

Recommendation Report for Planning Permission

REF NO: F/22/21/PL

LOCATION: Land rear of Paynters Croft
Burndell Road
Yapton
BN18 0HR

PROPOSAL: 23 No dwellings with associated access, infrastructure, landscape and open space (resubmission following F/5/21/PL). This application is a Departure from the Development Plan & is in CIL Zone 3 and is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to the provision of 23 dwellings comprising 14 x 3 bed, 8 x 4 bed and 1 x 2 bed in a mixture of semi-detached and detached houses.
SITE AREA	1.29 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	18 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development. Most are on the site peripheries.
BOUNDARY TREATMENT	Mature hedging/ fencing to approx 2m.
SITE CHARACTERISTICS	The development site comprises part of the rear gardens and paddock of Meadow Cottage and Paynters Croft. The site is located approx. 180m to the south west of Burndell Road, Yapton. It is accessed via an existing, private, driveway that serves Paynters Croft, Meadow Cottage and Northwood House.
CHARACTER OF LOCALITY	The area is rural in character with few neighbouring properties. It is noted that to the immediate north (rear) of the site there is a recent development site, comprising 45 new dwellings (Abbotsfield) which is accessed from Yapton. This residential development comes to the development site boundary.

RELEVANT SITE HISTORY

F/5/21/PL	Erection of 23 No. dwellings. This application is a Departure from the Development Plan & is in CIL Zone 3 & is CIL Liable as new dwellings.	Refused 15-07-21
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F/5/21/PL which was for 23 dwellings on the same site area was refused for the following reasons:

1. The site lies in a countryside location outside the defined Built-Up Area Boundary and the proposal, which would not reinforce existing ribbon development, given its isolated and set back position from the road frontage, would appear visually prominent and would erode the existing intrinsic character of the countryside and harm the visual amenity of this rural area in conflict with policies SD SP2, C SP1, D SP1 and D DM1 of the Arun Local Plan and Policies SP1, BUA1, H3 and H6 of the Ford Neighbourhood Plan.
2. Given the height and elevational treatment of the proposed dwellings and the layout of the development which does not provide sufficient rear amenity space to several dwellings and results in adverse, un-neighbourly overlooking to the garden of Plot 22 the proposal conflicts with policies QE SP1 D SP1 and D DM1 of Arun Local Plan, policies H1, H4 and H6 of Ford Neighbourhood Plan and Arun Design Guide.
3. In the absence of a signed Section 106 agreement in respect of the proposed tenure mix and highway improvements, the development fails to ensure the provision of affordable housing and provision for highway improvements and therefore conflicts with policies AH SP2 and T SP1 of the Arun Local Plan and paragraphs 62-64 of the National Planning Policy Framework (2019) and policy H2 of Ford Neighbourhood Plan.
4. The applicant has failed to demonstrate that the proposed development would not prevent or prejudice the ongoing operation of the waste management site at Northwood Farm by way of submission of a Waste Infrastructure Assessment in conflict with policy W2 of the Waste Local Plan, policy QE SP1 of Arun Local Plan and policy EE3 of Ford Neighbourhood Plan.
5. The proposal adjoins farmland where farm activities have the potential to generate noise complaints. No noise assessment has been submitted as part of the proposal in conflict with policy QE SP1 of Arun Local Plan which requires all development to contribute positively to the quality of the environment and to ensure development does not have a significantly negative impact upon residential amenity. The proposal does not ensure that existing commercial uses are protected and safeguarded from impacts of incompatible land uses.
6. The applicant has failed to satisfactorily demonstrate that the proposed development would not adversely affect visibility and highway safety in conflict with policy T SP1 of Arun Local Plan.

This revised proposal seeks to address these reasons.

REPRESENTATIONS

Ford Parish Council - Objection.

The proposal does not meet the Ford NDP policies SP1, BUA1, SA2, EH5, EH7, H3 and EE3.

Climping Parish Council - Objection:

- There are no significant amendments to the previous application which was refused.
- The proposal is contrary to the Local Plan and Clymping Neighbourhood Plan.
- The proposed development will impact on an already busy road causing a possible safety issue with the addition of approximately 50 vehicles exiting the road.
- The proposed location for 23 dwellings is inappropriate as it is within close proximity of an established industrial site and farm site, both of which may cause a residential area a disturbance with excess dust and odours and it has the potential to generate industrial noise.
- Concern that the proposal will alter the rural character of the village and the loss of green space.

11 Objections:

- The proposed site is outside the settlement boundary and is not in accordance with the Local Plan.
- Site is outside of Ford Neighbourhood Development Plan.
- Development should be on brownfield areas to conserve the rural land and the environment/ecology.
- These proposed houses are totally unnecessary, unacceptable and inappropriate.
- There is potentially more flooding to the Abbots Field estate if this development goes ahead.
- The ditch provides habitat to numerous wildlife species which should be protected and undisturbed.
- Council policy was to limit development to retain the rural areas & character of the smaller settlements and this proposal is contrary to that.
- Ford airfield proposal of 1500 houses is more than enough in this area.
- Unsuitable access. Established hedge will narrow access.
- It is not evidenced that applicant owns all of access to south.
- Would be located next to unneighbourly uses and structures.
- Adjoining development not correctly plotted.
- Issues relating to community contribution, sound assessment, Waste Local Plan and Neighbourhood Plan issues are outstanding.
- Adjacent business has been operating to the south of the proposed site for over 12 years and benefits from a permanent planning permission with conditions imposed to ensure the amenity of neighbouring residential properties are appropriately mitigated for. It is important that the developer has undertaken the correct due diligence on understanding the local noise climate and that the Environmental Health Department are satisfied that the appropriate safeguards and mitigation measures are in place.
- Overdevelopment.
- Insufficient planned infrastructure .

