

**Land to the South
of Ford Lane and
East of North End
Road, Yapton,
BN18 0DS**

HERITAGE STATEMENT

PREPARED BY PEGASUS GROUP ON BEHALF OF
REDROW HOMES (SOUTHERN COUNTIES) LIMITED

P21-2310 | NOVEMBER 2021



Document Management				
Version	Date	Author	Checked/approved by:	Reason for revision
1	18 th November 2021	CG	GS	---

Pegasus Group

Pegasus House | Querns Business Centre | Whitworth Road | Cirencester | GL7 1RT

Birmingham | Bristol | Cambridge | Cirencester | Dublin | East Midlands | Edinburgh | Leeds | Liverpool | London | Manchester | Newcastle | Peterborough | Solent

DESIGN | ENVIRONMENT | PLANNING | ECONOMICS | HERITAGE

©Copyright Pegasus Planning Group Limited 2011. The contents of this document must not be copied or reproduced in whole or in part without the written consent of Pegasus Planning Group Limited.

HERITAGE STATEMENT

**LAND TO THE SOUTH OF FORD LANE AND EAST OF NORTH END ROAD,
YAPTON, BN18 0DS**

ON BEHALF OF: REDROW HOMES (SOUTHERN COUNTIES)

Pegasus Group

Pegasus House | Querns Business Centre | Whitworth Road | Cirencester | GL7 1RT

Birmingham | Bristol | Cambridge | Cirencester | Dublin | East Midlands | Edinburgh | Leeds | Liverpool | London | Manchester | Newcastle | Peterborough | Solent

DESIGN | ENVIRONMENT | PLANNING | ECONOMICS | HERITAGE

©Copyright Pegasus Planning Group Limited 2011. The contents of this document must not be copied or reproduced in whole or in part without the written consent of Pegasus Planning Group Limited.

CONTENTS:

1.	INTRODUCTION	1
2.	SITE DESCRIPTION AND PLANNING HISTORY	3
3.	PROPOSED DEVELOPMENT	11
4.	METHODOLOGY	12
5.	PLANNING POLICY FRAMEWORK	19
6.	SETTING ASSESSMENT	31
8.	CONCLUSIONS	45

APPENDICES:

APPENDIX 1: Y/60/14/OUT APPEAL DECISION

APPENDIX 2: Y/80/16/OUT OFFICER'S REPORT

APPENDIX 3: Y/82/20/RES DECISION NOTICE AND OFFICER'S REPORT

APPENDIX 4: CHURCH OF ST MARY LIST ENTRY

APPENDIX 5: CHURCH HOUSE LIST ENTRY

APPENDIX 6: PARK LODGE LIST ENTRY

APPENDIX 7: CONSERVATION AREA MAP

PLATES:

PLATE 1: SITE LOCATION PLAN.	2
PLATE 2: APPROVED SITE LAYOUT (Y/82/20/RES).	3
PLATE 3: THE EASTERN BOUNDARY OF THE SITE.	4
PLATE 4: VIEW FROM THE SITE TO THE WESTERN BOUNDARY WITH THE ORCHARD BUSINESS PARK.	4
PLATE 5: VIEW TOWARDS THE SOUTHERN BOUNDARY OF THE SITE.	5
PLATE 6: 1876 ORDNANCE SURVEY MAP.	5
PLATE 7: 1939 ORDNANCE SURVEY MAP.	6
PLATE 8: 1974-5 ORDNANCE SURVEY MAP.	6
PLATE 9: ENTRANCE TO THE CHURCH YARD FROM CHURCH LANE.	32
PLATE 10: THE GRADE I LISTED CHURCH.	32
PLATE 11: SOUTHERN ELEVATION OF THE CHURCH.	33
PLATE 12: VIEW TOWARDS THE CHURCH FROM THE EXISTING PROW ON THE EASTERN BOUNDARY OF THE SITE (THE TOWER IS NOT VISIBLE).	33
PLATE 13: FURTHER NORTH ALONG THE PROW WHEN THE TOWER BECOMES VISIBLE ABOVE THE TREES.	34
PLATE 14: VIEW FROM THE NORTHERN PART OF THE SITE WITH THE CHURCH TOWER JUST VISIBLE OVER THE TREES.	34
PLATE 15: VIEW FROM WITHIN THE CHURCHYARD (SOUTH OF THE CHURCH) TOWARDS THE SITE.	35
PLATE 16: VIEW FROM WITHIN THE CHURCHYARD (NORTH OF THE CHURCH) TOWARDS THE SITE.	35
PLATE 17: THE HISTORIC REAR ELEVATION OF CHURCH HOUSE AND NOW THE PRINCIPAL ACCESS.	37
PLATE 18: VIEW FROM THE PROW TOWARDS CHURCH HOUSE.	37
PLATE 19: VIEW FROM THE ENTRANCE OF CHURCH HOUSE TOWARDS THE SITE.	38
PLATE 20: VIEW FROM THE SITE TOWARDS CHURCH HOUSE (NOT VISIBLE).	38
PLATE 21: THE GRADE II LISTED PARK LODGE.	40
PLATE 22: VIEW FROM IN FRONT OF PARK LODGE TOWARDS THE SITE WITH THE MODERN BUILT FORM ON THE NORTH SIDE OF CHURCH LANE APPARENT.	40
PLATE 23: BUILT FORM ALONG CHURCH ROAD IN THE WESTERN PART OF THE CONSERVATION AREA.	42

PLATE 24: BUILT FORM ALONG CHURCH ROAD IN THE WESTERN PART OF THE CONSERVATION AREA.	42
PLATE 25: VIEW FROM THE CHURCHYARD ENTRANCE ALONG CHURCH LANE.	43
PLATE 26: VIEW FROM CHURCH LANE DOWN THE PROW TO THE NORTH.	43
PLATE 27: VIEW FROM THE PROW TOWARDS THE SITE, WHICH IS GLIMPSED.	44

1. Introduction

1.1 Pegasus Group have been commissioned by Redrow Homes (Southern Counties) Limited to prepare a Heritage Statement to assess the impact of the proposed dwellings at Land to the South of Ford Lane and East of North End Road, Yapton, BN18 0DS as shown on the Site Location Plan provided at Plate 1, on the historic environment.

1.2 The site does not contain any Listed Buildings, nor does it fall within the boundaries of any Conservation Areas; however, it lies in proximity to the following designated heritage assets and therefore may have the potential to impact upon their significance through a change in setting:

- **Grade I Listed Parish Church of St Mary;**
- **Grade II Listed Church House;**
- **Grade II Listed Park Lodge; and**
- **Yapton Main Road and Church Lane Conservation Area.**

1.3 The proposals are described as follows:

"Application for full planning permission for the erection of fifteen dwellings (including four affordable units) with associated access, parking, landscaping,

drainage and public open space (additional units to those approved under application Y/82/20/RES)."

