

Recommendation Report for Outline Consent

REF NO: F/7/15/OUT

LOCATION: Land south of Burndell Road
Yapton

PROPOSAL: Outline application for residential development comprising 45 dwellings. Formation of access onto Burndell Road (Resubmission following F/9/14/PL) - This application also lies within the parish of Yapton. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks outline permission for 45 dwellings on the land to the south of Burndell Road. Approval is also sought for means of access. Appearance, landscaping, layout and scale are reserved matters.

SITE AREA

The total site area is 2.4 hectares.

RESIDENTIAL DEVELOPMENT DENSITY

The development will provide approximately 19 dwellings per hectare.

TOPOGRAPHY

Predominantly flat.

TREES

Many trees on site boundary and a few at the site entrance which would be removed to accommodate the new means of access. None of the trees that would be directly affected by the proposed development are considered worthy of preservation.

BOUNDARY TREATMENT

The northern boundary of the site adjoins the residential properties which front Burndell Road, the boundary consists of domestic fencing of varying heights. Most of the boundaries are supplemented by hedging or trees. There is wire fencing, hedging and five bar gate to highway boundary in Burndell Road. The southern, eastern and western boundaries are enclosed by mature hedgerows, 3-4 metres in height with intermittent trees of varying maturity.

SITE CHARACTERISTICS

The site is predominantly flat and there are many trees on site boundary and a few at the site entrance which would be removed to accommodate the new means of access. None of the trees that would be directly affected by

the proposed development are considered worthy of preservation.

CHARACTER OF LOCALITY

The site is located to the south of nine residential properties fronting Burndell Road with a narrow road frontage. The site largely comprises open grassland, and would appear to have been used as grazing land. Access to the site from Burndell Road is provided between the properties 'Kyrie' and 1 Northwood Cottages. The residential properties in Burndell Road are mainly 1 and 2 storey. Each of the properties has a garden depth of at least 30 metres.

There is farm land located to the south and east, this appears to be in arable use. Two large residential plots noted to the east of the site.

Planning Permission was granted for 34 dwellings on land adjoining a part of the western boundary, this is land to the south of Fellows Gardens via which access is permitted to the development.

RELEVANT SITE HISTORY

PAA/106/13/	Erection 44 No dwellings of varying sizes including 30% affordable housing.	Approve Pre App 28-10-2013
F/9/14/PL	Application for outline planning permission with some matters reserved for 45 No new dwellings and new access. This application also lies within the parish of Yapton. This application is a Departure from the Development Plan.	Refused 14-07-2014

F/9/14/PL

The planning application was refused for a number of reasons and these summarised as:

The application site is located outside of the defined built up area boundary of Yapton and Ford which demarcates the edge of the settlement and countryside and represents significant encroachment into the countryside resulting in significant adverse impact on the character of the area and loss of countryside. The proposal is therefore contrary to policies GEN2 and GEN3 of the Arun District Local Plan and the core principles as set out in paragraph 17 of the National Planning Policy Framework which seeks to protect the countryside.

The applicant has not provided a sufficient assessment of the landscape and visual impact of the

development to demonstrate that the site could accommodate housing.

The applicant has failed to demonstrate that an appropriate alignment of the means of access together with local highway improvements along Burndell Road can be provided to the satisfaction of the Local Highway Authority.

The applicant has failed to assess the impact of the proposed development upon the Yapton and Ford level crossings, contrary to the requests made by Network Rail.

The applicant indicates that number of the proposed dwellings would be affordable housing but no Section 106 undertaking has been completed to secure the provision of affordable housing for the long term including socially rented housing.

The development proposed generates a need for public infrastructure in the form of financial contributions towards play facilities, libraries, fire service, education and public health facilities as well as the on-site provision of public open space and local highway improvements. No Section 106 undertaking has been completed in order to secure these requirements.

Without the full assessment of the development and the failure to provide the information required to assess the impact of the proposed development, the planning application was refused. In resubmitting the application, the applicant has now provided the information required to assess the proposed development.

Y/30/13 Outline application with some matters reserved for 34 dwellings including 30% (10 No) affordable, with access and ancillary works. (Resubmission following Y/10/13/.)

This is a Departure from the Development Plan. Approved Conditionally +s106 9-12-2013.

Y/23/14/RES Approval of Reserved Matters: Appearance, Landscaping, Layout and Scale following Outline Planning Permission Y/30/13 for 34No. dwellings, including 10No. affordable with access and ancillary works. Departure from the Development Plan. Approved Conditionally 26-96-2014.