COMMENTS ON REPRESENTATIONS RECEIVED:

The concerns raised are addressed in the conclusions section of this report.

The site is not in agricultural production or within a Local Gap and therefore policies EH5 and EH7 of Ford Neighbourhood Plan are not relevant.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - Objection.

A revised drainage strategy has been submitted with proposed discharge rate reduced from that previously proposed. It is unclear how the 0.94Ha positively drained site area has been derived when the catchment plan shows 0.52Ha. Discharge rate should be kept under review as design progresses to ensure that the discharge rate takes account of the positively drained site area only. Tree root potential areas have not been provided, and a number of trees are still proposed within close proximity of the attenuation tank. Tree root potential areas should be provided, not just tree root protection areas.

Greenspace Officer - No Objection.

A development of this size will require the provision of onsite Public Open Space (POS) minimum area of 1,898m² plus the provision of an onsite, unequipped natural play LAP area to include such features as landform, boulders or logs, seat and litter bin. Confirmation of the area of POS being proposed, to comply with our SPD, would be required. A clear indication of the proposed future management of the open space must be set out. A clear directive of responsibility should be set out with this statement explaining how the site will be maintained i.e. responsibility and regime of all POS and public realm areas.

A full and detailed landscape scheme will be required to be submitted for approval, detailing species

choice, position, densities and size at time of planting. Further landscaping would be required within the development and POS areas to increase biodiversity and habitat within this rural fringe site.

Environmental Health - No Objection.

Conditions requested relating to air quality, electric vehicle charge points, unexpected contamination, construction, construction hours, electricity substation and noise verification.

Southern Water - No Objection. Condition requested.

National Highways - No Objection. Contributions of £4,606.90 (23 x £200.30) from this particular site towards further mitigation of the A27 junctions in Arun are required.

West Sussex Minerals and Waste - Objection.

The proposed development would be located within the proximity of existing waste infrastructure at Northwood Farm, with the proposed dwellings along the southern site boundary of the application site being located some 100m to the north of the area of waste operations. Existing waste sites and infrastructure should be protected from inappropriate neighbouring developments that may prejudice their continuing efficient operation, as per Policy W2 of the Waste Local Plan.

At this stage, the MWPA would not consider that the applicant has sufficiently demonstrated compliance with Policy W2 of the WLP. While it is appreciated that the permission for the extension to the waste facility was approved by the County Planning Authority (WSCC/037/19) on the grounds that amenity impact from noise (and other emissions) would not have a significant impact on neighbouring amenity (subject to conditions), the applicant should demonstrate that the location of the proposed development would not introduce new sensitive receptors, especially along the southern boundary of the application site, that would be incompatible with the safeguarded waste facility.

Council's Ecologist - No Objection. Mitigation should be conditioned.

County Highways - No Objection. Conditions requested.

Archaeology Officer - No Objection. Condition requested

Fire Officer - No Objection. Condition requested.

Affordable Housing Officer - No Objection.

The applicants are providing 7 affordable dwellings, which equates to 5 x rented and 2 x intermediate and have submitted an Affordable Housing Plan.

The proposed development should comply with Policy AH SP2 of the Local Plan in terms of clustering. The affordable dwellings should be in small clusters, of no more than five dwellings, which are pepper potted throughout the development.

Lead Local Flood Authority - No Objection.

Sussex Police - No Objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
 Outside Built Up Area Boundary
 Adjacent to Waste Site
 West Sussex Mineral Consultation Area

DEVELOPMENT PLAN POLICIESArun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
HSP1	HSP1 Housing allocation the housing requirement
AHSP2	AH SP2 Affordable Housing
ECCSP1	ECC SP1 Adapting to Climate Change
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
QESP1	QE SP1 Quality of the Environment
QEDM2	QE DM2 Light pollution
ECCDM1	ECC DM1 Renewable Energy
ECCSP2	ECC SP2 Energy and climate change mitigation
SDSP1	SD SP1 Sustainable Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk

West Sussex Waste Local Plan 2014:

