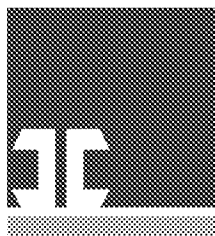


# **Design and Access Statement/Planning Report**

**To be read in support of the  
Outline Planning Application for the  
Residential Redevelopment of the  
Land at The Lillies Caravan Park,  
Yapton Road,  
Barnham, West Sussex**



February 2010



**Jacobs Foreman**  
Developments Ltd

### **Introduction:**

This statement has been drawn up to be read in support of an outline planning application for the residential redevelopment of The Lillies caravan park, and, as such, has a wide-ranging composition: it therefore encompasses elements as diverse as a Design and Access Statement, a Planning Statement, and a broad overview of the issues of flood-risk, transportation, ecology, affordable housing, public open space, developer's contributions and planning conditions too. It has also drawn upon the quite excellent work that has been undertaken by West Sussex County Council, and their agents, in the promotion of their adjoining land parcel, as we very much see these schemes as being worthy of tandem-consideration (and much of their 'justification' work is equally applicable to the development of our land parcel).

### **Applicant Details:**

The proposal is being promoted by a consortium of interests which include the land owner (Mr. Hartrick) and the prospective developer too (Messrs. Jacobs-Foreman), with this latter element bringing in the expertise of a regionally prolific house-builder. In addition to which, the scheme's Architect – Mr. Ivon Blumer – is a man with many years experience in the private sector, and who has a long standing history with this site. Other experts have been included within the very construction of the submission, to address the matters of flood-risk, highway safety and ecological matters etc., and their individual reports will therefore need to be taken as something of an addendum to this over-arching document.

### **The site:**

The land parcel is broadly rectangular in shape, and of an area of some 1.2 hectares (which, for simplistic comparative purposes, equates to something like two-and-a-half football pitches in size), and is virtually flat, with no perception of level change from front-to-rear or from side-to-side. It is also located within a countryside location, and is currently used for the siting of caravans and timber chalet's for holiday usage. Its neighbours are, in the main, nurseries in use for the growing of plants, and a number of scattered residential properties too. The site itself sits just outside of the village of Barnham (and is approximately 100 metres away from the edge of the settlement boundary); it is also separated from the village by another, and slightly larger, land parcel that is owned by the County Council, and which is currently the subject of the 'live' outline planning application, also for housing, that is referred to throughout this document. Indeed, and other than for its very 'flatness', the site is lacking in any other notable characteristics, and has simple boundary planting in the form of hedgerows and sparse tree coverage.

### **Planning History:**

The site benefits from a number of relatively recent planning approvals, a summary of each is shown below, as some have a bearing upon this proposal:

- **8<sup>th</sup>, July 2008**, planning permission was **GRANTED** for the **“Relocation of existing access to the Lillies Caravan Park, Alteration of existing access & new hedge planting & new 1.2m high timber fence to Yapton Road**

**Boundary” (BN/13/08/)** – of the conditions imposed upon this grant of planning permission, one of them specified that vision splays, of 2.4 x 70 metres, should be provided.

- **17<sup>th</sup>, October 2007**, planning permission was **GRANTED** for the erection of “**New toilet and shower block, reception building and open air swimming pool**” (BN/25/97/).
- **1<sup>st</sup>, February 2006**, planning permission **GRANTED** for “**Four additional touring pitches for all year use. Five additional touring/holiday caravan pitches for use of 8 months of year (1<sup>st</sup> March to 31<sup>st</sup> October) – (BN/36/05/).**

As such, it is evident that the site’s very use is an established one that has brought a level of urban intensification into a countryside locale, and that the Local Planning Authority have always been agreeable to the principle of its use, to the principle of its expanding usage (as an all-year-round facility), and to the principle of its having a significant level of traffic generation, via an access that would actually exceed the modern criteria necessary to serve a very large housing estate.

### **The Site’s Wider Surroundings:**

As referred to above, the site sits just outside the southern extremity of Barnham’s settlement boundary, and is therefore located within easy walking distance of its amenities and transportation hub (as the train station and all of the local shops are located just some 400 metres or so to the west) – a summary of the transportation links is therefore highlighted below, in order that the site’s sustainable location can be reinforced:

#### **Trains:**

- Trains to **Chichester** (the nearest town) run approximately every 10 minutes and involve a 7 minute journey: services start at 04:58, with the last train at 00:06. The return journeys are just as frequent.
- There are 2 trains to **London** every hour which take somewhere in the region of 1 hour 40 minutes (allowing for 1 change). The last train is at 23:25 and services start again at 05:24. During peak times in the morning the services are, however, slightly different, but still very frequent.  
The service continues throughout the entirety of weekend.
- Trains services to **Portsmouth harbour** also run throughout the day (between 5:00a.m. and 11:00p.m.).

