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Land west of Pagham Road, Pagham

Planning Statement

Hallam Land Management Limited

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Contents

1	Introduction	4
	The Application Site.....	4
	The Proposed Development.....	4
	Justification for the grant of Planning Permission	4
	Planning Application Documents.....	5
	Planning Statement	5
2	The Site and its Surroundings	6
	The Site.....	6
	Local Plan Designations	7
	Housing and Employment Land Availability Assessment	7
3	The Proposed Development.....	9
	Illustrative Masterplan	9
	Built Development	9
	Means of Access	9
	Green Infrastructure	9
	Drainage.....	10
4	The Development Plan	11
	Settlement Structure and Green Infrastructure	11
	Design.....	13
	Housing.....	13
	Soils.....	14
	Health, Recreation and Leisure	14
	Transport	15
	Building Conservation and Archaeological Heritage	16
	Natural Environment	17
	Water	17
	Waste Management.....	18
	Quality of the Environment.....	18
5	Housing Supply.....	20
	The Local Plan's Housing Requirement	20
	Housing Completions	21
	Affordable Housing Supply	21
	Housing at Pagham	22
	Future Supply.....	23
	Local Plan Review.....	24
	Standard Method	24
	Action Plan.....	24
	Arun Interim Housing Statement	24
	Housing and Employment Land Availability Assessment	25
	Synthesis.....	25
6	The Presumption in Favour of Sustainable Development.....	26
	Criterion i – are there policies that protect areas of assets and give a clear reason to refuse development proposals	26

Criterion ii – whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.....	27
Synthesis.....	28
7 Summary and Conclusions	30

List of Appendices

Appendix 1:	Site Location Plan
Appendix 2:	Proposed Access
Appendix 3:	Illustrative Masterplan
Appendix 4:	Interim Housing Statement Response
Appendix 5:	Planning Application Documents

1 Introduction

- 1.1 This Planning Statement accompanies an outline planning application submitted by Hallam Land Management Ltd (Hallam) for residential development on land west of Pagham Road, Pagham.
- 1.2 There is a need to increase housing supply in the District and the Application Site is, by reference to the Council's Interim Housing Statement, suitable for housing development and will make an important contribution to improving the supply of market and affordable housing.

The Application Site

- 1.3 The Application Site is shown on Plan P21-2766_05 at *Appendix 1*. It comprises approximately 4.91ha hectares of agricultural land located immediately adjacent to the Built-up Area Boundary of Pagham. The Application Site comprises arable land with periphery hedgerows and tree groups. There is an existing means of access on Pagham Road, which serves a small number of residential properties that are situated to the north of the Application Site.

The Proposed Development

- 1.4 The submitted application seeks planning permission for residential development as follows:
The construction of up to 106 new homes, formation of access onto Pagham Road, new pedestrian and cycle links, the laying out of open space, new strategic landscaping, habitat creation, drainage features and associated ground works and infrastructure.
- 1.5 Matters not reserved for subsequent approval relate to vehicular access from Pagham Road. The proposed access is shown on drawing JNY 10700_01D at *Appendix 2*.
- 1.6 The Illustrative Masterplan (Drawing P21-2766_03D) included at *Appendix 3* provides a pictorial explanation of the proposed development. This is the controlling plan which will govern the preparation of subsequent reserved matters applications.

Justification for the grant of Planning Permission

- 1.7 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 1.8 The Development Plan comprises the Arun District Local Plan which was adopted in 2018 and covers the period 2011-2031. The Application Site is not identified for development in the Local Plan, however, material considerations exist that nevertheless support the grant of planning permission in this instance.
- 1.9 The National Planning Policy Framework (NPPF) requires local authorities to maintain a 5-year supply of housing land. That requirement is not met in Arun and consequently the NPPF's "*Presumption in Favour of Sustainable Development*" is engaged in the consideration of applications for planning permission for new housing. This application therefore falls to be determined in the context of Para 11 of the NPPF which states that:

"For decision-taking this means: where....the policies which are most important for determining

the application are out of date, granting planning permission unless:

- (i) The application of the policies in [the] 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 [the] Framework taken as a whole."*

1.10 This Planning Statement demonstrates that the benefits of the proposed development deliver a key policy objective of the NPPF by providing additional housing land in an area which does not meet the 5 year land supply requirement; there are no Framework Policies that provide a clear reason for refusing planning permission and there are no adverse effects that significantly and demonstrably outweigh the housing benefits.

1.11 Moreover, the Council themselves have identified the significance of its housing supply and has published an Interim Housing Statement which provides a framework to assess planning applications, with a view to granting permission on suitable sites irrespective of the fact that sites are not allocated for housing and there may be conflict with Local Plan policies. *Appendix 4* of this Planning Statement catalogues the Site's characteristics relative to the assessment criteria set out in the Interim Housing Statement.

Planning Application Documents

1.12 The planning application prepared by Hallam comprises an extensive suite of plans, drawings and supporting documents. For convenience these have been listed in *Appendix 5*.

Planning Statement

1.13 This document provides an overarching statement which explains the nature of the proposal, the framework provided by relevant tiers of planning policy and the scheme's compatibility with the Development Plan and other planning policies including the NPPF. In doing so, it provides the justification for a grant of planning permission having regard to the Development Plan and other material considerations.

1.14 In this Statement the information is set out in the following Sections:

- Section 2 describes the Application Site and its surroundings;
- Section 3 provides details of the proposed development and its components;
- Section 4 explains the most important policies in determining this application and other planning guidance documents;
- Section 5 explores material planning considerations as they exist in this instance;
- Section 6 considers this application of the presumption in favour of sustainable development in the instance of this application; and
- Section 7 provides a summary and the justification for the grant of planning permission.

2 The Site and its Surroundings

2.1 This Section describes the Application Site and its context.

The Site

- 2.2 This Application Site, shown on plan P21-2766_05, measures approximately 4.91ha in size. It is located west of Pagham Road, north of existing residential properties at Mill Farm Estate and south of a small enclave of residential properties associated with Rockery Farmhouse, accessed from Pagham Road.
- 2.3 To the east of Pagham Road is the Pagham North Strategic Site (Hook Lane), which is allocated for housing development in the adopted Local Plan. Outline Planning Permission for the development of 300 new homes and a Care Home at that site was granted in 2019, and in September 2021 reserved matters approvals were granted for those new houses. In the wider context, Barfoots and Botley Ltd, a large farm and food processing plant, is situated to the north east.
- 2.4 The Application Site is well contained on its northern and western boundaries by existing hedgerows and a woodland. The hedgerow along its southern boundary is less mature and there are open views from the houses beyond.
- 2.5 The site comprises arable land with periphery hedgerows and tree groups. There is a small change in topography from 6.13m Above Ordnance Datum (AOD) at the southern corner of the site to 3.34m AOD along the western boundary. The full topographical survey is contained in Appendix E of the Flood Risk Assessment.
- 2.6 A small number of listed buildings are situated in proximity to the Application Site. Mill Cottage and Nyetimber Windmill are listed buildings situated within the existing residential environs to the south of the Site. To the north is Rookery Farmhouse, but this listed building is located at the northern extent of this enclave with other buildings and vegetation intervening between it and the Site.
- 2.7 Pagham Harbour which is a European designated site (also commonly referred to as Natura 2000 site) is situated approximately 1.6km to the south west; such sites are protected under the Conservation of Habitats and Species Regulation 2010 (the 'Habitats Regulations'). Pagham Harbour is also listed as a Wetland of International Importance, is a RAMSAR site and is also of national importance as a Site of Special Scientific Interest (SSSI).
- 2.8 The overwhelming majority of the Site lies wholly within Flood Zone 1; being land assessed as having less than a 1 in 1,000 year annual exceedance probability (0.1% AEP) of river or sea flooding and thus the most appropriate location for development when appraised against the National Planning Policy. Pagham Rife is situated further west than the Application Site.
- 2.9 The Application Site is not part of, nor does it house, any statutory designations: Scheduled Monuments, Listed Buildings, Areas of Outstanding Natural Beauty (AONB), Sites of Special Scientific Interest (SSSI), National Parks, Registered Battlefields, Registered Historic Parks and Gardens, Special Areas of Conservation (SAC), Special Protection Areas (SPA), or Ramsar Sites.
- 2.10 The Site is dominated by an arable field, with a pocket of ruderal vegetation in the southeastern

corner; hedgerows and ditches (dry and wet) run along the northern and western boundaries, with residential dwellings to the south. The six boundary hedgerows provide moderate conservation value under the Hedgerow Evaluation and Grading System although were not considered important under the wildlife and landscape criteria within the Hedgerow Regulations 1997.

- 2.11 The Site lies outside of any statutory landscape designations and benefits from a degree of both physical and visual containment provided by the built form associated with Pagham village and Rookery Farm, as well as the vegetation that both defines and lies adjacent to its boundaries with the surrounding countryside.
- 2.12 The Application Site is comprised of both Grade 3a and 3b agricultural land, the majority of which (2.8ha - 61%) is Grade 3b which does not constitute Best and Most Versatile (BMV) land, and is limited by its wetness.