REPRESENTATIONS

Representations received:

Ford Parish Council

Ford Parish Council:

No objection;

- Parish Council Neighbourhood Plan group have voted to include this site within the plan; concern was raised regarding the means of access and infrastructure given the development north of Burndell Road.

- Parish assembly has considered the plans, comments from this were presented to parish Councillors in the consideration of their response.

- The Plans were shown at the Neighbourhood Plan's group Assembly Day and the residents of the Parish voted 80% in favour for the development area to be included in the Neighbourhood Plan

- No objection, asked the developer to communicate with the Parish on items which include the following:

- Light pollution to houses along Burndell Road;

- Open space and its management;

- Highways and adoption of the road;

- Sufficient parking provision to avoid existing issues;

- Disabled access to social housing and means of access for emergency services;

- S106 contributions to secure play area for larger children;

Yapton Parish Council:
No response received

9 Letters of objection:

- Insufficient infrastructure in the village, local roads, schools, healthcare and municipal services will be too overcrowded.
- Village is at its maximum capacity for housing.
- Site outside the built-up area boundary on good quality land.
- Contrary to the published Yapton Neighbourhood Plan.
- When taken against already consented development, it would vastly exceed the housing need for Yapton.
- No public sewer to connect to, the existing sewer system is already overloaded.
- Access and visibility from access is inadequate
- Proposal to narrow Burndell Road with removal of lay-bys is unacceptable as they are used by existing residents and loss of verges owned by residents is not acceptable.
- Matter of road safety is clearly one which the developers have failed to give any consideration to.
- Proposal is not sustainable in the context of Yapton or Arun.
- Detrimental to value of properties, loss of views over fields.
- Area liable to flooding during heavy rain, scheme will make matters worse.
- Detrimental impact on wildlife within the field.
- Need to safeguard the countryside and habitats of wildlife.
- No increase in employment offered, residents will have to travel outside of the area to work increasing traffic on local roads.
- Previous application at 1 Northwood Cottage refused as it would block neighbours view of field, what will 45 units do?
- Commentary provided regarding the Councils Housing supply position, applicants have considered completion rates and neglected to consider that this is independent from land supply and relies on market conditions.
- Proposed density of 19 dwellings per hectare does not constitute efficient use of land, contrary to GEN7.
- Proposal does not discuss affordable housing requirement.
- Light pollution from street lights and traffic entering and leaving the development to 'Little Brake'.
- This development falls outside of the Neighbourhood Plan, it is clear departure from the Yapton Neighbourhood Plan.
- Resident in Burndell Road voted against the inclusion of this site within the Neighbourhood Plan.

Comments on Representations received:

Comments on Ford Parish Responses:

The comments from Ford Parish Council regarding the support from the Neighbourhood Plan group is acknowledged, however in the absence of a Neighbourhood Plan being published in draft form as well as undergone public consultation, these comments can be given little weight at this time.

The comments of the local residents adjoining the application site are noted. Issues related to highway and traffic have been addressed with the revised details for highway design. There is a detailed impact assessment of the proposed development provided by the applicant and there will be a contribution by the applicant for improvements of highway and local facilities.

CONSULTATIONS

WSCC Strategic Planning
Environment Agency
Southern Water Planning
Environmental Health
Sussex Police-Community Safety
Engineering Services Manager
Engineers (Fluvial Flooding)
Archaeology Advisor
Ecology Advisor
Surface Water Drainage Team
Planning and Housing Strategy
Environmental Health
Parks and Landscapes
Network Rail
NHS Coastal West Sussex CCG

Consultations responses received:

Southern Water

The initial investigations indicate that there is inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase the flows to the public sewage system and existing properties and land would be subject to a greater risk flooding as a result. Additionally off-site sewers or improvement to existing sewers will be required to provide a sufficient capacity to service the development.

Initial investigations also indicate that there are no public surface water sewers in the immediate vicinity of the site to serve this development; alternative means of draining surface water from this development are required.

The applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities and the system is maintained in perpetuity to avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Should the application receive planning approval, the following condition to be attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by the LPA in consultation with Southern Water.

Should any sewers be found during construction an investigation of the sewer will be required to ascertain its condition, the number of properties served and potential means of access before any further work commences on site.

