

Introduction

The Agents & The Applicant

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

The Practice was founded in 2003 by Paul Collins BA (Hons) DipTP MRTPI (Planning Director) who is a Chartered Member of the Royal Town Planning Institute (www.rtpi.org.uk) and has been a Planning Practitioner in West Sussex for over 30 years.

West Sussex County Council (The Applicants) are the owners of the site and they have instructed **PPC Ltd** to prepare and submit this application for outline planning permission as part of their ongoing Capital Receipts and surplus land disposal Programme. Under this programme West Sussex County Council invests Capital Receipts gained from the disposal of surplus land that it owns throughout West Sussex in the delivery of services that it provides.

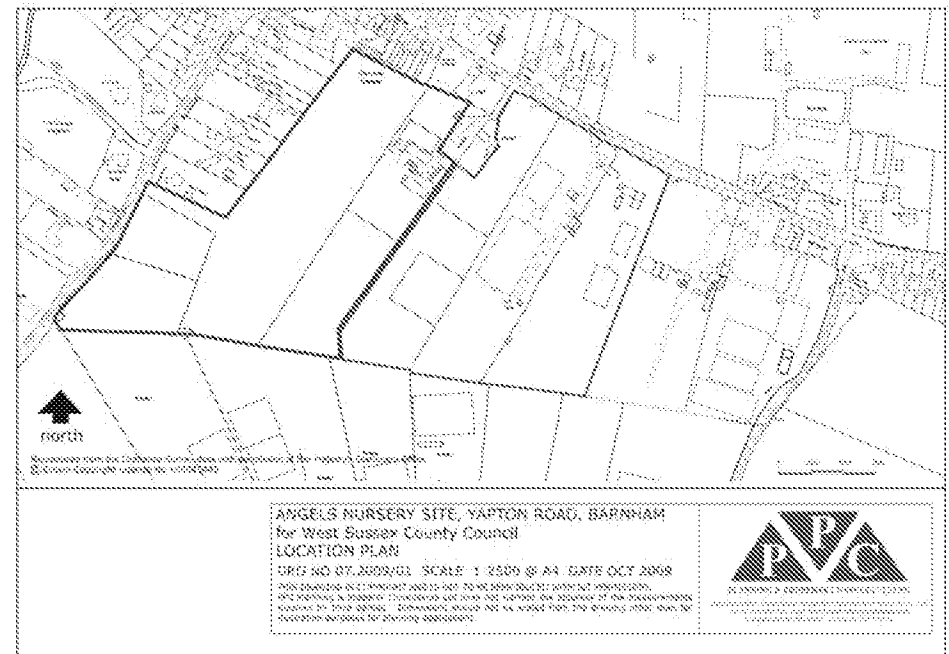
This Design & Access Statement accompanies the submitted application in accordance with relevant legislation and has been prepared on the basis of related government advice and guidance and the Councils Local Validation requirements.

The Site

The application site comprises two former Horticultural Nurseries and their two associated dwellings owned by West Sussex County Council.

The two Nurseries have a combined total land area of 3.5 hectares and historically both nurseries have been leased to small holders and used for horticultural and related purposes.

Due to the decreasing commercial viability of such businesses and the age of the occupiers the leases on both nurseries have now expired/been relinquished and the County Council now has a responsibility to market both sites for disposal as land holdings which are surplus to service delivery requirements.



The Application

The application the subject of this Design & Access Statement has been submitted in Outline and is for the demolition of all existing buildings and redevelopment of the site with up to 100 dwellings including:

- up to 40 affordable homes
- Up to 0.3 hectares (3000 sq metres) of landscaped open space
- Improved vehicular access arrangements onto Yapton Road and
- Improved pedestrian/cycle links from Yapton Road, through the site and into the neighbouring public open space to the west of the site known as Murrells Field.

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

Although reserved for later approval, indicative plans/illustrations have been provided in accordance with relevant guidance in DCLG Circular 01/06 to demonstrate 3 alternative ways in which the site could be satisfactorily laid out with up to 100 dwellings (maximum 2.5 storeys) of mixed tenure/type whilst reserving and providing specified areas for private amenity space, communal open space, footpaths, cycle routes and strategic landscaping.

The Application comprises the following Statements & Plans:

- This Design & Access Statement
- Location Plan Scale 1:1250 (DRG NO 07/2009.01)
- Existing Block/Site Plan Scale 1:500 (DRG NO 07/2009/02)
- Indicative Proposed Site / Block Plan Scale 1:500 (DRG NO 07/2009/03 (OPTION A))
- Indicative Proposed Site / Block Plan Scale 1:500 (DRG NO 07/2009/03 (OPTION B))
- Indicative Proposed Site / Block Plan Scale 1:500 (DRG NO 07/2009/03 (OPTION C))
- Illustrative Street Scenes (x 2)
- Proposed Site Access Plan Scale 1:500 (DRG NO 2009/1067/001 B)

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

- Tree survey & Arboricultural Impact Assessment
- Ecological Scoping Survey
- Transport Assessment
- Desk Top land contamination Report
- Flood Risk Assessment
- Affordable Housing Statement – (included in this Design & Access Statement)
- POS Statement – (included in this Design & Access Statement)

Section 1 of this Statement carries out an **assessment of** the Site and its **suitability for Residential** Development.

Section 2 of this Statement **evaluates** the site and the **opportunities and constraints** that it presents based on the assessment in Section 1 **and the degree to which its development with housing can meet the criteria in Paragraph 69 of PPS 3 Housing.**

Section 3 sets out the **Design Principles** that have been followed in preparing the submitted scheme based on Sections 1 & 2 **and addresses whether or not the scheme is deliverable in terms of paragraph 54 of PPS 3 Housing**

Section 4 suggests the **Draft Heads of Terms for a proposed S106 Unilateral Undertaking** together with the suggested wording for a number of **possible conditions** relating to the control of those matters described in Section 3 at detailed design stage (in the event that outline planning permission is granted).



Section 1 Assessment

This section assesses the physical, historical and planning policy context and the suitability of the site for residential development.