1.4 This Heritage Statement provides information with regards to the significance of the historic environment to fulfil the requirement given in paragraph 194 of the Government's National Planning Policy Framework (the NPPF¹) which requires:

*"an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting."*²

1.5 In order to inform an assessment of the acceptability of the scheme in relation to impacts to the historic environment, following paragraphs 199 to 203 of the NPPF, any harm to the historic environment resulting from the proposed development is also described, including impacts to significance through changes to setting.

1.6 As required by paragraph 194 of the NPPF, the detail and assessment in this Report is considered to be *"proportionate to the asset's importance"*³.

¹ Ministry of Housing, Communities and Local Government (MHCLG), *National Planning Policy Framework (NPPF)* (London, July 2021).

² MHCLG, *NPPF*, paragraph 194.

³ MHCLG, *NPPF*, paragraph 194.

2. Site Description and Planning History

- 2.1 The site currently comprises open land, but has an approval to become an area of public open space together with accommodating attenuation features as part of a previous permission on the site for 100 dwellings (Y/82/20/RES).
- 2.2 The southern boundary of the site is bordered by mature trees, dense vegetation and boundary treatments such as fences. The eastern boundary has some vegetation but is open to the field to the east. The western edge of the site has tall hedges between it and the Orchard Business Park beyond.



Plate 2: Approved site layout (Y/82/20/RES).



Plate 3: The eastern boundary of the site.



Plate 4: View from the site to the western boundary with the Orchard Business Park.

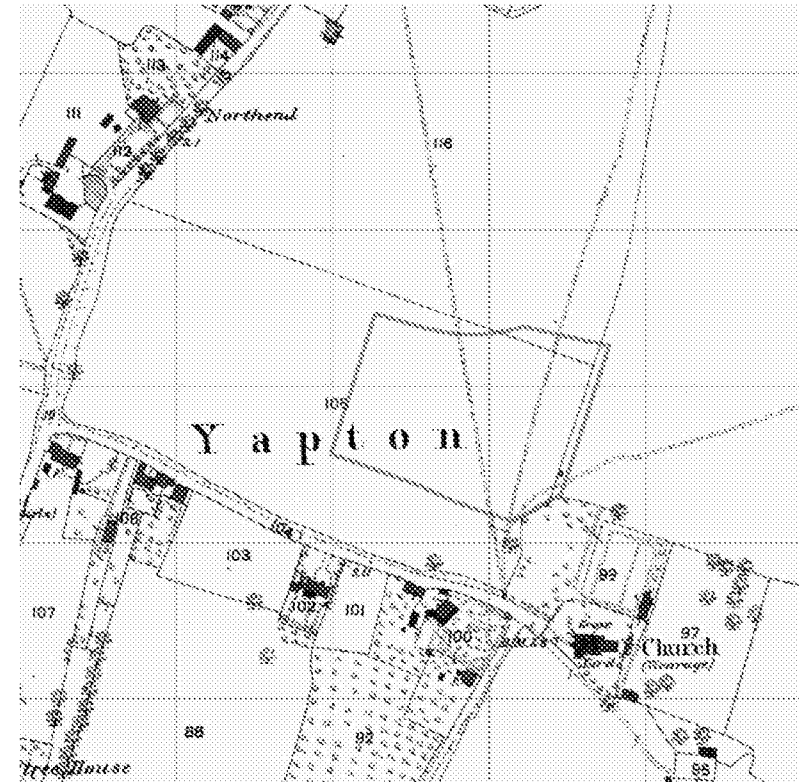


Plate 5: View towards the southern boundary of the site.

Site Development

- 2.3 Historic mapping shows that the site has not itself experienced a large degree of change over time; however, the village of Yapton, whose historic centre was further southwest, experienced change along Church Lane throughout the 20th century in the form of the development of detached residential dwellings. The last quarter of the century involved the infill of the open space between the built form on Church Lane and the historic core of Yapton.
- 2.4 The maps also demonstrate the separation between the Church of St Mary and the site by the land associated with Church Farm

House, which is depicted in all the maps as containing trees, and probably comprised an orchard.



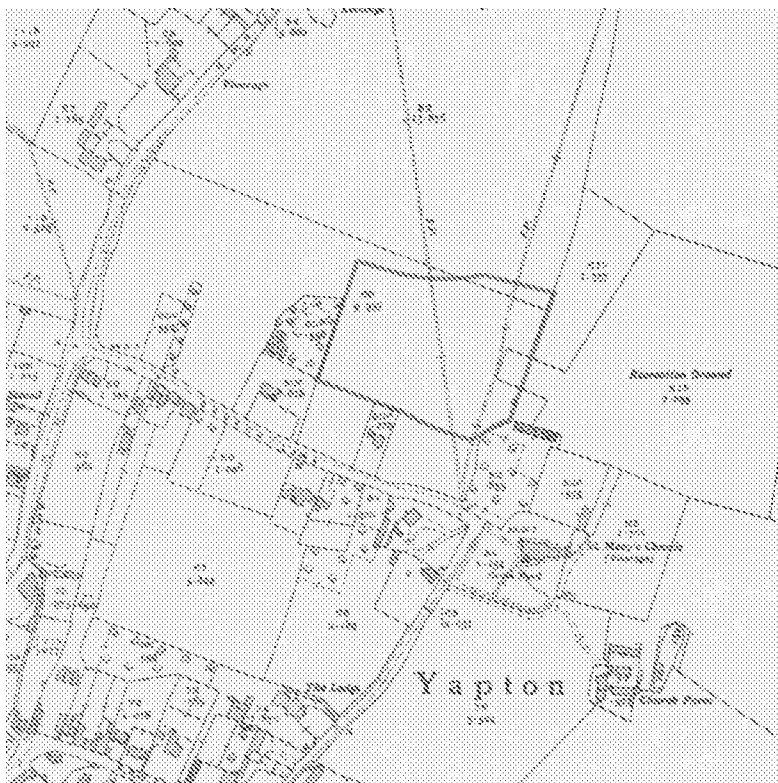


Plate 7: 1939 Ordnance Survey Map.