Due to the surface water inundation issues in the Lidsey Catchment, the applicant is advised to adopt, where appropriate the measures in the table "Practical measures to reduce the potential impact of development."

Developers should look to protect the public sewerage system from inundation and infiltration, which contribute to flooding in unfavourable conditions.

Drainage Engineers

The applicant states that surface water will be discharged to a sustainable drainage system. This should prioritise the use of infiltration and the drainage design should consider peak groundwater levels and soil percolation rates. Controlled discharge of surface water to the ditch must be considered once infiltration of the ground has been investigated and ruled out as suitable. Ditches require maintenance and a 3 metre easement with suitable access is required and any proposed structure within the ditch (such as culvert crossing) require land drainage consent. A SUDS/drainage maintenance manual will be required for the site detailing responsibility, type of maintenance and frequency of maintenance for all unadopted drainage. The standard conditions ENGD2A, ENGD4A and ENGD6A should be applied.

Any SUD or soakway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design.

WSSC as Highway Authority.

Recommend that the application only be approved subject to a suitable S106 Agreement and planning conditions to secure appropriate levels of highways infrastructure, including physical works to the highway.

Sustainable access.

Bus service 700 'Coastliner' provided by Stagecoach provides a regular service past the site and stops almost immediately opposite and alongside the junction of the new access road with Burndell Road. Service 66 is also available but requires residents to walk to North End Road, approximately 1.5kms west of the site.

The application shows both bus stops re-located in order to make provision for pedestrians crossing Burndell Road. Shelters with real-time passenger information and seating should be provided at the bus stops. This to be secured in a S106 Agreement. The final location and design of any shelters should not compromise highway safety at any of the nearby access points nor footway.

Proposed access arrangements.

The applicant proposes a simple 'T' junction arrangement onto Burndell Road via a formalised estate road entrance with kerb radii, provision of a new footway on south side of road, alterations to an existing footway on the northern side of the Burndell Road and visibility splays is appropriate to the speed of traffic on Burndell Road.

To form the access, part of Burndell Road will be re-aligned to bring the give-way line for the new road forward to obtain the visibility splays. Parts of existing lay-bys either side of Burndell Road will be amended to provide for an uncontrolled crossing point for pedestrians.

S106 contributions and associated infrastructure.

To support sustainable access in the locality and in-line with recognised local infrastructure priorities, financial contributions should be secured in a S106 Agreement towards the following:

- Cycle infrastructure improvements (£10,000),
- Bus shelters with seating and real-time passenger information (£40,000).

Fire and Rescue Service (F&RS).

Access by appliances will need to be demonstrated at the detailed design stage. Indicative layout suggests that access to all properties should be possible in-line with F&RS requirements.

School Infrastructure Contribution

At present primary/secondary/further secondary schools within the catchment area of the proposal currently would not have spare capacity and would not be able to accommodate the children generated by the assumed potential residential development from this proposal. Accordingly, contributions would need to be requested.

The financial contribution sought by the County Council would be based on the estimated additional population that would be generated by the proposed development, reduced to reflect any affordable dwellings.

Library Infrastructure Contribution

Littlehampton Library would not currently be able to adequately serve the additional needs that the development would generate. However, a scheme is approved to provide additional floorspace at the library. A financial contribution towards the approved scheme would be required in respect of the extra demands for library services that would be generated by the proposed development.

Fire & Rescue Service Infrastructure

The developer should install TWO fire hydrants connected to a suitable main for the purpose of fire fighting at his own expense in positions agreed between the Fire and Rescue Service and the Water Authority.

That a financial contribution from the proposed development towards the cost of fire and rescue infrastructure, principally fire stations and services serving the area within which the proposal stands, would be required.

Network Rail

No objections to the proposed development.

Highways Agency:

No objection

Environment Agency:

Site located on a principal aquifer, however given the scale of the development no comments are offered.

Archaeology

There is no objection but it is recommended that a programme of archaeological investigation and recording be undertaken in advance of construction.

Ecology

There is potential for reptiles Great Crested Newts (GCN) and Bats within the site. Due to the protection a reptile activity survey, terrestrial habitat for GCNs and bats survey should be undertaken and submitted with the planning application prior to determination.

The hedgerows on site are used by bats for commuting and foraging and will need to be retained and enhanced for bats. This will include having a buffer strip around the hedgerows (5m) and during construction fencing should be used to ensure this area is undisturbed. Any gaps should also be filled in using native hedge species to improve connectivity. Where any hedge is to be removed at detailed within the survey, new hedgerow should be planted.

