



PLANNING STATEMENT

Land at The Boweries Barnham Road Eastergate PO20 3RT

NOVEMBER 2020

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1.0 INTRODUCTION AND SUPPORTING INFORMATION

Introduction

- 1.1 This Planning Statement has been prepared on behalf of Domusea Developments Ltd. It accompanies a detailed planning application for the demolition of 1 no. 4-bed dwelling and the erection of 30 no. dwellings, access roads, landscaping, and associated works at The Boweries, Barnham Road, Eastergate. The scheme provides 21 no. open market and 9 no. affordable units. The open market mix is 2 x 2-bed, 17 x 3-bed and 2 x 4-bed units. The affordable units comprise 1 x 1-bed, 6 x 2-bed and 2 x 3-bed units.
- 1.2 The application has been submitted as an alternative proposal to an outline application (LA Ref: EG/22/19/OUT) for the erection of 28 no. dwellings, access, landscaping & associated works (resubmission following LA Ref: EG/42/18/OUT) which was refused permission in November 2019. An appeal against the refusal was the subject of a virtual hearing in September 2020 and a decision is still awaited. However, in accordance with the procedural requirements for hearings, Statements of Common Ground dealing with the planning policy issues and planning obligations were both agreed with the Appellant and the Council. These statements are relevant to this revised application, as they confirmed:
- ◆ A draft mini master plan presented at the time showing the potential capacity for 30 no. dwellings achieves the policy objective for a comprehensive development, and
 - ◆ The scale and scope of infrastructure contributions were acceptable on a without prejudice basis.
- 1.3 The current application proposal for 30 no. dwellings replicates the draft mini master plan layout agreed in the appeal Statement of Common Ground. The applicant will enter into a legal agreement with the council setting out the agreed infrastructure contributions for the proposal calculated on a pro rata basis to the appeal scheme. In our view therefore there should be no site specific, technical, planning policy, or infrastructure constraint to prevent the grant of planning permission for this application proposal at the earliest opportunity.

Supporting Information

1.4 Plans and information submitted in support of the application comprise the following:

- Design & Access Statement – ECE Architecture
- Planning Statement (including Affordable Housing Statement) – Smith Simmons Planning
- Highways Technical Note – Mayer Brown
- Arboricultural Impact Assessment & Method Statement November 2020 Rev 01 – Lizard Landscape
- Existing Tree Schedule Rev 02 – Lizard Landscape
- Tree Retention & Protection Plan LLD1387-ARB-DWG-003 – Lizard Landscape
- Tree Removal Plan LLD1387-ARB-DWG-002 Rev 02– Lizard Landscape
- Tree Constraints Plan LLD1387-ARB-DWG-001 Rev 02– Lizard Landscape
- Location Plan – PL102
- Site Layout – PL105B
- Site Layout Detail PL106B & 107B
- Block Plan – PL108A
- Materials – PL109A
- House Type Floorspace Schedule
- House Type Plans PL110A-121A
- Garages – PL122
- Street Scenes - PL-150
- Artist Impression - PL151

2.0 DESCRIPTION OF THE APPLICATION SITE AND SURROUNDINGS

2.1 The application site is in the western part of Barnham on the south side of Barnham Road within the parish of Barnham and Eastergate and the Neighbourhood Plan designated area. It is shown at Fig. 1 below edged red and comprises 1.49ha. It is currently used for grazing horses and is within flood zone 1 (least liable to flood). It is located close to the existing settlement policy boundary of Eastergate in an urban location amongst older and newer estate and frontage housing along Barnham Road. It enjoys a sustainable location close to a doctor's surgery and community hall with recreation and sports facilities, primary, secondary and academy education and employment sites all available in the nearby vicinity. There are bus services along Barnham Road and a main line railway station all available in the nearby area.

