

PLANNING STATEMENT

Land at Hampton Park, North Littlehampton.

Formal Request by Persimmon Homes to alter the terms of the
2013 Section 106 Agreement.

1. Introduction

- 1.1 The Planning Statement has been prepared by Persimmon Homes, providing a rationale for increasing the current occupation/ development restriction, prescribed within a s106 Agreement dated 23rd January 2013. The Deed stipulates a restriction of 350 dwellings, this Statement advocates a switch to 450 units - at the Company's freehold land, at Hampton Park, Littlehampton. Overall, the block of land has consent for up to 1,260 homes, approved under reference LU/47/11 and most recently amended by a Section 73 application, under reference LU/182/15/PL.
- 1.2 More specifically, outline planning permission has been granted for:
- “...mixed use development comprising: demolition of existing buildings and structures, up to 1,260 residential dwellings (out of a potential 1,460 dwelling masterplan)...a new 2 Form Entry primary school, community centre, youth and leisure facilities...primary vehicular access from a new access from the A259 bridging over the railway line with additional access from Mill Lane & Toddington Lane”.
- 1.3 Currently, Schedule 10 (Highways), Paragraph 8, of the s106 Agreement, reads:
- “The owners covenant with the District Council and County Council not to occupy more than 350 dwellings until it has first Completed: (a) the Southern Bypass and Bridge Works and (b) the Internal Distributor Road.”
- 1.4 Hence, before the scheme can exceed 350-unit occupations, the Southern Section of the Lyminster Bypass, mentioned in Paragraph 1.3 above, needs to be completed.
- 1.5 As of February 2020, the number of occupations across the overall site totalled 345: which means there is capacity for just 5 further dwellings before the stipulated threshold is breached. And while construction / housing delivery is well underway momentum has slowed and stopped altogether in light of: (i) the Section 106 Agreement imposing a strict physical horizon, (ii) there are no parcels capable of starting because of planning, and (iii) the significant impact of Coronavirus.
- 1.6 The 350-unit occupation threshold is an arbitrary figure, in that the number has no scientific or forensic basis - it was not meant to prevent housing completions, more the formal signalling that with a critical mass of housing a by-pass was a necessary adjunct. In fact, the construction of the new road commenced on the 6th January 2020 and was due to complete in February 2021. However, the implications of the Coronavirus has pushed the completion date of the

bypass to December 2021 - largely because the Network Rail track possession dates will not be realised this year; and the dates for 2021 are not yet known.

- 1.7 Moreover, the start date for the bypass has not been within Persimmons control: there has been a protracted planning process with Arun District Council; and a protracted technical approval process with both West Sussex County Council and Southern Water on highways and drainage matters respectively. Plus, there have been extensive negotiations with Network Rail in relation to the Overbridge Agreement.
- 1.8 The fundamental issue is - *if the occupation threshold is not increased*, then housing construction will stop: this is neither productive for Persimmon Homes, who have invested a considerable sum of money in the project, or Arun District Council, who are failing to deliver their annual Development Plan housing targets.
- 1.9 We ask, simply and respectfully, that house construction be permitted to roll forward. This Statement presses with urgency and all seriousness that 450 dwellings be allowed.

2. Occupation Threshold and the Southern Section of the Lyminster Bypass

- 2.1 The context for this statement is presented in the two Appendices: the first is the refreshed masterplan for the overall scheme showing, inter-alia, the location of the Lyminster Bypass. The second Appendix is a table - setting out the timeline of programmed occupations running through 2020/ 2021. The latter illustrates the relationship between the completion of the Lyminster Bypass and housing occupations.
- 2.2 Persimmon's problem is this. Right now, with the start of the by-pass house completions at the site have already reached 345 units. The further 5 unit (capacity) imposed by the legal agreement will be started later this year, with completion in February 2021. That means the company is disallowed from starting any further **housing because (based on the original timetable) the bypass will not be completed until February 2021...so Persimmon has run out of anything to build**. This is despite having the workforce, etc on site to continue the project. And the situation is exacerbated by Coronavirus: the completion date for the bypass has been pushed to **December 2021**; an eventuality entirely out of Persimmon's control.
- 2.3 Without the (350) Section 106 restriction, Persimmon could start a new phase in June for c45 plots (and a further phase in October 2020) – leading to 360 plots being completed in February 2021... 365 plots in March... 370 plots in April... 375 plots in May...380 plots in June... 390 plots in July (when Phase 4 comes on stream)... 395 plots in August '21...through to 415 plots in December 2021, when the bypass completes.
- 2.4 As noted earlier, the impact of Coronavirus has pushed back the completion date of the bypass to the end of 2021. This is because the allocated possession dates with Network Rail will be missed. Originally, Persimmon's request was for a modest increase of 50 plots above the Section 106 imposed limit for no more than 5 months duration. However, because of recent fundamental restrictions, imposed by the Government, related to Coronavirus, the time period needs to extend to 11 months (from February 2021 – December 2021) to cover another 65 completions.
- 2.5 For these stated and external reasons, our objective is to move the occupation threshold to 450 dwellings, to allow for further unforeseen and extenuating circumstances. The direct

corollary will be to extend the employment of the workforce at Hampton Park – a profound merit in terms of the national down-turn in the economy.

