

From: Richard Temple
Sent: 17 January 2018 17:15
To: Planning.Responses
Subject: FW: WA/73/17/OUT - Land east of Wandleys Lane, Fontwell

Please scan as letter from Agent.

Regards,

Richard Temple | Senior Planning Officer, Directorate of Place, Arun District Council | Location: Phoenix House, Arun Civic Centre,
Maltravers Road, Littlehampton, BN17 5LF
Internal: 37591 | External: +44 (0) 1903 737591 | E-mail: Richard.temple@arun.gov.uk

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From: [REDACTED]
Sent: 17 January 2018 17:04
To: Richard Temple
Cc: Huw James; Neil Crowther; Juan Baeza
Subject: RE: WA/73/17/OUT - Land east of Wandleys Lane, Fontwell

Dear Mr Temple,

I refer to your email of 11 January. Please find attached a letter in response.

I would be grateful if you could reply at your earliest convenience.

Kind Regards

Ben Daines MRTPI
Senior Planner

ECE Planning

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From: Richard Temple [<mailto:Richard.Temple@arun.gov.uk>]
Sent: 11 January 2018 15:44
To: Ben Daines
Subject: RE: WA/73/17/OUT - Land east of Wandleys Lane, Fontwell

Dear Mr Daines,

Thanks for the email.

Apologies that I missed your call, I was on the phone to a colleague regarding the Greenspace consultation comment and impact on the S106. It is not clear what they are actually requiring in terms of POS (area) requirement on site which needs to be included in the S106. I have chased Greenspace in this regard. I'm trying to make sure we go to Jeremy Cook with all the correct requirements, up front, so the S106 can be progressed, otherwise the S106 will just be delayed whilst being prepared.

I think your position regarding the EOT is reasonable. And understand your position. But, do you think you can reach a position with the S106, HE and WSCC Highways issues resolved by 29th Jan 2018? We are currently in a position of making a recommendation of refusal by this date.

The written pre-app response regarding the reasons for refusal explains our position.

This site was, also, considered the Council's HEELA 2017 as 'not developable' and in our view development of the site is not sustainable development in line with the NPPF, saved policies, emerging policies and the Walberton NDP (adopted last year). The extant permission on the Dandara site does not automatically make this site suitable for sustainable development. We made our reasons for refusal clear in the written pre-app response.

With regards to WSCC response, sustainability in highways terms is not the same as 'sustainable development' in line with all planning policy. Furthermore, the NPPF does not take precedent over saved local plan policy, Neighbourhood Development Plan policy and emerging policy. Even when an Authority cannot demonstrate a 5 year Housing Land Supply. This view is based on recent planning decisions, court rulings and appeal decision. Whilst a consultation response from WSCC and HE of no objection may be beneficial to your application it would not change our position in terms of sustainable development.

Regards,

Richard Temple | Senior Planning Officer, Directorate of Place, Arun District Council | Location: Phoenix House, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

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From: [REDACTED]
Sent: 11 January 2018 15:00
To: Richard Temple
Cc: Huw James
Subject: RE: WA/73/17/OUT - Land east of Wandleys Lane, Fontwell

Dear Mr Temple,

I did try to phone you this afternoon but it went straight to your answer machine so I am sending this email instead.

With respect to a further extension of time, we would, at this stage, like to try and get the S106 completed by 29 January so we are not requesting an extension at this stage but we would be grateful if we could review this position in one to two weeks time dependent on progress with the S106. To this end, the applicant's solicitor has informed me that the Council's solicitor, Jeremy Cook, has not yet confirmed that he has been instructed. Anything you can do to expedite this would be appreciated.

Another important point that I wanted to discuss with you was the reason for refusal. While I understand that you intend to refuse the application on general sustainability grounds, could you be a little more specific regarding the actual contents of the reason for refusal as we are still not clear on this. Presumably you have now had time to give this more consideration? If the reason for refusal is based on sustainability issues and concerns regarding the potential increase in carborne journeys then our recent response to WSCC and their anticipated response will surely have some bearing on this?