Conditions should be used to ensure this.

Nesting Birds: Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October.

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Strategic Housing and Enabling

The applicants are proposing to provide 13 affordable homes on-site as part of the overall development which is an acceptable total. The proposed tenure split is to provide for 9 rented and 4 intermediate affordable dwellings which is also acceptable to the Council. The Council has a strong preference for 2 bed houses for the rented houses and for a blend of 2 and 3 bed houses for the intermediate homes. The exact dwelling mix should be set out in the S106 agreement.

Environmental Health

No Comments.

Greenspace/Landscape

- A well designed scheme that maximises the biodiversity of the site by the inclusion of native species and retention of a variety of habitats and incorporates areas of open space, existing landscape features such as mature trees and hedgerows, appropriate new planting, provision of children's play areas and car parking, and include a mechanism for long-term management of the developing landscape.
- The Council's SPG guidelines would equate to 2,592m² and suggest would require on-site public open space. There is a need for onsite LAP and landscaped open space.
- We would be seeking a contribution to improvements to this already existing offsite provision at a rate of £1,000 per property.
- The areas of onsite open space are primarily to the periphery of the site with a smaller central area, whilst this is beneficial to the tree development in these areas an increased central open space area would be considered as more desirable.
- Any trees, in particular along the boundaries, which adjoin neighbouring land should be retained. Root Protection Areas (RPA) should extend into the development site and to those in neighbouring land.
- Maintenance of the open space areas post construction needs to be detailed along with guidelines of who will take ownership of these and how the open space areas will be maintained.

NHS Property Services:

The proposed development, despite being modest in size, will likely increase local population by a further 93 residents/patients, making use of local healthcare services in the community. Accordingly an interim contribution of £18,956 is sought. (This response from NHS was received to the previous planning application Reference F/9/14/OUT and their request is followed through for this planning application.

Comments on Consultation responses:

It should be noted that this is an outline application with all matters save for access reserved for

a later submission. Therefore, it is not necessary for the applicant, at this time, to provide any details in respect of landscaping or tree protection.

Regarding the WSCC request for a contribution towards highway works, this is considered to meet the Community Infrastructure Levy (CIL) compliance tests in that it is necessary to make the development acceptable in planning terms, are in keeping with the scale of the development and are directly related to it.

Similarly, request from County Education, County Library and County Fire and Rescue and considered to meet the CIL compliance tests and that it is necessary to make the development acceptable in planning terms in providing the community facilities to meet the needs arising from the development.

All other comments are noted.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	DEV17	Affordable Housing
	GEN12	Parking in New Development
	GEN14	Public Transport
	GEN15	Cycling and Walking
	GEN18	Crime Prevention
	GEN2	Built-up Area Boundary
	GEN20	Provision of Public Open Space within New Development
	GEN25	Water Resources
	GEN3	Protection of the Countryside
	GEN33	Light Pollution
	GEN7	The Form of New Development
	GEN8	Development and the Provision of Infrastructure
	GEN9	Foul and Surface Water Drainage
		D DM1 Aspects of Form and Design Quality
		H DM1 Housing Mix
		H SP2 Affordable Housing
Publication Version of the Local Plan (October 2014):		INF SP1 Infrastructure provision and implementation
		OSR DM1 Open Space, Sport and Recreation
		SD SP1 Sustainable Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Ford Neighbourhood Plan has not progressed sufficiently to be have any consideration in respect of this development. The site lies outside of Yapton Neighbourhood Plan.

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 comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE & POLICY

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. Using this as a starting point the development plan in Arun District consists of the Arun Local Plan 2003. In the event of conflicts between policies in these plans or with Government policy, it is the most recent policy which takes precedence. With this in mind the National Planning Policy Framework (NPPF), which was issued in March 2013, is materially relevant and should be afforded significant weight.

DEVELOPMENT PLAN - 2003 LOCAL PLAN

The 2003 Local Plan Proposals Map identifies that the application site is located outside of the existing built-up area boundary. As such, saved policies GEN2 and GEN3 are relevant.

Saved policies GEN2 and GEN3 seek to focus development within the built-up areas, and safeguard the land outside the built up areas (referred to as the countryside for policy purposes). The built up area boundaries were drawn for the purposes of defining the built up areas and countryside having regard to the need to identify within the built up areas (or on allocated sites) the required number of dwellings for the plan period (up to 2011).

