car parking provision so as to accord with the WSCC Parking Calculator. Consequently redevelopment of the site can be provided whilst according with Policy GEN12 of the Arun Local Plan.

- Landscape

6.53 A detailed landscaping scheme will be submitted at the Reserved Matters stage. It will include indigenous planting throughout the developed area, together with suitable reinforcement of boundary planting. The vast majority of existing hedgerows and boundary trees are retained.

6.54 A Landscape Statement has been undertaken by Huskisson Brown Associates to assess the landscape capacity of the application site to accommodate change, brought about through its development. The assessment was conducted in line with current legislation and guidance. Any development must change the character of a location to some degree. However with the correct siting, design and architectural and landscape treatment, the development can provide a positive enhancement to the existing site with positive impacts on the physical and visual character and quality of the surrounding landscape.

6.55 The Landscape Statement confirms that the proposed development is located in a natural area of infill to the existing eastern edge of Shripney, and is of appropriate scale, size, density and materiality to blend into the adjacent built form. Open space and planting has been well considered and provided for within the scheme to enable the development to be fully integrated within the wider landscape.

6.56 An Indicative Landscape Strategy Plan (drawing reference: HBA/758/02 rev B – see below) has been prepared to illustrate the overall strategy for landscape treatments across the site. This is based upon the range of landscape measures identified in Section 5 of the *Landscape Statement*.