#### **Buses:**

- **Stagecoach** run services to Bognor Regis approximately every hour starting from 07.29am to 18.02pm Mondays to Saturdays.
- The main bus that provides transport throughout at present is the 66/66A. This service travels from Bognor Regis’ High Street to Barnham (and back again). This Service also stops twice at Barnham Railway station.
- **Compass Travel** also provides a service between Barnham and Chichester.

#### **Local Facilities:**

Barnham is a surprisingly ‘active’ village, with many shops and facilities, coupled, of course, with its excellent transportation links. In addition to which there are 3 local schools and a pre-school nursery within the immediate vicinity of the application site. As such, and in order to show just how ‘active’ a place it really is, a ‘directory’ of facilities is shown below:

1. Muller's Public House - **Barnham Road / Yapton Road;**
2. Co-operative store - **Barnham Road;**
3. Post Office - **Barnham Road;**
4. Pharmacy - **Barnham Road;**
5. Billy Bonkers Sweetshop - **Barnham Road;**
6. Barnham Kebab & Pizza - **Barnham Road;**
7. Downland Veterinary Group - **Barnham Road;**
8. St Wilfrid's Charity Shop - **Barnham Road;**
9. NatWest Bank - **Barnham Road;**
10. Barnham Health & Beauty Shop - **Barnham Road;**
11. Barnham Barbour Shop - **Barnham Road;**
12. Angels Florist - **Barnham Road;**
13. Fast Track Bookies - **Barnham Road;**
14. New Barnham Community Hall & Recreational Park - **Barnham Road;**
15. Barnham Chinese Takeaway - **Barnham Road;**
16. Barnham Tandoori Takeaway - **Barnham Road;**
17. Barnham Fish & Chips - **Barnham Road;**
18. Outside Catering - Weddings etc. - **Barnham Road;**
19. Barnham Trading post (furniture) - **Barnham Road;**
20. Outside Interests - **Barnham Road;**
21. St. Phillips Howards Catholic School - **Elm Grove South;**
22. Barnham Primary School - **Elm Grove/Orchard Way;**
23. Lantern House Chinese Takeaway - **Barnham Road;**
24. Prescriptions Footwear Associates - **Lake Lane;**
25. Premier Off-Licence - **Lake Lane;**
26. Barnham Joinery - **Barnham Road;** and
27. Barnham Bridge Inn - **Barnham Road.**

As such, and in light of everything set out above, it is evident that there is a sufficient level of local amenities, and transportation links, as to properly cater for the provision of a new housing estate upon the site of the current Lillies caravan park.

#### **The rationale behind the submission:**

The site's continuing use as a viable caravan park is clearly diminishing, as booking's seem to have been severely affected by the recent (and quite possibly soon-to-be-on-going) recession: indeed, unless the site's very use is changed to that of housing, it seems most likely that the business will cease to trade, thereby simply leaving the land parcel stood empty. As such, the County's actions in respect of the adjoining land parcel have been the driving force behind this proposal, as it has offered the land owner very real hope-value, and a potential "way out". In addition to which, Mr. Hartrick is keen to give something back, and it is because of this philanthropic stance that he's asked for the scheme to be promoted on the basis of there being 40% affordable housing upon the site, as such a high-level will help to ensure that low-cost homes are available to serve the local populace.

### **The Application's Composition:**

The application has been made in outline – as per the County's approach for the adjoining land parcel – and is seeking a scheme at a level of just 30 dwellings to the hectare, which will equate to something in the region of 36 homes. In addition to which, and as referred to above, we're also promoting that 40% of the units are built-out as affordable homes, and that the site's access arrangements are enhanced. We are also agreeable, should the need arise, for our scheme linking into that of the County Council's (whether this be in the form of vehicular or maybe just pedestrian links, or maybe even through a sharing of an open-space feature?). As such, we would ask that the application be dealt with solely upon the basis of a generic density level being achieved (with its associated affordable housing provision), with all other matter being held back for later consideration as part of a reserved matters submission. Irrespective of this desire, however, we have sought to provide indicative layout plans, and a number of street-scene elevations too, to better explain the design rationale, but have not sought to take the County's many-option approach, and have therefore relied upon the use of just one layout plan.

