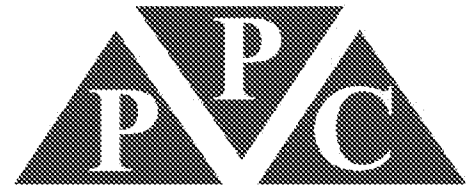


For the Attention of Mr N Crowther

Principal Planner Strategic Development Team

Arun District Council



Forum House,
Stirling Rd, Chichester,
West Sussex, PO19 7DN
Tel: 01243 536266 Fax: 01243 532124
Email: office@ppeplanning.co.uk

BY E MAIL ONLY 9 MARCH 2010

Dear Mr Crowther

Council reference BN/27/09 – Angels & Hyde Nurseries Barnham

I refer to your letter dated 11 February 2010, my interim e mail response dated 14 February 2010 and your e mail dated 5 March 2010 and respond to the outstanding matters raised by the Council to date.

Clarification of the application

We have decided to submit the attached revised Existing Site Plan, Revised Indicative layout plan D and revised Indicative Street Scenes and request that the Existing site plan, the 3 Alternative Indicative Layouts A – C and the Indicative Street Scenes originally submitted with the application be treated as withdrawn.

The revised indicative layout Plan D demonstrates one way in which the site could be developed with up to 95 dwellings comprising a mix of two storey 2 & 3 bed detached, semi detached and terraced housing at a net site density of 33 dph.

The net site density proposed is above the national indicative minimum net site density of 30 dph at paragraph 47 PPS 3 Housing but is relatively low (by modern standards).

This reflects and respects the relatively low density characteristics of housing in Barnham generally, the response you have received from the Councils Housing Strategy and Enabling Manager and (following consultation) the views of Barnham Parish Council (who broadly support this approach) and also addresses the site constraints identified by other consultees in terms of open space, tree retention and land drainage. (See "Technical Matters" below)

We have considered your suggestion that the maximum number of dwellings proposed should be removed from the outline application but have decided that this would not be appropriate as this would be in direct conflict with the guidance at Paragraph 52 of DCLG Circular 01/2006 which specifically states that *"With an application for outline planning permission detailed consideration will always be required on the use and amount of development"*.

As now revised, the application seeks outline planning permission for the development of the site with up to a maximum of 95 dwellings of which up to a maximum of 38 dwellings would be affordable housing as defined by PPS3.

The applicants are willing to enter into a S106 Obligation (see "Technical Matters" below) 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 95 dwellings) would be provided as affordable housing of which 80% would be Social rented housing and 20% intermediate housing.

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.

Matters of Policy/Principle

It would appear that you have misunderstood the case we make in Policy terms. We are not ***“making the case that the application is such a “sustainable urban extension” in accordance with SCT1”*** as stated in your e mail dated 5 March 2010.

We do not seek a land allocation and do not seek to argue that Barnham should be identified as a suitable location for such large scale land allocations either.

This is a planning application for a relatively small scheme for up to 95 dwellings which is clearly not a “sustainable urban extension” of the scale and form envisaged in SEP Policy SCT1 or Options 1 & 3 of the Councils “Options for Growth” Consultation.

It is accepted that decisions regarding where large scale land allocations should be focused in the long term are for the Councils emerging Local Development Framework to determine in accordance with SEP Policy SCT1 but this process has been severely delayed and the Council is unable to demonstrate how it intends to make provision for SEP Housing requirements at the required annual rate and/or maintain a 5 year supply of housing land as required in PPS3 Housing in the short term pending such longer term decision making.

In our submission (Paragraphs 31 – 33, 36 – 41 Design & Access Statement) other relevant policies in the SEP (SP3, H1, H2, & SCT5) make it clear that the delivery of the SEP Housing requirement should be managed and maintained on an annual basis via the release of smaller suitable and available housing sites (such as this site) for housing development alongside the longer term decision making regarding future land allocations for large scale sustainable Urban extensions (where these are necessary) via the LDF process.

Notwithstanding this point Paragraphs 68 – 74 of PPS3 Housing leave the decision maker in no doubt as to how individual planning applications for housing should be considered and determined in those circumstances applicable in Arun District.

