

Recommendation Report for Planning Permission

REF NO: F/9/14/PL

LOCATION: Land south of
Burndell Road
Ford

PROPOSAL: 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.

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.

The proposed development would consist of 1, 2, 3 and 4 bed dwellings, however the final breakdown will be agreed under any reserved matters application, 13 of the dwellings are to be provided as affordable homes.

102 parking spaces are to be provided, the location of the spaces will be agreed at the reserved matters stage.

SITE AREA

2.4 hectares.

RESIDENTIAL DEVELOPMENT DENSITY (NET) 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

Northern boundary of the site adjoins 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. Wire fencing, hedging and five bar gate

to highway boundary.

Southern, eastern and western boundaries kept by mature hedgerows, 3-4 metres in height with intermittent trees of varying maturity.

SITE CHARACTERISTICS

The site is located to the south of 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.

CHARACTER OF LOCALITY

The site is located to the south of properties fronting Burndell Road, with the exception of the means of access. 9 residential properties backing onto the northern boundary of the site, these consist of 1 and 2 storey properties. Each of the properties have a garden depth of at least 30 metres.

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.

RELEVANT SITE HISTORY

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 Cond + S106 19-12-2013
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.	ApproveConditionally 26-06-2014

Permission 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.

REPRESENTATIONS

Representations received:

Ford Parish Council

Yapton 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.

- 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:

Objection;

- The proposal is on land classified as grade one agricultural land by DEFRA, and located outside the built-up area boundary

- It is not included as a potential site for development in the emerging Ford Neighbourhood Plan;

- The site is part of SHLAA site 42 which straddles the Ford and Yapton Parish boundary. It has not been selected by the local community of Yapton for development in the submission version of the Yapton Neighbourhood Plan for the portion on the Yapton side of the boundary.

- The Yapton Neighbourhood Plan has been endorsed by the Parish Council and submitted to the District Council for the mandatory 6 week publicity period in accordance with Regulation 15, prior to independent examination.

- It will place an additional burden on doctors' surgeries and the C of E Primary school in Yapton; with recent development proposals agreed for 173 homes Y/81/10 and 34 homes Y/30/13 in close proximity there will be a significant increase in road traffic which will join the B2233 Yapton Road within a 280 yards length;

- Drainage and sewage facilities in this area are currently inadequate;

- The site floods when excessive rainfall occurs.

11 Letters of objection (from 9 addresses):

- 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.
- 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'.
- Resident in Burndell Road voted against the inclusion of this site within the Neighbourhood Plan.

Comments on Representations received:

Comments on Ford & Yapton 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. Should the Neighbourhood Plan be published and undergone consultation, then this would support the development, until such time as this process is complete there is no relevant development plan which supports the principle of developing this site.

The comments regarding drainage by Yapton Parish Council are noted, however the consultation responses below from the Environment Agency and the Council's Drainage Engineers raising no objection on these grounds should be noted.

The impact upon existing infrastructure can be mitigated either through financial contributions towards relevant services or mitigation works carried out by the developer of the site.

Comments on letters of objection:

The comments made are duly noted, concerns relating to flooding are not supported by the consultation responses received from the Council's own Drainage Engineers and the Environment Agency. Their responses state that the scheme would be acceptable on these grounds subject to a suitable design to deal with drainage being agreed.

The impact upon existing infrastructure/services can be mitigated either through financial contributions towards relevant services or mitigation works carried out by the developer of the site.

The loss of views and the impact upon the value of neighbouring properties is not a material planning consideration.

The comment raised regarding the refused application at 1 Northwood Cottages is incorrect, the application for alterations to the roof at the rear of the property (Planning Ref: F/711) was refused as it would have blocked light to first floor windows of the neighbouring property and was of a poor design.

Comments regarding the density of the site is noted, however density should be considered based on the character of the surrounding locality.

CONSULTATIONS

Highways Agency
WSCC Strategic Planning
Environment Agency
Environmental Health
Parks and Landscapes
Planning and Housing Strategy
Sussex Police-Community Safety
Engineering Services Manager
Engineers (Fluvial Flooding)
Network Rail
Southern Water Planning

Consultations responses received:

Parks & Greenspace:

Public Open Space

- Development would be required to provide 2,592 sqm of public open space on-site.
- With the number of houses on this proposal exceeding 15 this would also trigger the need for onsite Local Area of Play (LAP), given the scale of the site more than 1 LAP would be required, rather than having small areas of play located around the site it is thought more appropriate to seek a contribution of £1,000 per property to deliver off-site play facilities within existing open spaces.
- 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 desirable.