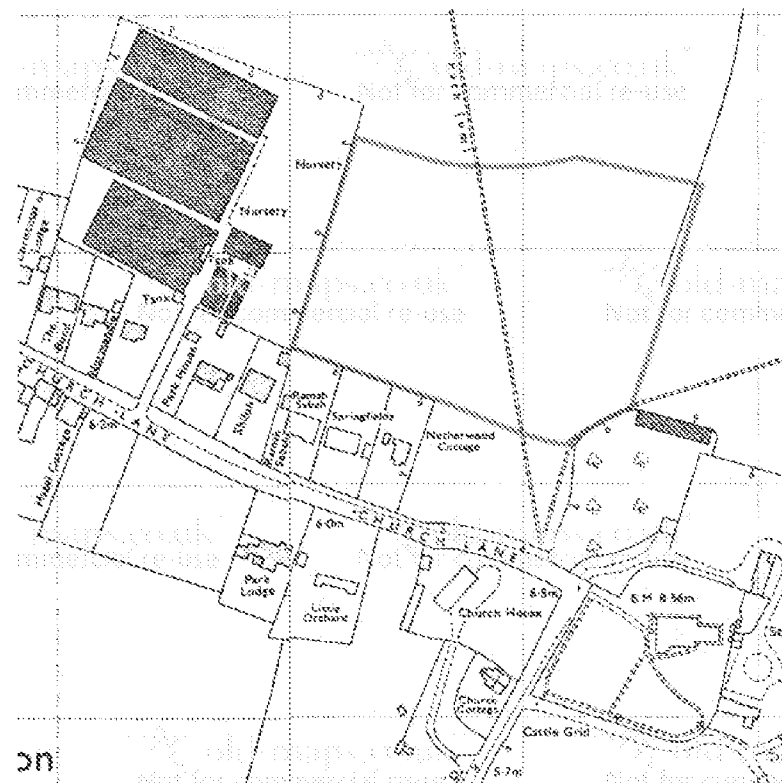


Plate 8: 1974-5 Ordnance Survey Map.

Planning History

- 2.5 Whilst the historic mapping described above indicates the development of the local area, a review of the recent planning history records held online by Arun District Council has also indicated a number of applications which are relevant to the current proposals, as follows:

matters reserved for 4.5 hectares of residential development comprising 3.4 hectares of land for up to 100 dwellings (up to 30 (30%) affordable housing) together with 1.1 hectares of land set aside for public open space and strategic landscaping and 2.2 hectares of public open space and green corridors with vehicular access from Ford Lane and pedestrian/cycle access only from North End Road. This application is a Departure from the Development Plan. | Appeal Dismissed | 7th October 2015.

- 2.7 The above application had 4 reasons for refusal relating to heritage, which read as follows:

"The application fails to assess the significance of heritage assets, including the contribution made by their setting and is inadequate to sufficiently understand the potential impact of the proposal on their significance. The application is therefore considered contrary to Paragraph 128 of the NPPF and policies HER DM1 and HER DM3 of the Proposed Submission Local Plan 2011 - 2031.

The proposal would have an adverse impact on the setting of the Yapton Conservation area causing substantial harm to the designated heritage asset, by virtue of the proximity of the proposed dwellings to the conservation area boundary and the effect the proposed development would have on the traditional rural approaches to the Conservation Area. The proposal therefore conflicts with paragraph 132 of the National Planning Policy Framework in that these elements of the scheme are not environmentally sustainable. The scheme also conflicts with policy AREA2 of the Arun District Local Plan 2003, policy HER DM3 of the Proposed Submission Local Plan 2011 - 2031 and policy ES in the Yapton Neighbourhood Plan.

The proposal would have an adverse impact on the setting of the Grade I listed St Mary's Church causing substantial harm to the designated heritage asset, by virtue of the proximity of the proposed dwellings to the Conservation Area boundary and the effect the proposed development would have on the traditional rural approaches to Conservation Area. The proposal therefore conflicts with paragraph 132 of the National Planning Policy Framework in that these elements of the scheme are not environmentally sustainable. The scheme also conflicts with policy AREA2 of the Arun District Local Plan 2003 and policy HER DM1 of the Proposed Submission Local Plan 2011-2031.

The application is considered to have the potential to include heritage assets with archaeological interest. Paragraph 128 states that local planning authorities should require developers to submit "where necessary, a field evaluation" should the site have potential to include heritage assets. A heritage assessment has been considered necessary by West Sussex County Council's archaeologist. No evidence of a field evaluation has been submitted therefore the proposal is considered contrary to Paragraph 128 of the NPPF and policy HER DM6 in the Proposed Submission Local Plan 2011-2031."

- 2.8 The Inspector, however, concluded the following in relation to the heritage assets that will be discussed in this report:

11.29. The setting of a heritage asset is not limited to where there is intervisibility but HE Advice Note 3 confirms that this can be important. However, none of its examples of where views contribute more to understanding the significance of a heritage asset are relevant. This is because there is no important relationship between the church and the appeal site, no historical association, the composition in the view was never part of its design or function, and no relationship with features or phenomena. The

evidence with regard to West Sussex churches standing towards the edge of villages is of interest, but here the church is already surrounded by land in residential use and the appeal site is off to one side so that the church would still be visually open to the countryside beyond the grounds of Church Farm House. The scheme has been designed with a wide margin of open space to respect the significance of the church.

11.30. The proposed houses would obscure the tower from some views within the field and from parts of Ford Lane. Otherwise, the views from the footpath would be retained albeit that the view would be framed by houses rather than an open field. While this would alter the experience of this heritage asset from this part of its setting, subject to the detailed design of the houses, there is no evidence that the significance of the asset would be harmed by a change within what is effectively a relatively peripheral part of its setting.

[...]

11.32. Two other listed buildings, Church House and Park Lodge, stand on the south side of Church Lane with other houses between them and the appeal site. The Council rightly raised no concerns with regard to the settings of these buildings and, given the separation, no harm would be caused. While the council has referred to the historic character of the parkland to Yapton Manor, there was no evidence that this setting ever made an important contribution to the significance of the church and in any event the parkland is no longer there.

11.33. For all these reasons, the contribution which the setting makes to the significance of the church would be unaffected by the changes within an area of that setting in which only part of the church tower

can be experienced. The proposals would therefore preserve the special architectural and historic interest of St Mary's Church and its setting. Given that no harm would occur, the tests for substantial or less than substantial harm in NPPF 132-134 are not relevant and the proposals would accord with Section 66 of the LB&CA Act. While the relevant eLP policies carry rather more weight than those for housing, as there have few objections to these, there would be no conflict with these either. There would be no conflict with Yapton Neighbourhood Plan policy E9.

[...]

11.35 The conservation area adjoins part of the appeal site over a short distance by the proposed houses would be well outside its boundary. While there would be some intervisibility at Church Farm House and views of the church tower, in general the site is physically and visually separated from the conservation area by intervening modern development and tree cover. Historically, it has not formed part of the setting to the conservation area, which would be unharmed. The site is therefore very different to that at Church House which was within the conservation area and in front of the church.

11.36. Subject to reserved matters, the houses would stand well beyond the conservation area and separated by open space and landscaping. For these reasons, the scheme would not affect the significance of this designated heritage asset or the character and appearance of the conservation area, which would be preserved. It would accord with historic environment policy in the NPPF and neither NPPF 133 and NPPF 134 would apply. There would be no conflict with saved ADLP conservation area policy AREA2. As there would be no harm to the conservation area, let alone substantial harm, NPPF 14 footnote 9 does not apply. TNP policy E8 is not

relevant as it refers to development within the conservation area."

APPENDIX 1: Y/60/14/OUT APPEAL DECISION

2.9 Whilst the appeal was recommended to be allowed by the Inspector and later dismissed by the Secretary of State, the Secretary of State agreed with the Inspector's comments relating to heritage, which can be found below.