Kind Regards

Ben Daines MRTPI
Senior Planner

ECE Planning

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From: Richard Temple [<mailto:Richard.Temple@arun.gov.uk>]
Sent: 09 January 2018 09:08
To: Ben Daines
Cc: Huw James
Subject: RE: WA/73/17/OUT - Land east of Wandleys Lane, Fontwell

Many thanks for the quick response.

Apologies for the delay but unbelievably we were evacuated from the offices as a 'suspect' package was left in our reception.

I await your reply regarding the EOT.

Regards,

Richard Temple | Senior Planning Officer, Directorate of Place, [Arun District Council](#) | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

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From: [REDACTED]
Sent: 08 January 2018 12:31
To: Richard Temple
Cc: Huw James
Subject: RE: WA/73/17/OUT - Land east of Wandleys Lane, Fontwell

Dear Mr Temple,

Thank you for your email.

We have no issues with the consultee recommendations regarding contributions received so far.

With regard to a further extension of time, we are currently in discussions with the client and will get back to you on this as soon as possible.

Kind Regards

Ben Daines MRTPI
Senior Planner

ECE Planning

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From: Richard Temple [<mailto:Richard.Temple@arun.gov.uk>]
Sent: 08 January 2018 11:06
To: Ben Daines
Cc: Huw James
Subject: RE: WA/73/17/OUT - Land east of Wandleys Lane, Fontwell
Importance: High

Dear Mr Daines,

Hope you had a good weekend.

Can I have an update on my questions below, please? I am due to meet with my Team Leader about this application today.

Regards,

Richard Temple | Senior Planning Officer, Directorate of Place, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

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From: Richard Temple
Sent: 05 January 2018 11:14
To: 'Ben Daines'
Cc: Huw James
Subject: RE: WA/73/17/OUT - Land east of Wandleys Lane, Fontwell

Dear Mr Daines,

Thank you for the quick reply.

Please find attached my email to Mr James following his email. WSCC have been re-consulted formally by Arun.

I have just had an email from our Legal Team regarding the S106 on this site so it seems your legal team have been able to contact ours. I will be in contact with our legal team to get the S106 process started.

With regards to the contributions, are you happy with all the consultee recommendations? Note that all the consultee responses requiring a S106 be it either financial or directional have responded to Arun. I would note that we are unable to agree the WSCC Highways or HE contributions yet, obviously.

Give we are currently working to a determination date of 29th January, I would suggest a further extension of time.

Regards,

Richard Temple | Senior Planning Officer, Directorate of Place, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

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From: [REDACTED]
Sent: 05 January 2018 10:01
To: Richard Temple

Cc: Huw James

Subject: RE: WA/73/17/OUT - Land east of Wandleys Lane, Fontwell

Dear Mr Temple,

Happy New Year to you too and thank you for agreeing the extension of time.

You will have hopefully received PBA's response to WSCC highways which Huw James forwarded to you on 22 December. Could you please confirm receipt? A response to Highways England will be submitted imminently.

We are aiming to have a S106 agreed prior to determination of the planning application and are currently working on this but have, to date, had trouble getting a response from your Council's legal section.

Kind Regards

Ben Daines MRTPI

Senior Planner

ECE Planning

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From: Richard Temple [<mailto:Richard.Temple@arun.gov.uk>]

Sent: 03 January 2018 18:13

To: Ben Daines

Subject: RE: WA/73/17/OUT - Land east of Wandleys Lane, Fontwell

Importance: High

Dear Mr Daines,

Happy new year.

When are the amended details for Highways England and WSCC highways to be submitted? Please note we have to allow 21 days for consultees to reply after amended details are submitted.

Also, are you aiming to have an S106 agreed? You will note we have had responses from consultees regarding contributions. I would expect you would like the S106 agreed so when you appeal our refusal that issue is covered.

FYI, Neil Crowther will be responding directly to Mr James regarding his letter and myself or Mr Baeza will be in contact regarding the pre-app meeting also.

Regards,

Richard Temple | Senior Planning Officer, Directorate of Place, [Arun District Council](#) | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

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From:
Richard

Temple

Sent: 22 December 2017 13:54

To: 'Ben Daines'

Subject: RE: WA/73/17/OUT - Land east of Wandleys Lane, Fontwell - NHS commissioning group

Dear Mr Daines,

Further to my email below, please find attached the NHS commission group response with regards to NHS contributions.