Landscape

- Any trees, in particular along the boundaries, which adjoin neighbouring land could provide potential valuable screening and should be retained. Root Protection Areas (RPA) should extend into the development site and to those in neighbouring land.
- Tree protection scheme required prior to commencement of the development.
- A Landscape Visual Impact Assessment should be submitted to ensure consideration has been given to the landscape impact and that any mitigation requirements are reflected in the design of the scheme. This should also include an ecological report detailing biodiversity, habitat and tree survey.
- Full landscaping scheme will be required to assure the adjacent properties privacy is maintained, the setting is uncompromised and the street scene is appropriate for its setting.
- The area indicated as 'pond' on the proposed sketch layout would need to be subject to a ROSPA inspection due to the proximity to public open space and pathway areas.

I would recommend that all of the above points are addressed as part of a considered and valid application and agreed before any decision can be considered.

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.

Sussex Police:

Design guidance provided to ensure crime prevention measures are included within any reserved matters application.

Housing Strategy & Enabling Officer:

Prepared to accept the 13 units (29%) affordable housing being offered by the applicants based on the tenure split proposed.

WSCC Highways 1st response:

Sustainable access.

Bus service 700 'Coastliner' provided by Stagecoach PLC runs regularly past the site and stops almost immediately opposite and alongside the junction of the new access road with Burndell Road. During Monday to Friday it provides a 20 minute service, 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 1.5km west of the site. This service provides for a less frequent service than the 700 of approximately one bus approximately every 75 minutes.

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. When an amended plan is available, the design team should present it back to the audit team for comments, then onto the Local Planning Authority for consultation with the Highway Authority. The location and design of any shelters should not compromise highway safety at any of the access points nearby.

S106 contributions and associated infrastructure.

Contributions should be considered towards the following WSCC Infrastructure Priorities (and be secured by S106 Agreement if found to be acceptable):

- Cycle route to, from and around Ford Airfield.
- Comet Corner junction improvements.
- Footway extension Bilsham Road.

The applicant should reply to this and state what level of contribution is offered as part of the application.

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.

Additional information is required to enable the Highway Authority to consider the application:

1. Revised road layout on Burndell Road including bus provision to be shown on an amended plan.
2. Further information in support of junction design and road widening (Burndell Road).

3. Further response required from audit team if drawings are amended further - including an amended Designer's Response.
4. Designer's Response to be signed, dated and Designer's name printed on it.
5. Confirmation of level of financial contribution towards highway infrastructure priorities as referred to above.
6. Confirmation that bus stops, shelters, real-time passenger information and seating will be provided at the applicant's expense (preference is for monies to be secured in a S106 Agreement in order that WSCC can implement at an appropriate time) - 20k for each installation.

2nd Response:

Comment on further information, content that sensitivity testing at Comet Corner or Oyster Catcher is not required given the low traffic impact. Similarly, will not insist upon railway crossing sensitivity testing, however this should be agreed with Network Rail.

In summarising correspondence between WSCC Highways and the applicant to date, there is no final agreement on the highway improvements although the County Highway officer has clearly stated the requirements for the applicant to meet.

WSCC Archaeology:

No objection - it is recommended that a programme of archaeological investigation and recording be undertaken in advance of construction.

Southern Water:

Inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvements to existing will be required to provide sufficient capacity to service the development.

Condition recommended to secure details of improvements.

Network Rail:

Yapton and Ford level crossings are located in the surrounding area of the proposed residential development. The safety of the operational railway and of those crossing it is of the highest importance to Network Rail and railway crossings are of a particular interest in relation to safety.

Network Rail is concerned that the application's associated Transport Statement does not contain an assessment of the proposed developments potential impact on Yapton and Ford level crossing.

Therefore Network Rail would like to request that the applicant provides more information relating to the impact of the proposed development on the use and operation of Ford and Yapton level crossings.

Environment Agency:

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

Highways Agency:
No objection.

Comments on Consultation responses:

Comments noted, due to the lack of information provided regarding the landscape impact, highway improvements and contributions as well as the impact upon railway crossings, there is insufficient information available to determine matters on these grounds.

