

Planning and Affordable Housing Statement

Land East of Wandleys Lane, Fontwell

October 2017



ECE Planning

Project Name: Land East of Wandleys Lane

Location: Land East of Wandleys Lane, Fontwell

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1. Introduction

1.1. This Planning and Affordable Housing Statement has been prepared by ECE Planning Ltd on behalf of Welbeck Strategic Land II LLP in support of an '*Outline Planning Application for up to 157 No. residential dwellings including 30% affordable, all matters to be reserved apart from access*' on Land East of Wandleys Lane, Fontwell, West Sussex.

1.2. This application should be considered with regard to the following list of submitted documents:

Arboricultural Survey

Arboricultural Impact Assessment

Arboricultural Method Statement

Archaeological Desk Based Assessment

Built Heritage Statement

Application Forms

Biodiversity Checklist

Design and Access Statement

Preliminary Ecological Appraisal

Ecological Surveys

Flood Risk Assessment & Surface Water Drainage Statement

Foul Drainage Assessment (including a Lidsey Foul Water – Environmental Assessment Statement)

Landscape Character and Visual Impact Assessment (LVIA)

Illustrative Landscape Masterplan

Local Validation Requirements Checklist

Location Plan

Block Plan

Indicative Site Layout

Indicative Site Sections

Street Scenes

Planning Notices

Planning Statement (including Affordable Housing Statement)

Statement of Community Involvement

Transport Assessment and Framework Travel Plan (including a Parking Plan)

1.3. The development proposal has been fully informed by relevant National and local planning policy guidance, and should be considered in the context of the presumption in favour of sustainable development.

2. The Site

- 2.1. The proposed development site comprises 6.98 hectares of pasture land, immediately east of Wandleys Lane, Fontwell within Arun District.
- 2.2. The site is bounded by residential development to the east, north and west; and to the south is an area of ancient woodland and residential development beyond.

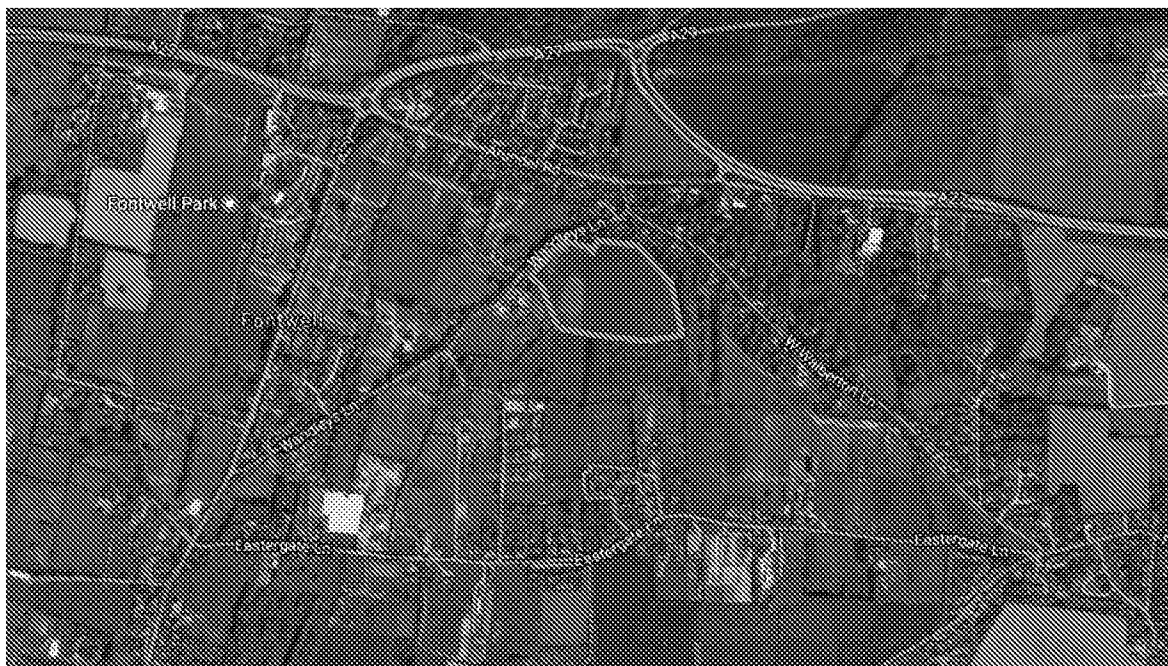


Figure 1 - Site Location

- 2.3. The site is within close proximity to the centre of Fontwell, which is identified as a settlement suitable to accommodate growth over the emerging Arun District Council Local Plan period.
- 2.4. All services and facilities provided within the village are accessible from the site without the reliance on the use of a car. These include two restaurants, a public house, a garage and shop serving day to day needs, and the nearby Fontwell Racecourse.
- 2.5. The site is also within walking distance to four bus stops along Arundel Road to the north with the closest of the four bus stops approximately 275m from site and the furthest of the four bus stops approximately 650m from site. These bus stops provide regular services to neighbouring settlements which demonstrates the sustainability of the locality.
- 2.6. The nearest train station to the site is Barnham Train Station which provides regular, direct links to London, Portsmouth, Brighton and numerous other settlements in the South-East. Barnham Station is located approximately 2.3 km to the south and can be accessed from the site by bicycle.
- 2.7. Fontwell village is bounded to the north by the A27 which offers excellent east-west connectivity to Worthing and Brighton in the east and Chichester and Portsmouth in the west.
- 2.8. The site is located within walking distance (1 mile or 20 minutes) and cycling distance (1 mile or 4 minutes) from Eastergate roundabout (junction of the A29 Fontwell Avenue and the B2233 Barnham Road) and which includes a post office and convenience store and a range of additional community facilities at Westergate and Aldingbourne.

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- 2.9. The Figure below demonstrates the lack of physical constraints on site, which largely comprises a vast expanse of pasture land, with the exception of a small area of hardstanding and outbuildings in the north-western corner. The hardstanding area also accommodates a group of small derelict building and storage containers.
- 2.10. The site is considered suitable to accommodate new residential development, contribute to the achievement of sustainable communities and help alleviate the significant demand within Arun District for new homes.



Figure 2 - The Site

- 2.11. The site is located in Flood Zone 1, as defined by the Environment Agency, which is recognised as having the lowest risk of flooding.
- 2.12. There are no on-site planning policy designations or physical constraints which would constrain residential development on the land.
- 2.13. The close proximity between the proposed development site and the proposed Strategic Allocation east of Fontwell Avenue (site allocation SD6 in the Arun Local Plan Main Modifications document (2017) and known as the 'Dandara' site) is demonstrated on the Figure below. On the delivery of this mixed-use strategic site, the proposed development site would immediately adjoin its future built-up area.