Section 1: Executive summary

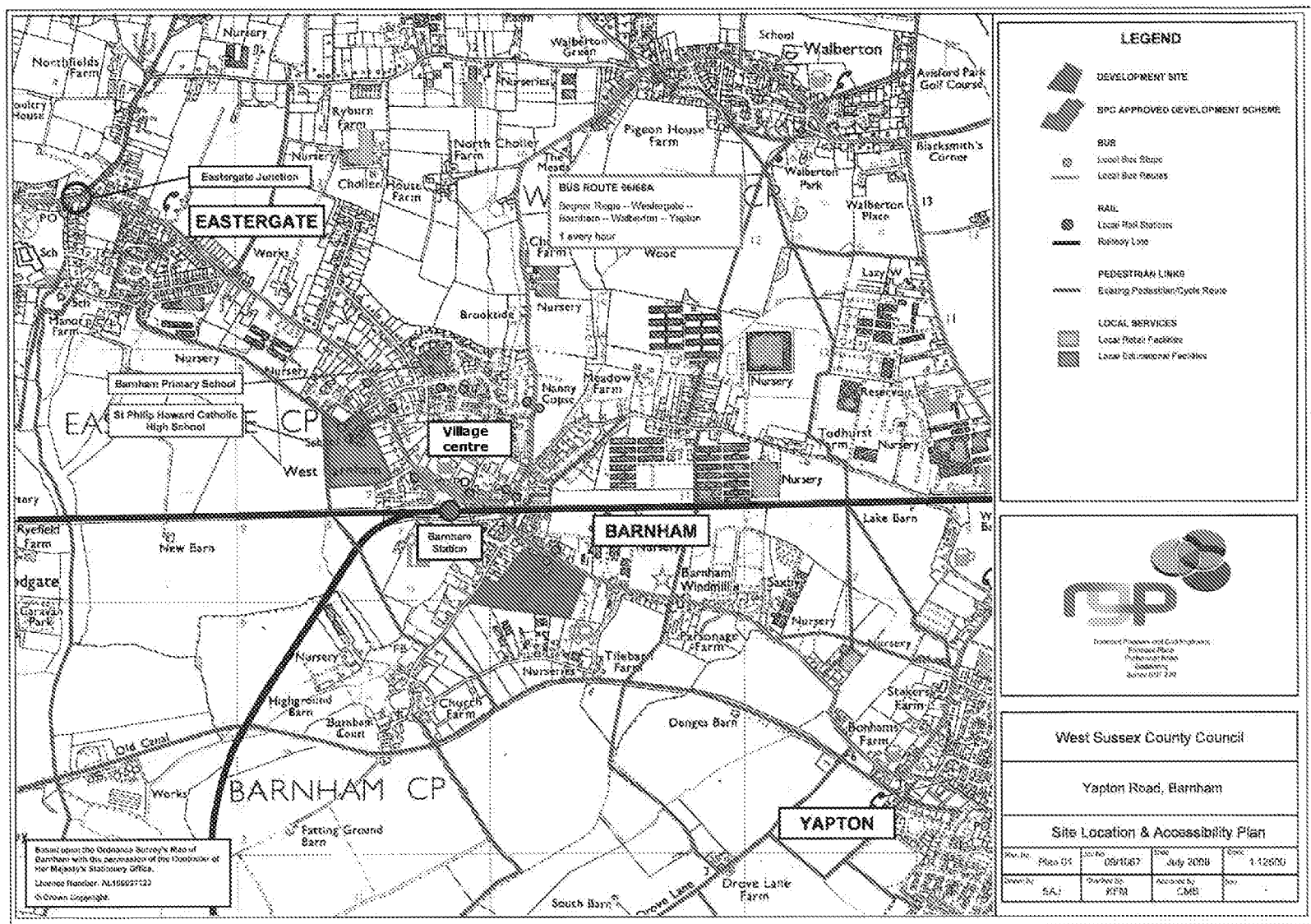
- The site is well related to Barnham village centre and is well within cycling and walking distance of the surprisingly comprehensive range of facilities and services that the village provides.
- Although not previously developed land in terms of the PPS 3 Housing definition the site is nonetheless previously developed in character as it is occupied by a number of buildings and structures which lend a “built-up” appearance to the site.
- The site is, therefore, considered to be sustainably located and suitable for residential use and its release for the housing development proposed would be consistent with Regional planning policies in the adopted South East Plan and relevant national Planning Policy notably PPS 3 Housing.
- It is also concluded that the Council cannot demonstrate a 5 year housing land supply and that the current proposals should therefore be considered favourably by the Council given paragraph 71 of PPS 3 Housing.
- Finally it is noted that the emerging LDF and supporting documents are insufficiently advanced to carry any significant weight as a material consideration for the purposes of determining the submitted application but to the extent that they do carry weight they indicate support for the release of this site for housing.

Physical Context

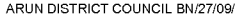
1. The application site is situated on Yapton Road some 500 metres to the east of Barnham village centre and the Railway Station.
2. In July 2007 Arun District Council published a "**Settlement Sustainability Study**" as a background document to the emerging Local Development Framework (LDF).
3. The purpose of the study was to give "**a clear, if rather simplified consideration of the most sustainable locations in the District.**" (Paragraph 1.3) and "**overall the study results provide a broad indication of each settlement's sustainability and 'self containment'; assessing how far people can meet their basic daily needs within walking distance and within the settlement that they live.**" (Paragraph 6.7).
4. The study concludes that Barnham is one of the districts larger settlements which when compared to other settlements provides its residents with a good range of facilities within walking distance, and/or accessibility to same by public transport and is therefore a suitable location for new housing. Table 7.4 from the results section of the Study is copied overleaf.

Facility	Score	Accessibility Category
Bank	2.33	Very Good Accessibility
Bus	0.00	Very Poor Accessibility
Community Hall	0.78	Poor Accessibility
Food Store	2.56	Excellent Accessibility
Further Education Institution	0.22	Poor Accessibility
G.P. Surgery	0.78	Poor Accessibility
Petrol Station	0.22	Very Poor Accessibility
Pharmacy	2.56	Excellent Accessibility
Place of Worship	1.00	Fair Accessibility
Post Office	2.56	Excellent Accessibility
Primary School	2.56	Excellent Accessibility
Secondary School	2.33	Very Good Accessibility
Train Station	2.22	Very Good Accessibility

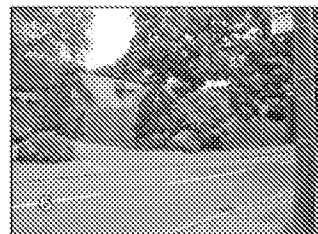
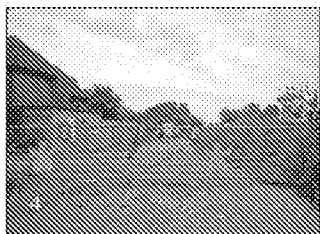
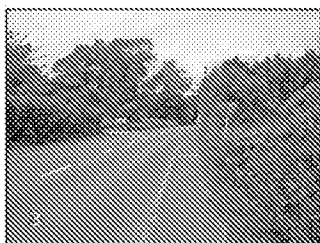
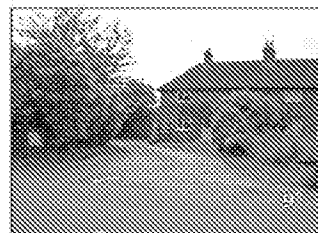
5. It is recognised that by necessity this study takes a broad brush district wide approach to comparative sustainability so in preparing this application the study results have been updated and the sustainability and accessibility credentials of the proposed housing site have been analysed in more detail as part of the submitted Transport Assessment. The relevant Plan which summarises the sustainability credentials of the site is set out overleaf which clearly demonstrates that the application site is in a highly sustainable location.



6. The site is approximately 3.5 hectares in area, is rectangular in shape and is bounded on all four sides by existing development.
7. To the east is an existing holiday caravan site, known as The Lillies Caravan Park
8. To the south are a range of nurseries and associated residential properties with access from Hill Lane.
9. The northern site boundaries abut Yapton Road with a row of detached residential properties on the opposite side with an undeveloped wooded area between them and the south coast rail line approximately 100 metres to the north.
10. To the west of the site are two residential properties (in separate ownership) and the existing Public Open space known as Murrells Field (owned by West Sussex County Council) as well as the Barnham Parish Hall and other residential properties fronting Yapton Road.
11. Murrells Field is leased from West Sussex County Council by Barnham Parish Council and they and the **Barnham Leisure Amenities Development Enterprise** (BLADE) recently received a detailed planning permission from Arun District Council (Council reference BN/3/09) for a "*Replacement village hall together with the erection of a terrace of 4 no. 2 bed houses and 4 no. 3 bed houses on former village hall site, relocation of vehicular access*". This permission is the most recent in a series of outline/change of use permissions granted since 1999 in respect of the use of the former agricultural land for public open space, playing fields and associated play areas and community uses.