West Sussex Waste W2 Safeguarding Waste
 Management Sites

Ford Neighbourhood Plan 2019 Policy BUA1

Ford Neighbourhood Plan 2019 Policy EH8

Ford Neighbourhood Plan 2019 Policy GA2

Ford Neighbourhood Plan 2019 Policy GA3

Ford Neighbourhood Plan 2019 Policy H4

Ford Neighbourhood Plan 2019 Policy SA2

Ford Neighbourhood Plan 2019 Policy BUA2

Ford Neighbourhood Plan 2019 Policy GA1

Built Up Area (BUA) boundary

Light Pollution

Parking and new development

Streets and Access Ways to serve new
 development

Recreational Space

Burndell Road

Footpath and cycle path network

Ford Neighbourhood Plan 2019 Policy H3	Windfall Sites
Ford Neighbourhood Plan 2019 Policy EH1	Protection of trees and hedgerows
Ford Neighbourhood Plan 2019 Policy H1	Quality of Design
Ford Neighbourhood Plan 2019 Policy H2	Housing Mix
Ford Neighbourhood Plan 2019 Policy SP1	Spatial Plan for the Parish
Ford Neighbourhood Plan 2019 Policy EE3	Protection of existing businesses
Ford Neighbourhood Plan 2019 Policy EH2	Renewable Energy
Ford Neighbourhood Plan 2019 Policy EH4	Surface water management

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The relevant policies of Ford Neighbourhood Plan have been considered.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to conflict with relevant Development Plan policies in that it causes harm to the rural character of the area and would not sufficiently safeguard an established waste site.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

The application will be also considered against Para 11d of the NPPF (in particular ii). Paragraph 14 does not apply since all four criteria are not met.

Under the circumstances above the proposals are in conflict with the Development Plan and an assessment of the NPPF confirms that this conflict outweighs the presumption in favour.

CONCLUSIONS

COMMENT ON SITE HISTORY

The proposal seeks to address the previous reasons for refusal under F/5/21/PL which was refused for the 6 reasons set out above.

Reason 1 relates to the principle of the development in this location and this has not been satisfactorily addressed as set out below.

The un-neighbourly overlooking and lack of rear garden depth in respect of reason 2 have been addressed within the submitted site layout plan which clearly dimensions the distances.

Reason 3 still applies since no signed Agreement has in respect of the proposed tenure mix and highway improvements has been included as part of the proposal.

Reason 4 remains unaddressed as the applicant has still not adequately demonstrated that the proposed development would not prevent or prejudice the ongoing operation of the waste management site at Northwood Farm by way of submission of a Waste Infrastructure Assessment.

The application does now include noise and dust assessments and Environmental Health have withdrawn their objection and as discussed below the impact on residential amenity is now acceptable and reason 5 has been addressed.

This proposal contains additional information regarding the impact on highway safety and includes a Road Safety Assessment. County Highways have removed their objection and this reason for refusal no longer applies.

PRINCIPLE

The Development Plan for the Arun District currently comprises the Arun Local Plan 2011-2031 ("ALP"), the Ford Neighbourhood Development Plan made in 2018 ("FNDP") and the West Sussex Waste and Minerals Plans.

The most relevant development policies in the Local Plan (C SP1) have reduced weight as Arun cannot demonstrate an adequate supply of housing land (currently only 2.4 years). The site is outside of the built up area as defined in the Local Plan and the Ford Neighbourhood Plan. Having regard to Policy SD SP2 of the adopted Arun Local Plan, and Policies SP1 and BUA1 of the Ford Neighbourhood Plan, the site lies outside the Built Up Area Boundary of Ford (within which development should be focused) and instead is defined as being located in the countryside under the provisions of Policy C SP1 of the adopted Arun Local Plan, where development will only be permitted for a defined list of countryside uses.

Policy BUA1 of the Ford NP relates to the Built Up Area Boundary (BUAB) and states proposals for development outside of the BUAB, will be resisted unless it is for agriculture, forestry recreation or where other policies in the Development Plan indicate otherwise. Policy H3 Windfall Sites of Ford NP states that

permission will be granted for residential developments on infill and redevelopment sites within the Parish subject to specific conditions being met. It states that the Parish will support development proposals of a minimum of 1545 new dwellings with supporting facilities provided that they are sited within the settlement boundary of the built up area as defined in Policy BUA1. The proposal does not comply with this policy.

The provisions of Policy SD SP2 and Policy C SP1 therefore preclude residential development on the application site. The principle of development on the site is contrary to the Development Plan.

Paragraphs 10 and 11 confirm that at the heart of the NPPF is the presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up-to-date Development Plan without delay. Alternatively, where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Footnote 7 confirms that, for applications involving the provision of housing, this includes situations where local planning authorities cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in Paragraph 73), or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

Paragraph 14 of the NPPF states that in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably outweigh the benefits if four specific criteria apply. In this case, not all four are applicable, since the NP is more than 2 years old.

The Council acknowledges that the current Housing Land Supply position is marginal. It has also considered whether, should the presumption in favour apply and paragraph 14 not apply, whether the proposals result in significant and demonstrable harm sufficient to outweigh the benefits. For the reasons set out below, it is considered that there are such significant and demonstrable impacts.

SUSTAINABLE DEVELOPMENT

Paragraph 8 of the NPPF states that in order to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

Environment

It is acknowledged that to the immediate north of the site there is a recent development site, comprising 45 new dwellings and that the site is located adjacent to the built up area boundary of Yapton/Ford, however it is within open countryside and set back from the road frontage and abuts farmland. It is visually separate from the village with far ranging views across open countryside to the site. The development would change the character of the open countryside irrevocably and would not provide environmental gains as the new 2 storey development would be urban in character, with high pitched roofs and use of modern non- traditional materials and there would be no reasonable opportunity for the rural character to be re-established in the future or for the development to be adequately visually mitigated.