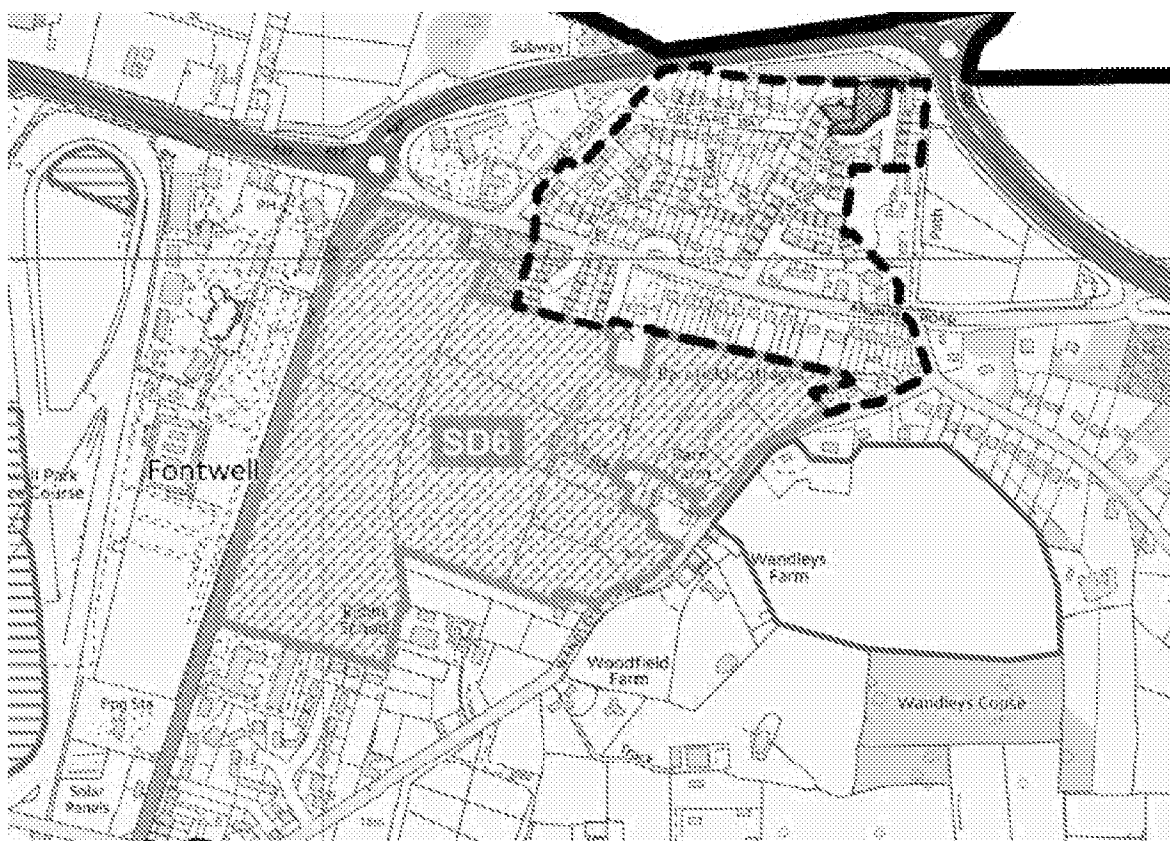


Figure 2 - The Application Site in relation to the Strategic Allocation - 'Fontwell' (Site 6)

- 2.14. The implementation of this mixed-use development is proposed by Arun District Council in the emerging Local Plan and is considered to enhance the sustainability of the village, with up to 400 additional homes, 5,000sqm of new employment land, other non-residential floorspace (A1, A2, A3, D1 and/or D2) a community sports pitch, new play areas and various other public benefits. These additional services and facilities which this Strategic site would provide would all be within walking distance from the application site.
- 2.15. The proposed Masterplan for the Dandara strategic site is shown in Figure 4 below. The site was recently granted planning permission by the Secretary of State on 13 July 2017 following call-in by him on 20 January 2016 (WA/22/15/OUT). The decision notice states at paragraph 49 that,

'The Secretary of State considers that this application would: make a substantial contribution to housing and affordable housing in the district; make a valuable contribution to the local economy; boost the sustainability of Fontwell and give the local community a substantial area of public open space. These are benefits to which the Secretary of State attaches significant weight to in the planning balance.'



Figure 4 - Proposed Masterplan of the Fontwell Strategic Site

- 2.16. The development proposed via this planning application represents a natural extension of Fontwell to provide up to 157 dwellings (including 48 affordable units) in the short term, on a suitable, available and unconstrained site. The proposal will make a valuable contribution to affordable and market housing delivery in the short term in a sustainable location with a range of additional benefits including provision of formal and informal open space, access and environmental improvements.

3. The Proposal

- 3.1. This development proposal seeks outline planning permission for up to 157 no. residential dwellings (including 30% affordable units) with associated landscaping and infrastructure, all matters to be reserved apart from access, on Land East of Wandleys Lane, Fontwell, West Sussex.



Figure 5 - Indicative Site Layout

- 3.2. The indicative proposed quantum of development is summarised in the table below:

<u>Residential Accommodation Schedule</u>	
<u>Open Market Provision - 109 Dwellings</u>	
10x	1-bed flats
43x	2-bed houses
42x	3-bed houses
14x	4-bed houses
Car Parking	1 space per 1-bedroom flat 2 spaces per 2 bedroom dwellings 2 spaces & garage per 3 & 4 bedroom dwellings
<u>Affordable Provision - 48 Dwellings (30%)</u>	
15x	1-bed flats
4x	2-bed flats
15x	2-bed houses
10x	3-bed houses
4x	4-bed houses
Car Parking	1 space per 1-bedroom flat 2 spaces per 2, 3 & 4 bedroom dwellings
Total	157 Dwellings
Car Parking	46 visitors spaces throughout site
Cycle Parking	2 spaces per house in rear garden stores or garages
//////////	Gross Site Area 8.98Ha

Figure 6 - Indicative Proposed Quantum of Development

- 3.3. As shown within Figure 6, the indicative scheme seeks to provide 48 affordable dwellings which equates to 30% of the dwellings on site. This scheme proposal would therefore be compliant with Policy AH SP2 of the Arun Local Plan 2011-2031 Main Modifications (2017) and has been set out in line with advice from the Council's Housing Project Manager.
- 3.4. While this is an outline application and the layout is currently indicative, the development will be comprised of predominantly detached and semi-detached dwellings to ensure the proposal respects the prevailing semi-rural character of the area, although there will be a number of flats to provide an appropriate mix of dwellings to suit a range of needs.
- 3.5. The main vehicular and pedestrian accesses are proposed from Wandleys Lane. As shown in the Indicative Site Layout and within the submitted Transport Assessment, the application proposes improvements to the northern section of Wandleys Lane comprising the widening of the carriageway to 6 metres and the addition of a 1.8m wide footpath to promote walking and cycling from the site and thereby further improve its sustainability.
- 3.6. A footpath/cycleway is also proposed along the northern part of the site and this has been designed to allow access towards the proposed footpath/cycleway at the adjacent Dandara development (direction of Fontwell Avenue) or to allow access onto the new pedestrian walkway along Wandleys Lane.
- 3.7. The vast majority of boundary vegetation will be retained, except where the new access is proposed, and significant new planting and ecological enhancements will be provided on the site. Please see section 6 for more information.
- 3.8. The proposed development will provide 391 car parking spaces, 46 of which will be visitor spaces, and 314 cycle parking spaces.