In addition to which – and as referred to above – there are a number of other documents that will need to be read in conjunction with this report (notably the flood risk assessment and transportation reports, amongst others), and it is also important to note that the statement from here on in will follow a format that is akin to that of the County Council's approach, and it will therefore follow in the order as set out below:

- **Section 1** of this statement carries out a broad-brush assessment of the site's suitability for residential development in terms of relevant development plan policy, along with other "material considerations", the actual location of the site and its physical characteristics too;
- **Section 2** will then evaluate the site and the opportunities and constraints that it presents (based on the assessment in Section 1 and the degree to which its re-development with housing can meet the criteria in Paragraph 69 of PPS 3);
- **Section 3** then sets out the design principles that have been followed in preparing the outline scheme (based, once again, on Sections 1 & 2), and which then also addresses whether or not the scheme can deliver high quality housing in terms of the criteria set out at paragraphs 12 – 19 of PPS Housing; and
- **Section 4** then suggests the draft Heads of Terms for a proposed S106 agreement together with a brief discussion in respect of possible conditions.

### **Section 1 Assessment:**

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

#### **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 (as referred to at the start of this document);
- The site is clearly one that has been 'previously developed', and 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 the Regional Spatial Strategy and other planning policies in the adopted South East Plan and relevant national Planning Policy notably PPS 3 Housing notably (in this context paragraphs 68 – 71);
- 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 or PPS 3 Housing; and
- 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 do indicate general support for the release of this site (and that of the County) for housing.

#### **Physical Context:**

- The application site is situated with a frontage onto Yapton Road, just 100 metres or so to the east of Barnham’s settlement boundary;
- In July 2007 Arun District Council published a ‘**Settlement Sustainability Study**’ as a background document to the emerging Local Development Framework (LDF);
- 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);
- The study concluded that Barnham is one of the district’s larger settlements which, when compared to other settlements, provides its residents with a good (and in our considered opinion, very good) range of facilities within walking distance, and/or accessibility to same by public transport, and is therefore considered to be a suitable location for new housing. Its associated “table 7.4” showed these results;
- It is recognised that, by necessity, this study took a broad-brush district-wide approach to comparative sustainability so in preparing this application the study results have been updated somewhat, and the sustainability and accessibility credentials of the proposed housing site, have been analysed in more detail as part of the Submitted Transport Assessment, and this clearly demonstrates that the application site is in a highly sustainable location;
- The site itself is currently occupied by a number of caravans, mobile homes and log-cabins, including an associated and existing residential property. In addition, a substantial area of the site is hard-surfaced and used for car parking and vehicle turning, and a number of affiliated out-buildings are also in-situ (including both toilet and shower-blocks). The remainder of the site is laid to lawn, with sparse boundary planting;
- The existing residential properties on the site together with many of the caravans being in a relatively poor state of repair (and looking somewhat ‘tired’) have a somewhat negative impact upon the appearance and character

of its surroundings. Moreover the level of development on the site and close proximity to the eastern edge of the existing settlement area results in the site having a distinctly developed character and appearance;

- The site currently has just one existing vehicular access point onto Yapton Road, but, as referred to earlier, permission does exist for this being up-graded to a standard that would actually exceed this application's requirements; and
- 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 tree species (although we do accept – and of course welcome – the fact that the site's western boundary may well become one of a built form; assuming that the County's scheme comes forward in harmony with ours).

**Planning Policy & other “material considerations”:**

- 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.**
- 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 (SEP):**

- The 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;
- The Plan defines nine sub-regional strategies and Arun District is within the Sussex Coast sub-region;
- The proposals which are the subject of this application involve development comprising up to something like 36 dwellings on a very sustainably located, previously developed, site which is only separated from Barnham by a very short walk (in addition to the County's contiguous, and contemporaneous, proposed housing site);
- The proposed development is not of a scale which is of regional, sub-regional and/or district wide significance and Arun District is not within a sub-region which is to act as a ‘Regional Hub’ in the context of SEP SP2 but, as a matter of principle, the submitted proposals are considered to be consistent with the aims of the overall SEP Regional Spatial Strategy and Housing Policies as set out below:
  1. SP1 - Sub Regions in the South East;
  2. SP3 - Urban Focus and Urban Renaissance;
  3. H1 - Regional Housing Provision 2006-2026;
  4. H2 - Managing the delivery of the Regional Housing Provision;
  5. H3 – Affordable housing;
  6. H4 – Type and size of New housing; and
  7. H5 – Housing Design and Density.