Local Plan Designations

- 2.13 The Application Site is situated outside, but immediately adjacent to, the Built-up Area Boundary. It is therefore within Countryside, where new housing is normally restricted.
- 2.14 The Application Site is also located within the Bognor Regis to Chichester Gap, and is thus subject to Policy SD SP3. The distance between the Site and the southern edge of Chichester, defined for this purpose as the A27, is some 5km, with various existing settlements (North Mundham and Runcton) and uses, waterbodies and vegetation in the intervening space.
- 2.15 The suitability of the Site for housing development was recognised in the April 2020 Submission Version of the Pagham Neighbourhood Plan 2020-2030. Therein, the Plan's authors proposed the Site as a 'non-strategic housing allocation,' shown on its Policy Map on page 8 and referred to in Policy 1. In that instance, the Site was considered both suitable for housing and capable of being developed by 2025. Whilst the Parish Council chose not to proceed with its Neighbourhood Plan, because of conflict between its proposals relating to Local Green Space and the Local Plan's strategic housing allocations, those considerations do not bear on the suitability of the Site proposed herein.

Housing and Employment Land Availability Assessment

- 2.16 The Application Site has previously been considered as part of the District Council's Housing and Employment Land Availability Assessment (HELAA). In both the 2018 and 2019 HELAA Reports, it is referred to as a "**Developable Site**". In the most recent 2020 Assessment, the Council's proforma records the following regarding its suitability:

"The Site is contrary to policy. However, it is immediately adjacent the BUAB and accessibility to services, jobs, leisure and transport. The site has limited physical constraints that would prevent development coming forward. It is close to the built-up area boundary and strategic allocations of Pagham[sic] and could contribute to the sustainability of the area. Further landscape work would be required due to its position within the gap between settlements and need to address infrastructure. Within gap between settlements (SD SP3) so not suitable."

- 2.17 It is evident from the above that the Local Plan's policies (i.e. the Site's location outside of the Built up-Area Boundary and within the 'Settlement Gap') were applied as constraints to conclude the Site was not suitable and therefore not currently developable. Such policies are not immutable, and such designations are regularly reviewed so as not prohibit otherwise suitable land for

development coming forward to meet identified needs; indeed the Local Plan itself acknowledges this at paragraph 7.4.7.

3 The Proposed Development

- 3.1 The submitted outline planning application seeks permission for the following proposed development:

The construction of up to 106 new homes, formation of access onto Pagham Road, new pedestrian and cycle links, the laying out of open space, new strategic landscaping, habitat creation, drainage features and associated ground works and infrastructure.

- 3.2 Matters not reserved for subsequent approval relate to vehicular access from Pagham Road. The proposed access is shown on drawing JNY 10700_01D at *Appendix 2*.

Illustrative Masterplan

- 3.3 The Illustrative Masterplan (Drawing P21-2766_03D) included at *Appendix 3*, provides a pictorial explanation of the proposed development. This is the controlling plan which will govern the preparation of subsequent reserved matters applications.

- 3.4 Also included in the Design and Access Statement is a drawing illustrating the proposed development in the context of the consented scheme at Hook Lane (P/30/19 and P/132/20).

Built Development

- 3.5 The proposed built development includes up to 106 homes over a net developable area of approximately 3ha, which is shown in the Illustrative Masterplan. It is envisaged that the proposed development will include a housing mix of maisonettes, terraced, semi-detached and detached houses ranging in size from one to four bedrooms. The proposed built form would include dwellings and ancillary structures such as garages. New houses would not exceed 2.5 storeys in height.
- 3.6 The proposed development also includes tree lined streets and pedestrian links in addition to a Local Area of Play within the open space area in the south east corner of the site.

Means of Access

- 3.7 The access details for which permission is sought at the present time is shown on drawing no. JNY 10700_01D. This is the formation of a new vehicular and pedestrian access onto Pagham Road, suitably spaced between the existing Hook Lane junction and the residential access to the existing houses north of the application site. The existing access to Rookery Farm is to be retained in situ.
- 3.8 In creating the altered access some tree and hedgerow clearance is proposed to achieve 2.4m x 62m (south) and 2.4m x 104m (north) visibility splays, as indicated on the proposed access drawing (JNY10700-01D). The proposed access drawing also indicates how the proposed development relates with local highway improvements as approved as part of the Hook Lane development opposite the application site.

Green Infrastructure

- 3.9 The proposed landscaping scheme reinforces the existing Green Infrastructure corridors around the periphery of the site. The proposal also includes tree lined streets throughout the built form

and open space links between the proposed attenuation basin in the north western corner of the site and the southern boundary.

- 3.10 The proposed development includes Public Open Space comprised of parks and gardens, amenity greenspace and natural and semi-natural green space to accord with Arun District Council Green Infrastructure Strategy. The proposed open space includes a Local Area of Play, considered appropriate in the context of the site location and its proximity to the Hook Lane development and Pagham village centre.
- 3.11 The proposed natural greenspace areas are to include a net gain in planting of species rich vegetation, contributing towards the Biodiversity Net Gain of the scheme.

Drainage

- 3.12 The proposed preliminary drainage strategy has been assessed for the potential effects of climate change (1 in 100 year event modelled with 40% for climate change) and will manage storm water by way of a sustainable urban drainage system that ensures peak discharges from the developed land is not increased from the appraised baseline rates. The system will also seek to maintain the quality of water discharged from the development.
- 3.13 The proposed foul drainage connection will be designed to relevant Foul and Surface Water Sewer standards employing a connection point agreed with Southern Water. Correspondence with Southern Water confirms there is sufficient capacity for at least 120 dwellings (greater than that required by the proposed development) at Pagham Wastewater Treatment Works, situated approximately 600m south west of the application site.

4 The Development Plan

- 4.1 Development Plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.2 The Development Plan comprises the following:
- Arun District Local Plan adopted in 2018;
 - The West Sussex Waste Local Plan adopted in 2014; and
 - The West Sussex Joint Minerals Local Plan adopted in 2014 and subject to a partial review in 2021.
- 4.3 The Application Site is subject to a number of designations in the Arun District Local Plan. The most important policies are discussed in the following paragraphs. The Application Site is not the subject of any designations in either the Waste or Minerals Local Plans.
- 4.4 Whilst Pagham Parish Council commenced preparation of a Neighbourhood Plan, which has on several occasions been subject to public consultation, such a plan is no longer being progressed. It is instructive to note however that an earlier draft the Neighbourhood Plan proposed the allocation of the Application Site for housing; this would have been in addition to the Local Plan's strategic allocations.
- 4.5 The following sub-headed paragraphs discuss the proposed development in the context of the Local Plan's policies, generally following its structure.

Settlement Structure and Green Infrastructure

- 4.6 **Policies SD SP2 and C SP1** concern the **Built-Up Area Boundary** drawn around main towns and villages in the District and, correspondingly, the area designated as **Countryside** which lies outside the Built-Up Area Boundary.
- 4.7 The Application Site is situated in the Countryside as delineated on the Local Plan's Policies Map. Land defined as Countryside will be recognised for its intrinsic character and beauty. The application site is a small agricultural field on relatively flat ground, positioned close to a large static caravan site, whose mixed suburban boundaries diminish its rural qualities, and which influence that of the surrounding landscape. This rural quality and association with the wider open landscape to the north and west is also interrupted by the large farmstead to the north and the well vegetated rife to the west which creates a level of containment, giving the Site a stronger association with the periurban fringe, and which fragments its association with the open rural landscape beyond
- 4.8 Development in countryside locations will be permitted only in certain instances. The proposed housing development is not listed amongst those permissible uses and would conflict with this Policy. However, in the circumstance where there is a shortfall in housing land supply, the NPPF's presumption in favour of sustainable development is engaged, and this policy must be considered to be out-of-date. This is discussed in Section 6.