NATIONAL PLANNING POLICY FRAMEWORK

The NPPF was published in March 2012. One of the aims is to significantly boost the supply of housing. This framework is the most recently adopted national policy and is an important material consideration in this case.

Paragraph 14 confirms that, at the heart of the guidance is a Presumption in Favour of Sustainable Development. This is in accordance with the three dimensional approach to include economic, social and environmental considerations as set out in paragraph 7. For decision-taking, this presumption in favour means that planning applications that comply with the development plan must be approved without delay. Secondly, where the development plan is absent, silent or out of date, planning permission should be granted unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole; or specific policies in this framework indicate development should be restricted".

This does not equate to a blanket approval for residential development in locations that would otherwise have conflicted with Local Plan policies. If the adverse impacts of the proposal (such as harm to the intrinsic character and beauty of the countryside) significantly and demonstrably outweigh the benefits, then planning permission should still be refused.

Paragraph 47 sets out that Local Planning Authorities should use their evidence base to ensure their Local Plans meet the objectively assessed needs for market and affordable housing as well as identifying sites sufficient to provide five years' worth of housing against their housing requirements with an additional 5% buffer to ensure choice and competition in land marketing. Or a 20% buffer where there has been a record of persistent under delivery. The Council's most recent evidence on housing need in the district recommends a full objectively assessed need of 758 dwellings per year.

Paragraph 49 advises that housing applications should be considered in the context of the presumption in favour of sustainable development, and 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 housing sites. These 'relevant policies' are contained within the 2003 Local Plan (GEN2 and GEN5) and the weight to be afforded to these policies has been discussed in the previous section of this report.

Paragraph 215 of the NPPF ensures that the Arun District Local Plan 2003 carries weight as a development plan document and due weight can be given to the plan according to the level of consistency with the NPPF and the various policies within the Framework. The weight of the Local Plan policies can be assessed according to their level of consistency of the relevant policies within the National Planning Policy Framework.

FORD NEIGHBOURHOOD PLAN

The Ford Neighbourhood Plan group has indicated that they would like to see this site included within a draft Neighbourhood Plan, however to date no plan has been published and the plan and proposed housing allocation therein have not been subject to any public consultation. As such, until such time as a draft allocation has been published and undergone consultation, the representations made to date in support of the site carry no weight at this time.

YAPTON NEIGHBOURHOOD PLAN

The Yapton Neighbourhood Plan has been adopted on 5th November 2014 by the Parish and District Council following Examination and referendum. This Plan is relevant as the site adjoins the Parish boundary of Yapton (though it is outside of the Parish). This Plan plans for a minimum of 100 homes to be provided between 2014-2029.

PUBLICATION VERSION LOCAL PLAN 2011 - 2031

Progress towards adoption of the emerging Local Plan has been suspended pending updating the Plan to seek to accommodate higher housing numbers. Policies within this Plan can only be afforded very limited weight at this time.

SUSTAINABILITY AND SUITABILITY OF LOCATION FOR HOUSING DEVELOPMENT

The site is located adjoining the built up area boundary of Yapton and Ford Parishes and close to a number of services and facilities. It is in a highly sustainable location and there is therefore a presumption in favour of the development.

HOUSING LAND SUPPLY

Given the above position, in accordance with paragraph 49 of the NPPF, housing policies within the development plan could not be considered up to date. In the case of Arun, housing policies within the development plan date back to 2003 and were relevant for the period 2001 - 2011. The Council will be heavily reliant upon the delivery of new strategic sites in order to maintain the supply of suitable housing, allocations have now been agreed to take forward under the public version of the Local Plan.

Without the post 2011 housing strategy being adopted as part of a Development Plan, the Council should consider the full objectively assessed need (OAN) against a 'policy off' position. This means that the full OAN for the District should be considered without any policy constraints being applied, such as affordable housing, employment provision or market influences. Therefore if the Council were to consider its housing supply against a 'policy off' requirement, it would not be able to meet its OAN.

Whether or not the Council is able to demonstrate an adequate housing land supply is only one material consideration to be weighing up in determining whether there is 'significant and demonstrable harm' alongside all other considerations (eg. Prematurity, highways, amenity landscape, ecology, design etc) associated with individual proposals.

CONCLUSIONS ON MATTERS OF PRINCIPLE

The NPPF requires there to be a presumption in favour of the proposals which are located in a sustainable location. With or without a Council agreed strategic housing allocation to include within an updated pre-submission Local Plan, the proposals are considered to be adjoining the built up area boundary, located within a well contained site and subject to mitigation is considered to be a sustainable location for development.

