

**PLANNING PERFORMANCE AGREEMENT
ARUN DISTRICT COUNCIL AND LINDEN HOMES (SOUTH)**

PROJECT PLAN FOR DEVELOPMENT

1. Parties

Arun District Council – Local Planning Authority (LPA)¹

Linden Homes (South) – Applicant

2. Site Description

2.1 Land at former Eastergate Fruit Farm Eastergate PO20 3RP

3. Description of the Development

3.1 The application is for Reserved Matters comprising layout, scale, appearance and landscaping pursuant to outline permission (EG/71/14/OUT) for the erection of 60 dwellings, vehicular access, open space and other ancillary works.

4. The Principle of Development

4.1 The application site has an extant outline planning consent for the erection of 60 dwellings and was approved as such being in accordance with the ‘made’ Barnham and Eastergate Neighbourhood Plan and adopted 2003 Local Plan which comprised the development plan at the time of the decision. The principle of development is not therefore an issue for this Reserved Matters application.

4.2 The Reserved Matters for which planning permission is sought comprise layout, scale, appearance and landscaping. Means of access was approved at outline stage and the site access arrangements specified in condition 8 of the outline permission will be provided in accordance with the approved drawing ITB9227GA003 Rev D. Other planning conditions will be discharged in the usual way prior to commencement of development or first occupation as relevant.

5. Planning Policies

5.1 Planning policy considerations are set out in the:

- Arun District Local Plan 2003 Saved Policies
- ‘Made’ 2014 Barnham & Eastergate Neighbourhood Plan
- Emerging Arun Local Plan 2011-2031 with Modifications (January 2018)
- NPPF

¹ This PPA relates to Arun District Council as local planning authority and not as landowner. All discussions with ADC as landowner are outside the remit of this PPA.

Arun District Local Plan 2003

5.2 The following policies are relevant:

- GEN7 The Form of New Development
- GEN15 Cycling and Walking
- GEN23 The Water Environment
- GEN28 Trees and Woodlands
- GEN32 Noise Pollution
- GEN33 Light Pollution
- DEV17 Affordable Housing
- GEN12 Parking in New Development
- GEN20 Provision of Public Open Space within New Development
- GEN29 Nature and Conservation Across the District
- GEN5 Provision of New Residential Development
- GEN8 Development and the Provision of Infrastructure
- GEN9 Foul and Surface Water Drainage

Emerging 2011-2031 Arun Local Plan with Proposed Modifications January 2018)

5.3 The following draft policies are relevant:

- Policy H DM1 Housing mix
- Policy AH SP2 Affordable housing
- Policy D SP1 Design
- Policy D DM1 Aspects of Form and Design Quality
- Policy D DM2 Internal space standards
- Policy ECC SP1 Adapting to climate change
- Policy ECC SP2 Energy and climate change mitigation
- Policy HWB SP1 Health & Wellbeing
- Policy OSR DM1 Open space in New Developments
- Policy OSR SP1 Allotments
- Policy T SP1 Transport and Development
- Policy T DM1 Sustainable Travel and Public Rights of Way
- Policy ENV SP1 Natural Environment
- Policy ENV DM3 Biodiversity Opportunity Areas
- Policy ENV DM4 Protection of trees
- Policy ENV DM5 Development and biodiversity
- Policy W SP1 Water
- Policy W DM1 Water supply and quality
- Policy W DM3 Sustainable Urban Drainage Systems
- Policy WM DM1 Waste Management

Barnham & Eastergate 'Made' Neighbourhood Plan 2014

- 5.4 The Barnham & Eastergate Neighbourhood Plan was 'made' on 16th July 2014. It informed a decision to grant outline planning permission under LA Ref EG/71/14/OUT for the erection of 60 dwellings with an approved access on the site on 3rd February 2015. The following policies are relevant:
- Policy ES1 Flooding, drainage and new development
 - Policy ES5 Quality of design
 - Policy ES6 Contribution to local character
 - Policy ES8 Buildings should be designed to reflect the three-dimensional qualities of traditional buildings
 - Policy ES10 Trees and Hedgerows
 - Policy ES11 Energy efficiency of new development
 - Policy GA2 Footpath and cycle path network
 - Policy GA4 Parking and new development
 - Policy CLW4 Provision of allotments
 - Policy H1 Specific site allocation
 - Policy H3 Housing mix
 - Policy H4. Integration of new housing into surroundings
 - Policy H5. Outdoor space
 - Policy H6. Attention to detail
 - Policy H7. Drainage for new housing

6 Planning Obligation

- 6.1 The outline planning permission EG/71/14/OUT was approved with a Section 106 Planning Obligation dated 3rd February 2015. The Obligation requires the following are provided at Reserved Matters stage:
- An area of approximately 0.36ha laid out as community allotments with associated parking;
 - An affordable housing mix comprising 4x1 bed, 8x2 bed and 2x3 bed affordable rented units; 2x2 bed and 2x3 bed shared ownership units all provided in a mix of cluster sizes not exceeding 10 units and a design indistinguishable from the open market units;
 - An area of open space to include a local equipped area of play (LEAP)

7 Key Objectives for this Agreement

- 7.1 The aims and objectives of this agreement can be summarised as:
- Clarity
 - Transparency
 - Managing all expectations
 - Giving an indication of timescales

- Setting out the actions of both the Applicant and the Local Planning Authority (including the engagement with their Elected Members, so far as that does not conflict with an Elected Members duty to avoid bias and/or not to pre-determine any future decision with which they are to be involved)
- Nothing in this Agreement fetters the Council's statutory powers to grant or refuse planning permission.

