

PLANNING STATEMENT

LAND WEST OF INGLENOOK HOTEL, PAGHAM ROAD, BOGNOR REGIS



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	Project	Full Planning Application – 9 dwellings
	Applicant	Tony Honour
	Our Ref	WI830
	Date	May 2019
	Revision	-

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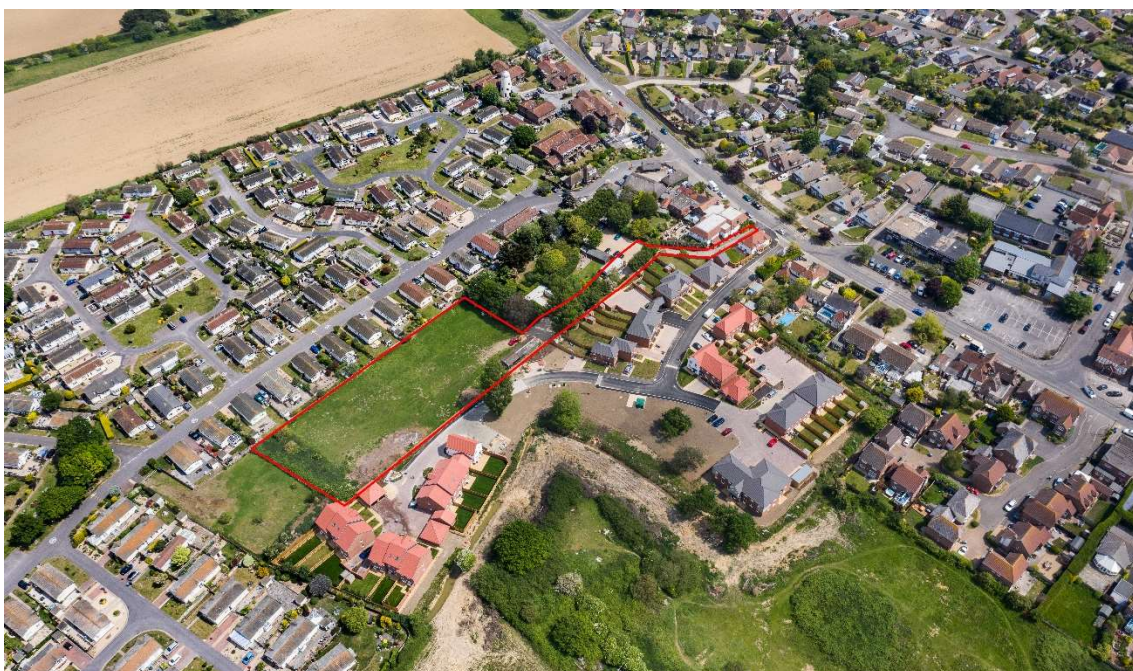
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Introduction

1. WHALEBACK is instructed by the applicant to prepare and submit a planning application for 9 residential dwellings on land to the west of the Inglenook Hote, 255 Pagham Road, Nyetimber, Bognor Regis. The site is within the Parish of Pagham, the District Ward of Pagham within Arun District. The Inglenook Hotel itself is Grade II listed although the application site is not within the curtilage or setting of this building.
2. This application submission has been informed by consultation with the local community through a presentation to Pagham Parish Council on 19th February 2019 at which a number of residents were in attendance. Following this meeting a number of amendments were made to the design and layout of the site to best accommodate the suggestions and mitigate the concerns of residents and parish councillors. The applicant's agents have also corresponded with nearby residents including the Mill Farm Residents Association following the Parish Council presentation and a follow-up presentation to the Pagham Parish Council took place in April when amended plans were presented.
3. This Planning Statement should be read in conjunction with all other documentation including illustrative drawings and submitted evidence:
 - Flood Risk Assessment
 - Preliminary Ecological Appraisal and Bat Survey
 - Reptile Survey
 - Transport Statement
 - Tree Survey
4. This Statement introduces the site and surroundings and summarises the proposed development. The relevant planning history and policy framework are detailed following by a planning appraisal of the merits of the scheme.

Site and Surroundings

6. The proposed development site is located to the rear of the Inglenook Hotel, which is on the west side of the Pagham Road, in the settlement of Nyetimber, the civil parish of Pagham and in the Arun District of West Sussex.
7. The site is accessed via a lane to the south of the hotel. This also provides access to a rear parking area and, to its west, to a large garden that has long been used to accommodate the hotel's staff in static caravans. The site is to the west of these hotel-related areas and is a rectangular field, currently laid to grass but with no agricultural use or public access. It has been used for occasional overflow parking for the hotel, although is surplus to their needs and under-used. There is a stable in the southeast corner of the site. This has not been used for stabling but for storage associated with the hotel business.
8. The Inglenook Hotel is listed due to its historic core but has been variously extended in the twentieth century. There is no visual relationship between the hotel and the area of the application site proposed for development.
9. Nyetimber was historically a distinct hamlet but became joined to the expanding Bognor Regis conurbation in the mid-twentieth century, as may be appreciated by the satellite imagery. The site is now surrounded by development on all sides; it is behind the western street frontage of Pagham Road and borders the Mill Farm Residential Park Homes estate on north and west sides. In addition, the land to the south is being developed for 40 residential units (P/125/14/PL, 251 Pagham Road & Land R/O). As such, the site is entirely surrounded by built development and its undeveloped state is something of an anomaly.
10. The proposed development site is closely related to the built-up area and to the many amenities of the surrounding settlement. The Inglenook Hotel & Restaurant is to the east and there are several shops and businesses a short distance to the south, including a Tesco Metro, hairdresser, chiropractor, cafe, pub, Chinese and Indian takeaways, estate agents and upholsterer. There are bus stops in close proximity on the Pagham Road which provide regular services to Bognor Regis and Chichester.



11. In planning terms, the site is now surrounded entirely by residential development with further sites already permitted to the south as indicated on the following plan which merges permitted layout plans onto an aerial photo.



Proposed Development

12. Nine (9) residential dwellings are proposed, accessed from the existing access point onto Pagham Road south of the Inglenook Hotel. The form proposed is 3 pairs of two-storey semi-detached houses, one pair of link-detached houses and one bungalow. Each house is proposed with a private front and back garden, off-street parking and private garages and soft landscaping to the boundaries.
13. Early pre-application advice from the Local Highways Authority indicated that up to 10 dwellings would be feasible using the existing access (with minor adjustments) so a scheme of 9 dwellings has been proposed to remain within this threshold.
14. The site area is 0.41 hectares giving a gross development density of 22 dwellings per hectare (dph) across the site.
15. The mix of dwellings proposed is:
 - 8 x 3 Bedroom Houses (Plots 1-6, 8-9))
 - 1 x 2 Bedroom Bungalow (Plot 7).
16. Access would be gained through the existing hotel access point at the south east corner of the site adjoining Pagham Road. Alterations to the access route into the site are also proposed and these are detailed in the submitted Transport Statement. The access itself would be reformed to accommodate the type and frequency of vehicle movements associated with the development proposal. The highway works associated with the adjacent development to the south would mean the crossover is straightened to follow the new kerb line and slightly lengthened to 7.7m; this is shown on Drawing 2017/3763/001 within the Transport Statement. Existing fencing and shrubbery would be removed to provide a widened access point from 3.5m to 5.3m wide. The access geometries allow two cars to concurrently pass at the junction and can accommodate large refuse and delivery vehicle movements through the access as shown in Drawing 2017/3763/002 within the Transport Statement. The boundary between the internal lane and the hotel carpark will be delineated with a post and rail fence (currently this area is open).
17. Part of the internal access realignment requires a small modern extension to the hotel building to be removed. Listed Building Consent will be sought through a separate application alongside this application.