POLICY CONTEXT

Designation applicable to site:
Outside the built-up area boundary
Class 'B' Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN12	Parking in New Development
	GEN3	Protection of the Countryside
	GEN14	Public Transport
	GEN15	Cycling and Walking
	GEN18	Crime Prevention
	GEN2	Built-up Area Boundary
	GEN20	Provision of Public Open Space within New Development
	GEN33	Light Pollution
	GEN7	The Form of New Development
	GEN8	Development and the Provision of Infrastructure
	GEN9	Foul and Surface Water Drainage
	DEV17	Affordable Housing

Publication Version of the Local Plan -
Excluding the Spatial Portrait, Employment,
Housing Allocations, Transport, Monitoring and
Implementation sections (February 2014):

C SP1 Countryside
D DM1 Aspects of Form and Quality
D SP1 Design
ENV DM5 Development and Biodiversity
H DM1 Housing Mix
H SP2 Affordable Housing
LAN DM1 Protection of Landscape Character
SD SP1 Sustainable Development
SD SP2 Built -Up Area Boundary
W DM2 Flood Risk
W DM3 Sustainable Urban Drainage Systems
W SP1 Water

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

XXX6 Interim Affordable Housing Policy

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

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 would have a materially adverse effect upon the countryside and 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).

These policies and boundaries should be accorded significantly less weight if the Council is unable to demonstrate that it is able to make adequate provision for housing post 2011. This has been reflected in a number of recent appeal decisions. For example, whilst the principles of GEN3 (protection of the countryside) are timeless, the Inspector considering an outline scheme for 40 dwellings at Grenyers Field, Ferring (December 2012) concluded that these policies (GEN2 & 3) were in conflict with the NPPF as they have not been adjusted to take account of changing housing requirements. This position was also supported by the more recent appeal at The Lillies Caravan Park (April 2014) in which the Inspector also supports this view.

While the proposed development is contrary to policies GEN2 and GEN3 of the Local Plan 2003 it is important to establish the weight that can be attached to these in the determination of this application. A High Court Decision (Cotswold District Council Vs SoSCLG), dated the 27th November 2013, is important in understanding this. In that case, the Inspector, SoS and the Judge agreed that the policy referred to in the judgement (which sought to prevent housing outside defined settlement boundaries in the way that Policies GEN2 and GEN3, when taken together, of the Local Plan do) was a policy relevant to the supply of housing for the purposes of Para 49 of the NPPF, and that this policy should therefore be given no-weight in the extent that it seeks to restrict housing supply.

It should be noted that the above decisions were taken in the absence of the Council being able to demonstrate a suitable housing land supply as well as a strategy to deliver housing post 2011. The Council's position has improved on this front as the Council can now demonstrate a 5 year land supply in accordance with the NPPF and the emerging Local Plan includes a strategy to

provide a suitable level of housing for the plan period.

Whilst the above is noted, policy GEN3 of the Arun District Local Plan 2003, when taken on its own, has a large degree of consistency with the NPPF. It is concluded that the objectives of GEN3 do not relate to the supply of housing but requires countryside to be safeguarded for its own sake. Accordingly in light of the Council demonstrating a suitable land supply it is not therefore considered to be time expired for the purposes of paragraph 49 of the NPPF and it also accords with the Core Planning Principles set out with paragraph 17 of the framework.

The main adopted policies against which to determine this application are those contained within the NPPF, the starting point being Para 14 (set out below) and the presumption in favour of sustainable development.

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". In this instance, the proposal is considered to be contrary to Arun Local Plan Policies GEN2, GEN3 and GEN5, whilst policies GEN2 and GEN5 relate to housing provision and are therefore out of date as they do not provide for housing post 2011, policy GEN3 remains consistent with the framework as it is not associated with housing delivery as noted above.

Paragraph 17 of the NPPF confirms that one of the core principles of the planning system is that it should be genuinely plan-led. Paragraph 150 goes on to state that Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities.

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.

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.

PUBLICATION VERSION LOCAL PLAN 2013 - 2028

The latest publication of the Local Plan dated 30th January 2014 was approved by Full Council on 11th February 2014; following on from this the strategic housing sites over the plan period were also agreed on 30th April 104.