The development site is sustainably located in relation to the distance to local community and facilities, but these would be accessed by a long access road which detaches the development from direct access to these facilities.

The proposed development will have an impact on the ecology of the site and would result in the loss of some existing trees and hedgerows at the entrance to the site but with the mitigation proposed these are considered acceptable.

The proposal is also close to a commercial site and it has not been satisfactorily demonstrated that new dwellings in this position would not suffer from adverse harm from emissions and disturbance from the waste site.

The application site is bordered by open countryside to the west and to the rear and the access to the site is provided by a long, narrow access lane which serves 3 dwellings. This means that the development would have no frontage to Burndell Road and is visually isolated and spatially poorly connected to the existing development of Ford and local services. The impact on the character of the countryside, from the erection of a 23 houses in this location causes significant harm.

Social

The proposal will support the local community by providing 23 new homes including affordable dwellings and a mix of housing types. The additional custom would support local facilities and services.

Economic

The proposal is likely to result in economic benefits to the local area in the form of (a) an increase in Council Tax receipts; (b) financial CIL contributions towards local libraries, education establishments, healthcare facilities and play areas; (c) the creation of new or maintenance of existing construction jobs; and (d) additional spending by new residents on local goods & services including at the public house.

This benefit needs to be balanced against the impact the proposal would have on the adjacent commercial uses which would be adversely affected by residential use in close proximity to them.

Assessment of Sustainable Development

It is considered that the proposal has clear social benefits and some economic benefits however the impact on the environment would be unacceptable with no prospect of reasonable mitigation being possible to offset the harm for the loss of open countryside. On balance, the proposal constitutes sustainable development and triggers the presumption in favour of sustainable development, but the harm arising from the development is significant and demonstrable.

Conclusion on Matters of Principle:

The principle of development on this site is contrary to the policies within the Development Plan. These policies have reduced weight due to the Council not being able to demonstrate an adequate supply of housing land. Whilst the proposal does represent sustainable development and the NPPF presumption in favour of sustainable development is engaged the introduction of a housing estate into the open countryside at this location would be out of character with the villages of Ford and Yapton and would not be infilling but rather an isolated extension of development which would detract from the rural character of the area as a whole. For the reasons identified below the harm arising is demonstrable and significant.

The development, by reason of its siting, results in the erosion of the character of this rural area, and would fail to protect the countryside and landscape contrary to the NPPF, policy C SP1 which seeks to protect countryside for its own sake (i.e. its value of intrinsic character and beauty) and design policies D SP1 and D DM1 of the ALP, and policy BUA1 of Ford Neighbourhood Plan.

KEY POLICY CONSIDERATIONS

The key policy considerations in the determination of this application are policies D DM1, D DM2 and D SP1 of the Local Plan; Policies H1 Housing Design: H3 Windfall Sites: GA2 Parking and new development of the Ford Neighbourhood Plan and the NPPF.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM2 seeks to ensure that minimum space standards for new dwellings are adhered to.

Policy D SP1 - 'Design' states that all development proposals should seek to make efficient use of land and reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Policy QE SP1 - Quality of the Environment requires that all development contributes positively to the quality of the environment and ensure development does not have a negative impact upon residential amenity.

Policy H1 of the Ford Neighbourhood Development plan seeks to ensure that development is sympathetic to the local design style and contributes positively to the environment requiring planning permission which, by virtue of their materials, are inharmonious with the area, are refused.

Policy H3 of the Ford Neighbourhood Development Plan states that proposals should conserve the landscape character, be in scale with the character of the settlement and comply with other relevant policies of the Development Plan.

Policy GA2 of the Ford Neighbourhood Development Plan supports development where parking is accommodated within the curtilage of the dwelling house and meets local parking standards.

Section 12 of the NPPF refers to high quality buildings and places being fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development and creates better places in which to work and live. Paragraph 131 of the NPPF states that in determining applications great weight should be given to outstanding, innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

DESIGN AND VISUAL AMENITY

The submitted layout indicates a density of 18 dwellings per hectare which is comparable with the 19 dwellings per hectare approved on the adjacent site to the north. The proposal accords with Part G of Arun Design Guide. The provision of a public open space in the centre of the site with dwellings facing onto it is acceptable. However the proposal does not clearly identify how the Arun Design Guide has been used to inform the submitted scheme or that a thorough site analysis has been undertaken.

The approved layout to the north provides a gap of between 14 and 15m to the site boundary and the proposal has provided an acceptable distance to this boundary and the adjacent development. The units to the southern boundary now have garden depths of 10.5m garden depth. These distances do accord with those set out in Arun Design Guide.

A mix of dwelling design as proposed would be acceptable but the proposed elevational treatments are not reflective of the Countryside location and do not incorporate any flint work and are not in keeping with

the rural context of the site. The pitches of some of the units are quite steep and dark cladding is not reflective of the materials within the locality generally. The elevational treatment of the proposed houses would be unacceptable and the only detailing is brick detailing, there are no indications of quality materials in respect of clay tiles, including hanging tiles at first floor level, flint panelling and stock bricks at ground floor in conflict with Part L of the Arun Design Guide and policy H1 of Ford Neighbourhood Plan.