2.10 **Y/80/16/OUT** | Resubmission of outline planning permission Y/60/14 for 4.5 hectares of residential development comprising 3.4 hectares of land for up to 100 dwellings (up to 30 (30%) affordable housing) together with 1.1 hectares of land set aside for public open space and strategic landscaping and 2.2 hectares of public open space and green corridors, with vehicular access from Ford Lane and pedestrian/cycle access from North End Road. | Appeal allowed | 15th January 2018.

2.11 The outline permission on the site and the land to the north was allowed at appeal and established the acceptability of on the change of character of the site. It should be noted that there were no Reasons for Refusal relating to heritage with the Officer's Report concluding the following (making reference to the previous application on the site):

"The Secretary of State agrees with the inspector that that there is no evidence that the significance of St Mary's Church would be harmed by the proposal. He further agreed, for the reasons set out in the Inspectors report at IR11.31, that the information provided by the appellant on the settings of heritage assets is comprehensive and the level of analysis is

enough for a proper assessment of the setting. He agrees that the scheme would not impact on Church House and Park Lodge. It is accepted that subject to the detailed design of a residential development in this location it can be accepted with little harm to the setting of the conservation area and nearby listed buildings and therefore would not be contrary to planning policy."

APPENDIX 2: Y/80/16/OUT OFFICER'S REPORT

2.12 **Y/19/20/RES** | Approval of reserved matters following outline consent Y/80/16/OUT for 4.5ha of residential development comprising 3.4ha of land for the erection of 100 No. dwellings (up to 30 (30%) affordable housing) together with 1.1ha of land set aside for public open space & strategic landscaping and 2.2ha of public open space and green corridors with vehicular access from Ford Lane & pedestrian/cycle access only from North End Road. | Refused | 12th May 2020.

2.13 There were no reasons for refusal relating to heritage in the above application for reserved matters.

2.14 **Y/82/20/RES** | Approval of reserved matters following outline consent Y/80/16/OUT for 4.5ha of residential development comprising 3.4ha of land for the erection of 100 No. dwellings (up to 30 (30%) affordable housing) together with 1.1ha of land set aside for public open space & strategic landscaping and 2.2ha of public open space and green corridors with vehicular access from Ford Lane & pedestrian/cycle access only from North End Road (resubmission following Y/19/20/RES) | Approved | 10th November 2020.

- 2.15 The Conservation Officer concluded the following on the above application for reserved matters:

"The site is located in the vicinity of St Mary's Church (Grade I), Church House (Grade II), Park Lodge (Grade II) and The Old Cottage (Grade II); the following Locally Listed Buildings: 1 & 2 Church Cottages, Little Orchard and Yapton Lodge; and Church Lane Conservation Area. The heritage statement assesses the significance of the heritage assets and the potential impact of the development upon them. The development would have a neutral impact upon the various heritage assets and their settings; due to the location of the open space and the considered design of the properties. The proposal would not cause harm to the significance of the heritage asset or their setting."

APPENDIX 3: Y/82/20/RES DECISION NOTICE AND OFFICER'S REPORT

3. Proposed Development

- 3.1 The application seeks Planning Permission and Advertisement Consent for:

"Application for full planning permission for the erection of fifteen dwellings (including four affordable units) with associated access, parking, landscaping, drainage and public open space (additional units to those approved under application Y/82/20/RES)."

- 3.2 The proposals are detailed on the following plans which form the application package and which this assessment considers:

- **A965__03A_PLANNING LAYOUT**
- **A965__05_Affordable Housing**
- **A965__06_Enclosures Plan**
- **A965__07_Material Plan**
- **A965__08_Occupancy Plan**
- **A965__09_Massing Plan**
- **A965__10_Hard Surfacing Plan**
- **A965__11_Parking Plan**
- **A965__12_Refuse Plan**
- **A965__15_STREET SCENES**

4. Methodology

- 4.1 The aims of this Heritage Statement are to assess the significance of the heritage resource within the site, to assess any contribution that the site makes to the heritage significance of the Identified heritage assets, and to identify any harm or benefit to them which may result from the implementation of the development proposals, along with the level of any harm caused, if relevant. This assessment considers the built historic environment.

Sources

- 4.2 The following key sources have been consulted as part of this assessment:
- **The National Heritage List for England for information on designated heritage assets;**
 - **Online archival sources, including historic maps; and**
 - **Aerial photographs and documentary sources held at the Historic England Archives, Swindon.**
- 4.3 Historic cartographic sources and aerial photographs were reviewed for the site, and beyond this where professional judgement deemed necessary.
- 4.4 Heritage assets in the wider area were assessed as deemed

appropriate (see Section 6).

Site Visit

- 4.5 A site visit was undertaken by Claire Gayle, Associate Heritage Consultant on 30th July 2021, during which the site and its surrounds were assessed. Selected heritage assets were assessed from publicly accessible areas.
- 4.6 The visibility on this day was clear. Surrounding vegetation was in full leaf at the time of the site visit, and thus the potential screening that this affords was also considered when assessing potential intervisibility between the site and surrounding areas.

Assessment of significance

- 4.7 In the NPPF, heritage significance is defined as:

*"The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance."*⁴

- 4.8 Historic England's *Managing Significance in Decision-Taking in*

⁴ MHCLG, *NPPF*, pp. 71-72.

*the Historic Environment: Historic Environment Good Practice Advice in Planning: 2*⁵ (hereafter GPA 2) gives advice on the assessment of significance as part of the application process. It advises understanding the nature, extent, and level of significance of a heritage asset.

- 4.9 In order to do this, GPA 2 also advocates considering the four types of heritage value an asset may hold, as identified in English Heritage's *Conservation Principles*.⁶ These essentially cover the heritage 'interests' given in the glossary of the NPPF⁷ and the online Planning Practice Guidance on the Historic Environment⁸ (hereafter 'PPG') which are **archaeological**, **architectural and artistic** and **historic**.

- 4.10 The PPG provides further information on the interests it identifies:

- **Archaeological interest:** "As defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point."
- **Architectural and artistic interest:** "These are

interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skills, like sculpture."

- **Historic interest:** "An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation's history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity."⁹

- 4.11 Significance results from a combination of any, some or all of the interests described above.

- 4.12 The most-recently issued guidance on assessing heritage significance, Historic England's *Statements of Heritage Significance: Analysing Significance in Heritage Assets*, Historic England Advice Note 12,¹⁰ advises using the terminology of the NPPF and PPG, and thus it is that terminology which is used in

⁵ Historic England, *Managing Significance in Decision-Taking in the Historic Environment: Historic Environment Good Practice Advice in Planning: 2* (2nd edition, Swindon, July 2015).

⁶ English Heritage, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008). These heritage values are identified as being 'aesthetic', 'communal', 'historical' and 'evidential', see *idem* pp. 28-32.

⁷ MHCLG, NPPF, p. 71.

⁸ Ministry of Housing Communities and Local Government (MHCLG), *Planning Practice Guidance: Historic Environment (PPG)* (revised edition, 23rd July 2019), <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>.