- 4.9 The District Council recognise this. In seeking to improve the supply of housing land, it affords a clear priority and preference to potential development sites adjacent to the Built-up Area Boundary in its Interim Housing Statement. The Application Site would accord with this.
- 4.10 **Policy SD SP3** concerns **Gaps Between Settlements**. To retain the settlement structure of the District, the generally open and undeveloped nature of the certain gaps between settlements, as identified on the Policies Maps, are protected to prevent coalescence and retain their separate identity. Such a Gap Policy as this is a local designation and is not a policy area in the NPPF, which gives a clear reason for refusing planning permission.
- 4.11 The Site is identified on the Local Plan's Policies Map as being within the Bognor Regis to Chichester Gap and is thus subject to Policy SD SP3.
- 4.12 The purpose of the Gap Policy is to retain the District's settlement structure by recognising the value of separation between settlements so to prevent the coalescence of individual settlements and retaining their separate identity. The supporting text to this Policy states clearly that this policy approach is not intended to protect the countryside or landscape but rather is a planning tool design to shape the pattern of towns and villages within the District.
- 4.13 In this context the area of undeveloped land subject to this designation extends from the northern edge of the existing built-up area of the Greater Bognor Regis Area to the District's administrative boundary. There is no corresponding designation within the adjoining Chichester District, although its Countryside Policy applies generally to undeveloped land south and south-east of the City.
- 4.14 It is instructive to note that the total area of land within the District that is subject to this Gap Policy measures approximately 2780 hectares (23% of the Local Plan Area).¹ The Application Site is just 0.17% of the total area of land subject to the Gap Policy.
- 4.15 The distance between the Site and the southern edge of Chichester defined for this purpose as the A27 is some 5km, with various existing settlements (North Mundham and Runcton) and uses, waterbodies and vegetation in the intervening space.
- 4.16 New development on this Site would not lead to either actual or perceived coalescence between Pagham and Chichester and would not undermine the physical or visual separation of these settlements. The Gap function in this location does not serve an appreciable purpose; the Site could be developed without compromising the integrity of the 'gap'. Equally, development could occur without any measurable effect on the settlement structure of either District; there would not an erosion of their separate identities.
- 4.17 Therefore, whilst new housing would be located within the Gap designation, this would not lead to a material diminution of the extent of undeveloped land between Bognor and Chichester that would conflict with the purpose of the policy. This material consideration would lend support to the grant of planning permission with the application of the NPPF's 'presumption'.
- 4.18 It is instructive that land identified in the previous Local Plan as within the Gap area was allocated for housing. Had the Council continued with preparing its Non-Strategic Allocations Development Plan Document, that too could have considered the allocation of housing land within gap locations. Moreover, the Pagham Neighbourhood Plan recognised that the Gap was not immutable in

¹ Arun Design Guide, pages 20 and 27

proposing this Site as an allocation,

- 4.19 **Policy GI SP1 Green Infrastructure** requires that major developments are designed to protect and enhance green infrastructure assets. In this instance, there are few such assets, limited only to the boundary vegetation. The accompanying Arboricultural Assessment and Ecology Surveys illustrate that the assets within the Application Site are at best of moderate value and do not preclude the proposed development. Rather, the green infrastructure strategy that is part of the proposed development will result in significant new planting.

Design

- 4.20 **Policies D SP1 and D DM1 concern Design**; all development proposals should seek to make efficient use of land but reflect the characteristics of the site layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. The submitted Design and Access Statement explains the design approach to the proposed development to achieve a high-quality design. Importantly, layout, appearance, landscaping and scale are all to be determined at a later date via reserved matters applications and having regard to the Council's Design Guide.
- 4.21 **Policy ECC SP1 concerns climate change** and lists design considerations to ensure new development is located and appropriately designed to adopt to climate change. The proposed development would not be at risk of flooding and would not increase flood risk elsewhere. The Design and Access Statement sets out measures that would be included to safeguard against climate change, such as orientation to improve passive solar gain, shading to avoid overheating etc. Other policies concern renewable energy and car parking with Electric Vehicle Charging (EVC).
- 4.22 **Policy LAN DM1 protects landscape character** and requires that development respects the particular characteristics and natural features of the relevant landscape character areas. The Application Site is not within the setting of the South Downs National Park.
- 4.23 The accompanying Landscape and Visual Impact Assessment (LVIA) describes the limited visibility of the Site. Where the proposed built form would be visible it would be seen in the context of the existing built form of Pagham and over time planting would help assimilate the development and create a positive addition to the village. The proposed development would respect the Site's landscape features and new development would be in keeping with the form and character of Pagham.

Housing

- 4.24 **Policy H SP1 sets out the District's Housing Requirement**. Within the plan period 2011-2031, at least 20,000 new homes will be accommodated in the District. This equates to a per annum average of 1,000 new homes each year, but the Policy specifies a phased trajectory which takes account of past completions in the early years of the plan period and the corresponding increase in later years. Housing completions and land supply is discussed in Section 5; there is an identified shortfall in housing provision in the District and it is unlikely that 20,000 new homes will be built by 2031, as required by the Policy.
- 4.25 **Policy H DM1 concerns Housing Mix** and requires the mix of housing to have regard to up to date Strategic Housing Market Recommendations. This will be determined at the Reserved Matters stage but the indicative mix reflects the intention of the Strategic Housing Market Assessment (SHMA); market housing will be predominantly family housing whilst the majority of affordable homes is expected to be smaller one and two bedroom houses.

- 4.26 **Policy AH SP2** concerns **affordable housing** and requires 30% of the total number of units proposed on a site to be provided as affordable housing. A separate Affordable Housing Statement has been submitted with the application to explain the intention in respect of affordable housing. Of note is that the Government has introduced its First Homes concept and requires a proportion of affordable homes to be provided in this manner. This requirement needs to be considered alongside the tenure split specified in the Policy.

Soils

- 4.27 **Policy SO DM1 Soils** advises that unless allocated for development, the use of Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless the need for the development outweighs the need to protect such land in the long term.
- 4.28 The application is accompanied by a report by Reading Agricultural Consultants which assess Agricultural Land Classification and Soil Resources. The report concludes that the site is comprised of both Grade 3a and 3b agricultural land, the majority of which (2.8ha - 61%) is Grade 3b which does not constitute Best and Most Versatile (BMV) land.
- 4.29 Given that the minority of the site (1.8ha) is BMV and that there is an established need for new housing to be delivered in the District, the loss of a small quantum of BMV is outweighed by the overwhelming need for new homes and that the proposed development is justified against Local Plan Policy SO DM1.

Health, Recreation and Leisure

- 4.30 **Policy HWB SP1** concerns **Health and Wellbeing** and encourages new development to be designed to promote healthy communities. The proposed development will encourage physical exercise and health by providing accessible open space and recreation facilities.
- 4.31 **Policy OSR DM1** concerns **Open Space, Sport and Recreation** and states that housing developments will be required to contribute towards open space, sport and leisure in accordance with the Council's evidence base and guidance. In addition, new open space should adhere to quality expectations having regard to 'Secured by Design' and principles of other policies within the Local Plan.
- 4.32 The Council's Open Space, Playing Pitches, Indoor and Built Sports Facilities Supplementary Planning Document (SPD) (2020) provides additional detail on quantity guidelines, suggesting 3.2 ha of Public Open Space and 0.55ha of Play Space, per 1,000 population.
- 4.33 Of the 3.2ha of Open Space, 0.8ha is to be comprised of Parks and Gardens, 0.6ha comprised of Amenity Greenspace and 1.8ha for Natural and Semi-Natural space. Of the 0.55ha Play Space, 0.25ha is for equipped/designated play areas (Local Areas of Play (LAP) and Locally Equipped Areas of Play (LEAP)) and 0.3ha for other outdoor provision such as Neighbourhood Equipped Areas of Play (NEAP), Multi Use Games Areas (MUGA) or skateparks. In addition, 0.25ha of allotments is expected per 1,000 population.
- 4.34 For a development of 106 dwellings it is estimated that 7,462sqm of Public Open Space and 1,283 sqm of play space should be provided on site, with an off-site contribution towards allotments. The proposed development includes a developable area of approximately 3ha leaving sufficient space to exceed open space requirements, including over 10,000sqm of Public Open Space and

over 3,000sqm of Play Space.

- 4.35 Whilst the SPD suggests on-site provision of a NEAP for schemes of 83 dwellings or greater, the development proposes a Local Area of Play. This is considered suitable for the site given it is located in close proximity to the recent Hook Lane development which includes enhanced play space in addition to existing play areas in Pagham.
- 4.36 This approach is considered consistent with the guidance, which at paragraph 4.22 states that off-site provision can be provided where justified. Paragraph 4.23 adds that positioning of new play provision *"...must take in to account any existing forms of provision. For example, if the border of a development is adjacent to an existing form of open space then consideration must be given to 'extending' that open space provision. This may also assist with bridging existing and new communities together sensitively through new open space provision as well as offering practical logistical solutions..."*
- 4.37 The proposed development is considered to be cohesive with the Hook Lane development and its open and play space provision, as is illustrated on the submitted Context Plan in the Design and Access Statement. The proposed Local Area of Play is therefore considered appropriate for the site.
- 4.38 The Council's Community Infrastructure Levy (CIL) is also intended to fund recreational projects and the proposed development is liable for this.