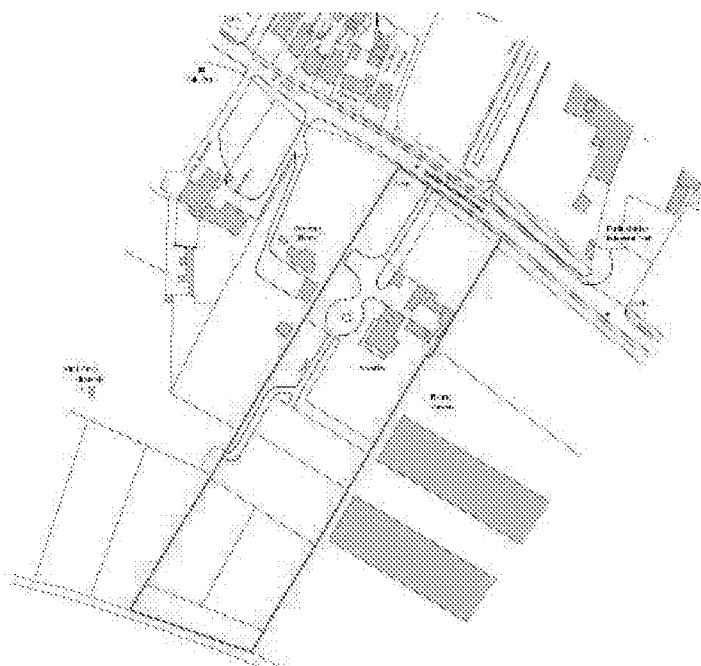


Fig. 1. Shear edged red.

2.2 In terms of planning policy the site forms part of a much larger strategic allocation for Barnham/Eastergate/Westergate (BEW) in the adopted July 2018 Arun Local Plan in Policy HSP2 & HSP2c. The policy provides for at least 2300 dwellings over the plan period to 2029 and 700 beyond 2031. A further 1300 units taking the total yield to 4,300 over the delivery period is anticipated. We deal with the policy issues for the application more fully in section 4.

3.0 RELEVANT PLANNING HISTORY

The BEW Strategic Allocation

- 3.1 The confirmed Barnham/Eastergate/Westergate (BEW) strategic allocation for the full 3000 dwellings is shown below at Fig. 2 as the area coloured yellow. The application site is within the designated allocation and its approximate location is shown with the red dot.

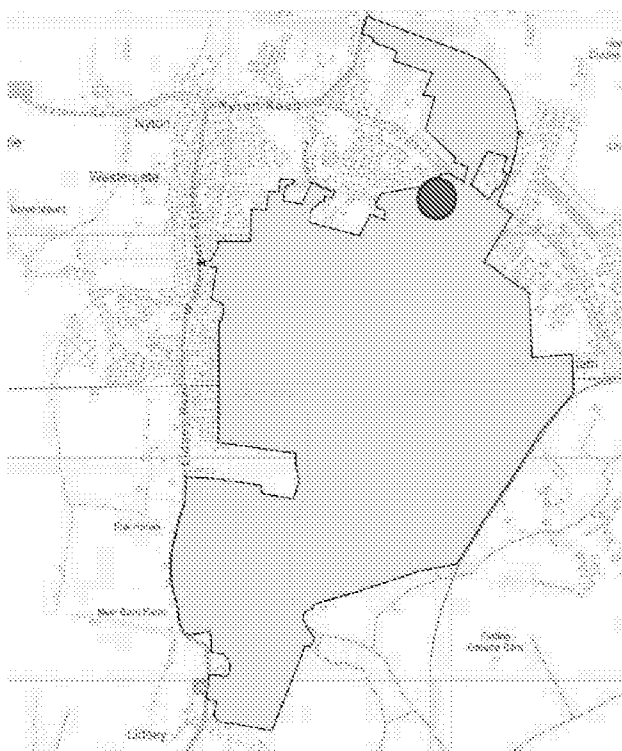


Fig 2 – Barnham/Eastergate/Westergate Strategic Site

- 3.2 The wider strategic allocation comprises land in multiple ownerships and planning applications have already been submitted for parts of it. On the east side of Westergate north of the railway line a hybrid application (LA Ref: AL/15/17/PL) was submitted by Cala Homes for detailed consent on 3.34ha for 101 no. dwellings with a new access & associated works and outline consent with all matters reserved for 249 no. dwellings with access & associated works on 15.06 hectares of land. This application was refused in March 2020.

