

Neil Crowther

From: PPC Planning [REDACTED]
Sent: 14 February 2010 14:38
To: Neil Crowther
Cc: Karl Roberts
Subject: Planning Application BN/27/09- Angels/Hyde Nurseries Barnham
Attachments: Informal pre submission Consultation with Arun District Council.pdf

Dear Mr Crowther

Thank you for your letter dated 11 February 2010.

I make no apology for the length of this e mail as I consider that your lengthy letter deserves a comprehensive response (where this is possible at this early stage in proceedings) particularly as my clients wil want to be sure that I have properly addressed the matters raised.

For ease of reference I attach my notes of the pre submission meeting we had on the 26 August 2010 which I sent to you by e mail in early September 2010. I received no reply prior to our submission so I had assumed you did not take issue with my notes.

Your letter is wide ranging but raises a number of matters which can be grouped under the following headings and I shall address those matters that I can address at this early stage under these headings.

Timescales for determination

The application was validated by your Council on 13/1/10, the publicity period for representations/consultations does not expire until 18/2/10 and the statutory 13 week determination period does not expire until 14/4/10 so, with respect, I think it is a little premature to be considering any recommendation/decision and/or suggesting that my clients should consider withdrawing the application at such an early stage in its consideration particularly as not all consultation responses have been received.

My clients have not been asked to consider entering into a PPA with your authority and have, not, therefore, declined to do so as you assert. My notes of our August 09 meeting do not refer to any such request. Indeed I recall that at our meeting in August 2009 we did briefly discuss this issue (so briefly as to not warrant a note) but it was mutually agreed that a scheme of this limited size and complexity fell outside of the general ambit of a PPA (as set out in Government guidance) as well as the Councils adopted protocol relating to same.

This said should the Council wish to have more time to carry out further consultations on any further information we may provide and/or wish to put the application to the April Committee cycle rather than the March cycle my clients will consider agreeing to any formal request for an extension of time (thereby preventing any possible appeal against non determination) in accordance with relevant legislation and best practice guidance.

I am sure that you will agree that the Councils proper and careful consideration of all relevant and material matters before determining the application is more important than (and should not be constrained by) internal administrative deadlines and/or artificially imposed performance targets.

Clarification of the application

I confirm that (As described on page 4 of the January Design & Access Statement) the application seeks outline planning permission for the development of the site with up to a maximum of 100 dwellings of which up to a maximum of 40 dwellings would be affordable housing as defined by PPS3. I also confirm that my clients are willing to enter into a S106 Obligation which (amongst other matters) would require that 40% of all the dwellings which are approved at detailed application stage (which subject to further detailed work more appropriately undertaken at that stage could be less than 100 dwellings) would be provided as affordable housing of which 80% would be Social rented housing and 20% intermediate housing.

The identification of the maximum 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. The format of the application follows the guidance in DCLG Circular 01/2006 at paragraphs 43 - 55 and I assume that your authority would also want to follow that guidance.

Matters of Policy/Principle

The conflict between adopted Local Plan and SEP Policies

I note your comment regarding the elected members consistency in decision making but I would take this opportunity to respectfully suggest that members are also reliant on receiving professionally correct, firm, understandable, consistent and impartial advice/recommendations from their professional advisors and are obliged to consider the relevance of material appeal decisions as well.

As you will be aware I have provided an extensive commentary regarding the Policy context and other material considerations (at your request) and my views as to their relevance to the determination of this application at paragraphs 16 - 90 of the amended Design & Access Statement submitted in January and I do not believe I can usefully add to those comments.

Gypsy & Traveller evidence

I note your reference to paragraph 21 of PPS 3 but would respectfully point out that this relates to RSS/DPD plan making rather than decision making on applications and that the latter is covered more directly by paragraphs 68 - 74 of PPS3 which explicitly state how individual planning applications for housing should be determined in the circumstances facing your authority.

