

Planning Services
Arun District Council
Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF
PDW/19050

11 November 2019

FAO Ms M Tomalova

Dear Sirs,

Land off Canal Mews Barnham PO22 0DP -- Erection of 3 no Dwellings LA Ref BN/66/19

As you know we have taken over as planning agents for the above application submitted for Seaward Properties from Studio Lack Ltd. We have noted the various third-party comments on the application and want to take this opportunity to formally respond to them and to clear up any other misunderstandings about the proposal prior to its determination.

Drainage

Your drainage advisor queried in a consultation response dated 30 August 2019 whether a foul water treatment plant was located on the application site. The former agent in his email to you dated 02 September 2019 confirmed that a foul water sewerage plant **is not** located on the application site. The land was originally proposed for a treatment plant in connection with the original outline application BN/15/11 but this arrangement was changed when Croudace Homes, the eventual developer of the site agreed with Southern Water to connect to the mains system instead. A copy of the Drainage Statement submitted by Croudace when it discharged the relevant drainage pre commencement condition (BN/25/14/DOC) is attached to show this.

In connecting to the mains system, Croudace Homes has confirmed that a foul water sewer does cross the site, and this will have to be diverted to ensure the current development can be implemented if it is granted consent.

Southern Water in its own consultation dated 19 September 2019 has acknowledged the need for the sewer to be diverted and has requested a formal application under Section 185 of the Water Industry Act 1991 to secure this. Southern Water has suggested the imposition of an informative to any planning permission and our client has no objection to this.

Please also note that the details of the proposed surface water SUDs drainage will be submitted to the Council and will be dealt with in a suitably worded pre commencement condition in the usual way.

There is therefore no foul or surface water impediment to the development of the site as now proposed.

Other Third Party and Parish Comments

i) Loss of Amenity Land

Barnham and Eastergate Parish and other third parties have commented on the application leading to a loss of amenity open space in the wider residential area. We would point out however that the original application LA Ref BN/15/11 submitted by Seaward Properties was allowed on appeal in a decision dated 9 July 2012 (APP/C3810/A/11/2161133). The appeal was allowed subject to a formal Planning Obligation dated 07 December 2011 requiring amongst other things, the provision of an area of public open space. The open space land was specifically identified in the Obligation with reference to the approved Site Plan Ref 10.017 05 U. A copy of the Obligation and the Site Plan are both attached to this letter and the current application site forms no part of the identified open space land.

Croudace Homes in carrying out the development later set up a management company to take responsibility for the longer-term maintenance of the open space land. The attached letter dated 8 July 2015 confirms that the open space and the estate roads and footpaths would be transferred to the management company following the sale of the last dwelling on the development.

The land formerly shown for the sewerage treatment plant (this application site) was not conveyed to the management company and contributions towards the treatment plant allowed for in the Planning Obligation (First Schedule Section 6) were never required as the mains connection had been secured. The ownership of the land subsequently passed back to Seaward Properties. There is therefore no landownership impediment to the development of the site as currently proposed either.

ii) Parking and Access

The consultation response from the Local Highway Authority dated 4 September 2019 raises no objection to the application but notes that the site is located off an unadopted highway and separate approval will be needed for the access works on the privately maintained roads. Parking provision is acceptable. The suggested conditions on car and cycle parking and the informative are all noted by the applicant. There is therefore no highway reason for refusing the application.

iii) Policy Considerations

Section 11 of the National Planning Policy Framework encourages a more effective use of land and paragraph 117 states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 118 also states that planning policies and decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively.

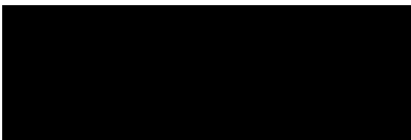
This advice is particularly supportive of the application proposal which is located on land within an existing settlement boundary on an underused piece of land within an established residential area. The land was never identified as public open space and was only left undeveloped because it was reserved for a sewage treatment plant now no longer needed.

The land has never been identified as a formal open space in either the made Neighbourhood Plan or the adopted Local Plan and in our view, the adverse impact arising from the loss of the underused amenity space should not significantly and demonstrably outweigh the benefits of the 3 dwellings.

We say all this in light of the Council's land supply shortfall which on its own admission, currently stands at 4.7 years supply and has rendered all of its current housing policies in the adopted Local Plan and Neighbourhood Plan out of date. The presumption in favour of sustainable development is engaged for the application and following paragraph 11 of the NPPF as the proposal accords with an up-to-date development plan and there is no other policy conflict, we believe it should be approved without further delay.

We trust the above provides the necessary planning justification for the proposal, but should you have any queries on this letter or the attachments, please contact us.

Yours faithfully
for Smith Simmons & Partners



Paul White BA (Hons) Dip TP MRTPI
Director of Planning