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- 3.9. The indicative scheme seeks a total of 21,220sqm of Public Open Space comprised of the following:
- A large central open space area surrounded by residential development which will contain a Local Equipped Area of Play (LEAP) and a Local Area of Play (LAP);
 - Open amenity areas within the central open space and southern areas of open space which act as attenuation basin at times of heavy rainfall;
 - An area at the north of the site including a footpath/cycleway (connecting to the footpath/cycleway at Strategic Allocation SD6) which acts as a buffer between the proposed new development and existing residential development to the north; and
 - A large swathe of open space along the south/south west boundary, part of which acts as a buffer between the proposed development and Wandley's Copse, an area of Ancient Woodland to the south of the site. This area will also contain a Local Area of Play (LAP), located away from the Ancient Woodland buffer.
- 3.10. Public consultation has been carried out with an open event having been carried out on Tuesday 4 July 2017 at Fontwell Park Racecourse. The process is fully set out within the submitted ***Statement of Community Involvement (SCI)***.
- 3.11. In order to provide a means for the community to access information about the proposed development a consultation website was set-up: <http://www.wandleyslaneconsultation.co.uk/>

4. Planning History

- 4.1. In terms of relevant planning history to this application the most pertinent are:
- 4.2. **Land East of Fontwell Avenue (WA/22/15/OUT).** Outline planning application for up to 400 additional homes, 5,000sqm of new employment land, other non-residential floorspace (A1, A2, A3, D1 and/or D2) a community sports pitch, new play areas and various other public benefits. The site was recently granted planning permission by the Secretary of State on 13 July 2017 following call-in by him on 20 January 2016.
- 4.3. The site relates proposed Strategic Allocation east of Fontwell Avenue (site allocation SD6 in the Arun Local Plan Main Modifications document (2017) and is known as the 'Dandara' site). Following a resolution to grant planning permission by Arun District Council the site was called-in by the Secretary of State on 20 January 2016.
- 4.4. In summary the Secretary of State found that the scheme would not compromise the plan making process in relation to the emerging Arun Local Plan or the Walberton Neighbourhood Plan. He found that in the absence of a 5 year supply of deliverable housing sites, paragraph 14 of the Framework would be engaged and that as the Council cannot demonstrate a 3 year housing supply, the Written Ministerial Statement on Neighbourhood Planning does not apply. Paragraphs 47 and 48 of the written decision clarify that,

'Given the significant shortfall, the Secretary of State considers that only limited weight can be attached to the conflict with ALP Policies GEN 2 and GEN 3 and WNDP Policy HP 1. Given the significant shortfall in the HLS position and the fact that the spatial strategy of the eALP is likely to be subject to major change, to service an OAN that has almost doubled in the last 3 years, the Secretary of State considers the relevant policies within the publication version of the eALP should be given little weight.'

48. The Secretary of State considers that little weight should be attached to the potential for this application to undermine the plan making process for the reasons set out above.'

- 4.5. **Barnfield House, Arundel Road, Fontwell, Walberton (WA/23/17/OUT).** Outline application with all matters reserved for residential development comprising of 22 No. dwellings involving demolition of Barnfield House & existing outbuildings. Minded to grant planning permission by Arun District Council 20 September 2017 subject to S106 agreement. The Council are currently directed not to grant permission without specific authorisation from the Secretary of State (written direction 22 September 2017).
- 4.6. **Land East of Tye Lane, Walberton (WA/44/17/OUT).** Outline application with some matters reserved for up to 175 dwellings, new vehicular access, together with associated car parking, landscaping & community facilities to include allotments, play space & community orchard. Minded to grant planning permission by Arun District Council 20 September 2017 subject to S106 agreement. The Council are currently directed not to grant permission without specific authorisation from the Secretary of State (written direction 22 September 2017).
- 4.7. The Council resolved to grant the above applications on 20 September 2017 with the main findings being that:

- Arun District Council cannot demonstrate a 3 or 5 year supply of deliverable housing sites;

- Arun District Local Plan policies GEN2 and GEN3 and the intention of the Walberton Neighbourhood Plan to protect countryside (HP1 of WNP) are out of date and in accordance with paragraph 49 of the NPPF they carry limited weight;
- Paragraph 14 of the Framework is therefore engaged with significant weight in the planning balance given to the contribution to housing and affordable housing in the District and the achievement of sustainable development;
- The provisions of the Written Ministerial Statement on Neighbourhood Plans do not apply.

- 4.8. In terms of the application site a **Pre Application** submission was made to Arun District Council on 16 May 2017 and meeting held 8 August 2017 with the Area Team Leader. The Council's written response confirmed that the saved Policies GEN2 and GEN3 carry limited weight and that the Written Ministerial Statement would not apply in this case as the housing land supply is substantially less than 3 years. As a result policy HP1 of the Walberton Neighbourhood Plan is also out of date.
- 4.9. The Council confirmed that the presumption in favour of the grant of permission would be triggered where the benefits would be demonstrated to significantly and demonstrably outweigh the adverse effects of the development. In commenting on the balance the social and economic roles were accepted with some concerns raised in relation to the environmental role, particularly justification of visual effects on views and mitigation, the sustainability of the location in terms of car borne journeys and character. The planning application has addressed these issues in detail as presented through the Design & Access Statement, Landscape and Visual Impact Assessment and Transport Assessment.
- 4.10. In terms of **Transport Pre Application** work a detailed highways and transport scoping exercise was conducted with officers at West Sussex County Council (WSCC), as the Highway Authority for the local highway network, and Highways England (HE), the body that manages the strategic highway network (the A27 locally). The scoping exercise agreed the scope of, and parameters adopted, for the purposes of the Transport Assessment.

5. Policy Overview

5.1. Introduction

- 5.1.1. A key role of the planning system is to regulate the development and use of land in the public interest. At the heart of the planning framework are Statutory Development plans, which seek to guide the decision making process. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that where the Development Plan contains relevant policies, an application for planning permission shall be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

5.2. National Planning Policy Framework (NPPF)

- 5.2.1. The NPPF was adopted in 2012, and at its heart is the presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

- 5.2.2. Paragraphs 6 and 7 promote the three dimensions of sustainable development (economic, social and environmental) which should not be undertaken in isolation, and are mutually dependent. The planning system must adhere to these roles through:

- Economic Role – contributing to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth;
- Social Role – supporting strong, vibrant and healthy communities;
- Environmental Role – contributing to protecting and enhancing our natural, built and historic environment.

- 5.2.3. Paragraph 14 presents the presumption in favour of sustainable development, and confirms that *where the development plan is absent, silent or relevant policies are out-of-date, permission is to be granted unless:*

‘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.’

- 5.2.4. Paragraph 32 confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are ‘severe’.

- 5.2.5. Paragraph 47 seeks to boost significantly the supply of housing. The development proposal would provide up to 157 new high quality dwellings, including 48 affordable units, and therefore complies with this objective of the Framework to boost significantly the supply of housing.

- 5.2.6. Paragraph 49 confirms that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Arun District Council currently can only demonstrate a housing land supply of 1.92 years. Therefore, until the Council can demonstrate a five year housing land supply, the relevant policies for housing (including settlement boundaries) are to be considered out-of-date and development proposals should be considered in the context of the presumption in favour of sustainable development.

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- 5.2.7. In summary, it is strongly considered that the development proposal at Land East of Wandleys Lane fully accords with the objectives and guidance of the NPPF.

5.3. National Planning Practice Guidance (NPPG)

- 5.3.1. The National Planning Practice Guidance provides further interpretation and direction in relation to the policies held within the Framework, and reinforces the presumption in favour of sustainable development.