Transport

- 4.39 **Policy T SP1** concerns **Transport and Development**. New development should *inter alia* provide safe access to the highway network. A new means of access is proposed onto Pagham Road; this has been designed to ensure safe access is provided.
- 4.40 **Policy TDM1** regarding **Sustainable Travel and Public Rights of Way** states that new development must *inter alia* be located within easy access of established public transport service(s), existing pedestrian and cycle networks, the committed and aspirational cycle networks and the green infrastructure network which links the development with key destinations including places of work, education, leisure and town centres.
- 4.41 The accompanying Transport Assessment (TA) prepared by RPS confirms that the site benefits from good accessibility, including by bus and with local facilities within walking distance of the site, thus reducing reliance on travel by private car. Indeed, its merits are indivisible from the adjoining Hook Lane site in these terms.
- 4.42 The impact of the new housing on the local road network has been assessed in the TA and shows that the proposed development will not cause any safety issues or have any significant impact on highway capacity. Highway improvements secured alongside the development of the Strategic Allocations were based upon 1200 new homes at Pagham, and this additional development will be within that overall scale of development.
- 4.43 The TA concludes that the proposed development is sustainable with good accessibility to local facilities, offers a good choice of sustainable transport modes, and has no significant impact on the highway network. As such there are no transport reasons why the development should not be permitted.

Building Conservation and Archaeological Heritage

- 4.44 **Policy HER SP1** concerns the **Historic Environment** and requires new development to conserve and enhance the historic environment of the District. **Policy HER DM1** requires proposals that affect **Listed Buildings** to preserve or enhance their historic character, quality and special interest and protect, and where possible enhance their setting.
- 4.45 Whilst the proposed development does not directly impact on any Listed Building, there are a number of such heritage assets in the locality of the Site. The Heritage Desk Based Assessment prepared by Orion Heritage that accompanies this application identifies the location of those listed buildings. Of particular relevance to the consideration of this application is Rookery Farmhouse located c90m to the north of the Site and Nyetimber Windmill located c.35m to the south. Both of which are Grade II listed buildings.
- 4.46 Rookery Farmhouse: The significance of the farmhouse resides in its vernacular architectural and historic interest. The setting is formed by its garden and the collection of buildings to the east and south and their gardens and the fields to the north and west. The buildings between the farmhouse and the Site are likely of a much later date than the farmhouse itself and, as a result of the intervening development and mature vegetation along the Site's boundary, there is no intervisibility between the listed building and the proposed development. The Heritage Desk Based Assessment considers the Application Site to make a neutral contribution to the setting of Rookery Farmhouse, with no material contribution to the significance of the asset.
- 4.47 Nyetimber Windmill: The significance of the windmill resides in its architectural and historic interest. Whilst the mill remained free-standing until the 1980s/1990, it has since become integrated into development in its immediate surroundings. This integration post dates its listing in 1975, and as the original setting has been altered very significantly, the mill's immediate setting would not be compromised by the proposed development.
- 4.48 Notwithstanding this, due to its height in a predominantly low-rise context, the windmill's upper section is visible from Pagham Road on approaches from the north. Part of the Application Site makes a visual contribution to the wider setting of the windmill and a positive contribution to its significance. For this reason, the proposed development has been drawn back from Pagham Road so as to maintain the sight line of the Windmill from Pagham Road.
- 4.49 The proposed development is considered to have a less than substantial harm to Nyetimber Windmill, the public benefits arising from the provision of new housing outweigh this low level of harm.
- 4.50 **Policy HER DM6** concerns **Sites of Archaeological Interest**. The Application Site does not contain any designated or archaeological assets. Based on available evidence that is summarised in the Heritage Desk Based Assessment, the Application Site is considered to have a moderate potential to contain archaeological finds and features from prehistoric periods. A moderate to high potential is considered for the Iron Age and Roman periods, with a low potential for all other periods. Any potential remains are considered likely to be of local or regional significance. There is considered low potential for remains of national significance that do not represent a design or planning constraint.
- 4.51 Groundworks associated with the proposed development are considered likely to have an impact on any potential archaeological remains which may be present within the site, and an archaeological evaluation may be necessary prior to development taking place.

Natural Environment

- 4.52 **Policy ENV SP1 and ENV DM5** concerns the **Natural Environment and Biodiversity** and requires new development to preserve, restore and enhance biodiversity and the natural environment. Where possible, new habitats should be created. The Application Site is not subject to any statutory nature conservation designation. The proposals will result in the loss of an arable field, a small area of poor semi improved grassland and a small section of hedgerow H5 and/or H6 to provide access. However, the more ecologically valuable habitats concentrated along the boundaries, including the ditches, hedgerows, boundary trees and scrub, are expected to be retained. Proposals also include the creation of swales and a Sustainable Urban Drainage System (SuDS) basin to prevent impacts on the surrounding watercourses and other new habitat creation.
- 4.53 In the accompanying Ecological Appraisal, the proposals have been assessed using the Defra 3.0 Biodiversity Metric. This has demonstrated that the proposals will lead to a habitat net gain score of +10.93%, a hedgerow net gain score of +53.28% and a river net gain score of +25%.
- 4.54 **Policy ENV DM4** concerns **Protection of Trees**. The accompanying Arboricultural Assessment has been undertaken by FPCR. With the exception of one Moderate Quality Category B tree (T4) located along the site's north eastern boundary, all other individual trees and tree groups are of low quality. The hedgerows that form the site's boundary are also of low quality. The woodland to the west of the site is also of low quality in terms of arboricultural value. None of these are features that would preclude the proposed development.
- 4.55 Moreover, the proposed green infrastructure strategy intends to (1) strengthen the existing hedgerows through supplemental planting and (2) include new tree planting within streets and green spaces. This will contribute to the total tree coverage providing various benefits: visual amenity and interest, shading and new habitat.
- 4.56 **Policy ENV DM2** concerns **Pagham Harbour**. The Application Site is within Zone B which requires a financial contribution towards the strategic access management plan to mitigate recreational pressure. The areas of open space within the development also provide alternative locations so as not to encourage future occupants to access the Harbour area. These measures will ensure that the integrity of this Special Protection Area is maintained.

Water

- 4.57 **Policy W SP1** concerns **Water**. New development is encouraged to make active use of surface water as a design feature, and will be permitted where it identifies measures to improve and enhance water bodies. The proposed preliminary drainage strategy as outlined in the accompanying Flood Risk Assessment (FRA) implements a sustainable drainage system to manage the attenuation of surface water and water quality.
- 4.58 **Policy W DM1** concerns **Water Supply and Quality** and seeks water efficient developments and measures to ensure good water quality. The proposed development, as outlined in the accompanying FRA, includes sustainable drainage measures that passively treat run off from the development so as to maintain good water quality and have a positive impact on the surrounding environment. It is also identified that there is foul connection capacity able to serve the proposed development.
- 4.59 The application is also supported by a Services Statement which indicates that the proposed development on the Site has the potential to be supplied with normal network service supplies,

including water, potentially without prohibitive reinforcements to the existing networks.

- 4.60 **Policy W DM2** concerns **Flooding** and sets criteria for when development will be permitted where the sequential test in accordance with national policy is met. The proposed development area is wholly within Flood Zone 1, lowest risk of flooding and the sequential test is not required. Furthermore, a Flood Risk Assessment (FRA) is required to demonstrate the development is safe, and the sustainability benefits and mitigation measures be identified, taking climate change in to account. An FRA has been included in this submission.
- 4.61 In response to policy W DM2 Flood Risk, the FRA concludes that the proposed SuDS will discharge to estimated mean greenfield run off rates, reducing the flood risk further downstream. The detention basins have been designed to accommodate the 1 in 100 year + 40% storm event, with a 300mm freeboard.
- 4.62 **Policy W DM3** concerns **Sustainable Urban Drainage Systems (SuDS)** where all development must identify opportunities to incorporate SUDS at an early stage. The proposal incorporates SUDS in the form of swales and basins, and a further detailed design will be reviewed at reserved matters stage with a full site investigation.

Waste Management

- 4.63 **Policy WM DM1** concerns **Waste Management** and indicates the Council will consult West Sussex County Council as the Waste Planning Authority for development that is in proximity to a waste site. Sefter Farm houses is an 'on-farm anaerobic digestion plant' and is a Safeguarded Waste Site with an associated consultation zone. The Application Site is more than 250m from this Waste Site and falls outside of the consultation zone.

Quality of the Environment

- 4.64 **Policy QE DM1**, with regards to **Noise pollution**, states that residential development likely to experience noise from road, rail or air must be supported by a noise exposure assessment to ensure residents will not be adversely affected by noise, including consideration of any increase in noise reasonably expected in the foreseeable future.
- 4.65 The Policy identifies specific locations likely to experience noise pollution including areas in close proximity to A category roads and rail. The application site adjoins Pagham Road which is not an A category road and not specifically referred to in the policy. Notwithstanding this, a noise assessment has been carried out and is included in the submission. The Noise Assessment concludes that in consideration of background noise levels together with specific noise events, the proposed dwellings can accord with internal ambient levels set by British Standards with appropriate specified glazing and vents on habitable rooms fronting Pagham Road.
- 4.66 **Policy QE DM2** concerns **lighting** and seeks to ensure that outdoor lighting does not have an adverse impact on neighbouring uses or the wider landscape. The detailed lighting scheme will be determined through reserved matters, however residential amenity and local wildlife considerations will inform the level of lighting included in the development, in balance with highway and pedestrian safety.
- 4.67 **Policy QE DM3** requires an assessment of the likely impacts of new development on **Air Quality**. There are no Air Quality Management Areas within the District and given the scale and nature of the proposal, is not considered to result in detrimental impacts on air quality.