Community consultation

19. This application submission has been informed by consultation with the local community. The applicant team attended the Pagham Parish Council meeting on 19th February 2019 at which a number of local residents were in attendance.
20. At the meeting, the applicant team provided an overview of the proposed scheme and shared an early-draft of the site layout plan. This plan showed the initially proposed locations of the nine dwellings and the layout of the access road and landscaping.



Early-draft Consultation Layout Plan (Superseded)

21. A statement was read out by the Mill Farm Residents Association following by a number of further comments and an informal 'Q&A' with the applicants. Concerns were raised over access and parking, overlooking and screening, bonfires and sunlight impacts. The *under-construction* site by Orchard Homes on land to the south of the application site was also discussed.
22. Following this meeting, the applicants substantially amended the layout plans to take on board the comments and concerns of the Mill Farm residents and parish councillors as shown below.
23. In particular, Unit 7 in the north-west corner nearest to the mutual boundary has been reduced from a two-storey house to a bungalow and Unit 5 has been moved away from the mutual boundary altogether. A thicker vegetative boundary has been proposed to form a 5m visual screen.



Amended Layout Plan (as submitted)

24. The applicant's agents have also corresponded with nearby residents including the Mill Farm Residents Association and residents living adjacent to the mutual boundary following the Parish Council presentation and a follow-up presentation to the Pagham Parish Council took place in April when amended plans were presented.
25. Concerns raised about the potential for future residents of the application site to have bonfires on their land, in close proximity to the Mill Farm site with many timber properties, could be addressed by condition should the local planning authority wish to impose a condition restricting the burning of material on-site.
26. Concerns raised about boundary screening have been addressed by the inclusion of a 5m deep vegetative boundary to the application site. It is expected that the local planning authority will secure details of this landscaping feature by condition, and ensure its insertion and retention thereafter.

Relevant Planning History

27. This section outlines the relevant planning history relating to this site and similar development nearby is referred to and discussed. It includes planning application decisions and the Council's HELAA document.
28. The application site has been used for many years as an occasional overspill car park serving the Inglenook Hotel. There is a small stables building in the southeast corner of the site used for storage associated with the Hotel.
29. There is no formal planning history relating to the application site itself. However, a pre-application meeting was held with West Sussex County Council Highways Officers on 25th May 2017 (with written advice provided on 25th May 2017) under reference **PRE-038-17**. This advice was supporting of new residential development subject to alterations to the entrance and access arrangements.
30. The most pertinent planning history relates to the land to the south of the application site which was granted planning permission for 40 dwellings and is nearing completion:

P/125/14/PL: Demolition of existing dwelling & ancillary buildings & erection of 40 no. dwellings with associated access, car parking, cycle & refuse storage, hard & soft landscaping & amenity space. This application is a Departure from the development plan. Approved – 30 June 2016.

31. Further to the south, another site was granted planning permission for 90 dwellings:

P/58/15/OUT: Outline application with some matters reserved for the erection of 90 No. dwellings with associated access & open space. This is a Departure from the Development Plan. Approved – 30 September 2016.



Merged Layout Plans show Permissions P/125/14/PL and P/58/15/OUT, respectively, south of the application site

32. The Inglenook Hotel itself, being a listed building, has an extensive planning history, some of which is provided below for context:

P/129/98/L: Application for listed building consent for removal of stair and alterations to bathrooms. Approve.

P/92/98: Single storey front kitchen extension, single storey rear restaurant extension, first floor extension on flat roof. Approve.

P/93/98/L: Application for Listed Building consent for single storey front kitchen extension, single storey rear restaurant extension, first floor extension on flat roof partly for bathroom, partly to increase size of bedroom. Approve.

P/38/93: Renewal of unimplemented planning permission P/88/87 for detached building to provide gymnasium, swimming pool and managers flat, also sauna, sunbed and jacuzzi facilities together with increased car parking spaces on land to the west. Approve.

P/120/90/L: Application for Listed Building Consent for the demolition of existing kitchen and dining room and construction of new two storey extension to provide new kitchen and dining room with private rooms over. (Amendments to previously approved plans P/34/90/L). Approve.

P/34/90/L: Listed Building Consent for demolition of existing kitchen and build new two storey extension to provide new kitchen with bedroom over. Approve.

P/109/89/L: Application for Listed Building Consent for the erection of a chair store. Approve.

FG/209/88/L: Application for Listed Building Consent for replacement of all existing windows - wood frames, metal frames and uPVC double glazed units with new superior quality white aluminium sealed units within a hardwood frame. Withdrawn

P/162/88/L: Listed Building Consent for additional 3.05m to be added to rear of approved extension. Approve.

P/83/88/L: Application for Listed Building Consent For alterations to approved plans P/138/87/L to enlarge hotel. Approve.

P/142/87: Extension to hotel to provide 11 extra bedrooms with en-suite bathrooms, new functions room and ancillary accommodation together with increased car parking spaces on land to the west. (Amendments to previously approved plans under P/26/87). Approve.

P/138/87/L: Application for Listed Building Consent - New extension to provide additional bedrooms and reception facilities, together with increased car parking spaces on land to the west.

P/88/87: Detached building at rear to provide gymnasium, swimming pool and managers flat also sauna, sunbed and jacuzzi facilities, together with increased car parking spaces on land to the west. Approve.

P/26/87: Three storey extension to provide new lounge, 10 bedrooms with en-suite bathrooms, second floor flat and ancillary accommodation. Approve.

Housing & Economic Land Availability Assessment (HELAA)

33. The LPA's 2018 HELAA report considered the application site (with a slightly different boundary) under HELAA reference '69' described as 'Land West of 239-249 Pagham Road North of Summer Lane'.
34. The assessment concludes that the site is 'Deliverable' with a potential yield of 18 dwellings in the first five years – shown as blue on the HELAA Map (extracted below). It should be noted that the HELAA considered a larger site area (0.63 hectares) but the application site is in fact 0.41 hectares, leading to a lower overall yield. This is indicated by superimposing the red-line on the map extracted below.
35. The findings of the HELAA are not binding on the LPA in its decision-making function but can be a material consideration having been the subject of a planning assessment.