Regards,

Richard Temple | Senior Planning Officer, Directorate of Place, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

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From: Richard Temple

Sent: 22 December 2017 13:46

To: 'Ben Daines'

Cc: Juan Baeza

Subject: RE: WA/73/17/OUT - Land east of Wandleys Lane, Fontwell - Extension of time

Dear Mr Daines,

Thank you for the proposed extension of time. We agree to this and I will have this uploaded by Tech Support in the new year. They are today moving offices.

Regards,

Richard Temple | Senior Planning Officer, Directorate of Place, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

Internal: 37591 | External: +44 (0) 1903 737591 | E-mail: Richard.temple@arun.gov.uk

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From: [REDACTED]
Sent: 22 December 2017 11:11
To: Richard Temple
Cc: Juan Baeza; Neil Crowther; Huw James; Alice Brighton; Gary Heard
Subject: WA/73/17/OUT - Land east of Wandleys Lane, Fontwell - Extension of time

Dear Mr Temple,

I refer to the above planning application and your recent email of 20 December 2017.

Please see the email below that Gary Heard from PBA sent to Stephen Gee at West Sussex County Council this morning. As can be seen from this email, we consider WSCC's most recent response to be a holding objection which can be addressed primarily through the provision of a bus service for the proposed development at Wandleys Lane. This could either be stand alone or delivered in conjunction with the Dandara site. The latter option would clearly have benefits for the sustainability of such a bus service. The bus service, like that proposed at Dandara, would serve local schools and Barnham Station. A full detailed response to WSCC on this matter will be provided early in the new year. We believe that such a service would resolve any outstanding concerns both Arun DC and WSCC have regarding the sustainability of the site.

As a result of the above, we request an **extension of time** of three weeks for the planning application which would result in a determination date of **Monday 29 January 2018**. This additional time would allow WSCC to respond to PBA. I would be grateful if you could confirm your agreement to this extension of time.

Kind Regards

Ben Daines MRTPI
Senior Planner

ECE Planning

Wishing you, your family & friends a very Merry Christmas and a Happy & Prosperous New Year.

Our offices will be closed from 1pm on Friday 22nd December until Tuesday 02 January. The office will also be closed on Thursday 04 January for our annual staff meeting. As previous years we are not sending cards but instead will continue to support The Chestnut Tree, a children's hospice in Sussex.



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From: [REDACTED]
Sent: 22 December 2017 09:46
To: [REDACTED]
Cc: Matt Barney
Subject: 38848 - Wandleys Lane - Fontwell

Good morning Stephen

Ben Daines of ECE Planning has passed me your holding objection (20th December) within which you have requested some additional information in relation to the Wandleys Lane planning application (WA/73/17/OUT). Having reviewed

your request I am confident that this information can be provided in order to address your concerns. I will endeavour to do this as soon as possible.

In the meantime, here are my initial thoughts for your consideration which are as follows (using your bullet points – replicated below in bold italics for ease of reference) :

Revised modelling for A27/A29 Fontwell east and west junctions;

We have now received clarification from Highways England with respect to the scenarios they wish to see assessed; and they have provided the models that they would like this assessment to adopt. We are in the process of running these models and I will report the results of this in a further technical note in the New Year.

Signed designers response for Wandleys Lane improvement;

I will sign the designers response and a copy can be provided to yourself.

Information concerning proposed public transport provision to the site; and

Whilst our client has already committed to supporting a bus service, we will provide further details. However, to help co-ordination we note that the adjacent Dandara site already has a s106 obligation to agree a bus service schedule with WSCC and then implement such service prior to the completion of 50 units. I am unclear as to whether Dandara have already provided WSCC with the details of the bus service they intend to provide and would appreciate your advice with respect to this.

Nevertheless, in the first instance we will consider the provision of a stand alone bus service to serve our site. In that manner there can be certainty that a bus service will be provided. Nevertheless, it would seem sensible that the cost of doing this may be better spent in supporting a bus service that serves both the Dandara site and our site. This will be a matter of timing and co-operation which we are willing to explore further.

Information of sustainable transport potential to school and employment opportunities.