12. The site itself is currently occupied by a number of existing buildings and structures, including two residential properties, glasshouses, polytunnels, sheds and other nursery related buildings. In addition, a substantial area of the site is hard surfaced and used for car parking and vehicle turning. The remainder of the site has become overgrown scrub which conceals pockets of dumped debris and rubbish.
13. The existing residential properties on the site together with many of the former nursery buildings are in poor repair and this together with the ongoing deterioration tends to result in the site having a negative impact on the appearance and character of its surroundings. Moreover the level of development on the site and the close proximity to the eastern edge of the existing settlement area results in the site having a distinctly developed character and appearance.
14. The site has two existing vehicular access points, both onto Yapton Road. The western access is approximately 11 metres wide and serves the nursery operation via an approximately 60 metre access track. The eastern access is approximately 5 metres wide and serves the two existing residential properties.
15. The application site is visually well contained as a result of the existing landscaping on the eastern, southern and western boundaries which comprises a mix of hedgerow planting interspersed with mature tree species.



Planning Context

The Relevant Planning History of the Site

16. The planning history of the site is limited to a series of proposals related to its former nursery use.

Planning Policy & other material considerations

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

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

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

Compliance with the South East Plan

19. The South East Plan (SEP) provides the regional strategic planning framework for the period 2006 to 2026. The Plan sets out the housing and other development requirements for the South East region and describes a Spatial Strategy for the delivery of same in the period up to 2026.

20. The Plan defines nine sub-regional strategies and Arun District is within **the Sussex Coast sub-region**.
21. The proposals which are the subject of this application involve development comprising up to 100 dwellings on a sustainably located previously developed site separated from Barnham village by an area of public open space.
22. The proposed development is not of a scale which is of Regional, sub regional and/or district wide significance but as a matter of principle the submitted proposals are considered to be consistent with the aims of the Regional Spatial Strategy and Housing Policies set out below:
- SP1 Sub Regions in the South East,
 - SP3 - Urban Focus and Urban Renaissance,
 - HI - Regional Housing Provision 2006-2026,
 - H3 - Affordable Housing,
 - H4 - Type and Size of New Housing
 - H5 - Housing Design and Density,
23. It is also considered that the submitted proposals are consistent with the aims of the cross cutting and themed policies of the SEP (where these are relevant) notably those relating to sustainability, climate change, the environment, Transport and Natural Resource Management and Social and Community Infrastructure.

24. The section of the South East Plan most directly relevant to Arun District is the sub-regional strategy set out for the Sussex Coast. This interprets and adds to the higher order policies and the submitted proposals are considered to be fully consistent with policies SCT1-SCT7 (where these are relevant).
25. Policies SCT 5 & SCT6 are considered the most relevant to the determination of the submitted

POLICY SCT5: HOUSING DISTRIBUTION

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

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

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

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

26. When read in conjunction with Policy SP3, Policy SCT5 makes it clear that in meeting SEP Housing requirements (either via the emerging LDF or via the determination of planning applications) Arun District Council should prioritise the redevelopment of previously developed land and should only allocate land for sustainable urban extensions where this proves necessary to meet those requirements.

27. Policy SCT6 Affordable Housing states that as a general guideline, 40% of the new housing development provided to meet the SEP Housing requirements for the district should be affordable. This supersedes the previous lower target for the district set out in the Arun District Local Plan ("Saved" Policy DEV 17), a subsequent "Interim Statement" produced by the Council which derived from the now superseded Structure Plan and generic guidance in PPS3 respectively.
28. For the reasons set out here and elsewhere in this Statement the submitted proposals are considered to be consistent with and/or fully compliant with the relevant policies of South East Plan which now forms part of the development plan for the purposes of Section 38 (6).

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

29. The application site lies outside of the built up area as defined by the Arun District 2003 Local Plan and as a result the submitted proposals are in conflict with "saved" Local Plan policies GEN 2 - Built-up Area Boundary and GEN3 - Protection of the Countryside.
30. However, Section 38 (5) of the Planning and Compulsory Purchase Act 2004 states:

"If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted ,approved or published (as the case may be)."

31. As a result a public notice of the Councils web site makes the point that those policies in the Arun Local Plan adopted in 2003 which were "saved" by a Secretary of States Direction issued in September 2007 remain "saved" until ***such time as they are replaced by new policies in an adopted development plan document or are no longer compliant with national and regional planning policy.***
32. In our view "saved" Local Plan Policies GEN 2 & GEN 3 conflict with SEP Policy and are no longer compliant with national planning policy so the submitted application should therefore be determined in accordance with the more up to date SEP Policy.
33. The proposals the subject of this application have been prepared in compliance with the adopted Policies of the South East Plan which in turn was prepared and adopted on the basis of the most up to date government Planning Policy Statements, circulars and guidance.
34. As a result whilst the principles and details (where provided) of the submitted outline proposals accord with the most up to date national planning policy, adopted South East Plan Policies and are broadly consistent with the aims of many of the theme based "saved" local plan policies, they do conflict with "saved" Local Plan Policies GEN 2 Built up area boundary (and therefore GEN 3), AREA 10 Strategic Gaps as well as the specific wording of some of the now out of date "saved" theme policies in the 2003 Local Plan but given Section 38 (5) of the 2004 Act we submit that this conflict should be resolved in favour of the more up to date SEP Policy.

Other material considerations

35. Notwithstanding the above we also submit that there are a number of other material considerations in this case which combine to outweigh the technical conflict between the submitted proposals and the now out of date "saved" Local Plan policies in any case for the purposes of Section 38 (6) of the 2004 Act.
36. Paragraph 10 of PPS1 *"The Planning System: General Principles"* reads as follows:

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

37. **Relevant and up to date Government Planning Policy Statements published since 2003** are therefore considered to be significant material considerations in this case.

38. Government Planning Policy Statements published since 2003 include:

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

39. Paragraph 11 of PPS1 reads as follows:

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

40. **The most significant Government Planning Policy Statement material to the consideration and determination of this outline application for Housing is considered to be PPS3 Housing** which has been a material consideration in the determination of planning applications for housing since April 2007.

41. PPS3 requires Councils to identify and maintain a rolling five-year supply of deliverable land for housing starting from the date of 1st April 2007 (Paragraphs 7 and 68 to 74), particularly in connection with the determination of individual planning applications.

42. Paragraph 71 states:

"Where Local Planning Authorities cannot demonstrate an up-to date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in this PPS including the considerations in paragraph 69."

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

44. In upholding the appeal the Inspector commented that:

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

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

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

46. In December 2009 Arun District Council published its Annual Monitoring Report (AMR) for 2008/2009 which states that the Council cannot demonstrate a 5 year supply of deliverable sites for the purposes of paragraph 71 of PPS 3 Housing.