In this case the Council is unable to demonstrate an adequate supply of housing land as required by paragraph 49 of the NPPF. Since the suspension of the Examination into the Local Plan by the Planning Inspector on the grounds that the Council's Objectively Housing Need Assessment should be reviewed and that the housing need for the District should be higher than that proposed in the Local Plan, the strategy for housing delivery post 2011 contained within the Pre-Submission Local Plan, is being reviewed and further housing needs assessment study has been undertaken that is like to increase the future housing needs for the District. The Council will need to identify more suitable land supply to meet additional housing requirement.

The site does not currently form a part of the Council's proposed housing strategy within the Ford Parish area, although the Parish Council is considering the site in its emerging Neighbourhood Plan, every early stage of preparation. As such, this can be given little weight in determining this application as the Ford Neighbourhood Plan has not been subject to any public consultation in its preparation.

Although the proposals are not in accordance with the development plan, the post 2011 housing strategy or any Neighbourhood Plan at this time, however, as the Local Plan Examination is suspended by the Planning Inspector to review the Objectively Assessed Housing Need for the District which will increase future housing need. Therefore allowing this development would not be contrary to the core principle within the NPPF.

SUSTAINABILITY

In terms of the appropriateness of the location for housing development, it is noted that Yapton has a range of facilities. These include a primary school, shops, post office, public house and two doctors' surgeries. In addition, there are a number of employment opportunities in and around the village, although these are limited.

Bus services are also available in the form of the 700 'Coastliner' service provided by Stagecoach

PLC. This runs past the site and stops almost immediately opposite and alongside the junction of the new access road with Burndell Road. Monday to Friday a 20 minute service is provided, reducing to hourly in the evening. Saturday and Sunday services are half-hourly but again reduce to hourly in the evenings. Service 66 is also available but requires residents to walk to North End Road, approximately 1.5kms west of the site. This service provides for a less frequent service than the 700 of one bus approximately every 75 minutes.

The TA also demonstrates the availability of footpaths and that the proximity to the local facilities could be accessed on foot or by cycle. The development will also provide a safer crossing facility from the south side of Burndell Road onto the north side where a footpath leading to the local facilities exists. Subject to this improvement being made, a choice means of transport will be available to future residents. This will be further assisted by a detailed travel plan to encourage the use of sustainable transport methods.

The existence of current amenities and services together with the infrastructure upgrades proposed it is considered that the development would be in accordance with the NPPF. It states that plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up dependent upon the nature and location of the site.

TECHNICAL MATTERS

LANDSCAPE CHARACTER

The applicant has submitted a Landscape Visual Impact Assessment set out in the Landscape Strategy Plan, illustrating site layout plan providing an overview of the areas which make up the key structural elements of the landscape and ecology strategy for the site. The principal landscape matters which have been used to inform the landscape strategy for the proposed development.

AFFORDABLE HOUSING

The Council has adopted an Interim Policy for the delivery of affordable housing; this requires in this case that 30% of housing be provided as affordable homes. The provision of affordable housing is a significant factor that weighs in favour of this development.

The applicants have offered provision of 13 dwellings, which consists of the following mix of dwellings; 2 x 3 bed houses, 2 x 3 bed bungalows, 5 x 2 bed houses and 1 x 1 bed coach house rented units and 3 x 2 bed houses as shared ownership. This is considered to be of an appropriate mix and is supported by the Councils Housing Strategy and Enabling Manager.

ARCHAEOLOGY

The County Archaeologist has considered the proposed development. He has noted that due to the previous finds/investigations carried out within the locality, there is a strong possibility that there was previously a settlement within the locality. Accordingly the County Archaeologist requires a full programme of investigation and recording to take place prior to the commencement of any construction activity on the site.

FOUL WATER, SURFACE WATER DRAINAGE & FLOOD RISK

Paragraph 103 of the National Planning Policy Framework states: "When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems."

Policy GEN9 of the Local Plan seeks to ensure that sites on which new development is provided can be adequately drained and does not cause flood risk to existing properties.

The site is within flood zone 1 which is land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding. Although it should be noted that due to a high water table, the locality is susceptible to surface water flooding from ground water. However flood risk for the locality is identified as being low and the principle of developing in this area is therefore acceptable.