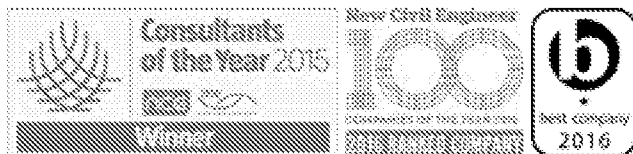
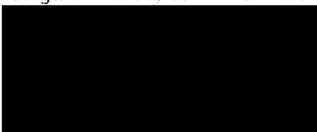
We would expect the bus service described above to fulfil this role in providing access to local schools and the rail station at Barnham. We will consider a potential route for a bus service and include this within a further response in the New Year.

I trust the above provides sufficient comfort that the items you have raised can be resolved and we will compile a more comprehensive response to address the above request for information. In the meantime I think it would be useful if we were able to discuss matters and I would therefore appreciate a call with you later this morning if you are available?

Regards,

Gary Heard
Senior Associate

For and on behalf of Peter Brett Associates LLP
Calgarth House, 39-41 Bank Street, Ashford, Kent, TN23 1DO



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Richard Temple
Planning Department
Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

17 January 2018
Ref: BD/Let/P1393i

Dear Mr Temple

Land East of Wandleys Lane, Fontwell – WA/73/17/OUT

Outline Planning Application with some matters reserved for up to 157 residential dwellings include 30% affordable

We are writing on behalf the applicants, Welbeck Strategic Land II LLP, with reference to the above planning application and your recent email, dated 11 January 2018.

Unfortunately, despite the contents of your email, we are still not clear regarding the proposed reason(s) for refusal of the application. You state that the Council's pre-application response (PAA/114/17) sets out their position but this ignores the substantial work carried out by the applicants to address the concerns raised by Arun District Council and included within the outline planning application submission.

The Pre Application response addresses sustainability as follows:

'Whilst the neighbouring settlement of Fontwell is considered to be sustainable in its provision of services & facilities, the lack of pavements and street lights along a 1km long narrow lane will deter its use by pedestrians and cyclist alike resulting in the use of the car for most journeys in and out of the development. Reliance on the car will be deepened by the lack of a bus service serving Wandleys Lane. The result of this will be significant environmental harm contrary to the principles of the NPPF as exemplified in paragraphs 17 (bullet points 7 & 11), 34, 35 - bullet points 2 & 3, 95 - bullet point 1.'

Whilst the applicants are fully aware that sustainability in highway terms does not cover all aspects of sustainable development, when you consider the concerns set out in the paragraph above in more detail you will note that

Directors

Chris Barker MATP MRTPI Managing Director
Huw James MRTPI
Adam King RIBA

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Crescent Road, Worthing BN11 1QR

they are all issues that are relevant to the highway authority and are all being comprehensively addressed by the proposed development.

Therefore, the response of West Sussex County Council Highways Authority has a significant bearing on any decision on the planning application.

With regard to the concerns set out in this paragraph, they are being addressed as set out below:

- New 1.8m wide pavements are proposed as part of the development along the section of Wandleys Lane north of the access to the proposed development, extending as far north as the junction with West Walberton Lane. The applicants have also stated that they are willing to provide street lights if these are considered necessary. It is also proposed to widen the road to 6 metres. The road widening and footpaths will, in combination, encourage both walking and cycling from the site. The proposed Dandara development immediately opposite the site will also enhance pedestrian and cycling provision as the pedestrian and cycle access to the Dandara site is immediately opposite the pedestrian and cycle access to the proposed development at Wandleys Lane.
- The pre-application response states that reliance on a car will be deepened by the lack of a bus service serving Wandleys Lane. However, as you will be aware, the applicant is proposing to fund a bus service for three years serving local schools and Barnham train station, running in the morning and afternoon/evening. If the service proves to be popular then there is a strong likelihood that it will be self-funding after the first three years, particularly if it is run in conjunction with the Dandara site. It should also be noted that at the time the Pre-Application advice was given, the Dandara site did not have planning permission. Since this time, consent has been granted for the Dandara development which significantly changes the context in terms of the sustainability of the location when considering the Wandleys Lane development. A Planning Inspector would need to consider the timing of the Pre-Application advice against the now permitted Dandara development which was seen to be sustainable and the Council should do the same.