Policy H DM1 of the Arun Local Plan seeks to secure a mix of dwelling types and sizes, including affordable housing units.

Further, policy H2 of Ford Neighbourhood Plan 'Housing Mix' states 'Proposals for new housing must deliver a range of house types and tenures including bungalows, sheltered accommodation, self build and shared equity properties. The proposed housing mix is appropriate and compliant with policies H DM1 of the Local Plan and policy H2 of Ford Neighbourhood Plan.

The design of the proposal does not reflect its rural setting and does not include sufficient detailing and quality materials in conflict with policies D DM1 and D SP1 of Arun Local Plan and policy H1 of Ford Neighbourhood Plan.

AFFORDABLE HOUSING

Developments over 11 residential units require a minimum provision of 30% affordable housing on site as per ALP policy AH SP2. The Policy states affordable housing should be visually indistinguishable from market housing with large groupings of single tenure dwellings or property types avoided. Affordable housing units shall be permitted in small clusters throughout development schemes.

A total of 7 dwellings are provided as affordable and the tenure mix and position of the dwellings within the site layout are acceptable. The proposals accord with the required quantum and mix of affordable housing. The mix and location of affordable units is acceptable to the affordable housing officer and is compliant with Policy AH SP2 of the Local Plan, in terms of the provision of affordable housing. The requirements for affordable housing can be controlled by a Sec 106 Agreement.

HOMES FOR OLDER PEOPLE

Arun DC agreed internal policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). This is not adopted policy or a supplementary planning document but is considered to have some weight as a material planning consideration. It is supported by references in ALP policies D DM1 & D DM2. This requires at least 12 of the homes (50%) are designed to the M4(2) standard, and that 1 is designed to meet M4(3) i.e. be wheelchair accessible.

This level of provision cannot be secured by an appropriately worded condition as the dwelling design would need to be approved at application stage. The proposal does not include such provision and is therefore in conflict with policy D DM1 and D DM2 in this regard.

RESIDENTIAL AMENITY

Arun District Local Plan Policy D DM1 (3) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. None of the FNP policies specifically refer to residential amenity issues. However, one of the 'core planning principles' of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 12).

Policy QE SP1 of Arun Local Plan requires all development to contribute positively to the quality of the environment and to ensure development does not have a significantly negative impact upon residential

amenity. The location of existing industrial and commercial uses, including waste management uses must be taken into account when assessing proposals for development sensitive to noise, odour and outputs to air.

The proposal incorporates adequate separation distances and relationships to neighbouring properties (at Paynters Croft to the east, and the approved housing development at the site to the north) to ensure that the proposed development would have an acceptable impact on the occupants in terms of outlook, light and privacy. It is noted that there are houses to the north of the application site that face the application site and that there is a minimum 20m distance from these properties to the site boundary. Plots 1-5 are provided in the northern element of the application site. Plots 1-4 have north facing rear windows whereas plot 5 has a flank wall, with no windows. The minimum separation distance between properties is well in excess of 30m. There is also significant intervening vegetation and thus there is no opportunity for overlooking between properties or for other harm to residential amenities.

However, the properties abutting the site to the south are 11m from the boundary and are close to noise generating uses. It has been demonstrated with the submitted noise report and provision of acoustic fencing and glazing that these distances are sufficient to ameliorate any noise disturbance and this amelioration could be conditioned. The Council does not have specific external space standards, but the supporting text to Arun Local Plan policy D DM2 refers to the Design Guide. Part H includes guidance on external space standards, and the need for planning applications to have regard to adequate provision of private external space. It is expected that rear garden lengths would be a minimum of 10.5m. The garden depths have been amended following the previous refusal and are compliant with Arun Design Guide.

In addition Ford NP policy H4 Recreational Space requires proposals for new housing development to, provide good quality outdoor amenity space. Either private gardens or a shared amenity area and should contribute to providing tree cover and improved biodiversity. The amount of land used for garden or amenity space should be commensurate with the size and type of dwelling and the character of the area, and should be of appropriate utility (for play and recreation) and quality having regard to topography, shadowing (from buildings and landscape features) and privacy.

Given the above the proposal would accord with policy D DM1 of Arun Local Plan and policy H4 of Ford Neighbourhood Plan.

INTERNAL SPACE STANDARDS

Policy D DM2 of the ALP states that the planning authority will require internal spaces to be of an appropriate size and that the Nationally Described Space Standards apply. These national space standards set out the minimum total Gross Internal Areas (GIAs) for flats and houses dependent on number of bedrooms, bedroom sizes, built-in storage requirements and minimum floor to ceiling heights. Section J of Arun Design Guide refers to internal space standards. The proposal meets these requirements.

HIGHWAY SAFETY AND PARKING

The development site is located to the south west of Burndell Road, Yapton. There is an existing, private, driveway that serves the large detached properties of Meadow Cottage, Northwood House and Northwood House. The access road is currently some 3.1m wide which is insufficient to allow two cars to pass each other, part of the access would be subject to priority traffic restrictions. Drawing no. 2020-6145-001 Rev J (Access Overview and Visibility Splays) shows 2.4m by 58m south (entirely within adopted highway land) and 2.4m by 60m north within adopted highway land and red edge of site. The Local Planning Authority (LPA) should be satisfied that red edge shown is land within applicants control, in order to maintain the splays in perpetuity. Drawing no. 2020-6145-002 Rev I (Proposed Access Road Overview and Dimensions) shows the correct access road footway arrangement and the Site Overview plan confirms that the footway will continue past plot 1 and 2 within the site.