- 3.3 An application for 10 no. dwellings on land at Bextone House to the west of this appeal site was refused in December 2019. Two applications each for 10 no. dwellings were refused in 2019 on land at Ryefield House close to the Woodgate Centre. Another two planning applications for 27 no. and 8 no. dwellings respectively were refused in 2018 and 2019 on land at Lidsey Road, Bognor Regis. Similarly, another application for 55 no. dwellings, also at Woodgate, was refused in May 2019. Common to all planning applications were allegations from the Council that the separate applications would undermine the delivery of a comprehensively planned development for the strategic site as a whole.

The Application Site

- 3.4 The application site has been the subject of two previous planning applications and a TPO EG/1/19 was confirmed for four trees south of Barnham Road (three on the application site and one on the adjacent Bextone House site) on 28 May 2019.

- 3.5 The first planning application for the site was submitted in 2018 for 28 no. units but was withdrawn because of Council concerns that it was unable to deliver a comprehensive development. A very similar application also for 28 no. dwellings was submitted in April 2019 and registered under LA Ref: EG/22/19/OUT. This application was refused permission in November 2019 for the sole reason that:

'Insufficient information has been submitted to demonstrate that the proposed development of this scale could be satisfactorily accommodated in a manner which would not undermine the delivery of a comprehensively planned settlement of high quality with a strong sense of place, having regard to such matters as green and blue infrastructure, the prevention of coalescence of Barnham and Eastergate, the A29 re-alignment, non-car modes of transport, open space, play provision and landscape, other infrastructure provision and a high quality legible and permeable layout, contrary to Policy D DM1, Policy H SP2, H SP2c, Policy OSR DM1(2a) and Policy W DM2 of the Local Plan, Policy H4, Policy ES1, Policy ES3 and Policy GA2 of the Barnham and Eastergate Neighbourhood Plan'.

- 3.6 An appeal was lodged and heard at a virtual hearing in September 2020. At this writing, the appeal has not been determined. A Planning Statement of Common Ground and a Planning Obligations Statement of Common Ground (SOCG) were both agreed for the appeal by the appellant and the Council. As they are both relevant to this revised application, copies are attached as **Appendix 1 and 2**, respectively.

- 3.7 The main points to note from the SOCG are:

- The planning SOCG refers to a draft 'mini-masterplan' (Plan Ref: 6710 SK05 Rev D). The plan shows a layout of 30 no. dwellings with 21 no. open market and 9 no. affordable units. The plan shows potential links to adjoining land to deliver a comprehensive development. The statement states that 'it is agreed by both principal parties to the appeal that the draft mini-masterplan showing the potential capacity for 30 no. dwellings on the appeal site achieves the policy objective for a comprehensive development'.
- **Comment:** The layout for this current application replicates the scheme in the mini masterplan 6710 SK05 Rev D. The housing mix is also same comprising 2 x 2-bed, 17 x 3-bed and 2 x 4-bed open market and 1 x 1-bed, 6 x 2-bed and 2 x 3-bed affordable units. As the layout is the same, this detailed application will also achieve the policy objective for a comprehensive development.
- The planning obligations SOCG confirmed that the appeal infrastructure contributions were calculated for 3000 units. It said should the total yield for the strategic site be increased to 4300 dwellings as anticipated, the application could deliver 28 or 30 units equal to just 0.65% or 0.7% of the 4,300 total respectively.
- It referred to an Apportionment Study detailing funding across the entirety of the BEW allocation of £25,150,000 towards highways works, based on the cumulative impact of 3,000 dwellings.
- Applying the apportionment yield of 0.65% the 28 unit appeal scheme generated a contribution of £163,475.00. The figure did not take account of additional mitigation measures that will be required for the additional 1,300 dwellings.
- **Comment:** The Section 106 prepared for this application for 30 no. dwellings applies the apportionment yield of 0.7% adjusted for the additional mitigation measures for the additional 1,300 dwellings.

4.0 RELEVANT PLANNING POLICIES

National Policy

4.1 Following the commencement of the Planning and Compulsory Purchase Act 2004 there is a duty to take decisions in accordance with the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework (February 2019) has not changed the statutory status of the Development Plan as the starting point in decision making and to ensure sustainable development is pursued in a positive way it has retained the presumption in favour of sustainable development for plan making and decision taking (paragraph 11). For decision taking, it means (11c) approving development proposals that accord with an up to date development plan without delay or (11D) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:

- i) the application of policies in the framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or
- ii) 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’.