- Policy SP3 emphasises the need for new development in the region (and in the sub-regions) to be focused in or around urban areas in order to foster sustainable development (notably housing) which provides future residents with access to services, facilities and employment and therefore reduces the need to travel.

**An Urban Focus/Renaissance:**

- Criterion (i) through (iv) of PPS3's paragraph's 36-39 reflect the flexible and responsive criteria based approach to the identification of suitable locations for housing. ('within or adjacent to the regions urban areas', 60% of all new development.....on previously developed land, 'in and around urban areas', '.....intensification around transport hubs and interchanges);
- Barnham is just such an urban area (albeit within a wider rural area) and is a larger sustainable settlement relative to others within the rural parts of the district. The settlement provides a range of services and facilities used by people living in the wider rural area – indeed, Barnham Railway Station and nearby bus routes and stops represent a Transport hub for the 5 village area and in the context of Arun District a transport interchange. The application site can clearly be defined as being 'previously developed land', and is also situated adjacent to and/or around the urban area; and
- An explanation as to just how much larger rural settlements, such as these, fit into the overall Spatial Strategy of the SEP is given in the following text.

**Supporting and Protecting our Rural Communities:**

- Extensive parts of the region are largely undeveloped and offer a high landscape value and agricultural resource. These areas are often punctuated by small towns and villages that contribute to the particular character of the region, and which provide essential homes, jobs and services for the local population. These settlements are highly accessible to those living and working in the region's urban areas, which increases pressures in terms of the demand for homes, for recreation and for work. Planning policy must therefore balance the need to protect the countryside and retain the charm and heritage of the region's enviable patch-work of smaller settlements whilst making sure that thriving and socially inclusive communities are maintained and developed, to serve the needs of both their locality and the wider region. Whilst the policies may seek to focus new development into and around existing larger settlements, there remains a need to recognise that local authorities should consider the need to plan for some new development outside these areas to support rural communities and services;
- This Strategy does not contain a single generic spatial policy or set of policies relating to rural areas. Instead, policies influencing the spatial development of rural areas are threaded throughout the strategy;
- The key point is that the SEP Spatial Strategy deliberately and emphatically drops the old style Structure Plan policy concept of defining Urban Areas (and therefore the 'countryside') through fixed lines on a map and then directing all future development to within defined built-up area boundaries and applying crude and fixed restrictions on the type of development that can take place

outside of those self-same built-up urban areas and replaces the concept with a more flexible criteria based Spatial Strategy and policy approach;

- The new spatial strategy and policy approach recognises that in the rural areas abutting urban areas and/or rural areas which contain larger sustainable settlements (or urban areas) economic and housing development necessary to meet district wide needs and/or the needs of the rural areas should be directed to sites '**in or around**', '**within or adjacent to**' these larger settlements even if this means building outside of previously defined boundaries! The key determinates in such decisions is not, therefore, simply the fixed line of settlement boundaries upon a map, but rather the degree to which the submitted proposals meet the criteria relating to such proposals, and the degree to which they would support rural communities and services;
- Therefore the location of this site and its use for housing is entirely consistent with the spatial strategy for the South East Region as a whole;
- Policy H1 of the SEP states the level of housing that each sub region and planning authority area with each sub region is expected to deliver within the plan period (2006-2026). Policy H2 and its supporting text explains/directs how Local Planning Authorities should manage the delivery of the H1 requirements;
- For the reasons given here, and elsewhere in this statement, the application proposals are considered to be consistent with criteria (iv), (v), (vi) and (viii) of SEP policy H2;
- Policies SCT1-SCT7 in the Sussex Coast section of the plan describe how the overall economic and housing growth planned for the region as a whole in terms of forth-coming Local Development Frameworks and the determination of individual planning applications within the sub region and Arun District;
- Policy SCT1 sets out the overall strategy for the Sussex Coast sub region and interprets the Regional Spatial Strategy in terms of Policy SP3 and explains how it should be applied within the sub region;
- SEP Housing Policies H1 and H2 are to be applied within the sub region via policy SCT5;
- When read in conjunction with Policy SP3, Policy SCT5 makes it clear that meeting SEP Housing requirements is a matter that is to be addressed via the emerging LDF and the determination of individual planning applications;
- Moreover, in Arun District, the priority should be to focus new development (either via the emerging LDF and/or in determining planning applications) within or around existing urban areas (just like Barnham) as well as providing for the allocation of land to accommodate Strategic Urban Extensions where these prove necessary;
- Policy H2 criteria (viii) together with its supporting text also makes it clear that in districts like Arun where there is a backlog of un-met housing-need (particularly affordable housing) the aim should be **to take all necessary steps** to address that back-log in the first ten years of the Plan period (i.e by 2016);
- However, given the on-going delays in the emerging Core Strategy the only other way of meeting this SEP requirement is to release smaller suitable (and

sustainable) housing sites for development pending the delivery of the larger, more strategic sites;