- 4.68 **Policy QE DM4** concerns **Contamination Land** and states that prior to any development, the Council require evidence to show unacceptable risk from contamination will be addressed. The accompanying Geo-technical Phase 1 desk study by Brookbanks confirms that typical contaminates would relate to the land's agricultural use. The overall contaminative risk is considered to be low.

Synthesis

- 4.69 It is apparent from the above that the proposed development accords with a great many of the Local Plan's policies. The only apparent conflict is with **Policies SD SP2** and its counterpart **C SP1** i.e., the new housing proposed would not be within the existing settlement boundary and would conversely be within the Countryside.
- 4.70 Similarly, the site is subject to **Policy SP SD3** concerning the *Gap between Settlements* but considered objectively, it cannot be said that development of this site would lead to the coalescence of Bognor Regis and Chichester or that it would change the individual identity of the settlements.
- 4.71 Moreover, the fact that the application site is indivisible in terms of its location and proximity to the existing built-up area as the Pagham North Strategic Allocation indicates that in broad terms, the development proposed is in accordance with the thrust of the Local Plan's spatial strategy.
- 4.72 The extent to which these policies, which constrain the available land for new housing, can be considered to be up-to-date must be seen in the context of the housing land supply position. As will be shown in the following Section, there is a continuing shortfall in available housing land which has been prevalent for a number of years. Consequently, these two policies cannot be considered up-to-date and the NPPF's presumption in favour of sustainable development is engaged.
- 4.73 In this context, the planning balance that is required in this and every instance must be exercised, with the presumption being that planning permission would be granted. This is discussed in Section 6.

5 Housing Supply

- 5.1 The section explores Housing Land Supply in Arun District. Since 2019, the Council has not been able to demonstrate the required 5-year supply of housing land.
- 5.2 In the 2018/2019 Annual Monitoring Report (AMR), the Council demonstrated it had a 3.9 year supply of housing land.
- 5.3 In the 2019/2020 AMR, it demonstrated a 3.3 year supply of housing land.
- 5.4 An Appeal Decision dated the 9th December 2021² records the housing land supply position as 3.3 years. The Appeal Inspector refers to this as “a considerable shortfall in the provision of housing to meet local needs”.
- 5.5 On the 18th November 2021, the District Council entered in to a Statement of Common Ground in respect of a different Appeal at Barnham³, which records the housing land supply position as 3 years. This is a more recent position than that which with the Shripney Appeal Inspector was present with earlier.
- 5.6 On this basis, the NPPF’s presumption in favour of sustainable development is engaged. This is discussed further in Section 6.
- 5.7 Moreover, the Government’s Housing Delivery Test (HDT) for 2018 and 2019 records levels of completions below the required amount, having fallen to 68% in the most recent year. This requires the Council to apply a 20% buffer to its housing land supply calculation and prepare an Action Plan.
- 5.8 The Local Plan includes a trigger mechanism, where housing performance falls below the annualised housing requirement or projected requirement over two successive years. The Council should therefore be reviewing Policy H SP1 which defines the housing requirement and by extension the housing supply strategy.
- 5.9 It is beyond question that there is a need to “significantly boost” housing supply in Arun. This need exists both in the short term and the long term.

The Local Plan’s Housing Requirement

- 5.10 The adopted Local Plan’s housing requirement is derived from the following components:
- The objectively assessed need for housing was 919 dwellings per annum.
 - An additional 81 dwellings per annum to meet unmet need from adjoining authorities.
- 5.11 Over the plan period, Policy H SP1 requires at least 20,000 new dwellings to be built between 2011-2031.

² Appeal Ref: APP/C3810/W/20/3264105 Land to the east of Shripney Road, Shripney, Bognor Regis, West Sussex, PO22 9NW

³ Barnham Appeal (BN/142/20/OUT)

5.12 Delivery was to be phased over the plan period on the basis of the following trajectory:

Requirement of Additional Homes	2011/12 – 2015/16	2016/17- 2020/21	2021/22- 2025/26	2026/27- 2030/21
Dwellings per Annum	610	1120	1310	960

Housing Completions

5.13 Housing Completions in District are set out in the AMR and are reproduced below along with the Local Plan's housing trajectory requirement.

Year	Completions (net)	Per Annum Requirement	Surplus/Deficit	Cumulative Performance
2011/12	722	610	+112	+112
2012/13	475	610	-135	-23
2013/14	359	610	-251	-274
2014/15	601	610	-9	-283
2015/16	890	610	280	-3
2016/17	616	1120	-504	-501
2017/18	704	1120	-416	-917
2018/19	603	1120	-517	-1434
2019/20	515	1120	-605	-2039

5.14 The above illustrates at the present time, some 2000 too few houses have been built in the plan period.

5.15 Only in two of the nine years has the annual requirement been met.

5.16 In 45% of the plan period, only 27% of the housing requirement has been provided.

5.17 What must be remembered is that the trajectory for the first five-year period simply reflected completions that had been achieved during the time the Local Plan was being prepared. Only from 2016/17 onwards does the increase in the housing requirement to achieve Policy H SP1 take effect. From this point on, the per annum requirement has not been met in any single year and the number of completions achieved is only half of the total requirement over the four years.

5.18 To address this shortfall and to ensure the housing requirement in Policy H SP1 is met, the average annual rate of completions must increase to 1319 per annum. In other words, the Local Plan's trajectory for 2021-2026 of 1310 must be sustained for the remainder of the plan period.

5.19 There is unquestionably a need to increase the supply of housing in the District that will require future rates of housing provision to exceed the Local Plan's housing trajectory.

Affordable Housing Supply

5.20 The most recently published Housing Needs evidence for the District is dated 2016; it indicates a net need for affordable housing of 480 dwellings per annum (dpa).

5.21 The AMR indicates that, between 2012 and 2020, a total of 1150 new affordable homes were delivered across the District.

5.22 This is some 26% of the total need for affordable housing over this period. When seen as a

proportion of the total number of new homes built, the number of affordable homes amounts to only 21% of the overall supply.

- 5.23 Again, there is unquestionably a need to increase the supply of affordable housing in the District.

Housing at Pagham

- 5.24 Policy Housing H SP1 identifies three strategic allocations in the Greater Bognor Regis Urban Area to provide 3,700 new homes.

SD1	Pagham South	400 new homes
SD2	Pagham North	800 new homes
SD3	West of Bersted	2500 new homes

- 5.25 Policy H SP2a states “Located to the west of the urban area of Bognor Regis, the Pagham South and Pagham North Strategic Allocations will collectively provide at least 1200 dwellings over the plan period.”

- 5.26 The following paragraphs describe the current situation with the two strategic sites at Pagham. West of Bersted is discussed at para 5.37, but at this point it should be noted that there is no planning permission for development at that site.

Pagham South

P/140/16/OUT Outline planning permission granted 22nd November 2018 for inter alia up to 400 new homes.

P/15/17 Outline planning permission granted 5th September 2019 for up to 65 new homes.

Pagham North

P/134/16/OUT Outline planning permission granted 15th October 2019 for inter alia up to 280 new homes and associated uses.

P/30/19/OUT Outline planning permission granted 2nd September 2019 for inter alia up to 300 new homes. Reserved Matters were approved on the 10th September 2021.

- 5.27 Together, these planning permissions enable 1045 new homes across the two Pagham Strategic Sites.
- 5.28 The area of land shown on the Local Plan’s proposals map as the Pagham North Strategic Site includes land that is presently occupied by Osbourne Refrigeration. In previous Housing and Employment Land Availability Assessments, the Osbourne Refrigeration Site has been given a potential capacity of 55 dwellings, although it remains in active use at the present time.
- 5.29 Taking these planning permissions and the HELAA capacity in to account, the Pagham Strategic Sites could deliver 1,100 new homes. This is less than the at least 1,200 identified in Policies H SP1 and H SP2a.

- 5.30 On this basis, as a matter of principle, a modest additional amount of housing at Pagham would accord with the Local Plan's development strategy.