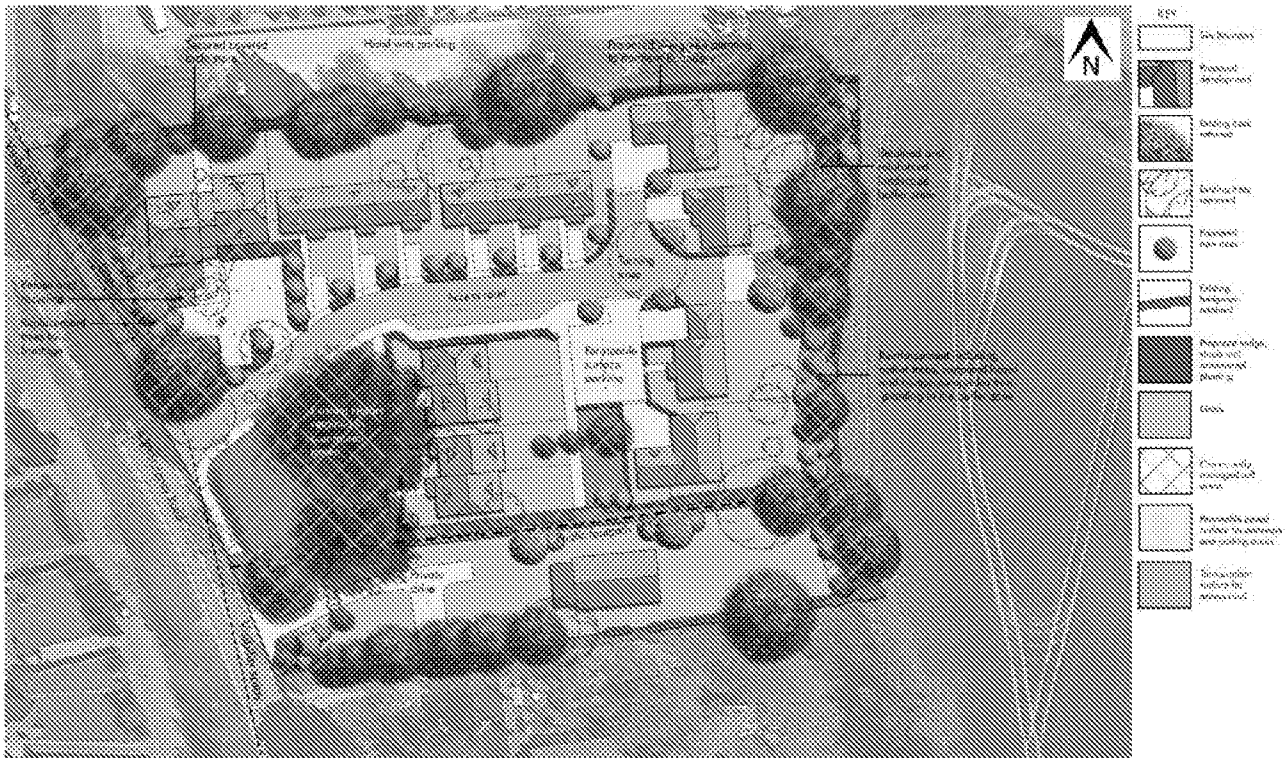


Fig 5. Indicative Landscape Strategy plan

6.57 The proposed layout and plans for the site have evolved in order to accommodate the advice and recommendations of Huskisson Brown Associates. We are therefore confident that the proposed illustrative layout plans demonstrate that 20 new dwellings and a replacement house can be provided on this site in a manner that retains significant vegetation on the site whilst minimising the visual implications of development on the limited views from the A29 road corridor and the wider countryside to the east. Where appropriate, the proposed layout seeks to respond to the guidelines set out in the published landscape character studies.

6.58 It is acknowledged that the Council's HELAA report in respect of this site did raise concerns over the site's landscape capacity to be considered suitable for redevelopment. However, the research carried out by Huskisson Brown, and as detailed in their Landscape Statement, confirm that actually the evidence base studies that supported the HELAA did

not include the site in question, and therefore the conclusions in respect of the HELAA report are flawed insofar as they relate to the application site.

6.59 In any case, the Landscape Statement confirms that *“overall, the site is considered to offer a good opportunity to deliver a modest and attractive redevelopment embedded within the established framework of Shripney. The development proposals would not be widely visible from the open countryside to the east and the range of landscape measures identified would contribute positively to landscape integration and the perception of a well vegetated settlement edge.”*

6.60 The application site is visually well contained within the wider landscape on account of the topography and existing vegetation enclosing the wider area surrounding the site. We consider that any physical impact arising from the proposed development will be mitigated by the tree and hedgerow planting within and to the boundaries of the scheme. Additional planting will be placed to frame and screen where appropriate. It will also be designed to mimic natural vegetation geometries to visually integrate the development into the wider landscape.

6.61 The development will be sited to protect and enhance the existing natural landscape and views from the surrounding area. Properties and the access road will be concentrated in the northern portion of the site where it will lie adjacent to existing more substantial built form (the Premier Inn Hotel). Areas of open space are to be provided together with additional planting to provide buffers to the site boundaries. The proposed residential development will be of low-medium density with scale, height, materials, form and siting of the buildings designed to blend in with adjacent built form, topography and the sites location on the edge of the village settlement. The end result will be a development that is physically and visually integrated into the landscape and continues to conserve the existing landscape character.

6.62 We contend that the Landscaping Statement successfully demonstrates that proposed development on the site will conserve and enhance the existing rural area,

through the careful siting of properties, integration of recreational features and addition of planted areas which emphasise natural features. The proposed development will have a positive impact upon near, medium and long distant views from the wider countryside through the addition of designed planted boundary treatments and vegetation areas.

6.63 Therefore the proposals do not amount to adverse encroachment into the countryside. Consequently the proposals are broadly in line with the criteria set out within saved policies GEN7, GEN20, GEN27 and GEN28 of the Arun Local Plan.

- Ecology

6.64 This planning application is supported by a preliminary ecology appraisal, which has been prepared by the applicant's ecology consultants, The Ecology Partnership. Their report confirms that the site is not designated for its nature conservation value nor does it lie adjacent to any designated sites. The site does not lie within or adjacent to any statutory designated sites. The only statutory designation within 2km is the Brooks Local Nature Reserve (LNR), which is approximately 700m southwest of site. The habitats on site are common and widespread throughout the local area and the UK as a whole. The site is dominated by buildings, short amenity grassland, ornamental planting and scattered trees.

6.65 The PEA report confirms that *"the majority of the buildings onsite were considered unsuitable for roosting bats. However the main house (building 1) and building 3 a small outhouse, were considered to have suitable external roosting features for crevice dwelling bat species. No evidence was found internally within any of the buildings and it is considered that no internal features within the buildings such as loft space are being used by roosting bats. Further survey work on these buildings were recommended. Two bat activity surveys were undertaken on buildings 1 and 3, with one common pipistrelle seen to emerge from building 1 on the dusk survey. It is therefore considered that the demolition of the building should be undertaken under Natural England licence. A mitigation strategy has been included within this report."* It is noted that further activity survey work is required in order to inform a Natural England licence application. These



have been instructed and are currently being undertaken by the consultants. As such an updated survey report will be issued to the Council imminently in this respect.