5.4. Arun Local Plan 2003

- 5.4.1. Arun District Local Plan was adopted in 2003 although policies for the supply of housing within are considered out of date and remaining policies weighted in line with compliance with national policy. Relevant policies include Policy GEN2 – ‘Built-up Area Boundary’; Policy GEN3 – ‘Protection of the Countryside’; Policy GEN5 – ‘Provision of New Residential Development’; and Policy GEN7 – ‘The Form of New Development’.
- 5.4.2. Policy DEV17 – ‘Affordable Housing’ (as amended) seeks a provision of new dwellings within schemes of 25 units or more to be affordable. The appropriate level and type of provision would be dependent upon identified local housing need.

5.5. Draft Arun Local Plan 2011-2031

- 5.5.1. The emerging Arun District Local Plan is at an advanced stage and has been subject to Examination during September 2017 with a written response awaited from the Planning Inspector. Therefore its policies are considered to carry some weight, albeit limited until the Planning Inspector has issued his findings.
- 5.5.2. The Housing Implementation Strategy (2017) which is proposed to be inserted within the Local Plan seeks to set out housing delivery over the Local Plan period. **Policy H SP1 (Housing Allocation)** seeks to provide 20,000 homes over the Plan period with **Policy H (SP2 (Strategic Site Allocations))** outlines the strategic site allocations within the District to deliver a large proportion of the housing needs over the Plan period.
- 5.5.3. The Council suggests that it can achieve development of 20,000 new homes through the delivery of strategic sites, HELAA sites within settlements, made Neighbourhood Plan allocations and windfall development over the period.
- 5.5.4. With regards to the five year housing land supply however, the Housing Implementation Strategy notes:

‘The Council consider that 5,622 dwellings could be delivered in the period 2016 – 2021. Whilst this number is not sufficient to meet the 5 year housing land requirements under either the Sedgefield or Liverpool methodologies, it is a figure that would result in an average of 1,124 dwellings per year being delivered.’

- 5.5.5. Even over the emerging plan period the Council would be unable to meet the 5 year housing land supply (as emphasised above). It is clear that sites are needed in the short term to boost housing supply in line with the National Planning Policy Framework.
- 5.5.6. The number of housing completions required in the first five years of the plan period (using the so called Sedgefield Approach to frontloading the shortfall in housing delivery from previous years over the first five years of the trajectory) is set out below (taken from the Housing Implementation Strategy):

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- 5.5.7. Using the Sedgfield methodology with a 20% buffer, a 5 year requirement of 7,372 results in an annualised requirement of 1,474 dwellings in Arun District in order to meet the OAN of the District. It is our view that this figure should be considered as the valid five year housing land supply for the emerging Local Plan as well for determination of planning applications.
- 5.5.8. The Housing Implementation Strategy and Local Plan however sets out a stepped housing trajectory whereby a much lower level of delivery of 4,650 new dwellings (or 930 new dwellings per annum) is proposed in the first five years with a higher level proposed in years 2021 – 26 (1,310 per annum) and a lower amount again at the end of the period (960 per annum). The implementation strategy notes:
- ‘...a stepped approach to housing requirements will be implemented to reflect the fact that housing supply in short term cannot deliver sufficient numbers. Due to constraints identified, some Strategic Site Allocations are unable to deliver for a number of years. Further, the nature of the housing supply and the constraints that exist in the District mean that there are anticipated to be significant peaks in delivery in the middle period of the Plan.’*
- 5.5.9. Clearly this approach is not in-line with either the Sedgfield or Liverpool method and, as such, the full five year housing land supply of 7,372 new homes (or indeed the Council’s five year housing figure of 5,622 dwellings) would not be delivered over this period.
- 5.5.10. The approach proposed would be contrary to the requirements and general thrust of the Framework. In this regard, paragraph 47 of the Framework is clear:
- ‘local planning authorities should:*
- ‘identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;’*
- 5.5.11. The applicants recently made representations at the Arun Local Plan examination in Public (EiP) during the consultation period and at the EIP in September 2017, promoting the land East of Wandleys Lane for inclusion as a housing allocation independently or as an addition to the Strategic Allocation SD6: Fontwell site. It is considered that as currently drafted, the Arun Local Plan fails to front-load housing delivery and is reliant upon large scale strategic sites and interim unallocated sites within the HELAA (plus Neighbourhood Plan allocations and a ‘Small Sites’ DPD to be produced later in the Plan period) with inadequate recognition of the role that smaller scale strategic sites (such as the Land East of Wandleys Lane) either in isolation or as an addition to the Strategic Allocation SD6: Fontwell could bring to delivery of housing in the short term.
- 5.5.12. Strategic Allocation SD6 in Fontwell is immediately adjacent to the application site and has recently been granted planning permission for the delivery of 400 dwellings, 5,000sqm of employment floorspace, non-residential floorspace (A1, A2, A3, D1 and/or D2) as well as formal open space and play areas.

- 5.5.13. This strategic allocation demonstrates that the Council consider Fontwell to be a settlement capable of accommodating a significant number of new dwellings over the Plan period and in previous drafts of the Local Plan a greater figure of approximately 500-900 dwellings had been considered (and scored quite positively in the Sustainability Appraisal). On this basis, it is considered that the application site would be suitable to provide additional housing.
- 5.5.14. Furthermore, the perimeters of the strategic site (known as 'SD6' or the 'Dandara' site) indicate the future settlement boundary of Fontwell. The application site is suitably located opposite the strategic site and therefore the proposed scheme would represent a natural extension of Fontwell.
- 5.5.15. The Council contended at the EiP that it is the nature of the housing land supply which restricts delivery in the earlier part of the plan. However, housing land supply is severely restricted by the Council's own approach to allocating housing. The Council should take a more positive approach to smaller and medium sized strategic sites outside of settlement boundaries and allocated for such sites within the Local Plan, which could allow them to adequately meet the five year housing land supply requirement in the earlier part of the plan period. On this basis, it is considered that the application site would be suitable to provide immediate housing but also for inclusion within the Arun Local Plan as an additional housing allocation for housing delivery at Fontwell.
- 5.5.16. Additional relevant policies within the emerging Plan include **Policy AH SP2 (Affordable housing)** which requires a 30% provision of affordable housing and this development proposal includes the provision of 48 affordable units (which equals 30%) and therefore fully accords with this policy objective.
- 5.5.17. **Policy W DM3 (Sustainable Urban Drainage Systems)** confirms that all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development, at an early stage of the design process.
- 5.5.18. **Policy D SP1 (Design)** demands all development proposals to demonstrate a high standard of design. This Outline proposal has sought to reflect the density, scale, and character of the local area; in line with this policy guidance.

5.6. Walberton Neighbourhood Plan (2015-2035)

- 5.6.1. The Walberton Neighbourhood Plan (WNP) was 'Made' by Arun District Council on 8 March 2017 and the South Downs National Park Authority on 9 March 2017. The WNP therefore became a part of the development plan, and is to be considered in the determination of planning applications.
- 5.6.2. A Written Ministerial Statement (WMS) was made on 12th December 2016 by the Minister for Housing & Planning for London. This WMS sought to strengthen the position of Neighbourhood Plans against the guidance of Paragraph 49 of the Framework, and confirmed that relevant policies for the supply of housing in a Neighbourhood Plan should not be deemed to be 'out-of-date' under Paragraph 49 where all of the following circumstances arise at the time the decision is made:
- *This written ministerial statement is less than 2 years old, or the neighbourhood plan has been part of the development plan for 2 years or less;*
 - *the neighbourhood plan allocates sites for housing; and*
 - *the local planning authority can demonstrate a three-year supply of deliverable housing sites.*
- 5.6.3. In January 2017, Arun District Council conceded that the District's housing land supply is currently 1.92 years during the determination period of the 'called-in' application in relation to Strategic Allocation SD6.