- Addressing this new spatial strategy and delivering the required economic and housing growth is not, therefore, simply a matter of allocating new land for development as part of the forthcoming Local Development Framework process. The implementation of the SEP Spatial Strategy and housing delivery must, in the very specific circumstances facing Arun District, also include looking at individual proposals for available, suitable and deliverable housing sites (just like our application site, and that of the County Council too) favourably via the development control system particularly where it has been demonstrated that the proposals are consistent/compliant with the SEP part of the Development plan;
- 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 structure plan and Arun District Local Plan (‘Saved’ Policy DEV 17) and it is understood that the council continues to consider that’s its April 2007 ‘Interim Statement’ remains broadly consistent with SEP policy;
- The submitted scheme has been prepared in accordance with the relevant SEP, the council’s interim statement, and the still more recent SMHA;
- 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, as well as Social and Community Infrastructure;
- For the reasons set out here and elsewhere in this statement the submitted proposals are therefore considered to be consistent with and/or fully compliant with the relevant policies of the SEP which now forms part of the development plan for the purposes of section 39 (6).

#### **Compliance with ‘Saved’ Policies in the Arun District Local Plan 2003:**

- The application site lies outside of the built-up area as defined by the ‘saved’ policy GEN 2 –Built-up Area Boundary in the Arun District 2003 Local Plan and as a result the submitted proposals are also in conflict with ‘saved’ policy GEN 3 – Protection of the Countryside;
- 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).**
- Given the existence of the adopted SEP the law requires that Arun District Council at least consider whether or not its ‘saved’ local plan policies conflict with related SEP policy before refusing any application purely on the basis of non-compliance with those ‘saved’ policies alone;
- In our view (and as also being promoted by the County Council) the ‘saved’ Local Plan Policies GEN2 & GEN3 conflict with the whole ethos and

- approach of the spatial strategy of the SEP, as well as with the letter of Policies SP3, SCT5 and the housing management and delivery policy H2 too;
- ‘Saved’ Local Plan policies GEN2 & GEN3 derive from the long superseded 1993 Structure Plan which sought to restrict development to the minimum necessary to maintain a careful balance between economic and housing development and promoted countryside as its number one policy;
  - The 1993 Structure Plan (superseded when the 2004 Structure Plan was adopted) introduced the concept of defined or fixed built-up area boundary as a policy tool which was designed to restrict the bulk of all development necessary to meet countrywide needs (both economic and housing) to land within the boundaries of such BUAS which were to be defined for each district in their respective Local Plans and restricted all development outside of those defined boundaries to a specified and very limited range of development types in accordance with ‘saved’ Local Policy Plan GEN3;
  - By the time that the 2003 Arun District Local Plan was being prepared it was already clear that this restrictive policy approach had failed to deliver the development necessary to meet the economic, social and housing needs of Arun District and the Local Plan actually allocated additional land outside of existing defined BUAS and in conflict with the 1993 Structure plan in order to address these shortcomings;
  - Policy LOC 1 of the 2004 Structure Plan (now superseded by the SEP) continued with the BUA boundary approach but recognised the need for some flexibility in their application and the need for emerging Local Plans to re-define the boundaries of existing BUAs so as to accommodate the economic and housing growth that the Plan acknowledged would be necessary;
  - In the event Policy LOC 1 of the 2004 Structure Plan was not implemented in Arun District as it was overtaken by the changes in the development plan system of which the SEP now forms part;
  - The clear conflict between ‘saved’ Policies GEN2 & GEN3 and the SEP Spatial Strategy (as a whole) is best demonstrated by the fact that a strict application of these ‘saved’ policies would always mean that any housing development (regardless of its merits in terms of SEP policy and/or PPS3 Housing criteria) would always be refused by the council pending the adoption of new land allocations through the emerging LDF;
  - This approach flies-in-the-face of all relevant national planning policy statements as it would actively prevent, rather than facilitate, the delivery of the SEP economic and housing requirements (particularly that necessary to meet the un-met back-log within the first ten years of the plan period) and is clearly and fundamentally wrong;
  - The proposals that are the subject of this application have therefore 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; and
  - 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 themed based ‘saved’ local plan policies), they do conflict with ‘saved’ Local plan Policies GEN2 Built up area boundary (and therefore GEN3), 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:**