6.66 The PEA confirms that the survey work has highlighted that there is no evidence of badgers found on site. Further just one dry ornamental pond was present on site, and this waterbody was not considered suitable for supporting great crested newts. The PEA confirms that there are no other potential breeding ponds within 250m of the site, and therefore it is considered that the site is unlikely to contain great crested newts therefore no further survey work is recommended.

6.67 The Ecology Partnership confirmed that the grassland on site was considered to be too short for reptiles, which is subject to regular maintenance and also sheep grazing. It is recommended that all grassland on site is kept at a short sward height so that it remains unsuitable for reptiles.

6.68 Further the PEA advises that the site is not considered to be constrained by other protected species such as dormice, otters or water voles, and therefore no further surveys are recommended.

6.69 The proposals have the potential to enhance the biodiversity of the site by introducing additional tree cover and other planting, and the retention and improvement of existing ecological buffer zones within the application site benefiting both local ecology and landscape amenity. We therefore submit that the application scheme generally accords with the NPPF and other policy guidance with respect to habitats and protected species, including policies GEN29 and GEN30 of the Arun Local Plan.

- Arboriculture

6.70 The site has been surveyed for all trees by specialist consultants, Arbortrack Systems. Their detailed reports accompany this planning application. In summary, Arbortrack confirm that there 71 trees or groups of trees have been surveyed on or near

the site. Of these just 2 are 'A' (high quality) category i.e. trees 36 & 37 – the retained Cedar trees in the centre of the site. Of the remainder, 26 are 'B' (moderate quality) category, 36 are 'C' (low quality) category, and 7 trees are 'U' (unsuitable for retention quality).

6.71 The Tree Report details a number of trees are proposed to be removed in order to allow or facilitate development or for landscape enhancement or for sound arboricultural management i.e. retention presents an unacceptable risk of failure. Of these, all apart from 1 weeping willow, and 4 early mature ash trees, are low quality trees. The Arbortrack report notes that *"the loss of four moderate quality trees is acceptable in the context of these proposals: the landscape planting on the eastern boundary is retained and can readily be reinforced with further planting. The two cedars (36 & 37) that are the prominent arboricultural feature of the site are retained and there is good scope for replacement planting on the roadside boundary, which is currently over reliant on post mature Monterey cypress that have all lost significant elements of their crowns... All retained trees will be protected in accordance with current standards and guidance."*

6.72 Where new driveway/hard standing are to be provided within the root protection area (RPA) of trees the Tree Report confirms that these will be constructed to a low invasive, porous, engineer designed specification where required and possible, and precise details can be agreed by the Local Authority via conditions that can be applied to the planning permission.

6.73 The Tree Report advises that *"there is good scope and provision for new planting in and around the site e.g. on the roadside boundary, on the eastern flank of the site and internally. On this basis the landscape impact of the proposals, which has been minimized, can be neutral or positive in time. The proposed scheme is sound in arboricultural terms and the long term well being of the retained trees can be safeguarded in a sustainable manner."*

6.74 Arbortrack have also assessed the proposals in terms of how new residents will be affected by existing landscape features. They conclude that the juxtaposition of retained trees with the proposals is acceptable and the likelihood of unacceptable issues of post development pressure is low.

6.75 On this basis the proposed scheme is sound in arboricultural terms and the long term well being of the retained trees can be safeguarded in a sustainable manner. The application scheme is therefore compliant with saved policy GEN28 of the Arun District Local Plan.

- Heritage Considerations

6.76 The existing buildings are not statutorily Listed and nor are they considered to be of any architectural merit, and as such it is our view that there is no justifiable planning reason to would warrant their retention.

6.77 The closest Listed buildings are located some distance away from the application site on Shripney Lane. It is our view that these heritage assets are of a sufficient distance away from the site for their setting not to be affected by the proposed redevelopment of the application site. Further, it is our view that the proposed building would in fact represent a visual improvement when compared with the existing dilapidated building that is situated on the application site.

6.78 Taking all of the above into consideration, it is our view that the proposed development would not detract from the setting of these nearby Listed Buildings. It is our view that the proposal would be fully compliant with saved policies GEN7 and DEV11.