8 Project Governance

- 8.1 A dedicated project team, comprising the applicant, the LPA and key stakeholders, and clear governance arrangements are required to facilitate this complex proposal and ensure the delivery of a high quality development.
- 8.2 This is essential to ensure that all stakeholders are successfully engaged, that the planning application provides all the information that will be needed by ADC to properly assess it, and that Officers are able to meet the agreed programme for a Committee resolution.
- 8.3 Governance arrangements are summarised below and the terms of reference set out at Appendix A.

Project Team

- 8.4 The Project Team will provide direction to the delivery of the development. It will provide a forum for the discussion of all technical aspects of the development including but not limited to design, housing, infrastructure, drainage, landscaping, biodiversity and any other relevant matter set out in the outline planning permission.

Member Involvement

- 8.5 Relevant ADC Ward Councillors will be openly and appropriately engaged with the development of the project, whilst ensuring that their decision making function is not compromised.

External Agencies

- 8.6 External agencies, such as West Sussex County Council, Environment Agency, Heritage England do not fall within this agreement but will be approached as appropriate to fully engage with the project through attendance at Project Team meetings and through provision of written responses.

Community Engagement

- 8.7 All parties recognise the importance of involving the local community in accordance with the Localism Act 2011. Key community stakeholders will need to be identified, recognised and engaged throughout the project development in accordance with the objectives and framework below:
 - Direct engagement with such other non-statutory consultees/ local groups as deemed necessary and most appropriate by the applicant and the LPA.

- The LPA will carry out the normal publicity for a major application as set out in the Statement of Community Involvement.

9 Supporting Documentation

- 9.1 The applicant and LPA will separately agree the documentation required to be submitted in support of the planning application, in accordance with the timetable set out in Section 11.

10 Consultation Strategy

- 10.1 The following people will be consulted on the planning application when it is submitted and validated as appropriate:

- WSCC Local Development Division
- WSCC Lead Local Flood Authority
- Highways England
- Southern Water
- Environment Agency
- Natural England
- Historic England
- Sussex Police
- Ecology
- Archaeology
- NHS
- ADC
 - Housing Strategy
 - Estates Manager
 - Parks and Green Space (including Arboriculturalist)
 - Economic Regeneration
 - Environmental Health
 - Engineers (Coastal Protection, Flooding, Surface Water Drainage)
 - Building Control
 - Conservation Officer
 - Env. Amenities and Community Safety
- Barnham & Eastergate Parish Council

- 10.2 If there is a need to re-consult with a consultee, this will be carried out by the LPA within 5-days of receipt of the information.

- 10.3 On validation of the application, the application details will be placed on the District Council's website and advertised in the next available printing of the West Sussex Gazette. Site Notices will also be placed at strategic points around the site within 7 working days following validation.

11 Timetable and Project Plan

- 11.1 The Reserved Matters application will be accompanied by the following information (actual titles may differ):

Requisite planning application fee of £24,239.00
Completed application form for approval of Reserved Matters
Planning Statement
Design & Access Statement
Energy Statement
Ecology Survey Information (provided at outline stage)
Landscape Proposals
Site Location Plan
Layout Plan
Elevations
Sections
Street Scenes
House Types
Materials
Boundary Treatments
Parking Plan

- 11.2 If the application is complete and submitted on the 26th January 2018 the following dates will be relevant:

- 26/01/18 Application Submitted
- 31/01/18 Application logged and validated
- 05/02/18 21 day statutory consultation commences
- 12/02/18 Press advert
- 26/02/18 consultation ends
- 02/05/18 13 week determination period ends
- 09/05/18 May Planning Committee (if required)

- 11.3 In the event there are no objections from the Parish and the decision can be made under officer delegated powers the decision shall be made within the 13 week period ending 02/05/18. Otherwise the application shall be considered at the May 9th 2018 planning committee.

Adherence to the Project Plan

- 11.4 The Lead Council Officer and Applicants' Project Manager shall agree to make each other aware at the earliest possible opportunity (and no later than two weeks from the milestone date) of any commitments made in the Project Plan that will not be met and the reasons for which that is the case.

Changes to the Project Plan

- 11.5 Where revisions need to be made to the Project Plan, either as a result of the addition of new issues or revisions to existing issues, these shall be agreed (in

writing where appropriate) between both the Lead Council Officer and the Promoters' Project Manager.

- 11.6 This is a tight timetable for a major application that will have a significant level of input from a number of Council departments and external consultees. There will also be significant public interest. To adhere to this timetable there is an onus on the applicant and their team to be able to provide at the outset all the necessary information to not only allow the application to be validated but in order that statutory consultees can respond without the need to seek additional information. There is also a requirement to respond to both case officer and consultation comments and supply the requested information to the council in order that any further consultations and discussions can be had.
- 11.7 The applicant should be aware that all major applications require amendments to the design and detail, development is a fluid process and this application will require re-consultation. Consultees will seek clarification which will require their further feedback.