- 2.6 In highway terms, WSCC supports the principle of an increase to 450 occupations: as there would be no material increase in traffic movements along Toddington Lane and the local road network. In other words, there is no material harm. And the accompanying Transport Assessment, by Brightplan (May 2020), illustrates that the road network is capable of accommodating traffic flows associated with an extra 100 plots prior to the completion of the Southern Bypass: **the report concludes there would be “a negligible impact on the operation of the local road network”.**
- 2.7 In planning terms, the request to increase the occupation threshold to 450 units (to cover these unforeseen delays in delivering the bypass), for a period of 11 months, *to allow further occupations between February 2021 and December 2021*, must be regarded as acceptable. At Persimmon, we can discern no adverse factors representing demonstrable harm.
- 2.8 More widely, the scheme is providing numerous contributions to the local community and Arun District Council through the Government’s New Homes Bonus Scheme, plus a comprehensive package of education, childcare, green space, highways, and public transport obligations and contributions, alongside local highway improvements. And these local improvements are being funded by house sales. In other words, the Hampton Park scheme is delivering not only homes, but substantial social, community benefits... and employment for the local work-force.
- 2.9 Therefore, Persimmon Homes is requesting that the s106 is varied by agreement between the parties because: (i) there is a negligible impact in highway terms, (ii) there are substantial benefits with associated with the scheme, (iii) there is a pressing need for homes in the District and (iv) extending the project ensures the continuing employment of the local workforce – a vital economic imperative at this time.

3. Policy Context

(a) Arun District Council’s Housing Land Supply

- 3.1 The Council’s latest position in their 5-year land supply is poor: it has slipped to 2.9 years since the adoption of the Local Plan in July 2018, and ADC is, unfortunately, failing to deliver the annual target of 1,000 new homes per annum. As a result, the Council are required to prepare an Action Plan to bolster the supply of new homes. This trend will continue to worsen as on-coming allocated sites fail to deliver the quantum of homes needed and anticipated.
- 3.2 Turning this problem back to Hampton Park and this submission, the 2.9 years land supply, quoted above is reliant on this site yielding 462 dwellings within the 5-year supply statement produced by ADC. If the subject site is limited to 350 units, as per the S.106 Undertaking, the deficit in the District’s five year land supply becomes even worse.

*** (In 2020, the Council is anticipating 70 completions at Hampton Park as part of the 5-year supply statement). ***
- 3.3 Moreover, the Strategic Development Area at North Littlehampton is (i) a brownfield site, with (ii) significant local infrastructure /community benefits; and (iii) there are no technical impediments to the delivery of badly needed family housing. In other words, there is no

justification to delay further occupations - *the current 350 dwellings restriction is simply putting the 'brakes-on' at a time when there is deep-set housing delivery problem across Arun District.*

- 3.4 To put this in further context - the window that Persimmon wish to open is small - a period of 11 months, from February 2021 to December 2021. That (requested) flexibility is to facilitate only a further 60 completions during that 11-month period because the bypass has been delayed. But we request a justifiable rider to that allowance – that there be a maximum cap of 100 occupations in case the bypass is delayed further.
- 3.5 The Section 106 needs to be amended to formalise this elasticity in the numbers, but we recognise that ADC will need to assess this request via a policy-backed review, that is the purpose of the next section of this Statement.

(b) National Planning Policy Framework (2019)

- 3.6 There is a raft of guidance in the updated NPPF that points to both the supply and delivery of new homes.
- 3.7 **NPPF2** carries forward (from NPPF1) the concept of the Presumption in Favour of Sustainable Development (PFSD) and reaffirms that it sits at the heart of the framework [Paragraph 10]. And Paragraph 8 explains that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways, these are:
- An economic objective;
 - A social objective;
 - An environmental objective.
- 3.8 The above sets out the importance of delivering schemes that contribute to three important intertwined objectives at Hampton Park: (i) it is a brownfield site with planning permission, (ii) it provides significant infrastructure, social and community benefit, and (iii) it is contributing positively to the local economy and housing delivery, including affordable housing. Therefore, it achieves the three objectives of sustainable development.
- 3.9 NPPF2 explains that Local Planning Authorities should approach decisions on proposed development in a positive and creative way and that decision makers at every level should seek to approve applications for sustainable development [Paragraph 38].