Your email of 11 January refers to the Pre Application response and the reasons for refusal. However, the Pre Application response also states that:

'The emerging Local Plan can only be afforded limited weight given its current unadopted status.'

It also states that, *'The Council is currently unable to demonstrate an adequate supply of housing land, as required by paragraph 49 of the National Planning Policy Framework (NPPF). The primary purpose of paragraph 49 is to act as a trigger to the operation of the tilted balance in favour of approving sustainable development. Where there is presumption in favour of sustainable development – and where relevant policies contained in the development plan are out of date - paragraph 14 of the NPPF considers that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF, or specific policies in the NPPF indicate development should be restricted.'*

Paragraph 49 of the NPPF makes clear that when a Local Authority cannot demonstrate a five year housing land supply, Local Plan policies for the supply of housing should be considered out of date and this is clearly recognised in the Council's pre-application response. Therefore, in light of the Council's housing supply position (2.07 years), and the fact that the development can be made sustainable as set out above, paragraph 49 of the NPPF clearly takes precedence. In fact, given the housing supply issues in Arun, sites such as Wandleys Lane, in sustainable locations such as Fontwell, should be actively supported by the Council to enable a continuous supply of deliverable sites to be maintained (in accordance with NPPF, paragraph 47).

In your email you make a general reference to recent planning decisions, court rulings and appeal decisions to support your view that, even without up to date policies for housing, the NPPF does not take precedence over saved local plan policy, Neighbourhood Plan policy and emerging policy. Identification of the specific references, particularly case law, to support this claim would be appreciated as neither we, nor our counsel, can understand the particular legal point you are trying to make.

You also refer to the emerging Local Plan policies in your email to support your decision but as you are aware, the new Local Plan has not yet been adopted and is still subject to consultation on the Main Modifications. Therefore, the emerging Plan can only be given limited weight at this stage.

We note the findings of the Council's HELAA (NEWWA13) which raises the following issues regarding the site:

'Constraints related to the site access and potential impacts upon Lidsey Catchment. The site is considered to be too remote from the existing village to be sustainable.'

However, no concerns seem to have been raised by statutory consultees during the course of the application with specific reference to the site access and any wider issues regarding the suitability of Wandleys Lane to accommodate additional traffic have been or are being addressed as set out above.

The potential impacts upon Lidsey Catchment are not clearly set out in the HELAA but it is assumed that this relates to foul water treatment capacity. However, we have been working with Southern Water for over half a year to overcome these issues and it is noted that the treatment capacity of Lidsey has not been considered insurmountable for a number of other proposals in the area such as Land east of Tye Lane (WA/44/17/OUT), Land to the East of Westergate Street (AL/15/17/PL), Hook Lane (AL/39/13), and of course the adjacent Dandara site. Therefore, it is difficult to understand why specific issue has been taken with the Wandleys Lane proposal in the HELAA. We have previously made representations on the HELAA on this basis.

With regard to the concern that the site is considered to be too remote from the existing village to be sustainable, the site is immediately adjacent the approved Dandara development; and we consider it an inconsistent approach to state that Dandara is in a sustainable location but the land at Wandleys Lane is not.

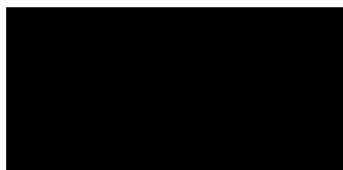
Returning to the NPPF, paragraph 187 states the following:

'Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.'

Up to this point, officers at Arun DC have not approached this planning application in the positive way recommended by the NPPF, and, in their reluctance to discuss the proposed reasons for refusal with the applicants' agents, they have not worked proactively with us to overcome any concerns regarding the achievement of sustainable development on the site. In the spirit of a more positive approach by the Council as required by the NPPF, we would still request a meeting to discuss the application further and demonstrate how we are addressing the Council's concerns.

I trust that this letter provides adequate comfort that any sustainability concerns regarding the site can be addressed; and on this basis I would urge you to review your current approach to the planning application when the forthcoming responses from WSCC and Highways England are received. I look forward to hearing from you.

Yours sincerely
ECE Planning



Huw James MRTPI
Director