Surface Water Drainage:

The application states that surface water drainage is to be discharged to a sustainable drainage system, as the application is at outline stage, the final details of this have not yet been provided. The applicants will need to undertake percolation testing to support the design of any surface water drainage design to ensure that it can be achieved, given the existing problems with the ground water level within the locality. The Council's Drainage Engineers have confirmed that this information can be secured by condition and will be dealt with as a reserved matter.

Foul Water Drainage:

Full details of the proposed foul surface water strategy for the development has yet to be provided, accordingly this would need to be covered by a condition of the approval. Southern Water has confirmed that there is insufficient capacity in the local network to provide foul sewage disposal for the development. Accordingly the applicants will need to provide alternative means of drainage or improvements to the local network if the proposed development is to be considered acceptable.

HIGHWAYS & PARKING

Access to the site will be via a 'T' junction onto Burndell Road; this would include a footway on one side of the highway. The proposed junction includes improvements to the existing highway to accommodate the existing bus stops and also provide a suitable crossing point for pedestrians to the west of the site entrance. This will ensure an appropriate route can be made for pedestrians along a continuous footway.

Whilst the County Highway officer is agreeable in principle, concerns were raised to the proposed junction and highway improvements, with the alignment and improvements to Burndell Road. These details were revised by the applicant and are now acceptable to the County Highways Officer.

In terms of parking provision, 102 parking spaces are to be provided which meets the County Council requirements for the scale of the development proposed. Cycle parking would also need to be provided, however both matters would be addressed as a reserved matters.

OPEN SPACE

The indicative layout accompanying the application illustrates how informal open space might be provided and the likely scale. This demonstrates how a development of 45 dwellings might be achieved with approximately 2,592sqm of open space.

The proposed area of 2,592sqm of public open space would make it just adequate provision. There is a need for on-site LEAP. It would be appropriate to have an off-site contribution £45,000 for nearby play facilities.

SUMMARY & CONCLUSIONS

The application seeks outline approval for 45 dwellings on land south of Burndell Road; approval is also sought for means of access into the site from Burndell Road. The site is located outside of the defined built-up area boundary within both the current Arun District Local Plan 2003 and the Submission version Local Plan October 2014. The site is not subject to any allocation for housing provision and although there is an indication from Ford Parish Council that they may wish to include the site within a draft Neighbourhood Plan in the future no document has been published for public consultation to date which states this.

The Council is not able to demonstrate an adequate 5 year housing land supply or a draft Local Plan which adequately demonstrates a housing strategy beyond 2011. The Council is not required to accept development within the countryside which is not in accordance with a specific housing allocation and contrary to the democratic approach to housing delivery as set as a core principle within the NPPF. However, as this site is considered to be in a sustainable location with public transport links and in close proximity to the community facilities and services, the development of this site for housing is considered to be acceptable.

The proposed means of access into the site has been accepted in principle by the County Highway Officer; however inadequate information has been submitted to demonstrate that the alignment of the proposed access and local highway improvements can be achieved.

The reason for refusal for the previous application have been addressed by the applicant and with the suspension of the Local Plan examination on the grounds that the Council needs to review its Objectively Assessed Housing Need and identify supply of housing land to meets its housing need, this development will increase the delivery of future housing in the District.

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 1 of the First Protocol (protection of property).

It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval 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 neutral 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).

SECTION 106 DETAILS

The development generates the need for contributions towards local infrastructure which includes financial contributions and off-site highway improvements; this consists of the following obligations:

- Financial contributions towards Fire Rescue Service, Education and Libraries
- Local highway improvements along Burndell Road and within the locality
- Provision 2,592 square metres of public open space
- Contribution towards off-site children's play equipment - £45,000 (£1,000 per dwelling)
- 13 affordable homes
- Financial contribution towards Healthcare provision, interim figure of £18,956 (£421 per dwelling)

It is considered that the above obligations accord with paragraphs 203 and 204 of the NPPF and Section 122 of the CIL Regulations 2010.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance;
- (d) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3 The development hereby approved shall be carried out in accordance with the following approved plans in as far as they relate to the proposed access.

Red Line Location Plan

Proposed Street Scene : 14004/C102A

Schematic Drainage Plan: TSP/BRO/P2551/07A

Proposed Sketch Layout Plan: 14004/C101D

Highway Access Plan: TSP/BRO/P2551/102H

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The development shall not commence until full details of the proposed foul water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. (Including details of its routing, design, and subsequent management / maintenance).