12 Decision Making and Communication

- 12.1 The primary line of communication should be between the case officer at Arun DC and the Applicants Project Manager. Other team members will continue to work with their counterparts but will also feed in their comments and issues to either the case officer or Applicant's project manager.

ADC's Obligations

- ADC shall respond substantively to all urgent emails, letters and telephone calls within three (3) working days of receipt and, in any event, within six (6) working days of receipt.
- Notify the Applicants on the date of dispatch, prior to any meeting of the ADC Development Control committee at which any report or matter relevant to the development will be discussed and or considered and to provide the Applicant with a copy of any report to the ADC Development Control committee at that time
- Provide to the Applicant at least three (3) working days prior to any meeting all substantive and relevant documents which are relevant to that meeting which relate to any relevant action or agenda points identified
- To provide the Applicant within five (5) working days of any meeting the minutes or action points arising from that meeting.
- The applicant and Council accept that land ownership issues are separate from the Planning Process and that the lack of an Agreement in place between the parties concerning the leasing of the land and/or other property ownership matters shall not prejudice nor fetter the application in any way.

Applicants' Obligations

- To use their reasonable endeavours to address any concerns raised by any statutory consultee prior to the submission of the application to ADC
- Not to submit the application unless it is accompanied by the discussed application documents

- To provide ADC with such additional information, if reasonable, as may be requested within ten (10) working days of such written request from ADC (or such other time period as may be agreed)
- To provide to ADC at least three (3) working days prior to any meeting all substantive and relevant documents which are relevant to that meeting and which relate to any relevant action points or agenda identified
- To provide to ADC within five (5) working days of any meeting the minutes or action points arising from that meeting.

13 Resources

- 13.1 The applicant will make a financial contribution of £7680.00 plus VAT a total of £9216.00. The applicant should send the fee on both parties signing of the PPA. This will allow a dedicated officer resource to work with the Applicant during the determination and post-determination process.

14 Legal Fees

- 14.1 The promoters agree to pay upon completion of the s106 agreement, the Council's reasonable and proper legal fees for negotiating and completing a s106 agreement. Such costs must be incurred on the basis of agreed hourly rates and subject to detailed breakdowns with full narratives.

15 Good Faith

- 15.1 Both parties enter into this Agreement in the spirit of good faith and with the intention of working together in partnership to secure the desired result of facilitating this planning application for the proposed development.

Appendix A: Project Team Terms of Reference

The role of the team:

- To manage the implementation of the PPA, oversee the direction and progress of the application
- Commit resources and make key decisions on the project (where within its power to do so)
- Resolve any blockages and issues in the determination/ planning process, should they occur
- Approve any changes to the PPA including Project Plan and timescales
- Monitor progress against key milestones
- Ensure an effective flow of information between all parties and the statutory consultees and key stakeholders, including elected Members
- Identifying and evaluating risks to project delivery, identifying actions to reduce risks
- Act as a decision making body with regard to technical issues – meetings will be focused on specific topics
- Facilitate the cohesive development of the proposal, through promoting effective communication between all technical disciplines, to ensure the development proposals progress in accordance with the PPA.
- Use all reasonable endeavours to prevail upon all third parties, stakeholders and consultees to respond within a timescale that does not compromise nor prejudice the timescale or the progress of this application.

Timing and location of meetings

Meetings will be held monthly in Arun Civic Centre, Littlehampton, unless otherwise agreed by the Chair

Members

Principal Names	Position and Role	Contact Details
Daniel Vick	Area Tem Leader, for Arun District Council (Project Lead)	Daniel.Vick@arun.gov.uk 01903 737771
Karl Roberts	Director Planning and Housing Strategy Arun District Council (as required)	karl.roberts@arun.gov.uk 01903 737760
APPLICANT		
Robin Pearmain	Applicant Linden Homes (South)	robin.pearmain@lindenhomes.co.uk 01483 705117
Paul White	Planning Consultant Genesis Town Planning	paul@genesistp.co.uk 01243 534050

Other appropriate specialists or external agencies to be invited depending on the agenda as follows:		
APPLICANT	Landscape Architect	TBA
	Architect	TBA
	Ecologist	TBA
	Solicitor	TBA
ARUN DC		
Andy Elder	Housing Strategy and Delivery Manager	01903 737714 Andy.elder@arun.gov.uk
Delwyn Jones	Planning Solicitor Arun District Council	01903 737737 delwyn.jones@arun.gov.uk
Joe Russell-Wells	Environmental Services & Emergency Planning Manager (Open Space for Arun District Council)	01903 737914 Joe.russell-wells@arun.gov.uk
Paul Cann	Engineering Services (Drainage for Arun District Council)	01903 737597 Paul.cann@arun.gov.uk
tbc	Environmental Health Officer	

Confidentiality

Outcomes of the Project Team meeting will be made available on ADC website. However, the minutes of the meetings will be confidential.