⁹ MHCLG, PPG, paragraph 006, reference ID: 18a-006-20190723.

¹⁰ Historic England, *Statements of Heritage Significance: Analysing Significance in Heritage Assets*, Historic England Advice Note 12 (Swindon, October 2019).

this Report.

- 4.13 Listed Buildings and Conservation Areas are generally designated for their special architectural and historic interest. Scheduling is predominantly, although not exclusively, associated with archaeological interest.

Setting and significance

- 4.14 As defined in the NPPF:

"Significance derives not only from a heritage asset's physical presence, but also from its setting."¹¹

- 4.15 Setting is defined as:

"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."¹²

- 4.16 Therefore, setting can contribute to, affect an appreciation of significance, or be neutral with regards to heritage values.

Assessing change through alteration to setting

- 4.17 How setting might contribute to these values has been assessed within this Report with reference to *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3*¹³ (henceforth referred to as 'GPA 3'), particularly the checklist given on page 11. This advocates the clear articulation of "what matters and why".¹⁴

- 4.18 In GPA 3, a stepped approach is recommended, of which Step 1 is to identify which heritage assets and their settings are affected. Step 2 is to assess whether, how and to what degree settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated. The guidance includes a (non-exhaustive) checklist of elements of the physical surroundings of an asset that might be considered when undertaking the assessment including, among other things: topography, other heritage assets, green space, functional relationships and degree of change over time. It also lists aspects associated with the experience of the asset which might be considered, including: views, intentional intervisibility, tranquillity, sense of enclosure, accessibility, rarity and land use.

- 4.19 Step 3 is to assess the effect of the proposed development on the significance of the asset(s). Step 4 is to explore ways to

¹¹ MHCLG, NPPF, p. 72.

¹² MHCLG, NPPF, p. 71.

¹³ Historic England, *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3* (2nd edition, Swindon, December 2017).

¹⁴ Historic England, *The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3* (2nd edition, Swindon, December 2017), p. 8.

maximise enhancement and minimise harm. Step 5 is to make and document the decision and monitor outcomes.

- 4.20 A Court of Appeal judgement has confirmed that whilst issues of visibility are important when assessing setting, visibility does not necessarily confer a contribution to significance and also that factors other than visibility should also be considered, with Lindblom LJ stating at paragraphs 25 and 26 of the judgement (referring to an earlier Court of Appeal judgement)¹⁵:

Paragraph 25 – “But – again in the particular context of visual effects – I said that if “a proposed development is to affect the setting of a listed building there must be a distinct visual relationship of some kind between the two – a visual relationship which is more than remote or ephemeral, and which in some way bears on one’s experience of the listed building in its surrounding landscape or townscape” (paragraph 56)”.

Paragraph 26 – “This does not mean, however, that factors other than the visual and physical must be ignored when a decision-maker is considering the extent of a listed building’s setting. Generally, of course, the decision-maker will be concentrating on visual and physical considerations, as in Williams (see also, for example, the first instance judgment in R. (on the application of Miller) v North Yorkshire County Council [2009] EWHC 2172 (Admin), at paragraph 89). But it is clear from the relevant national policy and guidance to which I have referred, in particular the guidance in paragraph 18a-013-20140306 of the PPG, that the Government recognizes the potential relevance of other considerations – economic, social and historical.

These other considerations may include, for example, “the historic relationship between places”. Historic England’s advice in GPA3 was broadly to the same effect.”

Levels of significance

- 4.21 Descriptions of significance will naturally anticipate the ways in which impacts will be considered. Hence descriptions of the significance of Conservation Areas will make reference to their special interest and character and appearance, and the significance of Listed Buildings will be discussed with reference to the building, its setting and any features of special architectural or historic interest which it possesses.
- 4.22 In accordance with the levels of significance articulated in the NPPF and the PPG, three levels of significance are identified:
- **Designated heritage assets of the highest significance**, as identified in paragraph 200 of the NPPF, comprising Grade I and II* Listed buildings, Grade I and II* Registered Parks and Gardens, Scheduled Monuments, Protected Wreck Sites, World Heritage Sites and Registered Battlefields (and also including some Conservation Areas) and non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments, as identified in footnote 68 of the NPPF;
 - **Designated heritage assets of less than the highest significance**, as identified in paragraph 200 of the NPPF, comprising Grade II Listed buildings and Grade II Registered Parks and Gardens (and also

¹⁵ *Catesby Estates Ltd. V. Steer* [2018] EWCA Civ 1697, para. 25 and 26.

some Conservation Areas); and

- **Non-designated heritage assets.** Non-designated heritage assets are defined within the PPG as “buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets”.¹⁶

4.23 Additionally, it is of course possible that sites, buildings or areas have **no heritage significance**.

Assessment of harm

4.24 Assessment of any harm will be articulated in terms of the policy and law that the proposed development will be assessed against, such as whether a proposed development preserves or enhances the character or appearance of a Conservation Area, and articulating the scale of any harm in order to inform a balanced judgement/weighting exercise as required by the NPPF.

4.25 In order to relate to key policy, the following levels of harm may potentially be identified for designated heritage assets:

- **Substantial harm or total loss.** It has been clarified in a High Court Judgement of 2013 that this would be harm that would “have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced”;¹⁷ and

- **Less than substantial harm.** Harm of a lesser level than that defined above.

4.26 With regards to these two categories, the PPG states:

“Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.”¹⁸

4.27 Hence, for example, harm that is less than substantial would be further described with reference to where it lies on that spectrum or scale of harm, for example low end, middle of the spectrum and upper end of the less than substantial harm scale.

4.28 With regards to non-designated heritage assets, there is no basis in policy for describing harm to them as substantial or less than substantial, rather the NPPF requires that the scale of any harm or loss is articulated. As such, harm to such assets is articulated as a level of harm to their overall significance, with levels such as negligible, minor, moderate and major harm identified.

4.29 It is also possible that development proposals will cause **no harm or preserve** the significance of heritage assets. A High Court Judgement of 2014 is relevant to this. This concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation

¹⁶ MHCLG, PPG, paragraph 039, reference ID: 18a-039-20190723.

¹⁷ Bedford Borough Council v Secretary of State for Communities and Local Government [2013] EWHC 2847 (Admin), para. 25.

¹⁸ MHCLG, PPG, paragraph 018, reference ID: 18a-018-20190723.

Area, 'preserving' means doing 'no harm'.¹⁹

4.30 Preservation does not mean no change; it specifically means no harm. GPA 2 states that "*Change to heritage assets is inevitable but it is only harmful when significance is damaged*".²⁰ Thus, change is accepted in Historic England's guidance as part of the evolution of the landscape and environment. It is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.

4.31 As part of this, setting may be a key consideration. For an evaluation of any harm to significance through changes to setting, this assessment follows the methodology given in GPA 3, described above. Again, fundamental to the methodology set out in this document is stating "what matters and why". Of particular relevance is the checklist given on page 13 of GPA 3.