4.2 Footnote 7 of paragraph 11 explains that in the context of applications involving the provision of housing, policies will be out of date where the planning authority cannot demonstrate a five-year supply of deliverable housing sites. In the case of this application, the council can only show a 2.9 year housing land supply and therefore paragraph 11(d) is engaged such that the policies which are most important for determining the application are out-of-date.

4.3 Accordingly, the presumption in favour of sustainable development as set out in the NPPF paragraph 11 requires planning permission to be granted unless either of two circumstances above apply. Neither circumstance applies to disengage the presumption in favour of sustainable development for this application. The site is not a protected area or asset of importance, nor are there any adverse impacts that significantly and demonstrably outweigh the benefits.

- 4.4 The site is not within a protected area but instead falls within an allocated strategic housing allocation of Barnham/Eastergate/Westergate which provides for at least 2300 dwellings over the plan period in Policy H SP2c of the adopted Local Plan. Beyond this the Council anticipates a total yield of 4,300 dwellings. The only adverse impacts that led to previous applications being refused concerned an alleged failure to make appropriate financial contributions towards infrastructure and shortcomings in layout that prejudiced the delivery of comprehensive development across the wider area. Both of those concerns have been fully addressed in this revised proposal.
- 4.5 Because of the 5-year land supply shortfall the presumption in favour of sustainable development is engaged for the application and together with paragraph 59 of the NPPF which seeks to significantly boost the supply of housing, this statement concludes that planning permission should be granted to allow the delivery of 30 no. dwellings including 9 no. affordable units at the earliest opportunity.

Development Plan Considerations

Adopted 2011-2031 Arun Local Plan

- 4.6 The Arun District Council Local Plan 2011-2031 was adopted in July 2018. Relevant policies are D DM1, Policy H SP2, H SP2c, Policy OSR DM1(2a) and Policy W DM2.
- 4.7 Policy D DM1 deals with aspects of form and design quality including scale, character, form, appearance, layout, density, and design. They are relevant to this detailed planning application and ECE Architecture deals with them more fully in section 4 of its Design and Access Statement. Policy HSP2 requires development proposals within the Strategic Site Allocations to be comprehensively planned and should have regard to a masterplan endorsed by the Council for the respective areas which incorporates high quality imaginative design giving a sense of place and a permeable layout. As explained earlier, the layout for this detailed application is a replica of the 'mini masterplan' which the council said in connection with the last appeal proposal would deliver a comprehensive development.
- 4.8 The key principles set out in Policy H SP2c have all been addressed in the detailed layout. The Landscape and ecology issues, the green corridor and open space provision are all dealt with by ECE Architecture in

its own Statement. It will contribute to open space provision in accordance with Policy OSR DM1 with the following areas:

- Frontage Public Open Space 930 sqm
- Open Space Surrounding Cycle Path 1629 sqm
- Incidental Open Space 820 sqm, 113 sqm and 88 sqm
- And a Southern Public Open Space of 1044 sqm

4.9 Policy WDM2 is complied with as the site is not at risk of flood. A below ground level infiltration drainage system is proposed to manage surface water across the site and this is explained more fully in the Flood Risk Assessment and Drainage Strategy.

4.10 Planning applications that include residential development, either in whole or in part, (where they are required) are to include an Affordable Housing Statement. To accord with Local Plan policy AH SP2, 30% affordable housing is proposed equivalent to 9 no. units for the 30-dwelling scheme. The affordable units comprise 1 x 1-bed, 6 x 2-bed and 2 x 3-bed units. The application plans and the Design and Access Statement detail the number, size, and type of the affordable units. The tenure split between shared equity and affordable rented will be agreed with the LPA and set out in a completed legal agreement in the usual way. This statement confirms the applicant will accept the terms of the affordable housing planning obligation.

Barnham & Eastergate Neighbourhood Plan

4.11 The last appeal proposal was considered to be in conflict with Neighbourhood Plan Policies H4, ES1, ES3 and GA2. However, the plan is more than 2-years old and the Council cannot show a 3-year housing land supply. The policies of the Neighbourhood Plan are therefore out of date and not in conformity with the more recent Local Plan.