Future Supply

- 5.31 Estimates of future supply are also set out in the Council's AMR.
- 5.32 The Housing Trajectory at Appendix 9 of the AMR indicates a surplus of supply by the end of the plan period.
- 5.33 This is based on a number of critical assumptions:
- There will be 400 housing completions on sites that are referred to as Deliverable or Developable and inside the built-up area boundary;
 - A further 594 small windfall sites which may be double counted with the above category;
 - Housing completions from Strategic Allocation Sites totaling 6800 new homes; and
 - Further as yet unidentified sites to be allocated in a Small Sites Development Plan Document or Neighbourhood Plans, totaling 850 new homes.
- 5.34 It is instructive that the Council ceased preparation of its Non-Strategic Sites Development Plan Document. In the Local Plan, this was intended to provide "at least 1250 new homes". This component of housing land supply is therefore absent from the Council's future supply estimates.
- 5.35 The assumption about Strategic Sites is highly questionable.
- 5.36 Barnham/Eastergate/Westergate: Some 2400 completions are expected at SD5 by 2031, with development commencing in 2022/23. There is no planning permission for development at this Strategic Site at the present time. A Framework Masterplan was prepared by landowners in Autumn 2020 to inform future planning applications. At the same time, one of the landowners, The Church Commissioners, submitted a scoping request for the purposes of EIA Regulations; this concerned a proposed development of up to 1500 new homes. This is some way below the suggested capacity in the Local Plan and the delivery assumption in the trajectory. A number of smaller planning applications within the area of the Strategic Site have been submitted and an application for development adjoining the Strategic Site was recently refused on the basis that it does not represent a holistic approach to the Site's development. Allowing for the planning process prior to commencement of development, there is no prospect that 2400 new homes will be provided at SD5 by 2031.
- 5.37 West of Bersted: Some 2100 completions are expected at SD3 by 2031, with development commencing in 2021/22. It is inescapable that there is no planning permission for development at this Strategic Site at present time. Whilst a Framework Masterplan was prepared by landowners in 2020 to inform future planning applications, it is recognised that the development programme will not correspond with this trajectory. An application for a part of the Site was refused in May 2021. Allowing for the planning process prior to commencement of development, there is no prospect that 2100 new homes will be provided at SD3 by 2031.
- 5.38 Ford: Some 1175 completions are expected at SD8 by 2031, with development commencing in 2023/24. Redrow and Wates jointly submitted an outline application seeking planning permission

for up to 1500 new homes in proposals for the re-development of the former airfield in March 2020. It appears that revised plans, included a new masterplan, were submitted in July 2021.

- 5.39 The Environmental Statement submitted with the application suggests that 1500 dwellings would be complete by 2030/2031, with first completions in 2020/21. Plainly this assumption is not correct. This housing trajectory's assumption of 1175 dwellings being built in ten years when there is no planning permission in place is optimistic.
- 5.40 This adjustment alone would mean that the number of completions by 2031 is substantially less than 20,000 over the plan period.

Local Plan Review

- 5.41 The LPA are required to update their Local Plan every five years. In July 2020, it adopted a Local Development scheme which set out this plan making timetable. It anticipated that the Local Plan Review would be adopted at the end of 2023. In September 2021, a Report to Planning Policy Committee identified that that published timetable was already subject to 12-month slippage (i.e. adoption at the end of 2024 at the earliest). Moreover, Members have recommended to pause the plan-making progress by six months, which in effect means some four years before a new Local Plan is in place. Full Council has since endorsed this at its meeting in November 2021.

Standard Method

- 5.42 Since the Local Plan was adopted in 2018, the Government published revisions to the NPPF in 2018, which, *inter alia*, introduced the Standard Method for calculating local housing need. The Housing Trajectory referred to in the AMR is based on the Local Plan requirement in policy H SP1. That did not take account of the Government's more recent approach to calculating the Standard Method, as set out in the NPPF.
- 5.43 The Standard Method provides a level of local housing need of 1,368dpa; this represents a 48% increase over the earlier level of objectively assessed need which the Local Plan is based on. The scale of the housing requirement in Arun is clearly increasing rather than reducing, with the associated need to increase the amount of land identified for housing delivery.
- 5.44 Across the West Sussex Coastal area, the level of housing required using the Standard Method increases to 4,886dpa compared with the existing requirement in Local Plans of 2,747dpa. It is evident that the need to increase housing supply exists across the sub-region.
- 5.45 Accordingly, the proposed development will provide a beneficial role in meeting the need for new housing in both the short and long terms.

Action Plan

- 5.46 In June 2019, the Council published an Action Plan. Amongst the identified "actions", is to "invite" application from landowners/developers on 'deliverable' HELAA sites to re-establish 5 year housing land supply. This illustrates the Council understand it has to grant planning permissions on sites other than those allocated for housing in the adopted Local Plan.

Arun Interim Housing Statement

- 5.47 In February 2021, the Council published an Interim Housing Statement. It invites planning

applications to come forward on suitable sites that are 'Deliverable' to re-establish the 5-years housing land supply, again recognising the need to grant planning permission for housing on sites not allocated for housing in the adopted Local Plan. A response to the Interim Housing Statement's Red/Amber/Green (RAG) rating system is included at *Appendix 4*.

Housing and Employment Land Availability Assessment

- 5.48 The latest HELAA records this site as "not currently developable" on the basis of existing Local Plan policy, stating:

Suitability: "The site is contrary to policy. However, it is immediately adjacent the [Built-up Area Boundary] and accessible to services, jobs, leisure and transport. The site has limited physical constraints that would prevent development coming forward. It is close to the built up area boundary and strategic site allocations of Pagham and could contribute to the sustainability of the area. Further landscape work would be required due to its position within the gap between settlements and need to address infrastructure. Within Gap between Settlement (SD SP3) so not suitable site." (emphasis added)

Constraints: "Outside BUAB within countryside policy CS P1. Within gaps between settlement, listed buildings in close proximity to the north and south of the site".

It is evident that the position taken in the HELAA was on the basis of the policies to which it is subject in the Local Plan, as discussed in the Section 4. The analysis, however, illustrates that the site is a suitable site for housing.

Synthesis

- 5.49 Plainly in these circumstances there is a pressing need to improve the supply of housing land and this is an important consideration in the planning balance. The proposed development can make an important contribution to providing much needed market and affordable housing and its delivery does not require any strategic infrastructure as a precursor. This is a substantial benefit in the face of a considerable shortfall, and as a matter of principle, supports the grant of planning permission.

6 The Presumption in Favour of Sustainable Development

- 6.1 The Government's National Planning Policy Framework is a material consideration in the determination of this application.
- 6.2 Published first in 2012 and then revised most recently in 2021, it sets out the Government's planning policies for England and how these should be applied. At the heart of the Framework is a 'presumption in favour of sustainable development' (paragraph 12).
- 6.3 For decision-taking, the 'presumption in favour of sustainable development' means:
- c. Approving development plans 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 this application are out-of-date, granting planning permission unless:
 - i. The application of policies in this Framework that protect areas or assets of particular importance provide a clear reason for refusing planning permission; 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
- 6.4 The Application Site is not allocated for housing development and is situated outside of the Built-up Area Boundary where new housing is not permitted. As such the application does not accord with criterion c of the Presumption.
- 6.5 As set out in Section 5, the Council cannot demonstrate a five year supply of deliverable housing sites and footnote 7 explains that, in such an instance, the most important policies are considered to be out-of-date and the remaining limbs of the presumption are engaged.

Criterion i – are there policies that protect areas or assets and give a clear reason to refuse the development proposals

- 6.6 The Application Site is not subject to policies in the Framework that protect areas or assets of particular importance that provide a clear reason to refuse the development proposals.
- 6.7 The Site is not a designated habitat site, there are no ancient woodlands or veteran trees within or adjoining the Site, it is not a Site of Special Scientific or proposed protected site. The Site is not designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park and is not defined as part of the Heritage Coast. There are no designated heritage assets within the site and the area of flood risk is limited to the western boundary and is not affected by development.
- 6.8 The development proposals do not engage this criterion of the Presumption in Favour of Sustainable Development.

Criterion ii – whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits

- 6.9 In the context of Section 5, the public benefit of increasing the supply of both market and affordable housing delivered by the proposed development is considerable and attracts substantial weight in the determination of this application.
- 6.10 In this instance, this benefit is amplified by the fact the Application Site adjoins Pagham's built up area boundary and the Pagham North Strategic Allocation; patently it benefits from the same location merits as the allocated site, which is an intrinsic part of the Local Plan strategy. The Application Site's locational characteristics are indivisible for the allocated site and is therefore consistent with those locational considerations set out in the NPPF, such as para 73 which encourages extensions to existing settlements and para 103 which seeks to direct significant new development to sustainable locations.
- 6.11 Equally there is a shortfall in housing to be delivered at the Pagham Strategic Sites, yet when those schemes were being assessed, the highway and education infrastructure was determined on the basis of the total of the strategic allocations of 1,200 new homes. In simple terms, the highway mitigation to be provided by those development proposals are, in any event, based on 1,200 new homes. Similarly, the funding of a new primary school which is to be built at Summer Lane will benefit from financial contributions from this development proposal, via CIL reducing the funding gap. This approach accords with para 73 of the NPPF.
- 6.12 The substantial housing benefits have to be weighed against the adverse effects of granting planning permission, which, in this instance, comprise:
- a) Conflict with the Local Plan's policy concerning Countryside;
 - b) The landscape and visual impact of development within the Bognor – Chichester Settlement Gap;
 - c) The less than substantial harm to listed buildings; and
 - d) Loss of agricultural land.
- 6.13 These are discussed in the following paragraphs.