- Dwelling Space Standards

6.79 It should be noted that all dwellings have been designed internally to meet the requirements laid out in the Government's 'Technical Housing Standards – nationally described space standard' document. Storage space would be provided within the

dwelling and their garages. They are also designed to meet Secured by Design standards. It is considered that this overall mix of dwellings is appropriate and will produce a balanced community, which will comply with the requirements of the NPPF.

6.80 In respect of external standards, it is the Council's view that regard should be had to Policy D DM3 of the emerging local plan (publication version). Given the un-adopted status of the Plan we do question this, but in lieu of any other guidance on this matter we will refer to this policy for the purposes of assessing this revised application for housing development.

6.81 The usable private amenity spaces (private gardens) illustrated on the proposed layout drawing are in compliance with Draft Policy D DM3 of the emerging Arun Local Plan. The minimum depth of rear gardens to all houses is 10 metres. Private rear patios in excess of 5m² are proposed for the two bed flats, with either terraces or balconies in excess of 4m² for the 1 bed flats. In addition to the above, communal open landscaped areas are proposed throughout the site, including a 'communal green', and a landscaped 'buffer zone'.

6.82 To conclude, the proposals would provide an adequate living environment for future occupiers, and therefore this proposed scheme would be generally compliant with Policy GEN7 of the Arun District Local Plan and the external space standards set out in Policy D DM3 of the Publication Version of the Arun Local Plan (2011-2031).

- Legal Agreement & Affordable Housing

6.83 The NPPF sets out the Government's policy on planning obligations in paragraphs 203 and 204. Respectively, these paragraphs state: *"Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition";*

and, *"Planning obligations should only be sought where they meet all of the following tests:*

- necessary to make the development acceptable in planning terms;*
- directly related to the development; and*
- fairly and reasonably related in scale and kind to the development."*

6.84 Saved ADLP policy GEN8 relates to the provision of infrastructure, and require applicants to provide for the costs of additional infrastructure required to service their developments and mitigate their impact. These are usually secured through the signing of a legal agreement. All requests for infrastructure payments must meet the 3 tests of the Community Infrastructure Levy (CIL) Regulations 2010, which are as set out above.

6.85 In terms of affordable housing, we propose to provide 30% of the net gain of 20 housing units to be affordable (6 homes in total). This provision of affordable housing would be fully compliant with the Council's interim affordable housing policy which states that *"(a) from developments of 15 or more units an affordable housing provision of 30% across the board should be required of developments; and (b) from developments of 1 to 14 units an affordable housing provision of 15% be sought district wide, subject to further research to ensure this is financially viable."*

6.86 Following discussions with the Council's Housing Officer, it is suggested on the illustrative site layout plan that this could comprise a block of 2 x 1-bed flats and 4 x 2-bed flats. The mix and tenure split for the affordable housing will be subject to detailed negotiations with the Council's Housing Officer. The exact location and integration of the affordable housing units would form part of a subsequent reserved matters application, although it is suggested that the layout and mix of housing as shown on the illustrative layout plan (*drawing no. 334/P/03*) is suitable for this site and we would welcome Officers comments on this matter now.

6.87 Open space is to be provided on-site and incorporated to be an integral part of the site layout. This has been position on the illustrative plan so as to also include for the retention of the two 'A' category trees. The amount of open space has been designed to accord with the Council's *Open Space & Recreation Standards SPD*.

6.88 Once the S106 is agreed and signed, the proposal would satisfy the requirements of Saved policy GEN8 of the run Local Plan, in respect of infrastructure requirements to service development and affordable housing.

- Weight to be afforded to the emerging Arun Local Plan

6.89 The starting point for assessing this planning application is Section 38(6) of the Planning and Compulsory Purchase Act 2004, which explains that the determination of an application should be in accordance with the development plan unless material considerations indicate otherwise. In terms of the development plan it is considered that it is the saved policies of the *Arun District Local Plan (2003)* that are the most relevant to the determination of the application proposals.

6.90 The saved policies of the ADLP identify that the application lies outside of any built-up area boundary, and as such Policy GEN3 ('Protection of the Countryside') applies. The spatial application of Policy GEN3 is out of date. Further, the Local Plan provides only for the District's housing requirements up to 2011. Therefore, the defined settlement boundaries (and by implication the extent of land considered to be 'countryside'), including that at the application site, were drawn having only regard to the accommodation of development requirements up to 2011. It must therefore be agreed that to meet the District's development requirements post-2011, Greenfield housing development outside the currently defined built-up area boundaries will be required. Consequently the development boundaries contained within the 2003 ADLP are out of date – as confirmed above at paragraphs 6.3 – 6.7.