Paragraph 109 of the National Planning Policy Framework states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

Policy T SP1 of Arun Local Plan requires development to provide safe access on to the highway network, to create safe and secure layouts for traffic, cyclists and pedestrians and to incorporate appropriate levels of parking in line with Arun Design Guide. Policy GA2 of Ford Neighbourhood Plan seeks to ensure adequate parking provision within developments.

Policy TM1 of the Local Plan requires that proposals for new development shall demonstrate that adequate and satisfactory provision has been made to mitigate the impact of traffic generated both during construction and on completion. Policy TM2 gives support to proposals which improve or increase existing footpaths and cycle paths.

Policy GA2 'Parking and new development' of Ford NP requires car parking where possible to be accommodated within the curtilage of the dwelling in the form of a garage and/or parking space. Development proposals will be supported only if they include the maximum level of off street parking consistent with the current local standards. Developments that reduce the amount of off-street parking currently available will only be supported if they make enforceable provision for equivalent off-street parking nearby. Parking spaces provided in connection with such proposals will be required to be made available in perpetuity.

A vehicle swept path analysis has been undertaken demonstrating that the proposed site access can accommodate concurrent movements by two large estate cars, and can accommodate a large refuse freighter.

Pedestrian access to the site would be served from a 1.5m wide footway flanking the south side of the site access road, connecting with the existing footways on the B32333 Burndell Road. Crossing facilities in the form of dropped kerbs and tactile paving would be provided to facilitate pedestrian movements across the Burndell Road and connect to the existing footway network.

The highway details submitted with the application include a Stage 1 Road Safety Audit (RSA) with accompanying Designers Response which County Highways have accepted. The additional information submitted within this revised application demonstrate that appropriate visibility can be achieved in compliance with policy T SP1 of Arun Local Plan. Access modifications, footway to bus stop and dropped kerb tactile paved crossing can be secured under s106 agreement.

Car and Bicycle Parking

Parking has been assessed on the basis of 2 x 2-bed, 13 x 3-bed and 8 x 4-bed units being provided. Arun Supplementary Planning Document (SPD) outlines the car parking requirements as 2 x allocated spaces per 2 and 3-bed units and 3 x allocated spaces per 4+ bed unit. Where garages of 3m by 6m are provided this shall count as 0.5 space and visitor parking at 20% of total units.

On this basis a total of 59.5 x car parking spaces are provided across the site, including 3 x visitor spaces. The SPD requires 2 x allocated spaces per 2 and 3-bed units and 3 x allocated spaces per 4+ bed unit with visitor parking at 20% of total units. This is a total requirement for 54 x residential spaces plus 3 x visitor spaces and therefore the parking demand is met across the site (although some individual plots are provided with slightly less provision each). The single garages do not meet required 3m width and this should be amended. The total number of spaces accords with the parking standards.

Electric charging points have been indicated in some areas. Where garages are provided they should be

supplied and provision should meet with Arun SPD, but such details could be secured via condition.

The SPD requires that the 2-bed units are provided with 1 x cycle spaces and the 3+ bed units are provided with 2 x cycle spaces. The Council's cycle parking standards require a total 46 spaces which have been provided and provision can be secured via condition.

Accessibility

The provision of a crossing of B2333 will provide an onward route for pedestrians to local facilities in Yapton such as grocery store (approx. 0.5 mile walk). The footway is street lit and there is a signalised pedestrian crossing in vicinity of co-op.

The B2333 is part of local cycle route. Whilst there are no segregated facility, it does link with NCNR2 to the south which links Littlehampton and Bognor Regis. Bus stops are reached within walking distance of the site and provide regular services to Chichester and Littlehampton. Ford and Barnham Train Stations are 2.4 and 2.2 mile cycle ride distant respectively and could be reached by confident cyclists.

Considering this development will result in additional trips along with that from nearby development, County Highways have advised that the applicant should provide a Travel Plan Statement (TPS). This should aim to reduce single occupancy vehicle trips and increase sustainable transport use through a number of measures such as residents travel information packs, vouchers and target setting. The TPS can be agreed and secured via condition.

As set out above the proposal as submitted does accord with the requirements of policy T SP1 of Arun Local Plan.

SUSTAINABLE CONSTRUCTION

Tackling climatic change is a key government priority for the planning system. Policy ECC SP2 requires that all new development should be energy efficient and;

- a. Achieve energy efficiency measures that reflect the current standards applicable at the time of submission;
- b. Use design and layout to promote energy efficiency;
- c. Incorporate decentralised, renewable and low carbon energy supply systems, for example small scale renewable energy systems such as solar panels.

Energy efficiency measures can be conditioned to ensure compliance with policy.

FLOODING AND DRAINAGE

As set out in the National Planning Policy Framework, inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

The site lies within the Lidsey Catchment Area and within Environment Agency Flood Zone 1 (lowest risk of flooding) and, as such, development is likely to be acceptable in this location in this respect.