Current Status			Deliverable	
Projected Potential Yields				
Suggested Density			Suggested Total Yield	
35			18	
2018-19	2019-20	2020-21	2021-22	2022-23
0	0	0	18	0

2018 HELAA Assessment – Site 69 (Arun District Council)



Interactive Map – 2018 HELAA Assessment – Site 69 (Arun District Council)

Planning Policy Framework

36. The Development Plan now consists of the Arun District Local Plan 2011-2031 (adopted July 2018) and the West Sussex Waste and Minerals Plans. The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) must also inform planning application submissions and decisions.

National Planning Policy Framework

37. The golden thread running through both plan-making and decision-taking policies in the NPPF is the presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with the development plan without delay, and where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole, or policies within the NPPF which indicate development should be restricted (paragraph 11).
38. There are three dimensions to sustainable development: economic, social and environment, which should not be taken in isolation because they are mutually dependant. Generally, if the presumption in favour of sustainable development is triggered the development should be considered against other policies of the Framework in the round.
39. Paragraph 59 seeks “to boost significantly the supply of housing”. In doing so, local planning authorities are required to use their planning policies to meet the full Objectively Assessed Need (OAN) for market and affordable housing.
40. NPPF paragraph 73 directs LPAs to annually update a list of specific, deliverable sites sufficient to provide a minimum of five years’ worth of housing against their local plan requirement. The LPA Local Plan (adopted in July 2018) is currently defined as ‘recently adopted’ by paragraph 73(b) and footnote 38 which temporarily allows the LPA to avoid producing an annual position statement. Paragraph 73 does not exempt the LPA from needing to demonstrate its 5-year land supply position once per year as per government guidance nor updating annually a list of specific, deliverable sites to provide a supply in years one to five as required by paragraph 67 in any case. The LPA has not published a land supply position in 2018/19 (the most up-to-date Local Plan position is as-at April 2017).
41. The revised NPPF established a new method of measuring local planning authorities performance called the Housing Delivery Test. Government confirmed in February 2019 that Arun District Council failed to meet its housing targets over the previous three years, achieving only 91% and is therefore required to produce an Action Plan to address this by June 2019.

Arun District Local Plan 2011-2031

42. The LPA, in refusing application AL/115/17/OUT, referred to the following policies in its Decision Notice, these are therefore considered to be the main relevant policies for the new application:
- Local Plan Policy C SPI Countryside
 - Local Plan Policy H DMI Housing Mix
 - Local Plan Policy ENV DM2 Pagham Harbour

- Local Plan Policy D SPI Design
- Local Plan Policy D DMI Aspects of form and design quality
- Local Plan Policy D DM2 Internal space standards
- Local Plan Policy AH SP2 Affordable Housing
- Local Plan Policy OSR DMI Open Space, sport and recreation
- Local Plan Policy T DMI Sustainable Travel and Public Rights of Way
- Local Plan Policy INF SPI Infrastructure provision and implementation

43. Relevant Supplementary Planning Documents include:

- SPD1 Open Space and Recreation Standards
- SPD3 Parking Standards

Pagham Neighbourhood Plan 2014-2029

44. In December 2014, the Pagham Neighbourhood Plan was withdrawn from the examination process to produce further studies in respect of the impact on the Pagham Harbour SPA/Ramsar Site.

45. A note on the Pagham Parish Council website in relation to the Pagham Neighbourhood Plan states:

“Work commenced on a Neighbourhood Plan for Pagham (PNP) over 5 years ago, involving over 30 local individuals and Councillors who prepared a draft document for consideration by Arun District Council and subsequent submission to an Inspector for approval.

During ADC’s review process, it was decided that further work was required to understand the environmental impact of the proposals contained in the PNP and studies were undertaken. After these had been completed and revisions made to the PNP, Arun District Council announced that there would be two major strategic housing sites in Pagham (Pagham North and Pagham South) included in its Local Plan. As the PNP and Local Plan were therefore at considerably at odds, the Parish Council felt it could not progress with the PNP at that time.

The Council still considers the draft policies included in the PNP to be of importance to the Parish and looks forward to progressing its Neighbourhood Plan in the future.”

46. The most recent available draft of the Pagham Neighbourhood Plan is the Submission Version dated September 2015 and since withdrawn. In planning terms the Submission Neighbourhood Plan has very little weight being 4 years old and not progressing to Examination, although the text and supporting evidence may provide some insight into the priorities of the Parish Council for the local area.

47. The only reference to the application site is at Policy 4 (page 32) where it is described as ‘Stables and land adjacent to Mill Farm Drive’ and proposed for allocation as a Local Green Space. Notwithstanding the lack of weight attributable to the now-withdrawn Submission Neighbourhood Plan, the site fails to meet the criteria of a Local Green Space set by the NPPF as it has no public recreational value (being private land only accessible to patrons of the Hotel).

Pagham Village Design Statement (November 2007)

48. As a non-statutory document, the Pagham VDS informs the design of proposed development as set out in the Design & Access Statement.

Non-Strategic Sites Development Plan Document (NSS-DPD)

49. The Council is preparing a Non-Strategic Sites Development Plan Document (NSS-DPD) to fulfil an identified deficit of 1,250 houses from small sites (under 300 units each) in the Local Plan (see supporting text to Policy H SPI). The Council intends to publish the NSS-DPD for Regulation 18 consultation in May or June 2019 although to-date has not done so and is therefore behind in its preparation.
50. The NSS-DPD will draw deliverable sites from the HELAA; the application site is identified as 'deliverable' in the HELAA and so there is every likelihood that it will be allocated in the NSS-DPD in any case.
51. Pagham Parish Council was notified by the District Council in a letter dated 12th December 2018 that it must find at least 10 net additional homes (over and above any existing permissions) which could be allocated through the NSS-DPD if they do not emerge through the planning process in the meantime.
52. This 10-dwelling figure is the localised housing requirement for Pagham Parish – according to the District Council following workshops and 1-2-1 sessions with the parish councils in Autumn 2018.
53. The application site would satisfy this additional housing requirement and avoid the need for the NSS-DPD to allocate any further greenfield sites in the parish.

Five Year Housing Land Supply

54. NPPF paragraph 73 directs LPAs to annually update a list of specific, deliverable sites sufficient to provide a minimum of five years' worth of housing against their local plan requirement. The LPA Local Plan (adopted in July 2018) is currently defined as 'recently adopted' by paragraph 73(b) and footnote 38 which temporarily allows the LPA to avoid producing an annual position statement. **Paragraph 73 does not exempt the LPA from needing to demonstrate its 5-year land supply position once per year as per government guidance nor updating annually a list of specific, deliverable sites to provide a supply in years one to five as required by paragraph 67 in any case.** The LPA has not published a land supply position in 2018/19 (the most up-to-date Local Plan position is as-at April 2017).
55. The LPA's latest published five-year supply position (based as-at April 2017) claims to demonstrate a 5.3-year supply of deliverable housing sites. This figure is incorrect by virtue of: a serious statistical error; being based on an out-of-date base date; using a superseded methodology; and, failing to appropriately or rationally consider best available evidence of site-specific deliverability. These issues are described in turn.