47. The Council's 2008/09 AMR states that the Council has a requirement to deliver **2,967** dwellings net in the district for the 5 year period 2010 – 2015 and that based on anticipated net completions from sites with existing planning permissions and/or already allocated sites, potential sites identified in its currently Draft Strategic Housing Land availability Assessment (SHLAA) and sites that it is considering allocating in its future Local Development Framework the Council can identify deliverable sites (in accordance with paragraph 54 of PPS 3 Housing) that will yield net completions in the same 5 year period amounting to **2,800 dwellings.**
48. It is, however, noteworthy that in upholding the appellants appeal in January 2009 (paragraph 45 above) the Inspector commented that:

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

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

In the short term I share the view of the Inspector in another recent appeal (2062314) who took a pessimistic view of the chances of the existing large Bognor sites producing the

anticipated completion rates. Bognor SITE 6 is intended to produce 1500 or so houses, but requires a new by-pass to be built and is at outline stage at present. It seems to me highly likely that in the present economic climate completion of this site will be significantly slowed. This will have an impact on the shortfall figures and increase pressure on the Council to identify sites that are available for development without major infrastructure problems.....

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

49. These comments are supported by the Annual West Sussex Residential Land Availability Survey for 2009 published by the West Sussex County Council in October 2009 which states that Arun District Council can only demonstrate a supply of **2125 dwellings** in the 5 year period 2009 – 2014.
50. The differences between the WSCC 2009 RLA Study and the ADC 2008/09 AMR is that the WSCC Study (rightly in our view given PPS 3 Housing and the comments of Inspectors at previous appeals) excludes any allowance for anticipated completions from potential SHLAA and LDF Sites whereas the AMR includes same and the figures in the WSCC 2009 RLA are gross figures which do not appear to take account of estimated losses.

51. Given the discrepancies between the figures in published Council documents and previous appeals PPC Ltd have undertaken a PPS 3 Housing Land supply calculation for Arun District and the details of this are set out below.

5 year Requirement 1st April 2009 – 31st March 2014

Structure Plan Requirements 2001 – 2006	Dwellings	Calculation/notes
SP Requirement 2001 – 2006	2680	536 pa (net) x 5 years
Dwellings actually built 2001 – 2006	2468	An average of 493 pa (net)
Residual Structure plan requirement @ 31/3/2006	212	2680 net required minus 2468 actually built (net)
SE Plan Requirement 2006 - 2026	Dwellings	Calculation
Net Dwellings actually built 2006 – 2009	1457	11300 + residual SP 212 deficit (575 pa net)
SE Plan Residual Requirement 2009- 2026	10045	WSCC RLA Study 2009
5 Year Requirement 1 st April 2009 – 31 st March 2014	2955	10045/17 years = 591 pa net (rounded)
		591 pa net x 5 years

Using the ADC 2008/09 AMR Figures with the disputed forecast figures for completions on SHLAA sites and/or unknown LDF Sites deleted but assuming the ADC estimates regarding dwelling losses are correct results in a forecast supply of net dwellings from 1st April 2009 – 31st March 2014 as follows:

2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	Total
443	433	587	302	318	2083

52. Therefore it is concluded that the requirement is for the Council to deliver **2955 dwellings net** in the 5 year period 2009 – 2014 and that currently for the purposes of Paragraph 71 PPS 3 Housing it can only demonstrate that it will be able to deliver **2083 dwellings net** which represents a **shortfall in the 5 year supply of 812 dwellings (or - 163 dwellings pa rounded)** over the next 5 year period.
53. It is also noteworthy that PPC Ltd are not alone in disputing the Councils published 5 year Housing Land Supply figures and that there is a broad agreement amongst those that contest the ADC position as to the scale of the shortfall and that their figures do match those published by WSCC in its 2009 RLA Study..
54. The disparity between the Councils position and that of PPC Ltd (in addition to other matters) is due to be tested at a Planning Inquiry to be held in January 2010 (Council reference BE/47/09).
55. For the purposes of this application and Paragraph 71 of PPS 3 Housing, however, it is sufficient to note that the Council cannot demonstrate a 5 year supply (as PPS 3 makes no reference to the scale of shortfall necessary to trigger the paragraph 71 requirement) and that the Council should therefore be considering housing proposals (such as the submitted scheme) favourably where it has been demonstrated that the scheme meets paragraph 69 criteria.
56. The degree to which this scheme meets PPS 3 paragraph 69 criteria is assessed in Section 2

The Emerging LDF and evidence base

57. **The fact that the Council has commenced the preparation of an LDF is a material consideration.**

Paragraphs 14 & 17 – 19 of PPS1 read as follows:

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

Otherwise, refusal of planning permission on grounds of prematurity will not usually be justified. Planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging DPDs. The weight to be attached to

such policies depends upon the stage of preparation or reviews, increasing as successive stages are reached.

For example:

- *Where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay which this would impose in determining the future use of the land in question.*
- *Where a DPD has been submitted for examination but no representations have been made in respect of relevant policies, then considerable weight may be attached to those policies because of the strong possibility that they will be adopted. The converse may apply if there have been representations which oppose the policy. However, much will depend on the nature of those representations and whether there are representations in support of particular policies.*

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

58. It is understood that the Councils progress towards the production of a Core Strategy (the first stage in the LDF process) has, for a variety of reasons been delayed and disrupted and (at the time of writing) it has now stalled with no published certainty as to future progress and/or timescale for same.
59. For the purposes of PPS 1 Paragraphs 14, & 17 -19 the emerging Core Strategy remains at Consultation stage with no early prospect for submission and it (together with the emerging evidence base that supports it and all other future planned DPD reliant on its adoption) carry very little weight for the purposes of determining the current application and issues of prematurity do not arise.
60. This said it is noted that the Council has carried out a Strategic Housing Land Availability Assessment which was issued in Draft in December 2009 and to the extent that this evidence base document is material to the determination of the submitted application it is noteworthy that the document identifies the subject site as an available, suitable and deliverable housing site for up to 95 dwellings. (Document reference 145).
61. The SHLAA comments that "The site should only come forward in association with adjoining site BA2" (An adjoining and much larger land area also owned by WSCC comprising land and nurseries in active use for POS/Horticulture) but this has no basis in planning terms. Whilst these land holdings may well be suitable for housing they are not currently available (as they are all subject to long term leases) are not currently surplus WSCC Land and WSCC has no current intentions to dispose of these land holdings.

62. The document also comments that the site could not deliver housing in the 5 year period 2009 – 2014 and this also has no basis in planning terms. If outline planning permission was granted in respect of the submitted application the site could be marketed in 2010 with development commencing in 2011 with completion of all dwellings taking place by mid 2013.
63. The Council is also currently considering identifying part of the application site as being suitable for a permanent Travelling Show persons site (Report to the ADC Cabinet on 21 December 2009) but based on the recommendations in that report and Appendix E the proposals are at a very early stage with formal consultation on a Development Plan Document (DPD) commencing in February 2010, submission for examination anticipated in October 2011, an Inquiry anticipated in January 2012 and adoption anticipated in May 2012.
64. As a landowner WSCC has consistently objected to the Councils approach regarding this matter and has formally registered those objections at earlier consultation stages and it is understood that such objections and representations will continue to be made throughout the forthcoming further consultation processes and if necessary at any Inquiry held to examine any proposed DPD.

65. The Officer report to the ADC Cabinet on 21 December 2009 states:

"The County Council have been requested by Arun to include in their proposal for obtaining planning permission for residential use to include provision for a permanent site for up to the required number of pitches for gypsies and travellers. So far they have not agreed to this approach and therefore it is recommended that the Cabinet formally request that such a commitment be made by the County Council with the comment that if no such provision is made in a forthcoming planning application the Council will take the need for such uses into account in determining the planning application."