4.32 It should be noted that this key document also states that:

*"Setting is not itself a heritage asset, nor a heritage designation..."*²¹

4.33 Hence any impacts are described in terms of how they affect the significance of a heritage asset, and heritage values that contribute to this significance, through changes to setting.

¹⁹ *R (Forge Field Society) v Sevenoaks District Council* [2014] EWHC 1895 (Admin).

²⁰ Historic England, GPA 2, p. 9.

4.34 With regards to changes in setting, GPA 3 states that:

*"Conserving or enhancing heritage assets by taking their settings into account need not prevent change".*²²

4.35 Additionally, it is also important to note that, as clarified in the Court of Appeal, whilst the statutory duty requires that special regard should be paid to the desirability of not harming the setting of a Listed Building, that cannot mean that any harm, however minor, would necessarily require Planning Permission to be refused.²³

Benefits

4.36 Proposed development may also result in benefits to heritage assets, and these are articulated in terms of how they enhance the heritage values and hence the significance of the assets concerned.

4.37 As detailed further in Section 6, the NPPF (at Paragraphs 201 and 202) requires harm to a designated heritage asset to be weighed against the public benefits of the development proposals.

4.38 Recent High Court Decisions have confirmed that enhancement to the historic environment should be considered as a public

²¹ Historic England, GPA 3, p. 4.

²² Historic England, GPA 3., p. 8.

²³ *Palmer v Herefordshire Council & Anor* [2016] EWCA Civ 1061.

benefit under the provisions of Paragraphs 201 and 202.

- 4.39 The PPG provides further clarity on what is meant by the term 'public benefit', including how these may be derived from enhancement to the historic environment ('heritage benefits'), as follows:

"Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting*
- reducing or removing risks to a heritage asset*
- securing the optimum viable use of a heritage asset in support of its long term conservation."²⁴*

- 4.40 Any 'heritage benefits' arising from the proposed development, in line with the narrative above, will be clearly articulated in order for them to be taken into account by the Decision Maker.

²⁴ MHCLG, PPG, paragraph 020, reference ID: 18a-020-20190723.

5. Planning Policy Framework

5.1 This section of the Report sets out the legislation and planning policy considerations and guidance contained within both national and local planning guidance which specifically relate to the site, with a focus on those policies relating to the protection of the historic environment.

Legislation

5.2 Legislation relating to the built historic environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*,²⁵ which provides statutory protection for Listed Buildings and Conservation Areas.

5.3 Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* states that:

*"In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*²⁶

²⁵ UK Public General Acts, *Planning (Listed Buildings and Conservation Areas) Act 1990*.

²⁶ *Planning (Listed Buildings and Conservation Areas) Act 1990*, Section 66(1).

5.4 In the 2014 Court of Appeal judgement in relation to the Barnwell Manor case, Sullivan LJ held that:

*"Parliament in enacting section 66(1) did intend that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carries out the balancing exercise."*²⁷

5.5 A judgement in the Court of Appeal ('Mordue') has clarified that, with regards to the setting of Listed Buildings, where the principles of the NPPF are applied (in particular paragraph 134 of the 2012 draft of the NPPF, the requirements of which are now given in paragraph 202 of the current, revised NPPF, see below), this is in keeping with the requirements of the 1990 Act.²⁸

5.6 With regards to development within Conservation Areas, Section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* states:

"In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection

²⁷ *Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire DC & Others* [2014] EWCA Civ 137, para. 24.

²⁸ *Jones v Mordue* [2015] EWCA Civ 1243.

(2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

5.7 Unlike Section 66(1), Section 72(1) of the Act does not make reference to the setting of a Conservation Area. This makes it plain that it is the character and appearance of the designated Conservation Area that is the focus of special attention.

5.8 In addition to the statutory obligations set out within the Planning (Listed Buildings and Conservations Area) Act 1990, Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that all planning applications, including those for Listed Building Consent, are determined in accordance with the Development Plan unless material considerations indicate otherwise.²⁹

²⁹ UK Public General Acts, *Planning and Compulsory Purchase Act 2004*, Section 38(6).

National Planning Policy Guidance

The National Planning Policy Framework (July 2021)

5.9 National policy and guidance is set out in the Government’s National Planning Policy Framework (NPPF) published in July 2021. This replaced and updated the previous NPPF 2019. The NPPF needs to be read as a whole and is intended to promote the concept of delivering sustainable development.

5.10 The NPPF sets out the Government’s economic, environmental and social planning policies for England. Taken together, these policies articulate the Government’s vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. The NPPF continues to recognise that the planning system is plan-led and that therefore Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application, including those which relate to the historic environment.

5.11 The overarching policy change applicable to the proposed development is the presumption in favour of sustainable development. This presumption in favour of sustainable development (the ‘presumption’) sets out the tone of the Government’s overall stance and operates with and through the other policies of the NPPF. Its purpose is to send a strong signal to all those involved in the planning process about the need to

plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers. Conserving historic assets in a manner appropriate to their significance forms part of this drive towards sustainable development.

- 5.12 The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF sets out three 'objectives' to facilitate sustainable development: an economic objective, a social objective, and an environmental objective. The presumption is key to delivering these objectives, by creating a positive pro-development framework which is underpinned by the wider economic, environmental and social provisions of the NPPF. The presumption is set out in full at paragraph 11 of the NPPF and reads as follows:

"Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a. all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;*
- b. strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs*

that cannot be met within neighbouring areas, unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

For decision-taking this means:

- a. approving development proposals that accord with an up-to-date development plan without delay; or*
- b. where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. the application policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when*

assessed against the policies in this Framework taken as a whole.”³⁰

- 5.13 However, it is important to note that footnote 7 of the NPPF applies in relation to the final bullet of paragraph 11. This provides a context for paragraph 11 and reads as follows:

“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 180) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.”³¹ (our emphasis)

- 5.14 The NPPF continues to recognise that the planning system is plan-led and that therefore, Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application.

- 5.15 Heritage Assets are defined in the NPPF as:

“A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage

assets and assets identified by the local planning authority (including local listing).”³²

- 5.16 The NPPF goes on to define a Designated Heritage Asset as a:

“World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under relevant legislation.”³³ (our emphasis)

- 5.17 As set out above, significance is also defined as:

“The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site’s Statement of Outstanding Universal Value forms part of its significance.”³⁴

- 5.18 Section 16 of the NPPF relates to ‘Conserving and enhancing the historic environment’ and states at paragraph 195 that:

“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict

³⁰ MHCLG, NPPF, para. 11.

³¹ MHCLG, NPPF, para. 11, fn.7.

³² MHCLG, NPPF, p. 67.

³³ MHCLG, NPPF, p. 66.