Error in the LPA Housing Requirement figure

56. Appendix I to this Statement sets out in detail that a statistical error in the annualised requirement figure (930 instead of 1,120) led to a fundamental flaw in the housing land supply calculations and caused a false five-year supply result.
57. Correcting this figure, the Council by its own calculations has a 4.6-year supply (notwithstanding further errors addressed below).

Out-of-date calculation base date

58. The LPA's five-year supply calculations used a base date of April 2017 and were last updated in September 2017. The appropriate base date at the date of submission of this application (May 2019) is April 2019 but because no end-of-year data is yet known for 2018/19 financial year, the most up-to-date base date for the calculations as submitted is April 2018.

Superseded methodology

59. The LPA's five-year supply calculations rely heavily on anticipated delivery from strategic sites in the first five years. The revised NPPF sets a higher bar for the assessment of 'deliverability' and explicitly rules-out the inclusion of strategic sites in the Annex 2 Glossary except in certain circumstances (which are largely not met in Arun). Many of the strategic sites upon which the land supply calculations are based are already falling behind their anticipated delivery timescales.

Failure to consider best available evidence

60. The LPA's calculation ignores obvious and rational evidence of delays to the projected delivery of strategic sites underpinning its housing trajectory to artificially inflate its five-year supply position.

Five Year Housing Land Supply Requirement

61. Local Plan Policy H SPI – ‘The Housing Requirement’ sets a requirement of ‘at least’ 20,000 new homes within the plan period of 2011 to 2031, or 1,000 dwellings per year on average although a stepped-trajectory is employed in Arun and so annualised figures are more difficult to summarise but the trajectory-based five year requirement is 5,980. To date, the LPA has fallen short of its requirement by 922 units.
62. The Local Plan (paragraph 12.1.5) applies the Sedgefield approach to addressing its shortfall and so 922 units are added to the base five-year requirement to give a gross requirement of 6,902. A 10% buffer is applied by NPPF paragraph 73(b). **An up-to-date Five Year Requirement is therefore 7,592.**
63. In order to test the LPA’s projected performance against the five-year requirement, the components of housing land supply must be analysed.

Housing supply components

64. The combined commitment figure for all sites from 2018/19 to 2021/22 (the current five-year assessment period) derived from County Council and District Council data is **2,124** units.
65. A Windfall estimate of 163 units is used.
66. A further three sites within the HELAA Appendix I.1 are identified as being “Commitments in [West Sussex County Council Residential Land Assessment] 2019” and amount to 86 units.
67. The LPA also relies on 207 units from HELAA sites within settlement boundaries.

Strategic Site Allocations

68. NPPF Annex 2 defines deliverable sites and requires clear evidence that completions will begin on site within five years. Only a small number of houses from the Local Plan-allocated strategic sites can be relied upon in the first five years but the LPA in its out-of-date trajectory relies on 3,565 houses coming forward from strategic sites between 2017 and 2022.
69. At the date of submission of this application, only four of the eleven strategic sites in the Local Plan (SD1 to SD11) have approved or pending outline planning applications and could possibly meet the deliverability tests of the NPPF. Of these, only the extant outline permissions at sites SD1 and SD6 (notwithstanding the High Court challenge to SD1) can be considered actually ‘deliverable’ under the tests of the NPPF. The deliverable strategic sites can soundly contribute only 550 units to the five-year supply.

Five Year Housing Land Supply Position

70. Based on the analysis above the following five-year supply position should be considered up-to-date for the purposes of this application.

Requirement 2018-2023 (1120 x 3) + (1310 x 2)	5,980
Past Requirement 2011-2018 (610 x 5) + (1120 x 2)	5,290
Completions	4,368
Shortfall (B-C)	922
10% Buffer (NPPF-73b) (A+D)*0.1	690
Total Requirement (A+D+E)	7,592
Commitments (Large sites)	2,030
Commitments (Small sites)	94
Windfalls	163
Neighbourhood Plan Allocations	86
Deliverable HELAA sites within BUAB	207
Strategic Site Allocations	550
Total Supply	3,130
Supply in Years	2.1

Consequence of Failure in Five Year Housing Land Supply

71. NPPF paragraph 11(d) directs decision-makers to apply a presumption in favour of sustainable development if the most important policies for determining the application are found to be out-of-date because the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In these circumstances, applications involving the provision of housing should be granted permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
72. Because the LPA cannot demonstrate a five-year supply of deliverable sites, the policies most important for determining the application including those relating to settlement boundaries must be considered out-of-date and the tilted balance of material considerations is engaged. Those out-of-date policies can only be afforded very limited weight and are not a determinant factor in the consideration of the planning merits of the application.
73. The substantial size of the housing land supply shortfall is also a material consideration to support the Government's objective of significantly boosting the supply of homes and the Local Plan's reliance on delayed strategic sites exposes the LPA to considerable shortfalls now and in the years to come.
74. The proposed homes are deliverable within the first five years and would provide a positive contribution to the Council's housing land supply shortfall.
75. On this basis, the presumption in favour of sustainable development is confirmed.

Planning Appraisal

76. The Planning and Compulsory Purchase Act 2004 Section 38(6) requires local planning authorities to determine planning applications in accordance with the development plan, unless other material considerations indicate otherwise. The site should be assessed against the relevant policies as set out in the Planning Policy Framework section above.
77. The site is not identified specifically on the Local Plan Policies Map.

General Principle of Development

78. The site lies adjacent to, but outside of, the settlement boundary as defined by the Local Plan Policies Map. In normal circumstances, the principle of residential development in a location outside of a settlement boundary would be resisted as the development plan restricts housing in these locations to protect the countryside for its own sake.
79. However, the lack of a five-year supply of deliverable housing sites in Arun District, as demonstrated by this Statement, means that the presumption in favour of sustainable development is triggered and the tilted balance of material considerations is engaged. The consequence of this presumption, as directed by the NPPF paragraph 11(d), is that the most important policies for determining the application including those relating to the settlement boundary and countryside must be considered out-of-date.
80. In these circumstances, applications involving the provision of housing should be granted permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
81. Add to this that the substantial size of the housing land supply shortfall is also a material consideration to support the Government's objective of significantly boosting the supply of homes and the Local Plan's reliance on delayed strategic sites exposes the LPA to considerable shortfalls now and in the years to come.
82. In addition, the District Council has also failed its Housing Delivery Test and is required to produce an Action Plan to rectify its failing housing delivery policy by June 2019. As at the date of writing no draft Action Plan had been published and it is therefore assumed that the District Council will fail to meet this deadline.
83. In this context, the District Council should be approving sustainable housing development such as proposed in this application without delay.