(c) The White Paper

- 3.10 Since the publication of the White Paper, ***"Fixing our Broken Housing Market"***, Central Government has been adamant that both national and local housing production has been far below that needed, both as measured demographically and as measured through market signals – largely in terms of affordability.
- 3.11 There is a clear emphasis that Central Government's agenda is to increase the supply of housing and not to limit the delivery of new homes – especially on consented schemes/ allocated sites.

- 3.12 Paragraph 11 sets out how planning applications should be determined where there is an up-to-date development plan:

“For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

- 3.13 Therefore, Local Planning Authorities are being encouraged to approve schemes that accord with up-to-date policies: the clear and unequivocal message here being **to increase supply**.

- 3.14 Also, footnote 7 provides further guidance on when policies may be (effectively) out-of-date. It confirms that when an LPA cannot demonstrate a 5-year housing land supply, the policies which are most important for determining an application involving the provision of housing should be considered to be out of date. Footnote 7 reads:

“This includes, for applications involving the provision of housing, situation where the Local planning Authority cannot demonstrate a five year supply of deliverable housing sites (with appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous 3 years”.

- 3.15 Arguably, Arun Districts Adopted Local Plan, is already out of date, providing all the more reason to deliver homes on available sites.

(d) Delivering a sufficient supply of homes

- 3.16 NPPF2 at Paragraph 59 reiterates the Governments objective of:

“.... significantly boosting the supply of homes...”.

- 3.17 Paragraph 73 sets out that LPAs annually identify a minimum of five years’ worth of housing against the housing requirement set out in adopted strategic policies, or against the local housing need where strategic policies are more than five years old. It continues to specify the circumstances in which different buffers will be applied to the 5YRHLs.

- 3.18 It is important to note that the definition of ‘*deliverable*’ has also changed. The new definition is clear in its requirement: that development sites should be “*available now*”, and “*be achievable with a realistic prospect that housing will be delivered on the site within five years*”.

- 3.19 The change is significant, as the new definition confirms that major sites, subject to outline planning permissions or allocations, should not be considered deliverable, unless there is clear

evidence that completions will be achieved within five-years. Thus, many of the sites being advanced in the Councils housing trajectory are major infrastructure sites, that will not deliver the supply of homes in the timeframes envisaged. And the Councils own delivery rate is falling well below the annual target.

- 3.20 Crucially, Persimmon Homes development at Hampton Park is delivering housing completions now as well as major infrastructure; therefore, it is not productive to prevent / delay further completions on the basis of an occupation restriction, that at the time could not foresee the delay in delivering the southern section of the Lyminster Bypass, including the recent impact of the Coronavirus.
- 3.21 Persimmon Homes has lived up to the expectations of delivering the bypass (albeit paused until further notice because of lockdown measures) with a concomitant significant financial investment. The planning system operates in the 'real-world', and practically, increasing the occupation threshold, where there is no demonstrable harm, is a vital and sound proposition.
- 3.22 Finally, NPPF2 continues the theme of contributing toward the national economy, and housing development will continue to have a significant role in this regard. Paragraph 80 states, inter alia, that significant weight should be placed on the need to support economic growth. And preventing development, where there is no demonstrable harm, is slowing not only the supply of homes, but also the economy. Going forward, the prognosis following the Coronavirus travails, casts a very long shadow over the economy; hence the vital contribution of this site to local jobs.