66. However, given the guidance in PPS 1:

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

For example:

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

It is considered that the proposed DPD has very limited weight as it has not reached a stage that should or could have any bearing on the determination of the current planning application particularly as WSCC as the landowner continues to object to the identification of the site for such uses by ADC.

Section 2. Evaluation

This section evaluates the site and the opportunities and constraints that it presents based on the assessment in Section 1 and the degree to which its development with housing can meet the criteria in Paragraph 69 of PPS 3 Housing.

Section 2: Executive Summary

The site is an available housing site which could deliver up to 100 houses by mid 2013 (including up to 40 affordable dwellings) in a way that would help to address the Councils immediate and acute shortfalls in the 5 year housing land supply.

The Councils emerging longer term aspirations regarding the use of the site to meet other identified but more specialised housing needs represents a competing land use opportunity but it is concluded that the emerging approach in this regard has not reached a stage where it should or could outweigh the clear and more certain identified opportunity that the site presents to address wider and more immediate housing needs in Barnham and the district generally.

The application site is a suitable Housing site which meets the criteria given in PPS 3 Paragraph 69 and is also a deliverable housing site in the terms given in Paragraph 54 of PPS 3.

Paragraph 71 of PPS 3 Housing is a significant material consideration that carries considerable weight and strongly supports the release of the application for housing at this time.

Land Use Opportunities

67. The site has been previously developed and it is situated adjacent to a predominately residential area in a highly sustainable location, within easy walking & cycling distance of a range of schools, shops and recreational and employment areas.
68. The Council has an urgent (albeit short term) need to make provision for available, suitable and achievable housing sites in order to maintain a continuous 5 year supply whilst longer term decisions regarding the location of major strategic development sites are made through the ongoing LDF process and this site therefore provides an opportunity for the Council to identify a site capable of delivering a limited amount of housing in the short term.
69. Moreover, successive Arun District Council Housing Needs Studies and the *West Sussex Strategic Housing Market Assessment*, May 2009, highlight critical net annual affordable housing needs in the district. Currently this amounts to 658 dwellings pa which significantly exceeds the total annual housing requirement
70. The Councils SHLAA acknowledges that this is an available and suitable housing site that could provide much needed market and affordable housing to meet these acute and immediate housing needs and the applicant states that this opportunity could be realised within 5 years and without prejudicing the delivery of longer term more strategic solutions.

71. Currently on the assumption that outline planning permission for up to 100 dwellings was granted in 2010 it is anticipated that detailed planning permission would be sought and secured by 2011 with all 100 dwellings being completed by 2013 and the site is therefore deliverable in terms of PPS 3 Paragraph 54.
72. The Council has also identified the site as possibly providing an opportunity to meet more specialised housing needs in the district in the longer term but for all the reasons given at paragraphs 63 – 66 above the prospect of delivering the site for such a use is far less certain and more long term in its aspirations.
73. Paragraphs 68 & 69 of PPS 3 Housing state:

Determining planning applications

68. Local Planning Authorities should take into consideration the policies set out in Regional Spatial Strategies and Development Plan Documents, as the Development Plan, as well as other material considerations. When making planning decisions for housing developments after 1st April 2007, Local Planning Authorities should have regard to the policies in this statement as material considerations which may supersede the policies in existing Development Plans.

69. In general, in deciding planning applications, Local Planning Authorities should have regard to:

- ***Achieving high quality housing.***
- ***Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.***
- ***The suitability of a site for housing, including its environmental sustainability.***
- ***Using land effectively and efficiently.***
- ***Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives eg addressing housing market renewal issues.***

74. Section 3 seeks to demonstrate that the submitted proposals represent a deliverable opportunity to achieve high quality and mixed housing which reflects the accommodation needs of all groups and it is submitted that the site is suitable for housing (including environmental sustainability), the proposed development represents a more effective and efficient use of the site than that which exists and that the proposed development is in line with planning for housing objectives, reflects the need and demand for housing in the area and meets the spatial vision set in the SEP and that in the emerging LDF and would not undermine wider policy objectives to the extent that these are sufficiently developed to be material consideration of any weight.

75. Paragraphs 71 & 72 of PPS 3 Housing state:

"71. Where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in this PPS including the considerations in paragraph 69.

72. Local Planning Authorities should not refuse applications solely on the grounds of prematurity."

Land Use Constraints

76. Based on the reports submitted in support of the proposals listed below there are no constraints that would prevent the site being used for residential development

- Tree survey & Arboricultural Impact Assessment
- Ecological Scoping Survey
- Transport Assessment
- Desk Top land contamination Report
- Flood Risk Assessment

Section 3. Design Principles

This section sets out the Design Principles that have been followed in preparing the submitted scheme based on Sections 1 & 2 and addresses whether or not the scheme is deliverable in terms of paragraph 54 of PPS 3 Housing

Section 3: Executive Summary

It is concluded that the submitted scheme is a deliverable housing development in terms of paragraph 54 of PPS 3 Housing and that (to the degree that this is possible given the Outline nature of the submitted Application) the proposals would be capable of providing for the achievement of high quality mixed housing which reflects the accommodation needs of all groups. (PPS 3 Paragraphs 12 – 17)



77. Paragraphs 12 – 17 of PPS 3 Housing read as follows:

Achieving high quality housing

12. Good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable, mixed communities.

13. Reflecting policy in PPS1, good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

14. Local Planning Authorities should develop a shared vision with their local communities of the type(s) of residential environments they wish to see and develop design policies that set out the quality of development that will be expected for the local area, aimed at:

– Creating places, streets and spaces which meet the needs of people, are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity and maintain and improve local character.

– Promoting designs and layouts which make efficient and effective use of land, including encouraging innovative approaches to help deliver high quality outcomes.

15. Local Planning Authorities should encourage applicants to bring forward sustainable and environmentally friendly new housing developments, including affordable housing developments, and in doing so should reflect the approach set out in the forthcoming PPS on climate change, including on the Code for Sustainable Homes.

16. Matters to consider when assessing design quality include the extent to which the proposed development:

– Is easily accessible and well-connected to public transport and community facilities and services, and is well laid out so that all the space is used efficiently, is safe, accessible and user-friendly.

– Provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies.

– Is well integrated with, and complements, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.

– Facilitates the efficient use of resources, during construction and in use, and seeks to adapt to and reduce the impact of, and on, climate change.

- Takes a design-led approach to the provision of car-parking space, that is well-integrated with a high quality public realm and streets that are pedestrian, cycle and vehicle friendly.

– *Creates, or enhances, a distinctive character that relates well to the surroundings and supports a sense of local pride and civic identity.*

– Provides for the retention or re-establishment of the biodiversity within residential environments.

17. Particularly where family housing is proposed, it will be important to ensure that the needs of children are taken into account and that there is good provision of recreational areas, including private gardens, play areas and informal play space. These should be well designed, safe, secure and stimulating areas with safe pedestrian access.

And these are the design principles that have guided scheme design in this case.

The use

78. In light of the current local need for both market and affordable housing and given the local context, the site is considered to be an appropriate location for residential development and that the most effective and efficient use for this site is residential.