Sustainable Location

84. Local Plan Policy SD SPI 'Sustainable development' takes a positive approach that reflects the NPPF presumption in favour of sustainable development. Supporting text to this policy refers to NPPF definitions of sustainable development and the importance of sustainable transport and locating new development close to places where people need to travel to. The site is adjacent to the existing settlement boundary and is surrounded on all four sides by existing residential development including 40 completed dwellings approved recently by permission P/125/14/PL and a further 90 dwellings pending commencement under recently approved permission P/58/15/OUT. As such, the application

site must be considered a sustainable development given the weight of local precedent for permission and the number of surrounding dwellings.

85. The site is closely related to services and facilities. There is a large Tesco Express convenience store 50m south of the site entrance along with bus stops for services 60, C4, 660 and 904. There are also numerous pubs, cafes, hair salons and other community facilities within easy walking distance of the site. The Design & Access Statement includes further reference to connections with local services and facilities which emphasises the sustainability of the location.
86. It is also noted above that the District Council intends to allocate 10 further dwellings to Pagham Parish in the NSS-DPD as early as June 2019 unless the parish council finds these dwellings in the meantime; the application site would satisfy this additional housing requirement and avoid the need for the NSS-DPD to allocate any further greenfield sites in the parish.
87. The submitted Transport Statement also contains detailed information relating to pedestrian and cycle trip data and standards.

Housing Mix and Tenure

88. Local Plan Policy H DM1 Housing Mix sets out requirements for sites above 10 dwellings but is not specific about smaller sites except to say that they will be negotiated on a case-by-case basis. The proposed development includes eight 3-bedroom 2-storey houses and one 2-bedrooms bungalow suitable for family occupation which is proposed as a suitable addition to the housing stock of Pagham parish.
89. Local Plan Policy AH SP2 Affordable Housing sets a minimum size of 11 units for affordable housing contributions and so no requirement is imposed on the application site which falls below this threshold.

Amenity of future residents

90. Local Plan Policy D DM2 requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance. The proposed development exceeds the Nationally Described Space Standards for each corresponding unit size (all measurements in *square metres*):

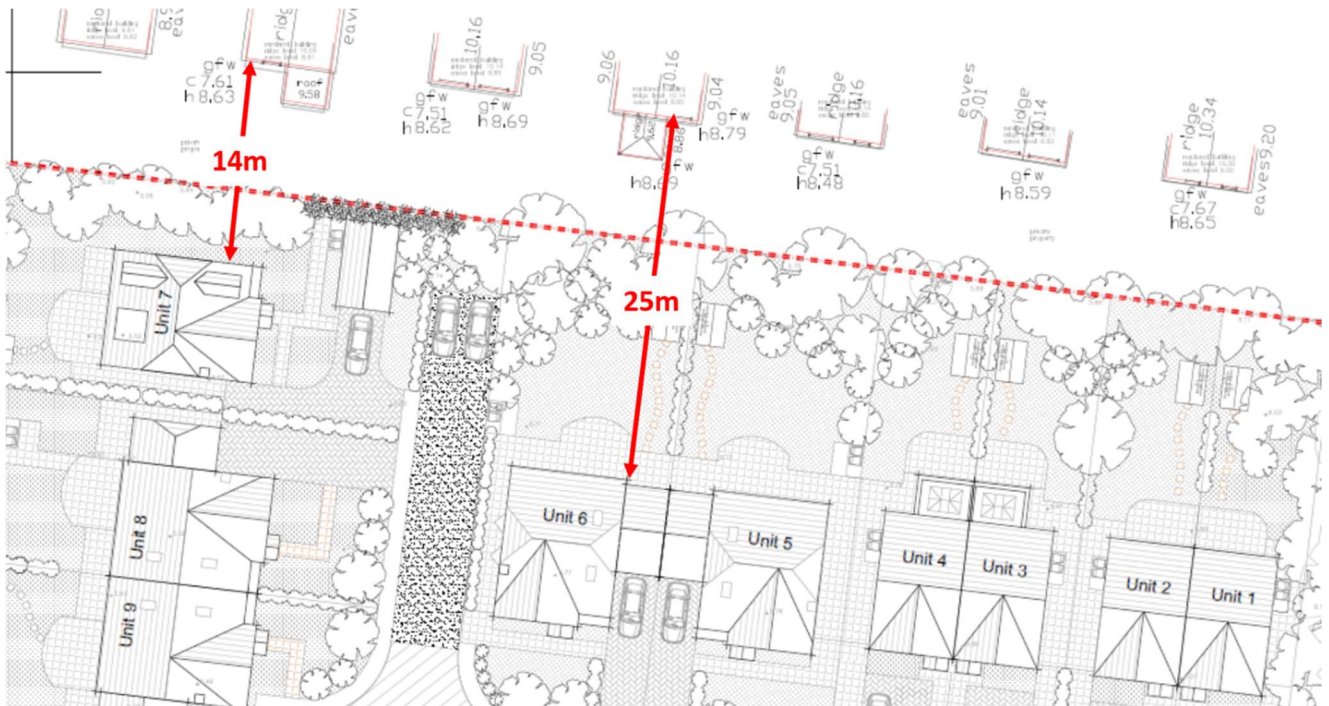
Plot Number	Unit Type	Internal Space	National Standard	Difference (+/-)
1 & 2	3 Bed, 5 Person, 2 Storey	102.38	93	+9
3 & 4	3 Bed, 5 Person, 2 Storey	111.90	93	+19
5 & 6	3 Bed, 5 Person, 2 Storey	153.76	93	+60
7	2 Bed, 4 Person, 2 Storey	126.67	79	+47
8 & 9	3 Bed, 5 Person, 2 Storey	153.76	93	+60

91. Each property has a private front and rear garden, off-street parking spaces and a private garage. Space is shown for a shed and patio area for each house indicating that there is sufficient space for the quiet enjoyment of the dwellings for family use.

92. The orientation of the houses and the substantial boundary landscaping will prevent any overlooking between the new dwellings or to and from the existing dwellings surrounding the site.
93. The standard of accommodation of the proposed dwellings is high and the residential amenity of future occupants is well protected.

Residential Neighbouring Amenity

94. As set out above, this application submission has been informed by consultation with the local community via presentations to the Pagham Parish Council and ongoing liaison with immediate neighbours.
95. The design of the site has been amended (before submission of the formal planning application) to minimise impacts on the residents of the Mill Farm site to the north.
96. In particular, Unit 7 in the north-west corner nearest to the mutual boundary has been reduced from a two-storey house to a bungalow and Unit 5 has been moved away from the mutual boundary altogether. A thicker vegetative boundary has been proposed to form a 5m visual screen around the entire boundary.
97. The closest neighbouring relationship is extracted in the plan below:



98. To the west of the site, there are further mobile homes within another part of the Mill Farm site but these are some 40m from the nearest proposed new building.
99. To the east is the rear service area of the Inglenook Hotel including the car park, garden area and staff living quarters. Given the distance between these uses and substantial trees and hedges in between, no perceptible impacts would be felt.