4. Concluding Comments

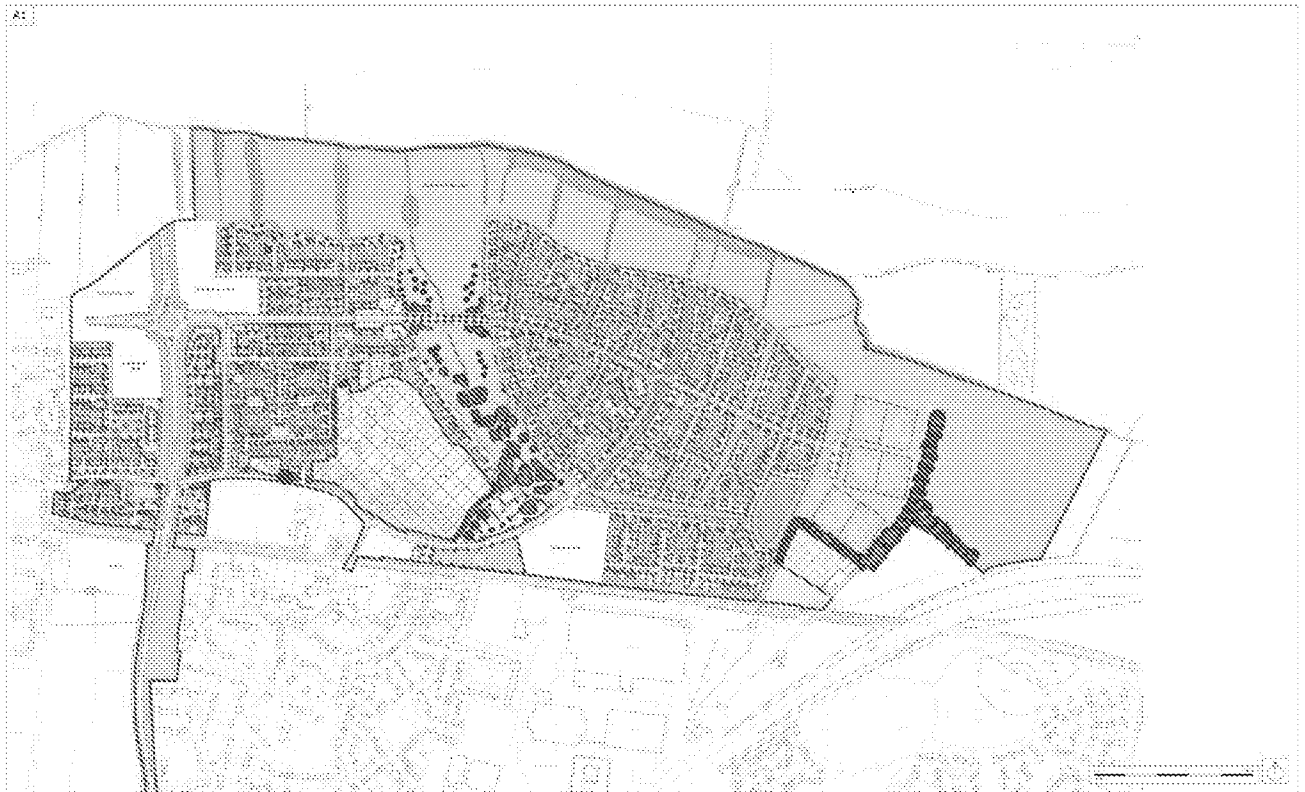
- 4.1 Through NPPF2, Central Government's fundamental stated ethos is to increase the supply of housing; not restrict the supply of deliverable and available housings sites. As noted earlier, Hampton Park is a deliverable brownfield housing site, offering many benefits locally.
- 4.2 To restrict delivery on a site, capable of delivering homes immediately, pays little regard to the National Framework's ethos of delivering new homes especially where there is a site that is capable and primed to do so. Moreover, that self-same site is integral to the ADC five-year land supply – some 462 dwellings are earmarked, so there is no contradiction here.
- 4.3 Persimmon Homes is seeking to increase the occupation threshold in the s106 by a modest amount, and over a modest period- 100 homes over a 11-month construction "window." Persimmon has an opportunity to use its mobilisation team at Hampton Park to (continue to) run forward... and reach 450 dwelling occupations. Broadly, this equates to just 5 homes a month in that period - ***so, the increase is, to say the least, incidental and de-minimus.***
- 4.4 To provide maximum flexibility and to ease ADC's housing land supply deficit, we respectfully commend increasing the occupation restriction incorporated within Schedule 10, Paragraph 8 of the s106 Agreement (from 350 units) to 450 units, as a necessary and urgent expedient, in the context of the narrative above. There is no technical/ highways/ Land Supply basis for not altering the status quo.

11th May, 2020.

Appendix to this statement

1. Refreshed masterplan (showing the bypass);
2. Housing Occupation Schedule 2020/ 2021.

Below: Refreshed Masterplan that shows the southern section of the Lyminster Bypass on the western flank of the overall site.



Below: Housing Occupation Schedule (2020/ 2021)

Month	Unit Completions	Total Completions	Bypass (24 months to completion)
Jan-20	5	340	Bypass Started
Feb-20	5	345	
Mar-20	0	345	
Apr-20	0	345	
May-20	0	345	
Jun-20	0	345	
Jul-20	0	345	
Aug-20	0	345	
Sep-20	0	345	
Oct-20	0	345	
Nov-20	0	345	
Dec-20	0	345	
Jan-21	0	345	
Feb-21	15	360	Occupation Ceiling (350) Hit and Phase 3 occupations
Mar-21	5	365	
Apr-21	5	370	
May-21	5	375	
Jun-21	5	380	
Jul-21	10	390	Phase 4 occupations (and Phase 3 completes)
Aug-21	5	395	
Sep-21	5	400	
Oct-21	5	405	
Nov-21	5	410	
Dec-21	5	415	Bypass Completes