The amount of development

- 79. The amount of development proposed is up to 100 dwellings with up to 40 of these being affordable houses as defined at Annex B of PPS3 Housing in accordance with Policy SCT6 of the SEP and the Councils Strategic Housing Market Assessment.
- 80. This amount of development was determined by the size of the developable area remaining (3.2 – 3.26 hectares) once the need to retain and enhance the existing trees and hedgerows, provide for landscaped communal areas and the opportunity to integrate the proposed development with the community public open space and facilities approved for Murrells Field adjoining were considered (See “Layout”)
- 81. The proposed development equates to a net site density between 30 and 31 dwellings per hectare (dph) as calculated in accordance with Annex B PPS 3 Housing depending on whether or not a detailed scheme includes Flats (Indicative layouts/Scale”).

The Indicative Layouts

- 82. The planning application has been submitted in Outline with all matters (except access) reserved for later approval but 3 indicative site layouts have been prepared and submitted to demonstrate 3 alternative ways (but not the only ways) in which the site could be developed if outline planning permission was granted for the amount of development proposed.

Indicative Layout OPTION A

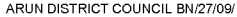
83. This indicative Option would provide space for up to 100 dwellings comprising a mixture of housing comprising detached/semi-detached/terraced dwellings and Flats with associated landscaping and communal open space (see "Landscaping").

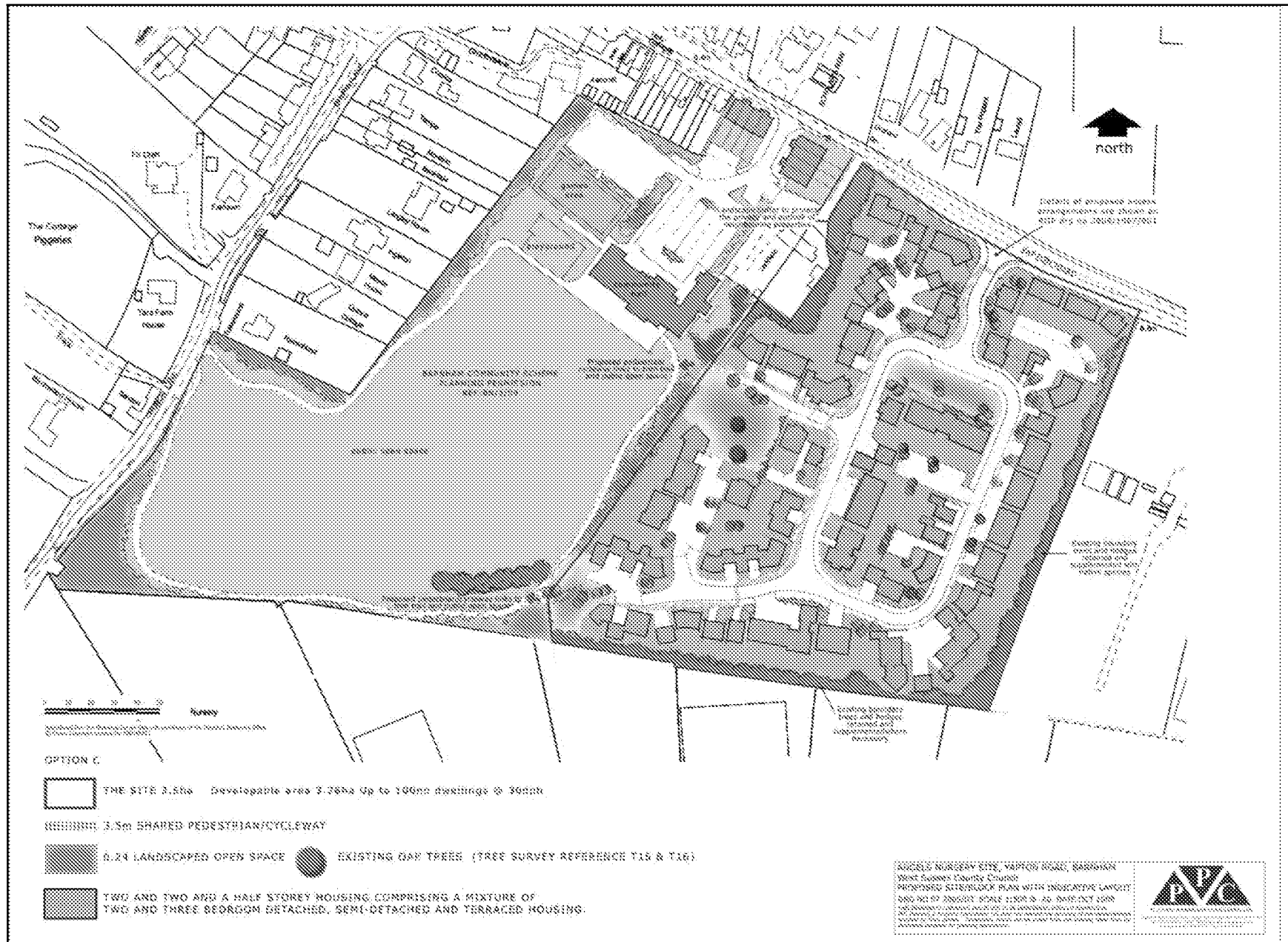
Indicative Layout OPTION B

84. This indicative Option would provide space for up to 100 dwellings comprising a mixture of housing comprising two/three bed detached/semi-detached and terraced housing (but no flats) with associated landscaping and communal open space (see "Landscaping").

Indicative Layout OPTION C

85. This Indicative Option provides for the same housing as Option B but suggests a different arrangement for the landscaped communal spaces with dwellings arranged in way which gives a feeling of a traditional village with greens overlooked by Housing.