100. To the south, the newly constructed Orchard Homes site shares a mutual boundary; the application scheme has been designed to assimilate with its southern neighbour and avoid any mutual overlooking through the orientation of its dwellings.

Highways Safety and Access

101. Access would be gained through the existing hotel access point at the south east corner of the site adjoining Pagham Road. Alterations to the access route into the site are proposed and these are detailed in the submitted Transport Statement. The access itself would be reformed to accommodate the type and frequency of vehicle movements associated with the development proposal. The highway works associated with the adjacent development to the south would mean the crossover is straightened to follow the new kerb line and slightly lengthened to 7.7m; this is shown on Drawing 2017/3763/001 within the Transport Statement. Existing fencing and shrubbery would be removed to provide a widened access point from 3.5m to 5.3m wide and a modern extension to the hotel building would be removed (permission is sought under a separate application for this). The access geometries allow two cars to concurrently pass at the junction and can accommodate large refuse and delivery vehicle movements through the access as shown in Drawing 2017/3763/002 within the Transport Statement.
102. The access's geometries allow cars to concurrently pass at the junction and can accommodate large refuse vehicle movements through the access. The access has been subject to a vehicle swept path analysis to demonstrate this.
103. Visibility from the access achieves the necessary sight lines in both the primary and secondary directions in accordance with the Manual for Streets guidance. Details of this layout as well as traffic control measures are set out in the submitted Transport Statement.
104. The proposed development's parking provision would be provided in line with both WSCC's Residential Parking Demand Calculator tool.

Landscape Character and Visual Impact

105. The accompanying Design and Access Statement provides a full analysis of the Landscape and Built Environment Character of the site and surrounding areas, which is summarised for planning purposes in this Planning Statement.
106. Where the presumption in favour of sustainable development is triggered the NPPF paragraph 11(d)(ii) sets a final test that permission be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The presumption in favour of sustainable development therefore must be weighed against the desire to protect the intrinsic character and beauty of the countryside.
107. The application site will cause no harm in this respect due to the design of the proposal and the existing character of this area. Before considering any harm, it must be established what constitutes the existing character of the site and area.
108. The site is surrounded on all sides by residential development. The site itself is laid to grass and mown regularly to support its function as an overspill car park for the Inglenook Hotel. It has no agricultural use and has not had for many years. It is privately owned and has no rights of way across it. It is therefore ostensibly land-locked between existing development and has an urban character.

- I 09. The application site does not therefore have the character of open countryside or isolated rural land consistent with the high-quality landscape areas found further out from the settlement boundary that the Local Plan seeks to protect. It is not part of the broader open spaces that are found around the periphery of the wider settlement edge where development is more sporadic and isolated and the difference between the built fabric and the wider countryside is more apparent.
- I 10. The Built-up Area Boundary as shown on the Arun Local Plan Policies Map follows the south and eastern boundaries of the site but unusually excludes the site itself and the Mill Farm Estate to the north.
- I 11. The application site does not have any special qualities relating to the countryside and is not visible from the wider countryside area by virtue of being surrounded on all sides by buildings and boundary screening. Whilst the development of this site would result in the loss of openness and a change in the character of the land itself, this limited impact would be experienced almost entirely out of sight of the public realm and must be weighed against the economic and social benefits that housing development brings. Therefore, although there would be some loss of openness within the site itself, the level of harm to the character and appearance of the settlement edge and indeed wider countryside would be negligible and should carry minimal weight in the planning balance against the benefits of development.

Local Plan Policy OSR DMI Open Space

- I 12. On-site private amenity space is provided for all new dwellings including front and rear gardens. As a small scheme with sufficient private amenity space, no on-site open space is required
- I 13. Should the local planning authority require a The Parish Council has indicated a preference for a contribution to off-site play equipment (rather than providing new play space on-site) so this is offered in the Draft S106 planning obligation in compliance with Policy OSR DMI.

Local Plan Policy T DMI Sustainable Travel and Public Rights of Way

- I 14. The submitted Transport Statement contains detailed information relating to pedestrian and cycle trip data and standards.
- I 15. Policy T DMI sets four criteria for new development. The site is closely related to services and facilities including a large Tesco Express convenience store 50m south of the site entrance along with bus stops for services 60, C4, 660 and 904. There are also numerous pubs, cafes, hair salons and other community facilities within easy walking distance of the site. This demonstrates the compliance of the site with Criterion (a) of Policy T DMI.
- I 16. Criterion (b) is not applicable as the site is of a scale too small to contribute to the extension of the public transport network and there are buses in easy walking distance.
- I 17. In compliance with Criteria (c), secure, sheltered cycle storage is provided on-site for each dwelling in the form of a private garden shed to the rear of the houses.
- I 18. Criterion (d) is met as the site is connected to the existing footpath along Pagham Road.
- I 19. The local planning authority should notify the applicant at the earliest opportunity if it considers any contribution to sustainable travel measures is required and justify this request in light of the CIL Regulations.

120. Highway safety, convenience and parking matters are controlled by Local Plan Policy T SPI. Alterations to the existing access are proposed in line with Pre-application Advice sought from West Sussex County Council (PRE-038-17) to create a safe and convenience access. Cycle parking would be provided in accordance with WSCC's residential cycle parking standards.

Local Plan Policy INF SPI Infrastructure provision and implementation

121. Policy INF SPI does not specify any relevant infrastructure projects or associated costs. The Arun Infrastructure Delivery Plan provides only generic references to local infrastructure requirements and only identifies general categories with no evidence of costs. It is not possible to determine from this policy what contributions are due or the legality of any request for funding in light of the CIL Regulations.
122. The local planning authority should notify the applicant at the earliest opportunity if it considers any contribution to local infrastructure is required and justify this request in light of the CIL Regulations.

Biodiversity

123. This application is supported by a Preliminary Ecological Appraisal (PEA) and Bat Building Assessment and Reptile Survey which should be consulted for details.
124. Development should avoid impacts on protected species and deliver mitigation or compensation where necessary as controlled by Local Plan Policy ENV DM5.
125. The habitats within the site boundary comprised improved grassland, dense-continuous scrub, hardstanding, bare ground, a building, an intact species-poor hedgerow, scattered broadleaved and coniferous trees, and ornamental planting.
126. The results of the PEA concluded that the shed/stable block had negligible suitability for roosting bats, due to the lack of suitable features to support roosting bats. No further surveys are considered necessary except for reptiles, which was undertaken as submitted. The reptile surveys did not record any reptiles on site. Therefore, it is considered that the proposed development is unlikely be constrained by the presence of reptiles and the development is unlikely to impact local reptile populations.
127. Section 6 of the PEA includes recommendations for mitigation and biodiversity enhancements which the local planning authority is invited to secure by condition.

Impact on Trees

128. The site is covered by a 'blanket tree preservation order' reference TPO/P/2/15.
129. This application is supported by an Arboricultural Report and Tree Survey which should be consulted for all details.