Annex 1 of the NPPF (para 216) does allow for decision makers to give weight to relevant policies in emerging plans, but this depends on their stage of preparation, the extent to which unresolved objections to relevant policies remain and the degree of consistency of relevant policies within the emerging plan with policies within the NPPF.

The recently published Planning Practice Guidance (PPG) gives further advice as follows:

"arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Policies contained within the Feb 2014 Publication Version of the Local Plan that are relevant to the appeal are SD SP2 (Built up Area Boundaries), C SP1 (Countryside), LAN DM1 (Landscape Character), H DM1 (Housing mix), H SP2 (Affordable Housing), W DM2 (Flood Risk), W DM3 (Sustainable Urban Drainage Systems) and QE SP1 (Quality of the Environment).

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 is at a much more advanced stage, they have submitted to the Council a Regulation 15 version of the Plan for consideration; this Plan is relevant as the site

adjoins the Parish boundary of Yapton (though it is outside of the Parish). The Plan plans for a minimum of 100 homes to be provided between 2014-2029.

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.

LANDSCAPE CHARACTER

The application submitted does not include a Landscape Visual Impact Assessment, as requested within the pre-application advice offered. Some commentary regarding its impact is provided within the Planning Statement, however this largely relates to comments from an Inspector within an appeal decision relating to land to the north of Burndell Road. This site does not relate to the visual context and landscape setting of the development site.

The Council's Parks and Landscapes officer has also commented on the lack of a suitable landscape assessment and has requested that an assessment be carried out to demonstrate the acceptability of the site to accommodate housing.

It is concluded on this landscape matter that insufficient information has been provided to allow the Council to suitably evaluate the landscape impact of the development.

CONCLUSIONS ON MATTERS OF PRINCIPLE & POLICY

The NPPF requires that there is a presumption in favour of development which is located in a sustainable location; this means that Councils should approve development without delay when

the development plan is absent, silent or out of date.

In this case the Council can demonstrate an adequate supply of housing land as required by paragraph 49 of the NPPF. It also has an agreed strategy for housing delivery post 2011 contained within the Pre-Submission Local Plan, given the Council's demonstration of a suitable land supply this housing strategy is considered to be up to date.

The proposals are not in accordance with the development plan, the post 2011 housing strategy or any Neighbourhood Plan at this time, therefore allowing this development would be contrary to the development plan and the democratic approach to housing delivery as set as a core principle within the NPPF.

TECHNICAL MATTERS

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 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 to proposed junction and highway improvements, he has raised concerns with the alignment of the improvements to Burndell Road and requested revised detail to demonstrate that the works can be suitably achieved. Whilst the applicant has been willing to amend the scheme the changes have not to date satisfied the County Highway officer's requirements. Accordingly the application is to be refused due to a lack of sufficient information to allow the Highway officer to recommend approval of these matters.

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.

Network Rail have also considered the proposed scheme and the impact upon nearby railway crossings in Ford and Yapton from additional vehicular movement. They have requested that further information be provided to demonstrate the impact of development upon these crossings. The applicants have not been willing to carry out these assessments, therefore insufficient information is available to assess the impact upon local level crossings.

OBLIGATIONS

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 with 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.

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 Publication version Local Plan February 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.

Accordingly given that the Council is now able to demonstrate an adequate 5 year housing land supply as well as having a draft local plan emerging which adequately demonstrates a housing strategy beyond 2011, the Council does not need to except 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.

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 application is therefore recommended for refusal for the reasons set out below.

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 and private 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 a neutral impact has 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).

RECOMMENDATION

REFUSE

- 1 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. The proposal represents a significant encroachment into the countryside resulting in a 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.
- 2 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 proposal is therefore contrary to policy GEN7 of the Arun District Local Plan.
- 3 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. As such, the proposals are contrary to policy GEN7 (vii) of the Arun District Local Plan and paragraph 32 of the NPPF.
- 4 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. As such, the proposals are contrary to policy GEN7 (vii) of the Arun District Local Plan and paragraph 32 of the NPPF.
- 5 The applicant indicates that a 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 proposed development therefore conflicts with policy DEV17 of the Arun District Local Plan 2003 and the Council's Interim Affordable Housing Policy.
- 6 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 and the development therefore conflicts with policy GEN8 of the Arun District Local Plan 2003.

- 7 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.