6.91 It is identified above that the emerging Local Plan remains subject to further consultation and examination, and there are unresolved issues surrounding the Council's ability to meet the District's housing OAN established by the Inspector dealing with the Plan's examination. This continues the LPA's long standing inability to establish an up-to-date Plan.

6.92 In terms of weight that can be given to relevant policies in emerging plans, the NPPF states: "216. From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."

6.93 Dealing with each these paragraph 216 limbs in turn:

- First, it is understood that the emerging Local Plan is intended to be submitted for examination after the current public consultation period, in early Summer 2017, with an examination anticipated as being held in July or August 2017. However exact dates for these next stages are yet to be confirmed. The history of development planning in Arun District is for the timetable for development plan documents to slip considerably.
- Second, as above, there are substantial outstanding, unresolved objections with respect to the District's proposed housing figure, and the allocation of sites to meet these housing needs.
- Finally, the emerging Local Plan conflicts with the NPPF (in particular with paragraphs 14 (first and second bullet points), 47 (first and third bullet



points) and 182). Therefore although the emerging Local Plan is a material planning consideration, due to the above reasons, currently only very limited weight can be given to the emerging Local Plan in the decision making process.

6.94 In addition to the above, in light of Woodcock Holdings Limited v Secretary of State for Communities and Local Government [2015] EWHC 1173 (“Woodcock Holdings”) (at para. 114), by virtue of the agreed absence of a five year housing land supply, the operation of paragraph 49 NPPF renders the emerging policies in the Local Plan for the supply of housing “out-of-date”. This further reduces the weight to be attached to the emerging Local Plan, while increasing the positive weight to be accorded to the delivery of housing and affordable housing.

7. CONCLUSIONS

7.1 In conclusion the proposed development is considered acceptable and wholly compliant with all Local, Regional and National level planning policies of relevance.

7.2 The site is designated as countryside beyond the existing urban boundary. However, the site does comprise previously developed land, and redevelopment of the site would essentially result in infill development given the sites frontage onto the Shripney Road, and that the site is flanked by existing built form including the larger Premier Inn complex to the north. However, due to the countryside designation, and in accordance with Development Plan requirements, there are two key issues that arise. Firstly, is there a need to release additional land to meet housing requirements and needs, and secondly if so, is the site and scheme, suitable and appropriate?

7.3 We are aware that residential estate permissions normally follow a policy allocation as part of a Plan-led system. However, it is our case that there is not currently a 5 year housing land supply, and the housing situation in Arun District is such that it cannot wait for this to emerge. We contend that in the absence of such an allocation, the principle of developing this site in the manner suggested by this Outline application should now be considered acceptable.

7.4 Government guidance set out in the new NPPF advises that *“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”* (para. 49). As detailed in this Statement, this proposal will not cause any element of harm. The need for housing overrides the prevailing technical local plan policy considerations.

7.5 This scheme takes account of the need to make the most efficient use of the land whilst balancing this with its impact upon the local environment. The scheme will make a significant visual contribution to the area. The layout detailed by this Outline application provides a quality scheme which will make a significant contribution to the District's housing requirements, by providing a generous range of dwelling sizes and types.

7.6 The scale and form of the proposed development is appropriate in its existing and future context; the density of the development is appropriate. The layout of the development is of a high quality, and will set a high standard for future development in the Arun District. It is envisaged that a high quality external appearance of the development will be provided, designed with sustainability in mind, with energy efficiency and renewable energy incorporated in its design (although these matters will be dealt with under the subsequent Reserved Matters).

7.7 Local wildlife will not be affected adversely by the proposals. In addition, trees and other important landscape features will be retained, with significant scope for additional planting where indicated. The landscape value of the area will not be compromised by this proposal.

8.8 The proposal will provide a high quality, sustainable development, which will set a positive benchmark for the District of Arun. It accords with the aims and objectives of national, regional and local policy and guidance, the application site is a suitable location for housing and permission should be granted. Further, it is our case that Arun cannot currently demonstrate a five year supply of housing; and the supporting assessments demonstrate that the site is wholly free of technical constraints and it is therefore suitable and appropriate for development.

May 2017