Where existing adopted policies have not been reviewed to reflect later national & Regional Policy and where a 5 year supply of deliverable housing sites cannot be demonstrated local planning authorities should consider housing proposals favourably using the criteria and policies in PPS3.

In terms of SEP Policy, therefore, our case is that the release of this small available and suitable housing site for development would not conflict with SEP SCT1 and would be entirely consistent with (and indeed would represent implementation of) other more relevant SEP Policy and the requirements in PPS3 Housing.

We also argue that the release of this site for development would not prejudice or pre-empt decisions that should be made via the emerging LDF Framework since if the Council should (in due course) choose to pursue either Spatial Option 1 or 3, Barnham will need to accommodate smaller scale sites (of the type proposed) for housing in either scenario.

Moreover as a responsible land owning public body WSCC has identified this surplus land site as being suitable to meet SEP Housing requirements in accordance with SEP Policy CC9.

Employment provision

The applicants have carefully considered your suggestions regarding on site Employment Provision but in the absence of any identifiable and/or relevant planning policy support for your suggestions and/or current/up to date evidence of the need for same we do not consider it appropriate to make such provision as part of the development proposed in preference to maximizing the ability of the site to provide housing (particularly affordable housing) given the clearly evidenced pressing need for same and SEP Policy CC9.

Policy SCT 4 relates to Employment Priority in New Land Allocations. The Applicants do not seek a land allocation and this policy is not relevant to the determination of their application as its wording clearly relates to Plan making.

Paragraph 27 of PPS1 states that ***“In preparing development plans, planning authorities should seek to:”*** and the guidance it contains is not, therefore, relevant to the determination of an individual planning application.

Gypsy & Traveller Provision

My clients have made representations in respect of the Councils Consultation relating to the G & T Options. They disagree with Arun District Council as to the suitability of Barnham as a location for such provision and as landowners will continue to object to the identification of this site as a possible G & T Site at appropriate stages in the ongoing process.

This said we note that the Council acknowledges that the site is available and suitable for Housing since the criteria used to assess the availability and suitability of a site for G & T provision are the same as those used to assess a sites availability and suitability for housing.

Notwithstanding these points the Councils emerging proposals in regard to G & T Provision are clearly not sufficiently advanced so as to be a material consideration of any significant weight to the determination of this application (See PPS 1 The Planning System: General Principles Paragraphs 14 & 17 – 19)

The national policy references you make in your letter dated 11 February 2010 in support of your suggestion of onsite provision in lieu of affordable housing are not relevant and/or material to the determination of this application either as they relate to G & T Site design and would only be applicable if the Councils proposals regarding the identification of this site were more advanced than they are.

Other Housing schemes in Barnham

As you will be aware it is a fundamental principle that all individual planning applications should be considered on their own planning merits particularly as the planning issues relating to all sites and all schemes will always be materially different.

In our view the possible future submission of large scale development proposal for a 8 - 9 hectare site elsewhere in Barnham is not, therefore, material to the consideration of the submitted scheme.

Moreover it seems to us that if the current proposal were approved it would become material to the consideration as to whether or not it was appropriate or necessary to release a far larger site for development in Barnham at a later date.

Such a large scale proposal would by itself have district wide implications and could be perceived as being prejudicial to decisions regarding the location of major development within the district which should be made via the emerging LDF whereas the scheme submitted by my clients for up to 95 dwellings has no such implications and is clearly designed to maintain the characteristics of Barnham as a rural settlement which serves the local area.

You have also drawn our attention to the recently submitted application for The Lillies Holiday Park (BN/6/10). My clients had no knowledge of that application as the applicants chose not to discuss their intentions with WSCC.

Clearly it remains to be seen whether or not the applicants can demonstrate that their proposals in that case are acceptable in terms of policy and/or technical matters.

By way of example their scheme would involve the loss of a currently active holiday park contrary to the aims of relevant SEP Tourism Policies for the Sussex Coast sub region and the proposed drainage for the site appears to rely on the use of Traditional soakaways which are known not to work in this part of Barnham.

It is also noted that the applicants have suggested that they propose using WSCC land for pedestrian and cycle access to their scheme and that such proposals would involve the loss of Trees/hedges on the boundary.