I must also highlight paragraphs 22 - 24 of PPS3. Paragraph 24 states:**"For smaller sites, the mix of housing should contribute to the creation of mixed communities having regard to the proportions of households that require market or affordable housing and the existing mix of housing in the locality"**.

and I note that the Councils "Housing Strategy and Enabling Manager" acknowledges that the submitted proposals are consistent with this approach and the Councils own emerging evidence base/approach but makes no reference to any need for G & T sites/provision in the locality in this context. (Consultation response dated 4 February 2010).

As I understand matters whilst the Council has identified a need for G & T Sites in the district generally and there is a general commitment to making such provision in DPDs in PPS3 and SEP Policy there is no firm evidence base relating to the need for such a site in Barnham specifically and no firm evidence base to suggest that this site is suitable for such provision either. Conversely there is much firmer policy and evidence (PPS3, SEP and the councils SHLAA, SHMA and various affordable housing studies) which clearly supports the applicants proposals and the use of this site as a means of meeting the (at least) equally pressing local need for market and affordable housing.

Moreover I can find no firm adopted policy basis for your suggestion that such G & T provision should/could be made in lieu of/and/or in preference to affordable housing provision so I would be grateful if you could identify which specific planning policies you rely on in this regard.

In short having considered the matter I and my clients consider that pursuing their proposals for this site is entirely consistent with **SEP Policy CC9 "USE OF PUBLIC LAND"** which states: ***"In order to identify potential development and land management opportunities, Government departments and public landowners should undertake strategic reviews of their land holdings, taking into account the objectives and policies of the Plan as a primary consideration in the use and disposal of their land. They should consult the regional planning body and other partners on the disposal and development of major sites, paying particular attention to the need to bring forward land for housing, especially affordable housing."***

Loss of an employment site/employment provision on site/contribution to off site provision.

Your letter asserts that your stated concerns in these regards are supported by national policy/guidance and

SEP Policies but does not specify same. Please can you specify which specific national policy guidance/SEP Policies you rely on (with references) so that we may consider the position further.

In addition please can you confirm what published/material evidence there is to support your "loss of employment" point and the identified need for employment provision in the Barnham area in accordance with the guidance set out in the recently published PPS4.

As to your point/suggestion regarding a contribution to off site provision at Oldlands Farm Bognor Regis please can you confirm what policies/evidence there are to support such a request and explain how you consider that such a request meets the six tests applicable to such Obligations at Annex B, Paragraph B5 of Circular 05/2005.

As I had understood it Oldlands Farm is an allocated Employment site which forms part of the SITE 6 Allocation in the Local Plan and since SITE 6 has now commenced I would assume that the Council had made arrangements for this site to be delivered as part of any S106 Obligations with the housing developers at Bersted and Felpham rather than relying on unspecified/unjustifiable requests for contributions from developers of sites throughout the district generally.

Cumaltive Impact/Prematurity

I note your comment regarding possible future proposals for other sites in the general area but also note that these are not yet under consideration by the Council and nor are they allocated sites. Therefore I can only refer you to paragraphs 17 - 19 of PPS1 "The Planning System: General Principles" as well as paragraph 72 of PPS3 and point out that the submitted scheme is of insufficient size to warrant/raise such issues in itself and that other possible sites/proposals that may or may not come forward in the near future are clearly not material to the determination of this proposal.

Technical Matters

With all due respect I do not consider that any of the matters you raise in this initial letter (further consultation responses are awaited at this time) warrant the use of your comment that **"there is a vast amount of additional work and points of clarification required"**

All the points raised relate to clarification of existing information submitted and/or (in the case of a reptile survey for example) matters which at first glance could be dealt with by condition.

I note your suggestion that we discuss the EA comments direct which we will of course do but I do think it appropriate to point out that the Council has a joint responsibility in this regard (see paragraphs 21 - 30 PPS 25) given that this area is considered suitable for development in the Councils SFRA, is not in a Flood Risk area and has been identified as a potential Housing site in the Councils published SHLAA.

This said I will discuss these matters with my clients other professional advisors and provide a more detailed response in the next 14 days .

In the meantime I thank you for the opportunity to comment at this early stage and would be grateful if you would place a copy of this interim response on your file as it may prove necessary to refer to same in any future proceedings.

Regards

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