- Notwithstanding the above we also submit that there are a number of other “material considerations” in this case which combine to out-weight 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;
- 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.**
- Relevant and up to date Government Planning Policy Statements published since 2003 are therefore to be significant material considerations in this case;
- Government Planning Policy Statements published since 2003 include: PPS1, PPS3; PPS9, PPS12, PPS22, PPS23 and PPS25 too;
- Paragraph 11 of PPS1 reads as follows: **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 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 (EC Grandson and Co Ltd v SSE and Gillingham BC 1985);**
- The most significant Government Planning Policy Statement material to the consideration and determination of the 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;
- PPS3 requires Councils to identify and maintain a rolling five year supply of deliverable land for housing starting from the date of 1<sup>st</sup> April 2007

- (paragraphs 7 and 68 to 74), particularly in connection with the determination of individual planning applications;
- Indeed, 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);
  - 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.**
  - 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 a 1 year) shortfall in its 5 year housing land supply. Paragraph 71 of planning policy Statement 3 (Housing) states that where there is not as 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.**
  - In December 2009 Arun District Council published its Annual Monitoring (AMR) for 2008/2009 which states that the Council cannot demonstrate a 5 year supply of deliverable sites for the purposes of paragraphs 71 of PPS 3 Housing;
  - The Councils 2008/2009 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 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 the same 5 year period amounting to **2,800** dwellings;
  - 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 long 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 larger 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 not certainty that the SHLAA will resolve the problem as quickly as the Council suggest.
- 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;
- The differences between the WSCC 2009 RLA Study and the ADC 2008/09 AMR is that the WSCC Study (rightly in our view given PPS3 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;
- Given the discrepancies between the figures in published Council documents and previous appeals – and taking a very strong lead from the quite outstanding investigative work that has already been done by PCC on behalf of the County Council - a PPS3 Housing Land supply calculation for Arun District and the details of this is set out below;
- 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 dwellings losses are correct results in a forecast

supply of net dwellings from 1<sup>st</sup> April 2009 – 31<sup>st</sup> March 2014 as set out overleaf;

- 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 PPS3 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;
- It is also noteworthy that many parties are disputing the Council's 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 based on the WSCC 2009 RLA Study;
- The disparity between the Councils position and that of others will be tested at a Planning Inquiry to be held in early 2010 (Council reference BE/47/09);
- For the purposes of this application, and when taking into consideration Paragraph 71 of PPS 3 Housing, however, it is sufficient to note that the Council cannot demonstrate a 5 year supply (as PPS3 makes no reference to the scale of shortfall necessary to trigger or engage the paragraph 71 requirement) and that the Council should therefore be considering housing proposals (such as the submitted scheme – and that of our immediate neighbour) favourably against paragraph 69 criteria;
- The degree to which this scheme meets PPS3 paragraph 69 criteria is assessed in Section 2.

#### **The Emerging LDF and evidence base:**

- 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, 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 or predetermine decisions about the scale, location or Phasing of new 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.**
- It is understood that the Council's 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;
- For the purposes of PPS 1 Paragraphs 14 & 17 through 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, therefore, arise;
- That 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 immediately adjacent site as an available, suitable and deliverable housing site for up to 95 dwellings (Document reference 145), and whose very suitability is something that we remain keen to benefit from too;
- The SHLAA comments that "The [neighbouring] 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 currently not available (as they are subject to long term leases) and are not currently surplus WSCC land and WSCC has no current intentions to dispose of these land holdings;
- 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 both their, and our, submitted applications, we fervently believe that our site could be marketed in late 2010 with development commencing in early 2011 with completion of all dwellings taking place by mid 2012 (which is a year earlier than our County-neighbour, as we are, of course, promoting far fewer houses than they are).