Countryside

- 6.14 The Application Site is situated immediately adjacent to the existing built-up area of Pagham. As the Council acknowledge in its Interim Housing Statement, development on land not allocated for housing in the Local Plan will be necessary and sites which are adjacent to the existing built up area that are accessible and immediately physically adjacent (whether separate by a road/footpath or other infrastructure) are likely to be sustainable because of access to shops and services within walking and cycling distances. The Application Site's attributes in this regard, and the benefits of the development proposals, outweigh the Countryside Policy conflict.

Landscape and Visual Impact

- 6.15 The Application Site is not subject to any designation that would ascribe a particular landscape or visual value to it.

- 6.16 However, the Site is identified on the Local Plan's Policies Map as being within the Bognor Regis to Chichester Gap and subject to Policy SD SP3.
- 6.17 This is not a valued landscape designation. Rather it is a policy approach aimed at retaining the District's settlement structure by recognising the value of separation between settlements, so to prevent coalescence and retaining their separate identity.
- 6.18 The Landscape and Visual assessment that accompanies the application finds that the site benefits from a degree of both physical and visual containment and that the proposed built form where visible, would be seen in the context of the existing built form of Pagham. Therefore, new development on this Site would not lead to either actual or perceived coalescence between Pagham and Chichester and would not undermine the physical or visual separation of these settlements.
- 6.19 The Gap function in this location does not serve an appreciable purpose; the Site could be developed for new housing of the type proposed without compromising the integrity of the 'gap'. Equally, development could occur without any measurable effect on the settlement structure of either District; there would not be any erosion of their separate identities.
- 6.20 In the situation where there is a shortage of housing land supply, the limited functional contribution that the Application Site makes to the overarching purpose of this Gap designation is a material consideration that has to be weighed in the balance as part of the planning judgement and supports the grant of planning permission.

Less than Substantial Harm to Heritage Assets

- 6.21 As the Heritage Desk Based Assessment acknowledges, part of the Application Site makes a visual contribution to the wider setting of Nyetimber windmill, and a positive contribution to its significance. To recognise this, the proposed development has been drawn back from Pagham Road so as to maintain the sight line of the Windmill in that view. As such, the proposed development is considered to have a less than substantial harm to Nyetimber Windmill. The public benefits arising from the provision of new housing - which are significant - outweigh this low level of harm.

Loss of Agricultural Land

- 6.22 As outlined earlier, the application is accompanied by a report by Reading Agricultural Consultants which assess Agricultural Land Classification and Soil Resources. The report concludes that the site is comprised of both Grade 3a and 3b agricultural land, the majority of which (2.8ha - 61%) is Grade 3b which does not constitute Best and Most Versatile (BMV) land.
- 6.23 Given that the minority of the site (1.8ha) is BMV and that there is an established need for new housing to be delivered in the district, it is considered that the loss of a small quantum of BMV is outweighed by the overriding need for new homes and that the proposed development is justified against Local Plan Policy SO DM1.

Synthesis

- 6.24 In the present context, where the presumption in favour of development is engaged and the application site is not the subject of any policies that provide a clear reasoning for refusing the development proposed, and to the extent that there are any, the adverse impacts of granting

planning permission would not significantly and demonstrably outweigh the scheme's benefits. Summarily, its contribution to improving housing supply outweigh the conflict with the Local Plan's settlement boundary policy. Accordingly, the planning balance in this instance leans firmly towards permission being granted.

7 Summary and Conclusions

- 7.1 Hallam Land Management Ltd (HLM) is seeking planning permission for the construction of up to 106 new homes, the formation of new means of access onto Pagham Road, new pedestrian and cycle links, the laying out of open space, new strategic landscaping, habitat creation, drainage features and associated ground works and infrastructure,
- 7.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 7.3 The Development Plan comprises the Arun District Local Plan which was adopted in 2018 and covers the period 2011-2031. The Application Site is not identified for housing development in the Local Plan and the proposed development would conflict as a matter of principle with Policies SD SP2 and C SP1 of the Development Plan. The development would also be situated in the Settlement Gap, but, when considered objectively, the land concerned cannot be said to be integral to maintaining separation between Bognor Regis and Chichester such that it precludes the proposed development.
- 7.4 There is an identified need to increase housing supply in the District and the Application Site is, by reference to the Council's Interim Housing Statement, suitable for housing development and will make an important contribution to improving the supply of market and affordable housing. This is a material consideration that attracts greater weight with the limited conflict with the Development Plan.
- 7.5 The National Planning Policy Framework requires local authorities to maintain a 5-year supply of housing land. That requirement is not met in Arun, and consequently the NPPF's *"Presumption in Favour of Sustainable Development"* is engaged in the consideration of applications for planning permission for new housing. This application therefore falls to be determined in the context of Para 11 of the NPPF which states that:
- "For decision -taking, this means: where....the policies which are most important for determining the application are out-of-date, granting planning permission unless:*
- (iii) The application of the policies in [the] Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- (iv) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the] Framework taken as a whole."*
- 7.6 This Planning Statement demonstrates that the benefits of the proposed development deliver a key policy objective of the NPPF by providing additional housing land in an area with a recognised shortfall; there are no Framework Policies that provide a clear reason for refusing planning permission and there are no adverse effects that significantly and demonstrably outweigh the housing benefits.
- 7.7 The Council themselves have identified the significance of its housing supply position and has published an Interim Housing Statement which provides a framework to assess planning applications with a view to granting permission on suitable sites irrespective of the fact that they

might not be allocated for housing and there may be conflict with Local Plan policies. *Appendix 4* of this Planning Statement catalogues the Site's characteristics relative to the assessment criteria set out in the Interim Housing Statement.

- 7.8 For these reasons, the proposed development is considered to be a suitable development and its benefits in terms of increasing housing supply represent a material consideration that justify the grant of planning permission in this instance.

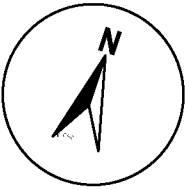
LRM Planning Limited
December 2021

Appendix 1: The Application Site



LAND WEST OF PAGHAM ROAD - **SITE BOUNDARY PLAN**

Appendix 2: Proposed Access

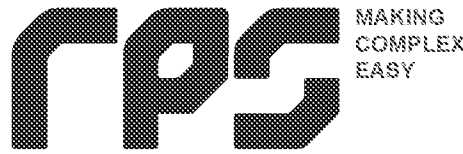


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 3. This drawing is to be read in conjunction with all relevant scheme drawings.

Key:

Extent of public highway

D	Access Location amended	MA		08.12.21
C	Tree survey added & trees to be removed identified	AJ	MSB	5.11.21
B	Southern visibility splay corrected	MA		22.12.20
A	Southern visibility splay amended	MA		22.12.20
Rev	Description	By	CB	Date



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Client Hallam Land Management

Project Land West of Hook Lane Pagham

Title Proposed Access Arrangement
Pagham Road

Status PRELIMINARY Drawn By AJ PM/Checked by MA

Project Number JNY10700 Scale @ A1 1:500 Date Created 11/12/20

RPS Drawing/Figure Number JNY10700-01 Rev D

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Appendix 3: Illustrative Masterplan



LAND WEST OF PAGHAM ROAD - ILLUSTRATIVE MASTERPLAN



Appendix 4: Interim Housing Policy Statement – RAG rating tool

In February 2021, the District Council published an Interim Housing Statement, to assist in improving housing supply in the District. It sets out the national and local policy context for inviting applications to come forward on suitable sites that are 'Deliverable' in order to re-establish the authority's 5-year housing land supply (currently this stands at 3 years) in an expedited manner. It provides a "tick list" and "Red Amber Green" rating of national policy and local policy considerations that should be addressed.

The following schedule provides a commentary in response to those policy considerations. Where relevant, the policy considerations arising from the 2021 version of the NPPF has been reflected.

Criteria	RAG Rating	Commentary
Does the site avoid impacts on any national habitat, landscape or heritage designation?		The Application Site is not subject to any national habitat, landscape or heritage designation. The site lies within the 5km buffer around Pagham Harbour SPA, Ramsar, SSSI and LNR. Since the proposals are likely to lead to increased recreational pressure on the designation, Arun District Council requires a payment of £871 per new dwelling to contribute towards strategic access management measures (SAMMs), in line with local plan policy ENV DM2. The proposals are not expected to have significant effects on other nearby designations, including the Chichester and Langstone Harbours SPA and the Bognor Reef SSSI, due to the intervening distances, the provision of open green space and recreation on site and the SuDS measures.
Meet Appendix 2 Glossary Definition of Deliverable site?		The Application Site offers a suitable location for new housing development and subject to the grant of planning permission would deliver housing within a five-year period. The applicant has the benefit of a promotion agreement with the landowner and, as with Hook Lane, will be brought to the market concurrent with the grant of planning permission.