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- 5.6.4. Therefore, it is considered that at the time the decision is made for this application, the third criterion would not be satisfied, and therefore the relevant policies in the WNP are to be considered out-of-date. This approach was confirmed by the Council's Head of Planning in their Pre Application written response dated 12 July 2017.

5.7. Policies Relevant to the Supply of Housing

- 5.7.1. The recent Supreme Court decision (Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) [2016] EWCA Civ 168, [2015] EWHC 132 (Admin) and [2015] EWHC 410 (Admin)) clarifies that "relevant policies for the supply of housing" applies the "narrow" interpretation of the term which it explains as:
- 5.7.2. *i) Narrow: limited to policies only with the numbers and distribution of new housing, and excluding any other policies of the development plan dealing generally with the disposition or restriction of new development in the authority's area.*
- 5.7.3. The judgement highlights that if there is a five-year housing land supply shortfall, *"it matters not whether the failure is because of the inadequacies of the policies specifically concerned with housing provision, or because of the over-restrictive nature of other non-housing policies"*. The shortfall is enough to trigger the operation of the "tilted balance" in the second part of paragraph 14 of the NPPF and that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF's policies taken as a whole, or where specific policies in the NPPF indicate development should be restricted.
- 5.7.4. Where development proposals accord with the development plan, Section 38(6) of the Planning and Compulsory Purchase Act 2004, and paragraph 14 of the Framework, requires that consent is granted without delay. Where a proposal does not comply with the contents of the development plan, but where policies for the supply of housing are out of date, the tilted balance that permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework or specific policies in the Framework indicate that development should be restricted.
- 5.7.5. The Local Plan policies are therefore "out of date" given the substantial land supply shortfall in the District and the requirements of Framework paragraph 215. It is considered therefore, that the presumption in favour of sustainable development applies to the current proposals.

6. Planning Appraisal

6.1. Introduction

6.1.1. The main issues in relation to this proposal are as follows:

Principle of Development
Housing Supply
Site Layout and Design
Residential Amenity
Transport and Highways
Flood Risk and Drainage
Ecology
Trees
Landscaping
Heritage

6.2. Principle of Development

- 6.2.1. This development proposal seeks Outline planning permission for the erection of up to 157 No. dwellings (including 48 affordable dwellings) on an unconstrained site, adjoining the settlement of Fontwell. The site lies immediately adjacent Strategic Allocation SD6 which has recently been granted planning permission following a call-in by the Secretary of State. SD6 has permission for 400 new dwellings, 5,000sqm of light industrial floorspace, non-residential floorspace (A1, A2, A3, D1 and/or D2) and formal open space and play areas.
- 6.2.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that *‘where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise’*.
- 6.2.3. A key objective of the NPPF is to boost significantly the supply of housing (Paragraph 47) and Paragraph 49 requires that when a five year supply of housing land cannot be demonstrated, the relevant policies for housing are considered to be out-of-date, and applications for residential development are to be considered in the context of the presumption in favour of sustainable development (Paragraph 14).
- 6.2.4. The site is identified in the adopted Arun District Local Plan 2003 and the made Walberton Neighbourhood Plan as being outside any settlement boundary, albeit it abuts the existing. Saved Policy GEN 2 of the Adopted Local Plan states that outside of the built-up area boundaries development will not generally be permitted. Policy GEN3 confirms that all land outside the defined built up area boundaries is “countryside” which is protected “for its own sake”. The application scheme is contrary to Policies GEN2 and GEN3. These policies were defined having regard to development requirements as they were understood in 2003, and the Adopted Local Plan made provision only for the period covered by the Plan which was 1996 – 2011.
- 6.2.5. The adopted Local Plan does not seek to identify, let alone plan for, the objectively assessed need for housing as required by paragraph 47 of the Framework. As such it is wholly inconsistent with this fundamental element of the Framework.

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- 6.2.6. Policy GEN3 states that it seeks to protect the “countryside” for its own sake. This approach is contrary to the requirements of the Framework which adopts a more positive approach. Paragraph 17 of the Framework provides core land-use planning principles and states that planning should “take account of the different roles and character of different areas, promoting the vitality of our main urban area, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it”. The difference of approach between Green Belt and countryside is relevant as it requires the character and beauty of the countryside to be “recognised” whereas the Green Belt should be “protected”. Paragraph 109 makes clear also that “protection” applies only to “valued” landscapes. It is clear that the application is not the subject of any national or local level landscape quality designations, and is not a “valued” landscape within the terms of the Framework.
- 6.2.7. The recent Supreme Court decision referred to earlier in this Statement makes clear the distinction between ‘out of date’ policies in relation to Paragraph 49. However, we strongly contend that the Arun Local Plan is in fact out of date in that its period extended only to 2011 and that it is inconsistent with the aims of the Framework. It is clear therefore that Local Plan Policies GEN2 and GEN3 are inconsistent with core elements of the Framework and therefore should only carry little or very limited weight.
- 6.2.8. The policies for housing within 2003 Arun District Local Plan have long been acknowledged as out of date with the emerging Local Plan yet to be adopted. The Council also acknowledge that they currently can only currently demonstrate a housing land supply of 1.9 years. Therefore, until the Council can demonstrate a five year housing land supply, the relevant policies for housing (including settlement boundaries) are to be considered out-of-date and development proposals should be considered in the context of the presumption in favour of sustainable development.
- 6.2.9. Importantly, in relation to the Written Ministerial Statement (WMS) of 12th December 2016, Arun District Council have conceded that the District’s housing land supply is currently 1.92 years during the determination period of the ‘called-in’ application in relation to Strategic Allocation SD6.
- 6.2.10. Therefore, it is considered that the provisions of the WMS would not apply, an approach that was confirmed by the Council’s Head of Planning in their Pre Application written response dated 12 July 2017. The Council have recently accepted the overall position set out above when resolving to grant planning permission at the Dandara site, Barnfield House and Land East of Tye Lane, Walberton (Planning Committee 20 September 2017).
- 6.2.11. In our view, the benefits of providing up to 157 new dwellings (48 of which would be affordable) on an unconstrained site adjoining Fontwell are considered to be significant in the current context of Arun District. Furthermore, the adverse impacts would be limited, by virtue of the unconstrained nature of the application site.
- 6.2.12. The three dimensions of sustainable development are presented within Paragraph 7 of the Framework. It is strongly considered that the proposed development successfully performs all three roles:

‘Economic Role: The economic dimension is supported by the provision of up to 157 dwellings and the construction jobs that the development would support. Future occupants of these dwellings would support local businesses and services and would bring a boost to the local economy. The increase in local population would lead to an increase in local expenditure. The economic role as defined in the NPPF would be performed.

Social Role: The proposals would provide new housing in accordance with the NPPF's objective to increase housing delivery. Provision of around 48 affordable housing units would be a huge benefit to the local community. Also, delivery of a range of house types and tenures in the context of the Framework's objective to significantly boost the supply weighs in favour of the development.