Policy W DM2 requires that development is safe from flooding and incorporates measures to achieve this.

Policy W DM3 states that all development must identify opportunities to incorporate a range of Sustainable Urban Drainage (SUDs) systems. These features may include green roofs, permeable driveways, soakaways, water harvesting such as water butts.

Policy EH4 of Ford Neighbourhood Plan which refers to Surface water management requires new

development to aim to reduce the overall level of flood risk in the area. Since the site is located in Flood Zone 1 subject to submission of satisfactory drainage details it would accord with these policies.

A drainage strategy has been supplied as part of this application. This rules out infiltration due to the presence of shallow groundwater. Groundwater monitoring was completed in the winter of 19/20 and found groundwater to be as shallow as 0.29mbgl.

Arun's Drainage Engineer has been consulted and agreed that attenuated discharge to watercourse is required at this location. The revised drainage strategy has proposed a discharge rate reduced from that previously proposed. It is unclear how the 0.94Ha positively drained site area has been derived when the catchment plan shows 0.52Ha. Discharge rate should be kept under review as design progresses to ensure that the discharge rate takes account of the positively drained site area only.

Tree root potential areas have not been provided, and a number of trees are still proposed within close proximity of the attenuation tank. Submission of tree root potential areas are required, not just tree root protection areas.

Receipt of further information is outstanding and satisfactory drainage of the site has not been satisfactorily demonstrated in conflict with policies W DM2 and W DM3 of Arun Local Plan and policy EH4 of Ford Neighbourhood Plan.

TREE CONSIDERATIONS

ALP policy ENV DM4 says "proper provision must be made for the protection and management of trees or areas of woodland on-site when undertaking development". Policy D DM1(7) of the Local Plan says "all new development will be expected to incorporate existing and new tree planting as an integral part of development proposals".

Policy EH1 of Ford Neighbourhood Plan : Protection of trees and hedgerows states 'Development that damages or results in the loss of trees of arboricultural and amenity value or loss of hedgerows and/or priority habitat, or which significantly damages ecological networks will be resisted. Development proposals must be designed to incorporate biodiversity within and around developments and enhance ecological networks, seeking to retain wherever possible trees of arboricultural and amenity value and hedgerows.

The proposal includes an Arboricultural Report, Tree Plan and Root Protection Area Plan. The Tree Report identifies all trees on site and makes it clear that a Beech, part of a group of Elders, all of TG5 mixed species and part of TG6 various fruit trees are to be removed. There are to be new trees planted across the site to negate the loss of those removed to facilitate the development.

The Council's Tree Officer provided the following comments at pre application stage:

There are significant trees and hedgerow both on and off this site which will be adversely affected by the proposals. It is a requirement of BS5837:2012 that supporting arboricultural information is provided. The information is sufficient to ensure that the important trees are adequately respected and protected.

There is a considerable amount of well-maintained and established hedgerows about the perimeter of the site which can provide valuable screening and ecological benefit which is to be retained. The site layout is sympathetic to accommodating their long-term presence especially in respect of shading, any ongoing maintenance requirements and curtailing future residential pressure to prune.

The impact on the trees can be satisfactorily controlled by the imposition of appropriate conditions in accordance with policy ENV DM4 of Arun Local Plan and policy EH1 of Ford Neighbourhood Plan.

OPEN SPACE

The proposals show an area of public open space of some 1,898sq-m in size. Developments are expected to provide open space on site. Policy OSR DM1 requires open space provision in accordance with guidance set out in the current Open Space Study and the Supplementary Planning Guidance Open Space and Recreation Standards adopted in January 2020. This includes the necessary calculators to work out the amount of contribution. Developments of 23 dwellings are required to provide both onsite facilities and offsite financial contributions as outlined in ADC SPD Open Space, Playing Pitches, Indoor and Built Sports Facilities January 2020. (CIL liable development). A development of this size will require the provision of onsite POS minimum area of 1,898m² plus the provision of an onsite, unequipped natural play LAP area to include such features as landform, boulders or logs, seat and litter bin. Confirmation of the area of POS being proposed, to comply with the SPD has not been provided, but could be conditioned.

The indicated layout has proposed a central green area with properties facing onto this open area. The Landscape Strategy Plan shows indicative landscape proposals, however this would require further detail and specification in plan form as part of a condition. In accordance with policy HWB SP1 of the Arun Local Plan all development should seek to maximise the impact it can make to promoting healthy communities and reducing health inequalities.

The proposal would comply with policy H4 of Ford Neighbourhood Plan and OSR DM1 of Arun Local Plan.

BIODIVERSITY

The site has been used as garden land and stabling and contains some trees and hedgerows. The layout shows that trees on the northern and western edge are to be incorporated into a landscape buffer zone that would perpetuate the existing wildlife corridor within and beyond the site. The application is supported by a bat and reptile survey. An Ecological Impact Assessment (Oct 2019) was submitted. The Council's Ecologist raised no objection, subject to conditions.

In line with Policy ENV DM5 of the Arun Local Plan information on Biodiversity Net Gain has been provided as part of the planning application. Though some biodiversity enhancements have been recommended within the EIA further information is required demonstrating what will be included within the scheme. This can be conditioned and would accord with policy EH1 of Ford Neighbourhood Plan.