³⁴ MHCLG, NPPF, pp. 71-72.

between the heritage asset's conservation and any aspect of the proposal."³⁵

5.19 Paragraph 197 goes on to state that:

"In determining planning applications, local planning authorities should take account of:

- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c. the desirability of new development making a positive contribution to local character and distinctiveness.*"³⁶

5.20 With regard to the impact of proposals on the significance of a heritage asset, paragraphs 199 and 200 are relevant and read as follows:

*"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."*³⁷

³⁵ MHCLG, *NPPF*, para. 195.

³⁶ MHCLG, *NPPF*, para. 197.

"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a. grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b. assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."*³⁸

5.21 Section b) of paragraph 200, which describes assets of the highest significance, also includes footnote 68 of the *NPPF*, which states that non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments should be considered subject to the policies for designated heritage assets.

5.22 In the context of the above, it should be noted that paragraph 201 reads as follows:

"Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to

³⁷ MHCLG, *NPPF*, para. 199.

³⁸ MHCLG, *NPPF*, para. 200.

achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a. the nature of the heritage asset prevents all reasonable uses of the site; and*
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c. conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d. the harm or loss is outweighed by the benefit of bringing the site back into use.”³⁹*

5.23 Paragraph 202 goes on to state:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”⁴⁰

5.24 The NPPF also provides specific guidance in relation to development within Conservation Areas, stating at paragraph 206 that:

“Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or

better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”⁴¹

5.25 Paragraph 207 goes on to recognise that “not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance”⁴² and with regard to the potential harm from a proposed development states:

“Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 200 or less than substantial harm under paragraph 201, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.”⁴³ (our emphasis)

5.26 With regards to non-designated heritage assets, paragraph 203 of NPPF states that:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any

³⁹ MHCLG, NPPF, para. 201.

⁴⁰ MHCLG, NPPF, para. 202.

⁴¹ MHCLG, NPPF, para. 206.

⁴² MHCLG, NPPF, para. 207.

⁴³ Ibid.

harm or loss and the significance of the heritage asset.”⁴⁴

5.27 Overall, the NPPF confirms that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent it. Local Planning Authorities should approach development management decisions positively, looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. Additionally, securing the optimum viable use of sites and achieving public benefits are also key material considerations for application proposals.

5.28 As set out later in this Report, it can be demonstrated that the proposals would serve to preserve the significance of the Conservation Area and surrounding Listed Buildings and World Heritage Site. Thus, Planning Permission and Advertisement Consent should be granted as per the requirements of paragraph 38 which state that:

“Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decisions-makers at every level should

seek to approve applications for sustainable development where possible.”⁴⁵

National Planning Practice Guidance

5.29 The then Department for Communities and Local Government (now the Ministry for Housing, Communities and Local Government (MHCLG)) launched the planning practice guidance web-based resource in March 2014, accompanied by a ministerial statement which confirmed that a number of previous planning practice guidance documents were cancelled.

5.30 This also introduced the national Planning Practice Guidance (PPG) which comprised a full and consolidated review of planning practice guidance documents to be read alongside the NPPF.

5.31 The PPG has a discrete section on the subject of the Historic Environment, which confirms that the consideration of ‘significance’ in decision taking is important and states:

“Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals.”⁴⁶

⁴⁴ MHCLG, NPPF, para. 203.

⁴⁵ MHCLG, NPPF, para. 38.

⁴⁶ MHCLG, PPG, paragraph 007, reference ID: 18a-007-20190723.

- 5.32 In terms of assessment of substantial harm, the PPG confirms that whether a proposal causes substantial harm will be a judgement for the individual decision taker having regard to the individual circumstances and the policy set out within the NPPF. It goes on to state:

"In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm." ⁴⁷ (our emphasis)

⁴⁷ MHCLG, PPG, paragraph 018, reference ID: 18a-018-20190723.

Local Planning Policy

- 5.33 Planning applications within Yapton are currently considered against the policy and guidance set out within the Arun Local Plan 2011-2031 (adopted July 2018).

5.34 Policy D SP1 Design states

"All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Development proposals should have been derived from: a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness, usability, health and wellbeing, climate change mitigation and habitats); and the influence these objectives have on the form of the development.

With major developments (as defined in the GDPO 1995 (as amended(41)) or allocated sites in the Development Plan. In addition to a Design and Access Statement, a context appraisal, context plan and analysis of the site will also be required."

5.35 Policy D DM1 Aspects of form and design quality states:

"When considering any application for development the Council will have regard to the following aspects:

1. Character

Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale,

massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.

2. Appearance/attractiveness

Demonstrate a high standard of architectural principles, use of building materials, craftsmanship and hard and soft landscaping to reflect the local area

[...]

11. Layout - legibility

Deliver or contribute to the ease of navigation within a new or existing development scheme through use of focal points (landmarks, gateways, vistas, corner buildings, active edges, existing topography), and/or a variety of detail within the public realm (sculpture, planting, street furniture, building materials, building detail, signage).

[...]

14. Scale

The scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement."

5.36 Policy HER SP1 The historic environment states:

"The Local Planning Authority will grant planning permission or relevant consent for development proposals that conserve or enhance the historic environment of the District, based on the following approach:

Designated heritage assets including listed buildings, structures and their settings; and Conservation Areas will be given the highest level of protection and should be conserved and enhanced in a manner appropriate to their significance.

Non-designated heritage assets including locally listed heritage assets (Buildings or Structures of Character and Areas of Character) and their settings will also need to be conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment;

Development likely to prejudice any of the above, including their settings, will be refused. Any proposals for development will be required to comply with all other relevant policies and reflect any relevant appraisals or management proposals adopted by the Local Planning Authority.

The Local Planning Authority will encourage the re-use of vacant or underused Listed Buildings or unlisted buildings by approving proposals that contribute positively to their conservation either individually or as part of wider strategies for regeneration. Where changes of use are proposed, the Local Planning Authority will consider these in a flexible way but will favour proposals which improve public access where these are not prejudicial to existing character or appearance.

The Local Planning Authority will take a pro-active stance to any heritage assets that may be at risk. This will include working with property owners to find a use that will enable them to be put back in to use.

Development proposals involving the demolition of Listed Buildings or substantial harm to a Conservation Area will not be permitted unless it can

be demonstrated that the loss or harm achieves substantial public benefits."

5.37 Policy HER DM1 Listed Buildings states:

"Proposals affecting statutory Listed Buildings will be required to:

- a. Preserve or enhance the historic character, qualities and special interest of the buildings;*
- b. Be necessary and not detrimental to the architectural and historical integrity and detailing of a Listed Building's exterior;*
- c. Protect the architectural and historical integrity and detailing of a Listed Building's interior;*
- d. Protect the special interest of buildings of architectural or historic interest; and*
- e. Protect, and where possible enhance the setting of the building.*

Total or substantial demolition of a Listed Building will only be permitted in wholly exceptional circumstances, and where it meets the following specific criteria:

- f. Clear and convincing evidence has been provided that viable alternative uses cannot be found, through, for example the offer of the unrestricted freehold of the property on the market at a realistic price reflecting its condition and that preservation, in some form of charitable or community ownership, is not possible;*

- g. The redevelopment would produce substantial benefits for the community which would decisively outweigh the resulting loss from demolition or major alteration; and*

- h. The physical condition of the building has deteriorated, through no fault of the owner / applicant for which evidence can be submitted, to a point that the cost of retaining the building outweighs its importance and the value derived from its retention. A comprehensive structural report will be required to support this.*

The Local Planning Authority will support proposals for alternative uses for Listed Buildings which retain their structure and preserve character and setting where the change will provide for the long term conservation of the structure and fabric of the building.