Environmental Role: The application site is not of high environmental value, and is essentially grassland used for pasture. Significant parts of the site will be retained as green open space/green infrastructure for the benefit of the local community and the natural environment. The proposals will provide an attractive high quality environment, in the form of inclusive and sustainable design which will respond to the local landscape character. The site is not openly visible from any designated landscapes and potential views are screened and long distant. Any effects will be local and confined to the site and its immediate setting because of the mature intervening vegetation and existing built form. There are no ecological issues on the site that would prevent development coming forward, and the proposal provides significant opportunities for environmental enhancements.'

The development has been designed with the aim of reducing the number of car trips to, from and within the site by promoting a range of sustainable alternative modes of travel, encouraging the use of these modes and reducing the need to travel, in line with the requirements of development plan policy and the provisions of the Framework. The scheme detailed design proposes a significant number of upgrades to Wandleys Lane to maximise the sustainability of the site including:

- A 6.0m wide carriageway from West Walberton Lane to the site access junction and improvement / widening of the existing footway on the north side of Wandleys Lane to 1.8m;
- An extension of the existing footway on the north side of Wandleys Lane to connect with the walking / cycling access to the permitted development west of Wandleys Lane.
- A 1.8m wide footway on the south side of Wandleys Lane between the proposed walking / cycling access to the permitted development west of Wandleys Lane and the main vehicular access and tie in to the existing kerb lines on Wandleys Lane to the west of the site access.
- Facilitation of lighting to Wandleys Lane by extending the existing lighting regime on Arundel Road.

6.2.13. The principle of development is therefore considered to be acceptable under the presumption in favour of sustainable development.

6.3. Housing Supply

6.3.1. As set out in section 5.5, Arun District Council has accepted that it can only currently demonstrate a 1.92 year supply of housing (refer to the Arun Annual Monitoring Report 1st April 2015 – 31st March 2016 and the Arun Housing Implementation Strategy March 2017).

6.3.2. This has been calculated using the Sedgefield Method and a 20% buffer has been applied acknowledging a persistent undersupply in housing delivery.

6.3.3. The Council's position was confirmed by the Secretary of State on 13 July 2017 within the recent approval of the Dandara scheme which states at paragraph 15 that,

'The Secretary of State has taken the evidence into account, and in light of the Council's representation that the position of the housing land supply is 1.92 years, and adopting a 'policy off' position until the adoption of the emerging Local Plan, he concludes, for the reasons set out by the Inspector, that the HLS is less than two years.'

- 6.3.4. It is considered that the significant size of the housing land supply shortfall is a material consideration which, having regard to the provisions of paragraph 47 should be afforded significant weight. In the context of paragraph 49 of the Framework, this significant land supply shortfall renders the development plan policies for the supply of housing out of date and engages the titled balance set out in paragraph 14 of the Framework.

6.4. Affordable Housing Statement

- 6.4.1. The development proposal includes the erection of up to 157 new dwellings.
- 6.4.2. Policy DEV17 (Affordable Housing) of the adopted Local Plan (2003) (as amended) seeks the provision of 30% of new dwellings within schemes of 15 units or more to be affordable. Emerging Policy AH SP2 of the Arun District Council Local Plan 2011-2031 Main Modifications document requires a minimum of 30% affordable housing for proposals of 11 residential units or more. The proposed development fully complies with this policy requirement, as 48 of the 157 dwellings will be affordable. This equates to a 30% provision of affordable housing.
- 6.4.3. Policy AH SP2 goes on to state that an initial default affordable housing tenure split of 75% rent and 25% intermediate market housing should be provided and the dwelling mix should comprise of the following range of homes:
- 1 bedroom 35-40%
 - 2 bedroom 35-40%
 - 3 bedroom 15-20%
 - 4+ bedroom 5-10%

- 6.4.4. The proposed development complies with this tenure split and dwelling mix.

6.5. Site Layout and Design

- 6.5.1. The proposed outline layout has been fully informed by the characteristics of the site and its surroundings.
- 6.5.2. The indicative scheme seeks a total of 21,220sqm of Public Open Space comprised of the following:
- A large central open space area surrounded by residential development which will contain a Local Equipped Area of Play (LEAP) and a Local Area of Play (LAP);
 - Open amenity areas within the central open space and southern areas of open space which act as attenuation basin at times of heavy rainfall;
 - An area at the north of the site including a footpath/cycleway (connecting to the footpath/cycleway at Strategic Allocation SD6) which acts as a buffer between the proposed new development and existing residential development to the north; and
 - A large swathe of open space along the south/south west boundary, part of which acts as a buffer between the proposed development and Wandley's Copse, an area of Ancient Woodland to the south of the site. This area will also contain a Local Area of Play (LAP), located away from the Ancient Woodland buffer.

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6.5.3. The Council's open space standard of 32sqm of open space per person is based on the Fields in Trust Guidance. The proposed development is significantly in excess of this standard, providing 61sqm of open space per person. This generous amount of open space provision will also ensure that the development is sympathetic to the semi-rural character of the area.

6.5.4. Please refer to the Design and Access Statement for more information on how the design has positively responded to the existing site and its surrounding context.

6.6. Residential Amenity

6.6.1. The design approach has sought to minimise any impacts on residential amenity through sensitive location of built development and enhancement of natural buffers to the site boundaries, particularly where the site abuts residential properties on Wandleys Lane and West Walberton Lane. Green space buffers incorporating enhanced boundary tree and landscape planting have been provided along the southern and northern boundaries of the site in order to provide adequate space between existing and new residential dwellings.

6.6.2. As set out within the Design and Access Statement and Illustrative Landscape Masterplan the extensive areas of open space to the site boundaries provides significant distances between properties. The impact of the proposed residential development on neighbouring residents is considered to be acceptable in terms of relevant policy and guidance.

6.6.3. It is considered that there will be some temporary impacts in terms of construction noise albeit with noise and disturbance issues albeit these would be managed and minimised through a Construction Environmental Management Plan (CEMP).

6.7. Transport and Highways

6.7.1. Peter Brett Associates have produced a Transport Assessment and Travel Plan which has been informed by detailed discussions with West Sussex County Council as the local Highways Authority and also Highways England.

6.7.2. The application site will be served by a new vehicular access from Wandleys Lane in consultation with County Highways Officers with satisfactory visibility splays provided within the highway boundary and land ownership of the applicant.

6.7.3. As part of the detailed design proposed upgrades to Wandleys Lane are incorporated with the following features :

- A 6.0m wide carriageway from West Walberton Lane to the site access junction. Whilst the existing width of Wandleys Lane could be retained with an adjacent footway, highway officers at WSCC have expressed a preference to widening the carriageway to 6.0m.
- An improvement / widening of the existing footway on the north side of Wandleys Lane to 1.8m.
- An extension of the existing footway on the north side of Wandleys Lane to connect with the walking / cycling access to the permitted development west of Wandleys Lane.
- A 1.8m wide footway on the south side of Wandleys Lane between the proposed walking / cycling access to the permitted development west of Wandleys Lane and the main vehicular access.
- Tie in to the existing kerb lines on Wandleys Lane to the west of the site access.
- Lighting could be provided on Wandleys Lane by extending the existing lighting regime on Arundel Road.