Flood Risk and Drainage

130. This application is supported by a Flood Risk Assessment which should be consulted for further details.
131. The site lies within Flood Zone 1 where there is a low or negligible risk of flooding.

Pagham Harbour SPA / Ramsar Site

- I 32. Pagham Harbour is a Site of Special Scientific Interest (SSSI) and a Special Protection Area (SPA) under the EC Wild Birds Directive and is a Ramsar site.
- I 33. Local Plan Policy ENV DM2 requires residential development within 400m to 5km of Pagham Harbour to make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £1,275 per new dwelling was agreed by Cabinet on 20 July 2015.
- I 34. The applicant is agreeable to this contribution which will be secured through a section 106 agreement or Unilateral Undertaking.
- I 35. The proposed scheme also includes private gardens for all dwellings which will assist in diverting people and pets away from the Pagham Harbour area.

Summary

- I 36. The LPA cannot demonstrate a five-year supply of deliverable housing land and so the application should be assessed on the tilted balance of material considerations and approved without delay to boost the provision of housing in Arun District which suffers from a chronic and long-standing shortfall in supply. The site will contribute a much-needed nine new houses to the District.
- I 37. The application site is sustainably located in relation to services and facilities and is surrounded on all sides by existing residential development. It is unconstrained and available for development now.
- I 38. The site is identified as 'Deliverable' in the Council's 2018 HELAA and would satisfy most of the District Council's requirement for an additional 10 dwellings in Pagham – otherwise to be allocated unilaterally on a greenfield site in the parish through the Non-Strategic Sites DPD as early as June 2019.
- I 39. The submitted evidence including Flood Risk Assessment, Ecological Surveys and Transport Statement confirm safe access and egress can be made by residents and service vehicles and no protected species will be affected.
- I 40. The applicant has engaged with the Parish Council and local community and has taken their views on board in the design of the layout plan; the Council is requested to approve this application without delay.

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APPENDIX I - LPA Five Year Supply Error

LPA Stated 5 Year Supply Position

- I. The LPA's latest five-year supply calculation is based on the Housing Implementation Strategy Update at Appendix 3, Table 2 of that document (extracted below).

Table 2
Update to Table 9 of HIS - 5 year Housing Land Supply with the latest data for 2017 - Commitments, NP Allocations and HELAA sites all include a 10% slippage reduction

LP requirement 2017-2022 (930 x 4 + 1310 + 306 Shortfall)	5336
20% Buffer	1067
Total Requirement 2017-2022	6403
Commitments (Large Sites)	2256
Small Site Commitments	251
Windfalls	163
Made NP sites (from HELAA	320
Deliverable HELAA Sites within BUAB	207
Strategic Site/DPD Allocations	3565
Total Supply*	6762
Supply in years	5.3

2. It can be seen in the first line that the Local Plan requirement 2017-2022 is shown as 5,336 based on a stated calculation of "(930 x 4 + 1310 + 306 Shortfall)". This represents the first five-year requirement, notwithstanding that this was based in April 2017 which is more than a year out of date today.
 - a. '930 x 4' represents the requirement for the first four years of the stepped trajectory from 2017/18 – 2020/21.
 - b. '1310' represents one year of the stepped trajectory from 2020/21 – 2021/22.
 - c. '306 Shortfall' represents the deficit in supply against the past requirement from 2011/12 – 2016/17.
3. This requirement figure clearly relied upon an annualised figure of '930' for the first four years but should in fact have been 1,120, which rendered the five-year housing requirement incorrect.

Erroneous use of 930 dpa as annualised requirement

4. The '930' annualised requirement figure originated from the March 2017 Proposed Modifications Local Plan and was also used in the Housing Implementation Strategy April 2017 and its Update in September 2017 which formed the basis of LPA's five year supply calculation as extracted above. The March 2017 Proposed Modifications Local Plan policy wording is extracted below for ease of reference.

Policy H SP1 Housing Allocation Within the plan period 2011 – 2031 the Council will provide for 20,000 new homes through the Local Plan. The phased housing requirements and future supply for the District are as follows:					
<i>Requirements for net additional homes</i>	2011-15	2016-20	2021-25	2026-31	2011-31
Dwellings per annum	610	930*	1,310	960	
Total	3,050	5,600	6,550	4,800	20,000

Table 12.2

*this is a 6 year target to allow for the 5 year housing land supply calculation

Additional allocations for small sites will be made across the District through emerging Neighbourhood Plans or reviews of made Neighbourhood Plans. If necessary, the Council will commence the production of a Small Sites Development Plan Document three years after the adoption of the Local Plan in order to allocate additional small sites in order to meet the requirements of the Plan.

Proposed Modification Local Plan March 2017

5. The five year requirement for '2016-20' (sic)(it should in fact have read '2016-21' and was corrected in later versions) was 5,600 houses. The 930 figure shown in the dwellings-per-annum row includes an asterisk with footnote: " *a 6 year target to allow for the 5 year housing land supply calculation". The true annualised figure for this five year period would have been $5,600/5=1,120$.
6. The LPA's Post-Hearing Main Modifications 2017 Schedule at 'MM 25' confirmed the deletion of this '6 year supply' reference in Policy H SP1: Table 12.2 as shown below.

Delete the footnote under Table 12.2 which refers to a 6 year period:-

~~"*this is a 6 year target to allow for the 5 year housing land supply calculation"~~

Local Plan Inspector's Report Main Modification MM25

7. In the final version of the Local Plan, the LPA deleted the footnote but failed to amend the 930 figure to 1,120 accordingly, or remove the asterisk. The LPA also failed to replace the 930 figure in its five year supply calculations in the Housing Implementation Strategy Update (which post-dated the Main Modifications document) with the corrected 1,120.
8. The 930 figure was therefore erroneously included in the adopted Local Plan, published online in July 2018 (extracted below for ease of reference) and continued to be relied upon in its five year supply calculation.

Policy H SP1					
The Housing Requirement					
Within the plan period 2011 – 2031 at least 20,000 new homes will be accommodated in the District.					
Delivery will be phased over the Plan period as follows:					
<i>Requirements for net additional homes</i>	<u>2011/12-2015/16</u>	<u>2016/17-2021/21</u>	<u>2021/22-25/26</u>	<u>2026/27-2030/31</u>	<u>2011/12-2030/31</u>
Dwellings per annum	610	930*	1,310	960	
Total	3,050	5,600	6,550	4,800	20,000

Table 12.2

Adopted Local Plan – July 2018 version in force at date of application decision

9. The error is clear in the July 2018 version of the adopted Local Plan as the asterisk is still in place at '930*' with no footnote relating to it, and the total dwellings per annum of that 5 year period is 5,600, yet $5,600/5=1,120$.
10. The Arun Local Plan and the LPA's five year supply calculator still rely on the 930 figure (not the corrected 1,120 figure) to generate the latest published 5.3-year supply which clearly incorporates an erroneous statistic.