WSCC consent for such access has not been sought or provided and you will note that our submitted indicative layout indicates that our clients are committed to retaining and enhancing the trees/hedges on their side of the boundary and makes no provision for such access.

Therefore we can only suggest that the applicants in that case be asked to amend their submitted scheme to reflect what my clients are proposing and that the Council considers their proposals separately on their own individual planning merits in the light of any decision made in respect of our submitted scheme.

Technical Matters

Open space

The revised Indicative site layout indicates one way in which the site could accommodate 0.75 hectares of open space, a centrally located Local Area of Play and up to 95 dwellings in

accordance with the response you have received from the Councils Parks & Landscape Section and your letter dated 11 February 2010.

It is our suggestion that the provision of these areas of open space and landscaping could be the subject of standard conditions on any outline planning permission granted and that their future management and retention as part of any development could be undertaken via a Private Management Company (funded by future residents).

Arun District Council has requested that a financial contribution towards the offsite provision of a Local Equipped Area of Play is made and we confirm that our clients are agreeable in principle subject to your confirmation as to the method of calculation and the contribution amount so that this can be included in the proposed S106 Unilateral Undertaking (see below).

Barnham Parish Council have requested that this contribution be "ring fenced" in any S106 Obligation for use in respect of the implementation of their approved Community Facilities on the site next door and WSCC confirms that it has no objections in this respect subject to ADC confirming its acceptance of the principle.

Trees/landscaping

The revised Existing Site Plan attached identifies all those trees (with root protection areas) and hedges that it is proposed to retain and protect (based on the submitted Arboricultural Reports and the Councils advice) as part of any development and the revised Indicative site layout demonstrates how this could be achieved at detailed application stage.

It is suggested that these matters can be controlled at detailed application stage through the imposition of standard landscaping conditions on any Outline Planning permission granted.

Foul & Surface Water Drainage

The Consultation responses received from the Environment Agency, Southern Water Services Ltd and the Councils Drainage Engineers have been reviewed by the applicants Drainage Engineer and the resulting Foul & Surface Water Drainage Strategy for the site is attached.

Southern Water Services Ltd have now confirmed that a Foul sewer connection for the proposed development is achievable without any negative impact on the existing levels of service in the area and are simply requesting the imposition of standard conditions on any outline planning permission granted.

The proposed Surface Water Drainage Strategy is set out in the attached document in the level of detail appropriate to an outline planning application. Essentially the intention would be to design a Surface Water Drainage scheme at detailed application stage which mimics the existing drainage of the site by retaining/improving 3 existing land drainage ditches, utilizing permeable surfaces throughout and maintaining good areas of soakage within open and landscaped spaces.

This approach has been discussed in principle with the Environment Agency who has indicated that subject to receiving the attached report they consider it likely that the suggested strategy will address their previous concerns and that the details of any resulting scheme can be controlled at detailed application stage through the imposition of standard conditions on any outline planning permission granted.

Social/Physical Infrastructure

The applicants have considered the requests for contributions towards the provision of School Infrastructure within the catchment area of the site, additional floorspace provision at Bognor Regis library and Fire Service Infrastructure at the specified levels appropriate to the scale of development proposed and intend to include these within a standard S106 Unilateral Undertaking along with the specified commitments to affordable Housing provision and the requested contribution towards off site open space provision once this is quantified and defined by ADC (See above).

We believe that this letter addresses all outstanding matters raised by ADC Officers but please do not hesitate to let me know if this is not the case. In the meantime we will await the outcome of the further consultations that you will no doubt wish to undertake and your confirmation on those matters requested.

A copy of this letter has been provided to Barnham Parish Council at their request.

Yours Sincerely



Paul Collins BA (Hons) DipTP MRTPI Director

Planning & Property Consultants Ltd
Chartered Members of the Royal Town Planning Institute
Site Appraisals, Planning Applications and Drawings, Planning Appeals and General Planning and Property Advice
Director: P P Collins BA (Hons) Dip TP MRTPI Company Secretary: M J Collins
Registered Office: Forum House, Stirling Rd, Chichester, West Sussex, PO19 7DN
Company Reg No: 05246022 VAT Reg no: 811 7558 01