- 6.7.4. The site includes satisfactory levels of on-site car parking and cycle storage which has been found acceptable by Officers. To provide an understanding of local traffic conditions at the junctions being assessed, a set of manual classified counts were commissioned at locations agreed with highway officers. Junction assessments using LINSIG and Junctions9 have been carried to assess the impact of the development on the local highway network for the forecast years of 2022 and 2031.
- 6.7.5. Tempro growth factors have been applied to the 2017 survey data to obtain 2022 background traffic flows. Baseline traffic flows for 2031 have been obtained from West Sussex County Council as extracted from their strategic model. On the basis of the assessments completed it is concluded that the proposed development would be required to contribute towards a mitigation scheme on the highway network at the A27 / A29 Fontwell Avenue roundabout. It is proposed that a monetary contribution is made towards amending the strategic improvement already being promoted at this junction and to be delivered by the permitted development west of Wandleys Lane.
- 6.7.6. A Framework Travel Plan has been produced with the aim of reducing the number of car trips to, from and within the site by promoting a range of sustainable alternative modes of travel, encouraging the use of these modes and reducing the need to travel. The proposed development is demonstrated to be in accordance with relevant local and regional policies and fully compliant with the requirements of the Framework and the achievement of sustainable development.

6.8. Flood Risk and Drainage

- 6.8.1. A Flood Risk Assessment and Drainage Strategy has been produced by Peter Brett Associates and the conclusions of this work are summarised below.
- 6.8.2. *Flooding* - Online Environment Agency (EA) maps indicate the site is free from fluvial or reservoir flooding. The site is located in an area with the lowest probability of flooding, thereby complying with the aims of the sequential approach. The Arun District Council Strategic Flood Risk Assessments (SFRA) and the West Sussex County Council Preliminary Flood Risk Assessment (PFRA) reports indicate that there are no records of groundwater and surface water flooding at the site, and that the site is not located within a Critical Drainage Area. There is a small risk of surface water flooding identified close to the north eastern boundary where the site backs onto houses along West Walberton Lane although review of the Lidsey Surface Water Management Plan (SWMP) indicates that this is contained to West Walberton Lane and would not impact on the proposed site.
- 6.8.3. *Surface water drainage* - Sustainable Drainage Systems (SuDS) will be implemented throughout the site. Building Regulations H3 stipulates the rainwater from roofs and paved areas is carried away from the surface to discharge to one of the following, listed in order of priority:
- An adequate soakaway, or some other adequate infiltration system;
 - A watercourse, or where that is not practical;
 - A sewer.
- 6.8.4. Due to high groundwater levels, infiltration is not an appropriate method of surface water disposal. A series of over ground channels (swales and weirs) are under review that can convey the surface water drainage to existing ditches running along the eastern and southern boundaries of the site. Through such a system drainage could then be attenuated and released to the existing ditches at rates that match the existing greenfield runoff rate. The use of 3 ponds and a set of cellular storage crates are proposed for such a purpose.

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- 6.8.5. A surface water drainage study has been prepared and incorporates the use of detention basins to provide attenuation up to the 1 in 100 (1%) annual probability flood event plus 30% allowance for climate change. Flood flow routes have been provided to mitigate any excess flooding from the 1 in 100 (1%) annual probability rainfall event plus 40% allowance for climate change.
- 6.8.6. As the site is located within an Outer Groundwater Source Protection Zone, appropriate stages of treatment will be provided before surface water runoff is discharged. The submitted Flood Risk Assessment and Drainage Strategy provides additional detailed information.
- 6.8.7. In conclusion, the proposed development is considered to be appropriate and there will be no increase in flood risk elsewhere, in accordance with the principles of the Framework.
- 6.8.8. *Foul water* - The Arun District Council's online maps show the site lies within the Lidsey Foul Water Treatment Catchment Area meaning it must discharge all foul water to the main foul water drainage network. A Level 1 capacity check has been undertaken for the site which has indicated a lack of capacity in the network although a Feasibility Study is being produced in association with Southern Water to ascertain the detailed discharge requirements.
- 6.8.9. Foul water drainage will be designed and built to adoptable standards. Consent will be obtained from the appropriate key stakeholders to make any physical connections to their infrastructure.

6.9. Ecology

- 6.9.1. There are no identified significant ecological designations within or close to the application site other than an area of Ancient Woodland (Wandley's Copse) immediately to the south.
- 6.9.2. A landscape buffer of at least 18 metres will be provided along the southern boundary of the site to protect Wandley's Copse and provide a green infrastructure link from the west to the east of the site. Furthermore, tree lines and hedgerows along the boundaries are to be retained and enhanced wherever possible.
- 6.9.3. Ecological assessment work has been carried out on site and found that the majority of the habitats on site are common and widespread throughout the local area and the UK as a whole. The most ecologically valuable habitats on site were considered to be the tree lines and hedgerows along the boundaries which are to remain in situ. The ecological assessment work can be summarised as follows:
- 6.9.4. *Badgers* – No evidence was found on site at the time of the survey, however badgers are likely to use the site for foraging and commuting purposes and so should be considered during construction works. A badger update survey is recommended before works begin.
- 6.9.5. *Bats* – The majority of trees on site are immature and lack features typically associated with roosting bats. However, three mature trees along the boundary are considered to have low roosting bat potential. These trees are to be retained within the scheme. Further bat surveys were recommended and are currently ongoing as pipistrelles, brown long-eared and Myotis species as well as barbastelles have been recorded close to the site. A sensitive lighting scheme and bat boxes will be incorporated into the scheme.
- 6.9.6. A Bat Activity Survey Interim Report (September 2017) based on surveys undertaken in May, July and August 2017 concluded that development would not impact upon the favourable conservation status of bats in the local area if significant features are to be retained and enhancements are included within the masterplan. Although further bat surveys are ongoing, the proposed development has been designed to incorporate full mitigation.

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- 6.9.7. *Dormice* – The Preliminary Ecological Appraisal (April 2017) considered that dormice may be using the boundaries of the site for commuting and potentially foraging and nesting. There are records of dormice 700m east of the site and this area is connected to the site via tree lines and hedgerows. The ancient woodland adjacent to the site is also considered to provide appropriate habitat.
- 6.9.8. A total of 50 dormice nest tubes were hung up in suitable habitat around the site in May 2017 and checks undertaken in June, July and August 2017 found no evidence of dormice. However, three adult dormice were found in September 2017 along with two empty dormouse nests. A Dormouse Survey Interim Report (September 2017) has been submitted with further dormouse surveys ongoing both on the site and within the ancient woodland. The proposed development has been designed to incorporate a full mitigation and enhancement strategy. It is considered that subject to implementation of the full mitigation and enhancement strategy the favourable conservation status of dormice within the local area will be maintained post development.
- 6.9.9. *Great Crested Newts* – There are four ponds within 250m of the red line boundary. No Great Crested Newts have been recorded in previous surveys (undertaken in 2014) of two of these ponds (ponds 2 and 4). Ponds 1 and 3 were not present at the time of the 2014 survey. Ponds 1 and 4 were assessed for their suitability in 2017 and pond 1 was calculated as having 'average' suitability for GCNs and Pond 4 was found to have 'poor' suitability. In the unlikely event that Great Crested Newts are present in the two ponds that were not surveyed in 2017, a suitable mitigation strategy will apply if required in line with relevant guidance and legislation.
- 6.9.10. *Reptiles* - Due to the potential for reptiles on site a reptile survey was undertaken. This survey is now complete and the results identified a 'good' population of slow worms and a 'low' population of grass snakes were found dotted around the boundary of the site. The development will involve the loss of some relevant habitat for reptiles in the form of a large area of grassland. As such, these reptiles are required to be translocated from the area to be affected by future works albeit within appropriate guidelines and recommendations.
- 6.9.11. *Nesting birds* – Some nesting birds have been identified to be likely to use some trees and shrubs on site albeit this is at the site boundaries where few direct impacts would ensue due to the proposed development. Any vegetation clearance would be undertaken outside of the breeding bird season (March-September inclusive) or immediately after a nesting bird check by a suitable qualified ecologist.
- 6.9.12. *General Enhancements* - The Preliminary Ecological Appraisal also recommends a number of enhancements that can be made to the site and these recommendations are informing the development of the masterplan. Such enhancements include: planting native species of value to wildlife; planting fruit trees as fallen fruit provides good foraging opportunities; enhancement of hedgerows and site boundaries as well as planting the base and edges of the hedgerows with herbaceous plants and bulbs to attract bees, butterflies and other insects; planting thorny species between the ancient woodland and the buffer providing opportunities for a range of species in addition to protecting dormouse habitat; log and brush piles created under hedgerows to provide refugia and hibernacula for amphibians, reptiles, small mammals and invertebrates; integrating a variety of native plant species into newly formed areas of amenity grassland; and provision of SuDS such as swales, ponds, green roofs, filter drains and permeable paving to provide additional habitat for local wildlife.
- 6.9.13. In conclusion, there are no ecological issues on the site that would prevent development coming forward, and the proposal provides significant opportunities for environmental enhancements as set out above and is considered to be compliant with relevant national and local policy. Please see the ecological reports submitted with this planning application for further information.