Criteria	RAG Rating	Commentary
Sustainable location Adjacent to a Transport Node? Railway Station? Bus route? Walking and Cycling routes?		The Application Site's location merits are the same as those of the Pagham Strategic Site allocated in the adopted Local Plan. It is similarly well related to the facilities and services at Pagham.
Density Maximises the use of land appropriate to accessibility and parking?		The density proposed is comparable with that which has been approved at Hook Lane and is consistent with the character of the residential environs to the south. Parking levels will accord with the Council's SPD.
Achieving well designed places?		The Design and Access Statement illustrates the design quality intended and how measures such as a Design Code can ensure a well designed place.
Addresses Climate Change and low carbon future and energy standards Mitigation and Adaptation?		Design measures have been included in the Design and Access Statement to ensure climate resilience and mitigate the impact of climate change.
Addresses Climate change Flooding and vulnerability over the lifetime of the development (100 years)?		The proposed development is not within an area of flood risk and a suitable area of separation has been allowed between new housing and Pagham Rife to the west. The Drainage Strategy illustrates how, using sustainable urban drainage measures, surface water run-off will be managed so as not to cause an increase in flood risk elsewhere.
Coastal Areas		The proposed development does not conflict with the Policy Objectives for the Inland South (Area 6) in the South Marine Plan.
Protects and conserves wildlife and habits and achieves a 'net gain' in biodiversity?		The Application Site is not subject to any statutory nature conservation designation. The proposals will result in the loss of an arable field, a small area of poor semi improved grassland and a small section of H5 and/or H6 to provide access. However, the more ecologically valuable habitats concentrated along the boundaries, including the ditches, hedgerows, boundary trees and scrub, are expected to be retained. Proposals also include the creation of swales and a SuDS basin to prevent impacts on the surrounding watercourses and other new habitat creation. In the accompanying Ecological Appraisal, the proposals have been assessed using the Defra 3.0 Biodiversity Metric. This has demonstrated that the proposals will lead to a habitat net gain score of +10.93%, a hedgerow net gain score of +53.28% and a river net gain score of +25%.
Conserves and enhances the Historic Environment?		Whilst there are listed buildings in close proximity to the Application Site, the proposed development will have a less than substantial harm to the significance of these heritage assets and the public benefit that arises from providing new housing in the context of the current shortfall supports the grant of planning permission
Safeguards Minerals and allows abstraction?		The Application Site is not within any mineral safeguarding area.
Within BUAB and settlement hierarchy?		The Application Site is outside, but immediately adjacent to the Built-up Area Boundary at Pagham.
Outside but Physically Adjacent to BUAB		The Application Site is outside, but immediately adjacent to the Built-up Area Boundary at Pagham. Pagham is part of the Greater Bognor Regis Area that is a focus for new housing in the Local Plan's spatial strategy and would be consistent with this as a matter of principle. Its accessibility to local services and facilities in comparable with the North Pagham Strategic Site allocated to the east of Pagham Road.
Remote from BUAB?		The Site immediately adjoins the Built-up Area Boundary; new housing would be an extension to this existing urban of Pagham. Its accessibility to local services and facilities in comparable with the North Pagham Strategic Site allocated to the east of Pagham Road.
Avoids Gaps Between Settlements?		The Site is identified on the Local Plan's Policies Map as being within the Bognor Regis to Chichester Gap.

Criteria	RAG Rating	Commentary
		New development on this Site would not lead to either actual or perceived coalescence between Pagham and Chichester and would not undermine the physical or visual separation of these settlements. The Gap function in this location does not serve an appreciable purpose; the Site could be removed from the designation and this would not compromise the integrity of the 'gap'. Equally, development on the Site could occur without any measurable effect on the settlement structure of either District; there would not an erosion of their separate identities.
Within settlement gap but small or modest site size and location would not significantly compromise the gap or purposes of the gap?		See above
Avoids, protects and conserves the best and most versatile/productive soils?		The majority of the site comprises Grade 3b agricultural land with the remainder being 3a.
Protects the special setting of Arundel and is not within the policy named locations?		The Application Site is not within the setting of Arundel.
Protects and conserves Conservation Area.		The Application Site is not within, nor in the setting of any Conservation Area.
Protects and conserves Area of Character.		The Application Site is not within, nor in the setting of any Area of Character. The nearest designation – at Barton Close within Pagham – is some 500m from the Application Site with intervening built development. The is a comparable situation as for the Strategic Site Allocations at Pagham North.
Protects and conserves Scheduled Ancient Monument.		The Application Site does not have within it, nor is it part of the setting of a Scheduled Ancient Monument.
Protects and conserves sites of National Importance for Nature Conservation?		The Application Site is not subject to any statutory nature conservation designation.
Protects and conserves sites of Nature conservation Importance?		The Application Site is not subject to any statutory nature conservation designation or sites of Nature Conservation Importance. With the exception of one category B tree of Moderate Quality, all other trees that comprises the Application Site's boundary is of low quality (Category C).
Protects and conserves Local Nature Reserve?		The Application Site is not subject to any statutory nature conservation designation.
Sympathetic to Biodiversity Opportunity Area?		The proposed development does not have a direct or indirect effect on the Biodiversity Opportunity Area.
Biodiversity – net gain?		In the accompanying Ecological Appraisal, the proposals have been assessed using the Defra 3.0 Biodiversity Metric. This has demonstrated that the proposals will lead to a habitat net gain score of +10.93%, a hedgerow net gain score of +53.28% and a river net gain score of +25%.
Addresses requirements of Pagham Harbour Buffer Zone A (400m) ?		The Application Site is not within Zone A.
Addresses requirements of Pagham Harbour buffer Zone B (5 km) ?		The site lies within the 5km buffer around Pagham Harbour SPA, Ramsar, SSSI and LNR. Since the proposals are likely to lead to increased recreational pressure on the designation, Arun District Council requires a payment of £871 per new dwelling to contribute towards strategic access management measures (SAMMs), in line with local plan policy ENV DM2.
Avoids Sharp Sand Minerals Safeguarding Area (MSA) ?		The Application Site is not within any mineral safeguarding area.

Criteria	RAG Rating	Commentary
Within MSA but less than 10 dwellings and size 0.5 ha or more.		The Application Site is not within any mineral safeguarding area.
Protects Existing and Contributes new Open Space		The Application Site is not part of any existing area of open space. The District Council's open space standards have informed the development scheme.
Avoids and protects Local Green Space (in Neighbourhood Plans).		The Application Site is not part of any Local Green Space designation.
Flood risk requirements are addressed.		Built development is located wholly within Flood Zone 1. The drainage strategy caters for surface water run-off including climate change and there will not be an increase in flood risk.
100-year Climate Change Contour Flood Allowance will allow a viable development?		The drainage strategy has taken account of +40% climate change allowance.
Adapting to climate Change, energy and renewable energy?		Design measures have been included to ensure climate resilience and mitigate the impact of climate change.
Addressed water supply, quality and efficiency?		Adequate water supply can be provided to the proposed development.
Promoted with an evidenced 5 year delivery trajectory and signed Statement of Common Ground		The housing proposed can be delivered within a 5 year period.
Viable Density and Yield?		The proposed development is viable.
All relevant evidence and studies are included to ensure that the application can be validated?		This is not a criterion that determines whether the Application Site, or any other Site is suitable for housing development.

Owen Jones
13th December 2021



Appendix 5: List of Planning Application Documents

Land west of Pagham Road, Pagham

List of planning application documents

Planning Application Form	Completed via Planning Portal
CIL Form	
Site Location Plan	P21-2766_05
Access Drawings	JNY 10700_01D
Illustrative Masterplan	P21-2766_03D
Planning Statement	LRM, December 2021
Affordable Housing Statement	LRM, December 2021
Statement of Community Involvement	LRM, December 2021
Draft Heads of Terms	LRM, December 2021
Design and Access Statement (inc Sustainability)	Pegasus, December 2021
Ecological Appraisal (inc BNG)	FPCR, December 2021
Landscape and Visual Assessment	Pegasus, December 2021
Arboricultural Assessment	FPCR, December 2021
Transport Assessment	RPS, December 2021
Travel Plan	RPS, December 2021
Flood Risk Assessment	Brookbanks, December 2021
Services Report	Brookbanks, December 2021
Geo-environmental Desk Based Assessment	Brookbanks, December 2021
Noise Assessment	Brookbanks, December 2021
Heritage Desk Based Assessment	Orion Heritage, November 2021
Agricultural Land Classification	Reading Agriculture, November 2021
Topographical Survey	210841
Covering Letter	LRM 17 th December 2021
Landownership Notification	LRM Letter with Certificate B 17 th December 2021