Conclusions on Policy

- 4.12 The made Neighbourhood Plan (2014) shows the site in countryside. However, this has been superseded by the more recent 2018 adopted Arun Local Plan 2011-2031 which shows it within the Barnham/Eastergate/Westergate Strategic Allocation, proposed for up to 4300 dwellings. The suitability of the application site for housing has therefore been confirmed in principle. As the Neighbourhood Plan is more than 2-years old, it cannot outweigh the benefits of the proposal for 30 no. dwellings including 9 no. affordable units. The benefits extend to assisting in increasing land supply which is only 2.9 years. Because of the land supply shortfall, the tilted balance is engaged for the application.
- 4.13 Therefore unless the site is a protected area or asset of particular importance that provides a clear reason for refusing the development or there are other adverse impacts that significantly and demonstrably outweigh the benefits the application should be permitted.
- 4.14 The site is not a protected area or asset of importance, nor are there any adverse impacts that significantly and demonstrably outweigh the benefits. The adverse impacts that applied at the time of the last applications and appeal have all been overcome for the current scheme.
- 4.15 The applicant undertakes to make appropriate financial contributions towards infrastructure and the layout will help secure the delivery of a comprehensive development across the wider area.

5.0 PLANNING REASONS WHY THE APPLICATION SHOULD BE ALLOWED

5.1 The reasons are as follows:

- The application site is included in the BEW strategic allocation in the 2018 adopted Local Plan proposing total yield of up to 4,300 dwellings. The allocation is acceptable in principle.
- Since the plan was adopted, the council has underprovided against its housing requirements and the most recent estimate shows it can only deliver a 2.9 year housing land supply. In the absence of a 5-year supply, the tilted balance in favour of sustainable development is therefore engaged for the application.
- In such circumstances, the application should be approved unless policies that protect areas or assets of particular importance or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal.
- As this statement has shown, the planning balance is firmly in favour of the proposal as the site is not a protected area and there are no other adverse impacts that significantly and demonstrably outweigh the benefits.
- The application proposal delivers acceptable infrastructure contributions to meet the requirements of the wider strategic allocation. The financial contributions have already been agreed with the Council in connection with a recent appeal for 28 no. dwellings and these will be applied to this application for 30 no. dwellings on a pro rata basis.
- The application proposal will help secure a comprehensive development including adjoining land. The layout is based on a draft 'mini-masterplan' (Plan Ref 6710 SK05 Rev D) agreed for a recent appeal on the site. The plan shows a layout of 30 no. dwellings with 21 no. open market and 9 no. affordable units. The plan shows potential linkages to adjoining land to deliver a comprehensive development. The council has confirmed that the layout secures the policy objective for a comprehensive development.
- The made Neighbourhood Plan (2014) shows the site in countryside. However, this has been superseded by the more recent 2018 adopted Arun Local Plan 2011-2031 which shows it within the Barnham/Eastergate/Westergate Strategic Allocation, proposed for up to 4300 dwellings. As the Neighbourhood Plan is more than 2-years old and light of the land supply of less than 3-years, any policy conflict cannot outweigh the benefits of the application proposal for 30 no. dwellings including 9 no. affordable units.

Balancing the Relevant Material Considerations

- 5.2 In our view, all these reasons provide individual and cumulative weight to the conclusion that there are significant and overwhelming benefits to the application proposal. With the agreed layout helping secure a comprehensive development, the agreed financial contributions, and the wider contribution the development will make to boosting the supply of housing including affordable housing, we therefore recommend the following:

Recommendation

- 5.3 In accordance with the presumption in favour of sustainable development, planning permission should be granted unless any adverse impacts of the development outweigh the benefits or other policies indicate otherwise when assessed against the NPPF. As this statement has shown, there are no adverse impacts arising from the development that would significantly and demonstrably outweigh the benefits and there are no other policies that protect areas or assets of particular importance that provide a clear reason for refusing the development. Planning permission should therefore be granted for the application proposal for 30 no. dwellings including 9 no. affordable at the earliest opportunity.