## **Section 2. Evaluation:**

- This section evaluates both 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).
- **Executive Summary** - the site is an available housing site which could deliver up to 36 houses by mid 2012 (including up to 40% affordable dwellings) in a way that would help to implement SEP requirements and address the Council's immediate shortfall in the 5 year housing land supply (and acute shortfalls in affordable housing);
- The application site is a suitable Housing site which meets relevant SEP policy. Paragraph 71 of PPS 3 Housing is a significant material consideration that carries considerable weight and **REQUIRES THE Council** to consider the application favourably against the criteria given in PPS 3 Paragraph 69;

## **Land Use Opportunities:**

- 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 surprisingly large range of schools, shops and recreational and employment areas;
- 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 on-going 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;
- Moreover, successive Arun District Council Housing Needs Studies and the West Sussex Strategic Housing Market Assessment, May 2009, highlight a critical net annual housing requirement;
- The Council's SHLAA acknowledges that the neighbouring site (and therefore, by association, our site must be too) 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 this opportunity could be realised within much less than 5 years without prejudice to the delivery of longer term more strategic plan led solutions;

## **Determining planning applications:**

- 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 1 April 2007, Local Planning Authorities should have regard to the policies in this statement as well as to "material considerations" which may supersede the policies in existing Development Plans;
- In general, in deciding planning applications, Local Planning Authorities should have regard to: (i) Achieving high quality housing; (ii) Ensuring developments achieve a good mix of housing reflecting the accommodation

requirement of specific groups, in particular, families and older people; (iii) The sustainability of a site for housing including its environmental sustainability; (iv) Using land effectively and efficiently; and (v) 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 e.g. addressing housing market renewal issues;

- Section 3 of this report seeks to demonstrate that the submitted proposals represent a deliverable opportunity to achieve a high-quality mixed-housing scheme 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 which is clearly failing) 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 that it would not undermine wider policy objectives to the extent that these are sufficiently developed to be “material considerations” of any weight;
- Paragraphs 71 & 72 of PPS 3 Housing State: **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...Local Planning Authorities should not refuse applications solely on the grounds of prematurity.**

#### **Land Use Constraints:**

- 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: (i) Tree Survey & Arboricultural Impact Assessment; (ii) Ecological Scoping survey; (iii) Transport Assessment; and, (iv) 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 above, and addresses whether or not the scheme is capable of delivering high quality housing in accordance with the criteria given at paragraphs 12-19 PPS3 Housing.

- It is concluded that the submitted scheme is (to the degree that this is possible given the outline nature of the submitted application) would be capable of providing for the achievement of high-quality mixed-housing which reflects the accommodation needs of all groups. (PPS 3 Paragraphs 12-19);
- Paragraphs 12-17 of PPS 3 Housing read as follows: **Achieving high quality housing** - *Good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable, mixed communities.*

- *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.*
- *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 space 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.*
- *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.*
- *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 to children are taken into account and that there is good provision of recreational areas, including private gardens, play areas and informal 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:**

- 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:**
- The amount of development proposed is up to 36 dwellings with 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;
- This amount of development was determined by the size of the developable area (1.2 hectares);
- The proposed development equates to a net site density of just 31 dwellings per hectare (dph) as calculated in accordance with Annex B PPS3 Housing depending on whether or not a detailed scheme includes flats (Indicative layouts/scale);
- **The Indicative Layouts:**
- The planning application has been submitted in Outline with all matters (except access) reserved for later approval, and is also submitted with an indicative site layout in support of it:
- This indicative site plan shows that space is readily available for up to 36 dwellings comprising a mixture of housing comprising detached/semi-detached/terraced houses, as well as a potential for some flats, with associated landscaping and communal open space;
- The layout is such that it could readily accommodate sustainable features into the proposed development and at this outline stage; passive solar design has had an influence on the indicative site layout. The majority of proposed dwellings shown are orientated within 30 degrees of due-South to maximize opportunities for sunlight and daylight, and, where this has not been possible, an east-west orientation has been adopted.
- The indicative layout also provides adequate space for waste facilities, including general waste and recyclable waste. Where possible waste facilities could be provided on plot for individual dwellings, however, and 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 on the proposed development.
- **Appearance/Scale Parameters:**
- The indicative layout, and supportive elevations, provide for a variety of dwelling types being of 2 and 2.5 storey’s in height (with the maximum being 2.5 storey’s) of differing traditional styles/appearance in order to achieve visual interest in the street scene and provide an attractive environment for future residents;
- The layout design, dwelling mixes and styles envisaged could provide the development with a sense and appearance of gradual evolution characteristic and some of the existing older housing in other parts of Barnham;
- **Landscaping & Public Open Space:**