Consequence of using erroneous 930 annualised requirement figure

11. The consequence of using 930 as the annualised requirement for the stepped Trajectory years 2016/17 to 2020/21 is that the overall requirement from this period is 4,650 (930×5), lower than the actual requirement of 5,600. Using a lower requirement figure artificially improves the LPA's housing supply position when tested against that requirement.

12. The nature of a 'stepped trajectory' requires the Local Plan housing supply calculator to use annualised requirement figures for individual years (i.e. 930) rather than sum-totals for five-year periods (i.e. 5,600) which are more common in traditional trajectories. Because of this, the erroneous individual year requirement (930) has been used repeatedly rather than the correct period total (5,600). This error will persist in all future and past requirement calculations until the annualised figure is corrected through a revised Local Plan housing supply calculator.
13. The LPA's actual housing supply calculator is replicated (below left) alongside a corrected calculator with the accurate requirement figure (below right) for comparison.

Requirement 2017-2022 (930 x 4 + 1310 + 306 shortfall)	5336
20% Buffer	1067.2
Total Requirement	6403.2
Commitments (Large sites)	2256
Small Site Commitments	251
Windfalls	163
Made NP sites (from HELAA)	320
Deliverable HELAA sites within BUAB	207
Strategic Site/DPD Allocations	3565
Total Supply	6762
Supply in Years	5.3

Using erroneous 930-dpa figure

Requirement 2017-2022 (1120 x 4 + 1310 + 306 shortfall)	6096
20% Buffer	1219.2
Total Requirement	7315.2
Commitments (Large sites)	2256
Small Site Commitments	251
Windfalls	163
Made NP sites (from HELAA)	320
Deliverable HELAA sites within BUAB	207
Strategic Site/DPD Allocations	3565
Total Supply	6762
Supply in Years	4.6

Using correct 1120-dpa figure

14. Correcting this figure, the Council by its own calculations has a 4.6-year supply (notwithstanding further errors addressed in the above Statement). For example, the *shortfall* will consequently be higher because the requirement for 2016/17 should have been 1,120 instead of 930, raising the 360 shortfall figure to 550 leading to a 4.4 year supply etc.

LPA Acknowledgement of Error

15. The LPA has not publicly acknowledged this error nor amended its five year supply calculator nor corrected its five year housing land supply position.
16. However, at some point since August 2018, the LPA updated its Local Plan online to a newer version which includes the corrected annualised requirement figure of 1,120 (extracted below for ease of reference). This proves that the LPA is aware of the error however it has not acted to correct its housing land supply calculator which remains incorrect.

Policy H SP1

The Housing Requirement

Within the plan period 2011 – 2031 at least 20,000 new homes will be accommodated in the District.

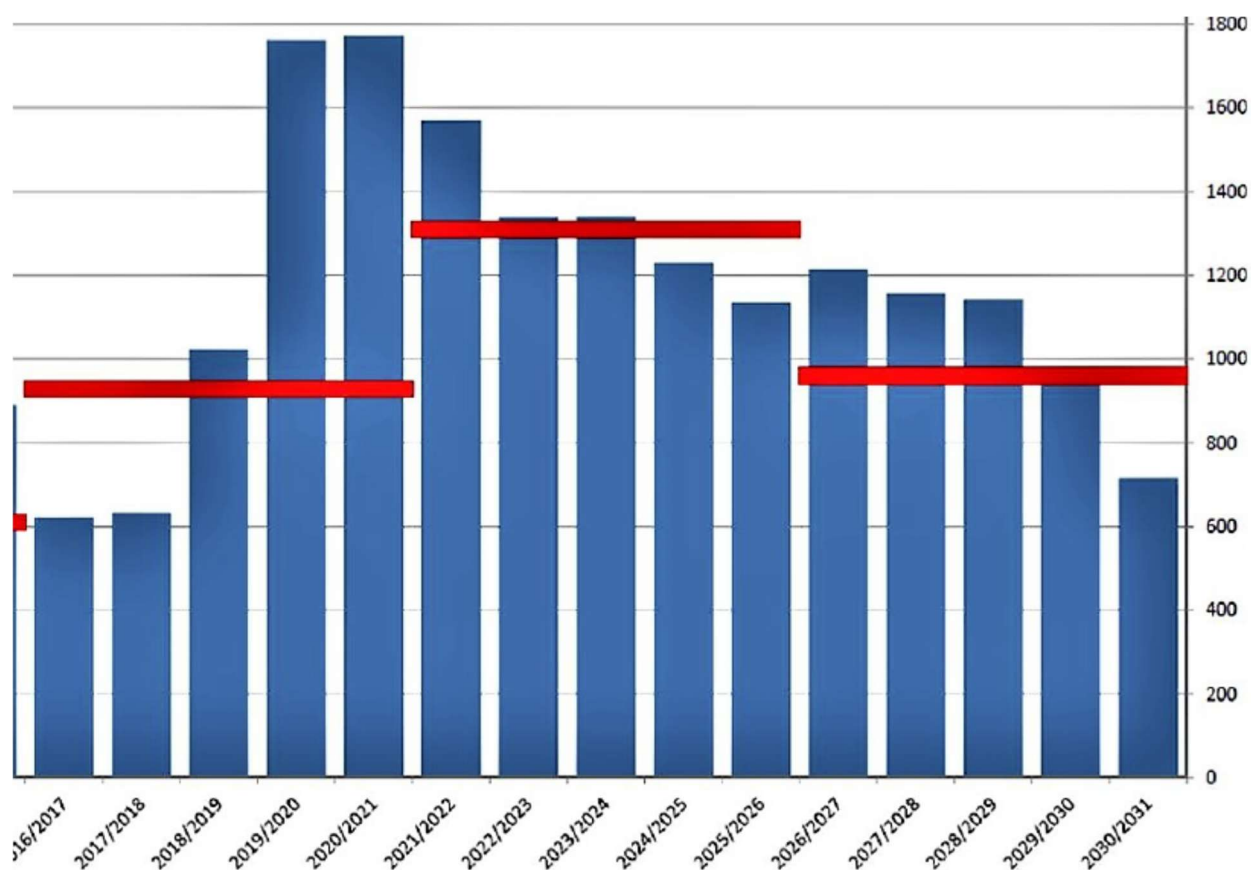
Delivery will be phased over the Plan period as follows:

<i>Requirements for net additional homes</i>	2011/12-2015/16	2016/17-2020/21	2021/22-2025/26	2026/27-2030/31	2011/12-2030/31
Dwellings per annum	610	1,120	1,310	960	
Total	3,050	5,600	6,550	4,800	20,000

Table 12.2

Adopted Local Plan – corrected version, date published online unknown (post-August 2018)

17. It should be noted that the graphical Trajectory at Picture 12.1 of the Local Plan is still incorrect, showing the average requirement for 2016 to 2021 by way of a 'red bar' at 930 dpa:



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