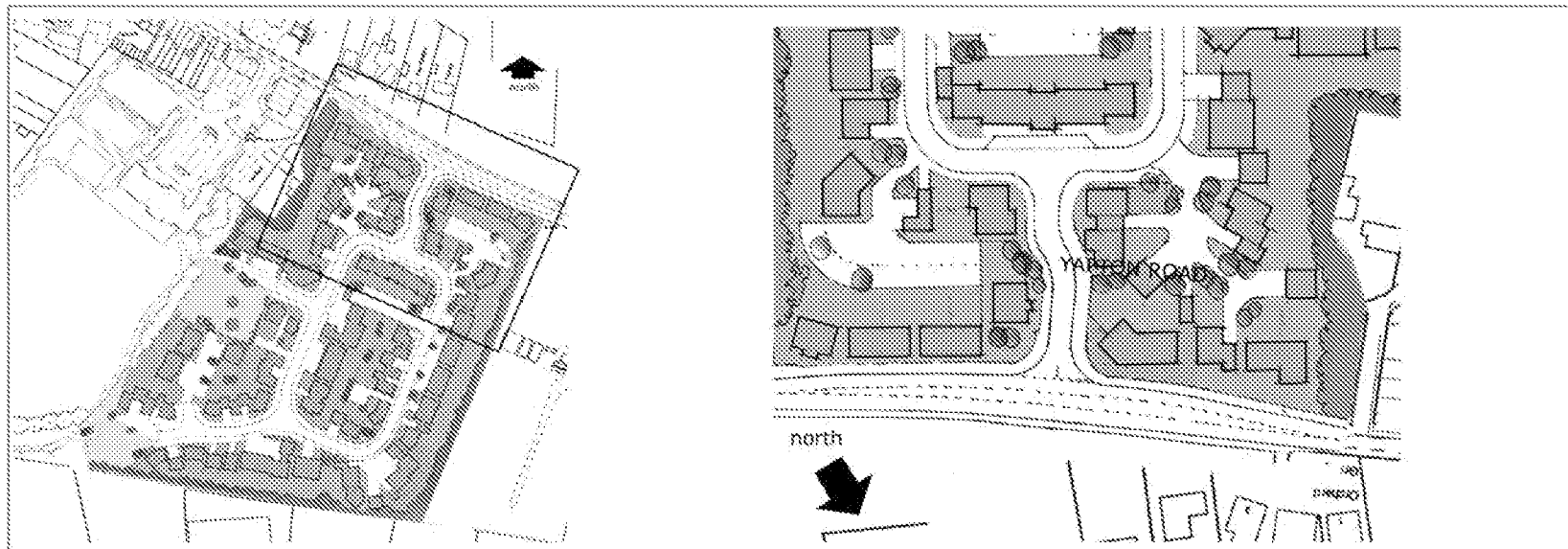


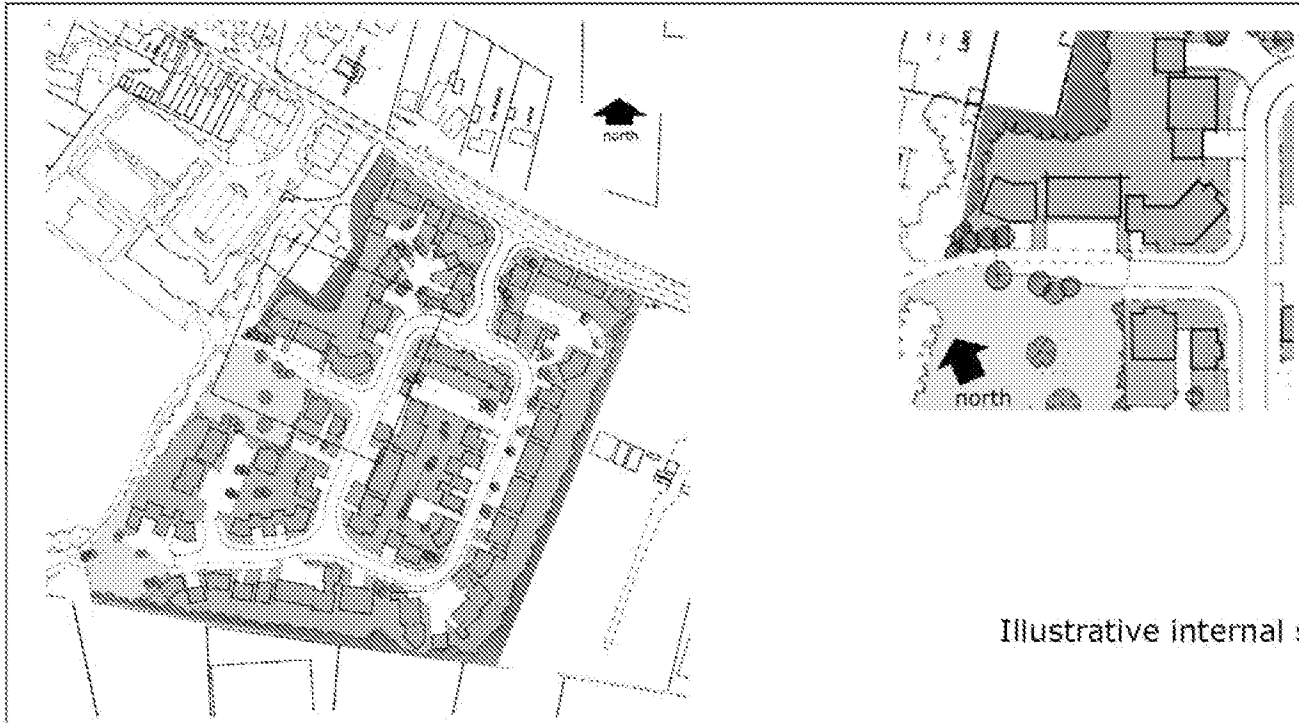
86. All 3 indicative layouts could accommodate sustainable features into the proposed development and at this Outline Stage; passive solar design has had a significant influence on the indicative site layout. The majority of proposed dwellings shown are orientated within 30 degrees of due South to maximise opportunities for sunlight and daylight, where this has not been possible, an east-west orientation has been adopted.
87. The indicative layouts also provide adequate space for waste facilities, including general waste and recyclable waste. Where possible waste facilities could be provided on plot for individual dwellings, however where necessary, space exists for communal bin storage facilities at the entrance to private drives/courtyards designed to be both functional and an attractive element of the proposed development.

Appearance/Scale Parameters

88. All 3 indicative layouts provide for a variety of dwelling types being of 2 and 2.5 storeys (maximum 2.5 storeys) of differing traditional styles/appearance in order to achieve visual interest in the street scene and provide an attractive environment for future residents.
89. The Layout design, dwelling mixes and styles envisaged could provide the development with a sense and appearance of gradual evolution characteristic of some of the existing older housing in other parts of Barnham.

Illustrative street scene ~ Yapton Road





Illustrative internal street scene

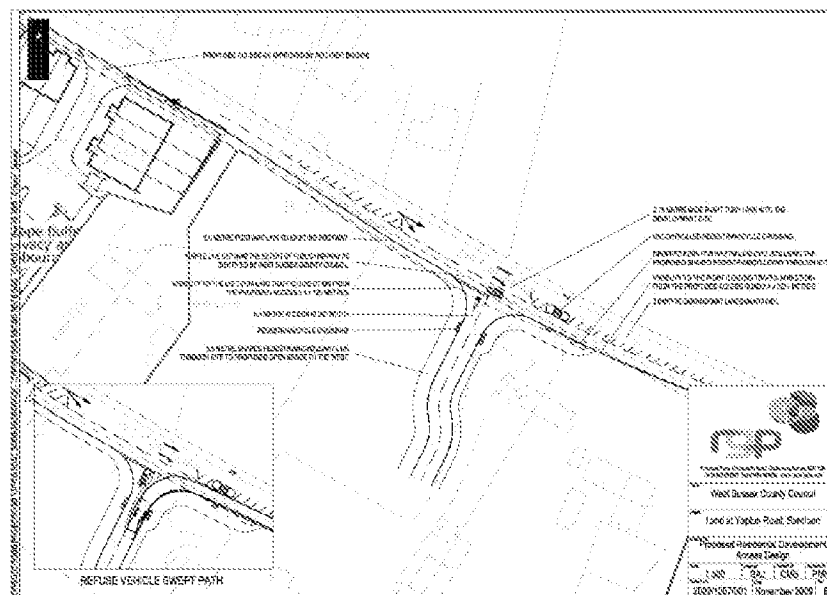
Landscaping & Public Open Space

90. The site is not affected by any known ecological constraints and the submitted Ecological Survey does not highlight any particular concerns but the site is enclosed by a number of existing hedgerows, which offer the potential to act as ecological corridors or species habitat and these are all shown to be retained on all 3 indicative layouts.
91. The Submitted Tree Survey & Arboricultural Impact Assessment identifies only two oak trees of note within the site which are worthy of retention as shown on the Indicative layouts but it does also make recommendations regarding works and enhancement for the existing boundary trees/hedgerows and these are reflected in all 3 indicative layouts.
92. Particular care and attention has been paid to the integration of the proposed development with the approved (but not yet implemented) Public Open Space and community facilities on the adjoining Murrells Field.
93. All 3 indicative layouts show how the communal open spaces within the proposed development could be laid out so as to provide natural links between the scheme and the proposed public open space adjoining which together with the proposed pedestrian/cycle routes through the development could provide Safe, useful, attractive and ultimately popular recreational links between Church Lane and Yapton Road.
94. Subject to further discussions/negotiations the applicants are also prepared to consider making a financial contribution towards the delivery of the Murrell Field proposals from any capital receipts received from the disposal of the development site (See Section 4)

95. In addition to the communal open space suggested the Indicative site layouts also provide for generous private garden areas for all dwellings by modern standards which reflects the emphasis on the provision of family accommodation and the commitment to creating an attractive green environment for future residents.