- 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 for species habitat and these are all therefore shown to be retained;
- The submitted Tree Survey and Arboricultural Impact Assessment has identified that there are no existing trees on site that could conflict with the development as proposed;
- Particular care and attention has been paid to the integration of the proposed development into that being promoted by the County, and which, in turn, will link in with the approved (but not yet implemented) Public Open Space and community facilities on the adjoining Murrells Field;
- The indicative layout shows how the communal Open Spaces within the proposed development could be laid out as to provide natural links between the scheme and that proposed next-door, together with the proposed pedestrian/cycle routes through the (two) development(s) could provide safe, useful, attractive and ultimately popular recreational links between Church Lane and Yapton Road;
- In addition to the communal open space(s) suggested by the indicative site layout, we have also sought to provide for generous private garden areas for all dwellings (by modern standards) which reflects the emphasis on the provision of true family accommodation and our over-riding commitment to create an attractive green environment for future residents to use;
- **Access & Accessibility:**
- 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 to either accord with, or to exceed, that for which planning permission already exists (refer to history element at the start of this document);
- 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 Land and Yapton Road via the proposed POS – and via the County's site next-door);
- Within the site itself the indicative layout suggests an 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 (akin to a home-zone layout in many ways);
- The indicative layout also provides for car parking to be accommodated within individual plot boundaries, and for larger car parking areas to be avoided so as to create an attractive street-scape. There would also be sufficient space to provide parking for future residents and visitors at a level consistent with the Council's maximum standards but, given the sustainability and accessibility credentials of the site, it is intended to provide for car

parking on the basis of at least 1.2 spaces per dwelling with cycle and bin stores for residents provided within each plot too;

- **Other Technical Matters (See also Section 4):**
- **Flood Risk** - 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 the climate change) to the degree that would prevent development in accordance with PPS25 and/or warrant any particular special measures in terms of drainage and/or building design;
- **Foul & Surface Water Drainage** - 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** – The land currently has a residential use and is not known to be contaminated. Previous applications on the site have not raised any issues relating to contamination. Pre-application advice from ADC considered it unnecessary to carry out a contamination survey at this stage.
- **Renewable Energy & Climate Change** - as applicant, we are committed to ensuring that the proposed development meets the latest national and regional policies relating to renewable energy and to climate change but the outline nature of the application makes it difficult to be more 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 the possible Section 106 agreement in respect of the 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;
- 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; and
  - d. Reasonable in all other aspects.

And the heads of terms set out in this statement therefore follow this 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 up-dated 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 Section 106 Agreement (S.106):**

**WSSC Infrastructure Contributions:**

- It is anticipated that WSSC 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 36 dwellings of indeterminate housing mix with no certainty regarding the population that would be generated; and
  - b. Individual WSSC 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 S.106 agreement, which would enable the likely contributions to be quantified at detailed application stage according to the formulas used in the S.106;
    - Subject to this approach and the requested contributions meeting the Secretary of State's Policy Tests it is confirmed that the application is prepared to provide a S.106 to this effect;

**Arun District Council Infrastructure Contributions:**

**Public Open Space:**

- 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 even the type of provision to be requested (other than in the indicative manner shown on the indicative layout provided for 2 reasons:
  - a. the council's published information regarding open space is not up-to-date and it is therefore unclear as to what the Council would require; and
  - b. the maximum amount of Open Space that could be provided on the site in this case is indicated on the indicative layout but for sound planning reasons we wish to suggest that the Council accepts an off-site financial contribution that can be used to assist the funding and delivery of the Murrell Field Proposals instead, 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 application is prepared to provide a S.106 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 (thereby according with the County's proposals on the similar site next door).
- 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 Obligation via a S106 undertaking; and
- Subject to the Council accepting this route we are willing to provide a S.106 so as to meet the Council's preference in this regard.

#### **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; and
7. Land Contamination.

#### **Conclusion:**

As referred to throughout, the site is sustainable, immediately deliverable, well located, favourably comparable to that being promoted by the County Council, and is of a type that can help Arun District Council to meet their currently inadequate supply of housing. It also makes a significant commitment toward the provision of affordable housing, and to integrate with green-energy's throughout. It will also aid a failing business, and help to reinvigorate an area that's in need of significant investment, and it can do all of this without detriment or harm being caused to any party or to any interest. As such, we'd therefore respectfully request that outline planning permission is granted for its redevelopment.

**Jacobs-Foreman Ltd.**

February 2010

#### **Appendix:**

Photographic Montage, showing the site, and its surroundings.