IMPACT ON ADJACENT COMMERCIAL USE

The proposed development would be located within the proximity of existing waste infrastructure at Northwood Farm, with the proposed dwellings along the southern site boundary of the application site being located some 100m to the north of the area of waste operations. Existing waste sites and infrastructure should be protected from inappropriate neighbouring developments that may prejudice their continuing efficient operation, as per Policy W2 of the Waste Local Plan.

It is noted that the County Planning Authority recently approved an extension to the waste site to allow for the on-site crushing of concrete within a specialised facility (WSCC/037/19), which was deemed to not have a significant impact on the amenity of existing neighbouring properties around the waste site.

Policy QE SP1 of Arun Local Plan requires all development to contribute positively to the quality of the environment and to ensure development does not have a significantly negative impact upon residential amenity. The location of existing industrial and commercial uses, including waste management uses must be taken into account when assessing proposals for development sensitive to noise, odour and outputs to air. This is to ensure that land allocated for these uses are protected and to ensure that the amenity of new developments is safeguarded from impacts of incompatible land uses.

As per Policy W2 of the Waste Local Plan and in accordance with the 'agent of change principle', the applicant should demonstrate that the proposed development would not prevent or prejudice the ongoing operation of the waste management site by way of submission of a Waste Infrastructure Assessment. Based on the submitted information the Local Planning Authority is not satisfied that this residential proposal would not be detrimental to the ongoing operation. It is noted that air quality, noise and odour assessments have been submitted and the environmental health officer does not object to the proposal. In planning terms in respect of the impact on residential amenity from noise nuisance from the waste site, provided the proposed mitigation is conditioned there would be no materially adverse impacts arising. However, in terms of compatibility of adjoining land uses the Waste Authority still has concerns that it has not been satisfactorily demonstrated that in the long term taking account of the approved extension to the site that there would not be issues with the proximity of the residential use.

The proposal is contrary to the aims of this policy. There is still insufficient information to address the potential conflicting issues and ensure the necessary protection.

CONCLUSION

In accordance with paragraph 11d(ii) of the NPPF, the Council concludes that there are further significant and demonstrable negative impacts associated with the development that, when assessed against the NPPF as a whole, would outweigh any presumption in favour of sustainable development. The site is within the open countryside and is visually separate from the village with far ranging views across open countryside to the site. The development would change the character of the open countryside irrevocably and the new development would be urban in character. The proposal is recommended for refusal for the following reasons:

HUMAN RIGHTS ACT

The Council in making a decision, should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (Right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

SECTION 106 DETAILS

The proposal would require affordable housing and highway alterations to be controlled by a Sec 106 Agreement together with financial contributions of £4,606.90 towards further mitigation of the A27 junctions in Arun. No draft has been submitted.

CIL DETAILS

This site is identified as within Zone 3. This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

RECOMMENDATION

REFUSE

- 1 The development is located outside of the built up area boundary of Ford as defined by policies SD SP2 and CSP1 of the Arun Local Plan and Ford Neighbourhood Plan BUA1 and SP1. The development does not comply with the countryside policies, is not an approved category of development in the countryside and the benefits of the development do not outweigh the harm.

In accordance with paragraph 11d(ii) of the NPPF, there are significant and demonstrable negative impacts associated with the development that, when assessed against the NPPF as a whole, would outweigh any presumption in favour of sustainable development. The site is within the open countryside and the proposed development would not reinforce existing ribbon development, given its isolated and set back position from the road frontage. It would appear visually prominent and would erode the existing intrinsic character of the countryside and harm the visual amenity of this rural area. The proposed dwelling houses would be urban in character and their design would not reflect this rural location. As a result the proposed development would significantly and adversely change the character of the open countryside irrevocably in conflict with policies D SP1 and D DM1 of the Arun Local Plan, the Arun Design Guide and policies H1 and H6 of Ford Neighbourhood Plan.
- 2 In the absence of a signed Section 106 agreement to secure on site affordable housing, highway alterations and a mitigation contribution towards the A27 Fontwell Roundabout improvement scheme, the proposals are contrary to Arun Local Plan policy INF DM1 and AH SP2 of the Arun Local Plan and paragraphs 110-113 of the National Planning Policy Framework (2021) and policies GA1 and H2 of Ford Neighbourhood Plan.
- 3 The applicant has failed to demonstrate that the proposed development would not prevent or prejudice the ongoing operation of the waste management site at Northwood Farm by way of submission of a Waste Infrastructure Assessment in conflict with policy W2 of the Waste Local Plan, policy QE SP1 of Arun Local Plan and policy EE3 of Ford Neighbourhood Plan.
- 4 The proposal fails to make adequate provision for an ageing population in conflict with guidance within "Accommodation for Older People and People with Disabilities" 2020 and policies D DM1 & D DM2 of the Arun Local Plan.
- 5 Based on the information submitted it has not been adequately demonstrated that the site can be satisfactorily drained without reducing the overall level of flood risk in the area in conflict with policy WD3 of Arun Local Plan and policy EH4 of Ford Neighbourhood Plan.
- 6 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application, clearly setting out the reasons for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to

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meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.