No building shall be occupied until the foul water drainage scheme has been implemented in accordance with the approved details and the details so approved shall be retained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 5 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 6 Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to,

and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturers recommended design life. Upon completed construction of the SuDs System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure the efficient maintenance and on going operation of the SuDs system and to ensure the best practice in line with guidance set out in 'The SuDs Manual' CIRIA publication ref: C697 Chapter 22.

- 7 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with policies GEN7 of the Arun District Local Plan.

- 8 The landscape details referred to in Condition 1 shall include full details of the position, design, materials, height and type of boundary treatment to be provided. The boundary treatment shall be provided to each dwelling before the dwelling is occupied or in accordance with the approved phasing plan. Development shall be carried out in accordance with the approved details.

Reason: In the interest of amenity and the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 9 The landscape details referred to in Condition 1 shall include a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas other than privately owned domestic gardens. The landscape management plan shall be implemented in accordance with the approved details.

Reason: In the interest of amenity and the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 10 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the local planning authority [as a part of the reserved matters submissions required by condition 2]. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: In order to seek to achieve high levels of energy efficiency in accordance with the aims of the NPPF.

- 11 No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority. A 'statement of detail' shall be submitted

setting out details of proposed windows and doors, details of the depth of recess/reveal from the brickwork, sills and lintels, brick bonding, brick detailing, eaves detailing and rainwater goods. The materials and 'statement of details' so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in details in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 12 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders), and
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with the National Planning Policy Framework.

- 13 No development shall take place within the area indicated until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun District Local Plan Policy GEN7.

- 14 No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved drawing TSP/BRO/P2551/102H.

Reason: In the interests of road safety in accordance with the National Planning Policy Framework.

- 15 No part of the development shall be first occupied until visibility splays of 2.4 metres by 76m to the north and 2.4m by 67m to the south have been provided at the proposed site vehicular access onto Blundell Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety in accordance with the National Planning Policy Framework.

- 16 Prior to the commencement of any development, an ecological enhancement scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and maintained in accordance with the approved scheme and a programme of implementation.

Reason: To conserve the wildlife interest of an important natural habitat in accordance with policy GEN29 of the Arun District Local Plan.

- 17 Prior to the commencement of any development, a lighting scheme showing the details of external lighting (except for the dwellings) shall be to and approved in writing by the Local Planning Authority. The details shall take into account any ecological mitigation measures required. The external lighting shall be installed in accordance with the approved details.

Reason: To conserve the wildlife interest of an important natural habitat in accordance with policy GEN29 of the Arun District Local Plan.

- 18 The landscape details referred to in Condition 1 shall include details of all existing trees and hedgerows on the land indicating which are to be retained and which removed. Development shall be carried out in accordance with the approved details. No hedge or tree shall be felled, uprooted or otherwise removed before, during or after the construction period except where removal is indicated on a plan approved by the local planning authority.

Reason: In the interest of amenity and the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 19 No development shall take place until details of laying out, timetable for provision and future maintenance of the area shown on the approved plans for on site Public Open Space have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the informal open space, which is considered a necessary part of the development, is provided to an acceptable standard within an agreed timescale in accordance with policies GEN7 and GEN8 of the Arun District Local Plan.

- 20 The reserved matters shall include provision of a public open space and amenity areas within the site. The layout details submitted in compliance with Condition 1 shall define the boundaries of such areas, their proposed use, the items of equipment, means of enclosure and all other structures to be installed. Development shall be carried out in accordance with the approved details and shall be provided in accordance with the agreed phasing details.

Reason: In the interest of amenity and the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 21 **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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an

acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 22 **INFORMATIVE:** Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have the provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year storm event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are available.
- 23 **INFORMATIVE:** The applicant/developer shall enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.
- 24 **INFORMATIVE:** Please ensure that the reserved matters application includes details of tree protection measures for any hedges or trees which are outside of but which border the site.
- 25 **INFORMATIVE:** Should any protected species or evidence of any protected species be found prior to or during the development, all works must stop immediately and an ecological consultant or West Sussex County Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of this advice and provided with the contact details of a relevant ecological consultant.
- 26 **INFORMATIVE:** The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 27 **INFORMATIVE:** This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 28 **INFORMATIVE:** The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader, West Sussex

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County Council, County Hall, Chichester, West Sussex, PO19 1RQ. (Tel no. 01243 642105).