Access & Accessibility

96. Based on the sustainability credentials of the site and the submitted Transport Statement the intention is to provide vehicular access to the site via a vehicular access onto Yapton Road designed as shown on the submitted plan DRG NO 2009/1067/001 B.
97. The new access together with the proposed footway adjoining Yapton Road and the proposed shared footpath/cycle link through the site, will significantly improve the permeability of the area for existing and future residents (notably between Church Lane and Yapton Road via the proposed POS).
98. Within the site itself the Indicative layouts suggest the ability to provide for a safe and preferential environment for pedestrians and cyclists by using frequent changes in direction, road narrowing and changes in surface materials and textures to slow vehicles and emphasise their presence to drivers.



99. The indicative layout also provides for car parking to be accommodated within individual plot boundaries and for large car parking areas to be avoided so as to create an attractive streetscape. There would be sufficient space to provide car parking for future residents and visitors at a level consistent with the Councils maximum standards but given the sustainability and accessibility credentials of the site it is intended to provide for car parking on the basis of 1.2 spaces per dwelling with cycle and bin stores for residents provided within each plot.

Other Technical Matters (See also Section 4)

Flood Risk

100. The submitted Level 1 FRA demonstrates that the site is not affected by tidal or fluvial flood risk (even accounting for future sea level rises due to climate change) to the degree that would prevent development in accordance with PPS 25 and/or warrant any particular special measures in terms of drainage and/or building design.

Foul & Surface Water Drainage

101. There is no evidence to suggest that there is insufficient capacity within the local network that would prevent a standard mains drains connection being made to serve the development for both Foul and Surface water disposal.

Land Contamination

102. The submitted Land Contamination Report does not identify that there are any significant land contaminated issues other than localised soil contamination due to the former uses and such matters can be addressed at development stage through the imposition of standard controlling conditions.

Renewable Energy & Climate change

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



Section 4 Draft S106 Unilateral Undertaking & Conditions

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



General matters

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

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

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

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

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

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

WSCC Infrastructure Contributions

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

- (a) the application is submitted in outline for up to 70 dwellings of indeterminate housing mix with no certainty regarding the population that would be generated and
- (b) Individual WSCC departments have yet to determine the level of need in the area

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

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

Arun District Council Infrastructure Contributions

Public Open Space Statement

It is anticipated that ADC may wish to seek Open Space to be provided on the site but it is not possible to determine or quantify the level of such provision at this stage or the type of provision to be requested (other than in the indicative manner shown on the indicative layouts provided) for 2 reasons:

- (a) the councils published information regarding open space is not up to date and it is therefore unclear as what the Council would require
- (b) the maximum amount of open space that could be provided on site in this case is indicated on the 3 indicative layouts but for sound planning reasons the applicant wishes to suggest that the Council accepts an off site financial contribution that could be used to assist the funding and delivery of the Murrell Field Proposals and it is not clear at this stage whether or not the Council is agreeable to such an approach in this case.

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

Affordable Housing Statement

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

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

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

The applicant is also willing to provide for 80% of the affordable housing to be Social rented and 20% to be Intermediate housing in accordance with the Councils SHMA

These matters could be controlled by way of a standard model condition imposed on any planning permission granted but it is understood that Arun District Council would prefer to control such matters by way of an Obligation via a S106 undertaking.

Subject to the Council accepting the use of the clauses set out overleaf (taken from a recent S106 UU agreed with Arun District Council for a site elsewhere) the applicant is willing to provide a S106 UU so as to meet the Councils preference in this regard.

AFFORDABLE HOUSING

Definitions

1. In this schedule

Affordable housing is:

'Affordable housing includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. The Affordable housing should:

- Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices.*
- Include provision for the home to remain at an affordable price for future eligible households or, if these restrictions are lifted, for the subsidy to be recycled for alternatively affordable housing provision'.*

Social rented housing is:

'Rented housing owned and managed by local authorities and registered social landlords, for which guideline target rents are determined through the national rent regime. The proposals set out in the Three Year Review of Rent Restructuring (July 2004) were implemented as policy in April 2006. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Housing Corporation as a condition of grant'.

Intermediate affordable housing is:

'Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (e.g. HomeBuy), other low cost homes for sale and intermediate rent'.

1.2 "Market Housing Units" means Residential Units within the Development which are not Affordable Housing as defined at 1.1.

1.3 "Eligible Households" means households who are unable to resolve their housing needs at a cost low enough for them to afford determined with regard to local incomes and local house prices.

1.4 "Affordable housing providers" means any provider of social rented and/or Intermediate affordable Housing which meets the definitions given at 1.

1.5 "Reserved Matters" means any matter reserved for later approval by virtue of a condition imposed on planning permission for the Development granted pursuant to the Application for Planning Permission on appeal or any variations or renewals thereof from time to time.

2. Obligations

2.1 To make provision for 40% of the dwellings within the development to be affordable housing of which 80% shall be social rented and 20% intermediate affordable housing.

2.2 To provide the district council with a plan detailing the type and location on the site of the affordable housing provision to be made at the same time as providing details to discharge any reserved matters.

2.3 Not to permit any more than 50% of the market housing units to be occupied prior to fulfilling those obligations set out at 2.4 – 2.6.

2.4 To offer the land detailed on the plan at 2.2 for transfer to an affordable housing provider or providers at a price and on terms which reflect market value and conditions at time of the Offer within one month of the approval of reserved matters (offer date) and ensure that this offer remains open for acceptable for 3 months following the date on which the offer is made (the first offer period).

In the event that the first offer made in accordance with the above is not accepted within the first offer period then the parties undertake to make a second offer for transfer to another affordable housing provider or providers not later than one month after the expiry of the first offer period ("the second offer") and such offer shall consist of the same as the first offer subject to revisions necessitated by lapse of time and shall remain open for acceptance for no less than 3 months ("the second offer period") from the date of the offer being made ("the second offer date").

2.6 In the event that the second offer made in accordance with the above is not accepted within the second offer period the owners undertake to pay Arun District Council a commuted sum equivalent to the cost at that time of providing the Affordable Housing Units within the District of Arun and will complete and permit to be occupied the affordable housing as market housing units.

Suggested Conditions

It is accepted that the Council will wish to impose a range of standard conditions relating to the following matters (if outline planning permission is granted) but it would be appreciated that if the Case officer is minded to recommend the grant of a conditional outline planning permission the wording of such conditions is discussed with us in accordance with relevant guidance in Circular 11/95:

1. **Time Limits for implementation**
2. **Landscaping**
3. **Vehicular Access**
4. **Renewable Energy/decentralised energy supply**
5. **Build standards to meet Code for Sustainable Homes.**
6. **Foul & Surface Water Drainage**
7. **Land contamination**