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6.10. Trees

- 6.10.1. As set out above, a minimum 18m buffer will be provided along the southern section of the site to separate the development from the ancient woodland to the south. The existing trees and hedgerows on the site boundary will generally be retained although there will be some tree loss in order to provide the main access and cycle/predestrian access on to Wandleys Lane. Additionally, a number of trees may have to be removed or cut back in order to widen the carriageway (Wandleys Lane) and provide a new footpath along Wandleys Lane.
- 6.10.2. A significant number of new trees will be planted throughout the site to enhance the green infrastructure within the site and to soften the impact of the development.

6.11. Landscape

- 6.11.1. The site is not subject to any statutory landscape designation for scenic quality or beauty but does lie within 500m of the South Downs National Park. The potential effects of the proposal on the National Park have therefore been considered.
- 6.11.2. In terms of potential landscape and visual impact of the development proposals, a Landscape Character and Visual Impact Assessment (LVIA) has been produced to inform the Masterplan. The LVIA currently concludes that the site is not openly visible from any designated landscapes and potential views are screened and long distant. The site is currently greenfield and the proposed development will change its character and views from overlooking properties. However, these effects will be local and confined to the site and its immediate setting because of the mature intervening vegetation and existing built form.
- 6.11.3. The proposals can be accommodated without causing any significant landscape impact beyond its site boundaries. The retention and enhancement of boundary vegetation along with a proposed network of open spaces and wide landscape buffer will successfully integrate the new development into the existing settlement pattern of Fontwell.
- 6.11.4. In terms of visual amenity, the LVIA finds that,

A combination of the existing built form, mature boundary vegetation, significant intervening areas of woodland and hedgerows, and the consistently gentle topography, greatly restrict the visual envelope to a small area around the Site. The limited effects on views will be from a few properties immediately adjacent to the sites boundary, particularly to the north, where mitigation buffer planting will successfully screen beyond the short term effects. There will be no residual effect on views from the SDNP.

The proposals will provide an attractive high quality environment, in the form of inclusive and sustainable design which will respond to the local landscape character. New public open spaces and streets will provide both visual and physical opportunities for amenity and will encourage the safe enjoyment of the new public realm.

- 6.11.5. The proposals are considered to be fully compliant with the objectives of Local Plan policy and the requirements of the Framework.

6.12. Heritage

- 6.12.1. Heritage Assessment and Archaeological desk based assessment work has been carried out and concluded that there are no designated or non-designated built heritage assets which lie within the site although three heritage assets exist nearby; these are Goodacres (Grade II listed), the South Gateway and Lodge of Slindon Park (Grade II listed); and The Hermitage (Grade II Listed).

- 6.12.2. An assessment has been carried out on their significance, including consideration of their setting and demonstrated that the site does not contribute to the significance of the three heritage assets. It is therefore considered that the proposed development, as long as consistent with the existing character of development at Fontwell, would cause no harm to the significance of the three heritage assets.
- 6.12.3. The available archaeological, historic, and topographic information indicates that the site contains no designated heritage assets. However, a non-designated archaeological asset is recorded on the study site represented by cropmarks observed from aerial photographs. Non-designated assets are recorded within the vicinity of the study site, comprising evidence of Pleistocene Raised Beach deposits, and evidence of prehistoric and Roman activity.
- 6.12.4. Any proposed development of the site could impact upon any previously unrecorded assets of archaeological interest if present. Therefore in line with NPPF and development plan policy, consultation is being carried out with the West Sussex Archaeologist regarding any further archaeological work in the form of a field evaluation (geophysical survey and/or targeted trial trenching).

7. Conclusions

- 7.1. This Planning and Affordable Housing Statement has been prepared by ECE Planning Ltd on behalf of Welbeck Land Ltd in support of an Outline Planning Application for up to 157 No. residential dwellings including 30% affordable, all matters to be reserved apart from access on Land East of Wandleys Lane, Fontwell, West Sussex.
- 7.2. This scheme is considered to accord fully with the objectives of the National Planning Policy Framework and local planning policy. The application site comprises unconstrained land which adjoins the settlement of Fontwell, and Arun District Council at present can only demonstrate a 1.92 year supply of deliverable housing sites. As the District Council cannot demonstrate a five year supply of deliverable housing sites that policies relating to the supply of housing should be considered out of date. Therefore, under the guidance of Paragraph 49 (of the Framework), relevant policies for housing are to be considered out-of-date, and applications for residential development are to be considered in the context of the presumption in favour of sustainable development (Paragraph 14).
- 7.3. The Council have recently accepted this position when resolving to grant planning permission at the Dandara site, Barnfield House and Land East of Tye Lane, Walberton (Planning Committee 20 September 2017).
- 7.4. Paragraph 14 confirms that where the development plan is absent, silent or relevant policies are out-of-date, permission is to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 7.5. The studies and assessment carried out on the site confirm that there are no physical or environmental constraints that would prevent the principle of residential development. The surrounding neighbouring land uses are compatible with residential development on the application site, particularly the recently approved Strategic Allocation SD6 'Dandara' site. The Land to the East of Wandleys Lane is a site that can accommodate up to 157 dwellings and start to deliver over the next 5 years.
- 7.6. Access will be secured from Wandleys Lane and the site is located within suitable walking distance of the services and facilities located within the village including shops, school, community facilities and bus services.
- 7.7. It is considered that the benefits of providing up to 157 new dwellings (48 of which would be affordable) on an unconstrained site adjoining Fontwell are considered to be significant. The proposed scheme provides significant economic, social and environmental benefits which demonstrably outweigh any negative effects of the proposed development. There are no policies within the Framework which indicate that development should be restricted. Having regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 14 of the National Planning Policy Framework we strongly contend that planning permission should be granted.