The Local Planning Authority will only support alterations to Listed Buildings in order to mitigate climate change where such proposals respect the significance of the Listed Building and do not have an adverse impact on its appearance, character or historic fabric."

5.38 Policy HER DM3 Conservation Areas states:

"In order to preserve or enhance the character or appearance of the Conservation Area, planning permission or relevant consent will normally be granted for proposals within or affecting the setting of a Conservation Area, provided that:

- a. New buildings and structures acknowledge the character of their special environment in their layout, form, scale, detailing, use of*

materials, enclosure and the spaces created between buildings;

- b. Alterations or additions to existing buildings are sensitively designed, constructed of appropriate materials and are sympathetic in scale, form and detailing and retain or emphasise the features and qualities of the existing buildings, townscape or streetscape in the area;*
- c. Traditional features such as shop fronts, walls, railings, paved surfaces and street furniture are retained and restored;*
- d. Unsympathetic features are removed and missing features are restored or reinstated;*
- e. It retains historically significant boundaries, important open spaces and other elements of the area's established pattern of development, character and historic value, including gardens, roadside banks and verges;*
- f. It does not harm important views into, out of or within the Conservation Area. Within Conservation Areas, permission for development involving demolition or substantial demolition will only be granted, subject to conditions, if it can be demonstrated that:*
- g. The structure to be demolished makes no material contribution to the special character or appearance of the area; or,*

h. It can be demonstrated that the structure is wholly beyond repair or incapable of beneficial use; or

i. It can be demonstrated that the removal of the structure and its subsequent replacement would lead to the enhancement of the area; and

j. Permission has been granted for the redevelopment of the site."

Local Plan Policies with regards to the NPPF and the 1990 Act

5.39 With regard to Local Plan policies, paragraph 219 of NPPF states that:

"...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."⁴⁸

5.40 In this context, where local plan policy does not allow for the weighing of harm against public benefit for designated heritage assets (as set out within paragraph 202 of the NPPF) or a balanced judgement with regards to harm to non-designated heritage assets (see NPPF paragraph 203) then local planning policies would be considered to be overly restrictive compared to the NPPF, thus limiting the weight they may be given in the

⁴⁸ MHCLG, NPPF, p. 219.

decision-making process.

- 5.41 With regards to the Local Plan 2018, although the plan and policies were adopted after the inception of the NPPF, they do not allow for the balancing exercise to be undertaken. As such, the policies are not considered to reflect the guidance within the NPPF and thus the weight that can be attached to them in the decision-making process is limited.

6. Setting Assessment

- 6.1 This Section describes the elements of the historic environment which are relevant to this application, namely the Grade I Listed Parish Church of St Mary, the Grade II Listed Church House and the Yapton Main Road and Church Lane Conservation Area. Each asset will be described, followed by an assessment of its overall heritage significance, including how setting may contribute to that significance. The impact of the proposals on each asset is then assessed.

Grade I Listed Parish Church of St Mary

- 6.2 The Parish Church of St Mary was added to the National List on 5th June 1958. The List Entry describes the building as follows:

"Chancel, nave with aisles and tower to the south west of the nave. Nave and tower C12. The nave has lean-to roofs with later dormer windows inserted. The tower has red brick buttresses and a hipped shingled roof. Chancel C13. Very attractive unrestored medieval church."

- 6.3 The full List Entry description can be found in Appendix 4.

APPENDIX 4: CHURCH OF ST MARY LIST ENTRY

- 6.4 The Grade I Listed Church sits within a churchyard at the north-eastern corner of the village. The approach to the church is made from Church Lane to the west where a path leads to the principal entrance to the building. There are no other means of accessing the churchyard (which is bounded by flint and/or brick

walls) from the surroundings. Mature trees are present both within the churchyard and along its boundaries, limiting outward views.

- 6.5 The Grade I Listing of the building highlights that it is a heritage asset of the highest significance as defined by the NPPF, as well as the historic and architectural significance of the property. The heritage significance of the Listed Building is principally embodied in its historic fabric representing the styles and features indicative of many architectural periods as far back as the 12th century as well as the local vernacular, and its internal features, such as a Saxon font.

- 6.6 The setting of the asset also contributes to the significance of the asset, although the significance derived from the setting is less than that from its historic fabric. The principal elements of the physical surrounds and experience of the asset (its 'setting') which are considered to contribute to its heritage significance comprise:

- **Historic built form and monuments within the churchyard; and**
- **The position of the church in relation to the historic village centre and other historic built form.**





the field, nor were there any designed views of the church and the site, despite the glimpses. Therefore, the site is not considered to contribute to the heritage significance of the church via setting.



- 6.7 As mentioned in the Inspector's Decision for Y/60/14/OUT and confirmed in the site visit, views from the site towards the church only include part of the tower. The base and much of the tower beneath the spire is obscured by a tall brick and flint boundary wall (for Church Farm House) and mature vegetation. The glimpses are possible from the PRow that is found running through the site and has been retained as part of the previously consented schemes.
- 6.8 Views from the churchyard towards the site are completely blocked by the layers of mature vegetation between the two.
- 6.9 There is no historic functional relationship between the site and





Impact Assessment

- 6.10 The proposals would incorporate built form closer to the Listed Church than was previously approved; however, the existing PRow on the site will be retained in its current form in the present proposals and will continue to lead towards the church with open space still appreciable to the east. Like the previous proposals, the glimpses towards the church from the PRow will only change through the incorporation of built form on the periphery of the view. In the case of the current proposals, further built form will be incorporated in the right-hand side of the views from the site towards the church; however, the

amount of built form will be limited so that an area of vegetation is maintained between the built form and the southern site boundary. The view would therefore also still retain a sense of greenery, particular in the form of the mature trees and vegetation outside of the site. Views from within the churchyard would not change, and there would be no perception of the increased number of dwellings to the north of the churchyard.

- 6.11 The historic and architectural interest of the Grade I Listed Church would therefore not be impacted by the proposals. Therefore, the proposals would result in 'no harm' to the significance of the Grade I Listed Parish Church of St Mary, through a change in setting.

Grade II Listed Church House

Significance

- 6.12 Church House was added to the National List on 20th September 1984. The List Entry describes the building as follows:

"Early C19. Two storeys. Five windows. Stuccoed. Eaves cornice. Hipped slate roof. Windows with Venetian shutters and glazing bars intact on first floor only. Doorway with flat hood on brackets and door of six fielded panels."

- 6.13 The full List Entry description can be found in Appendix 5.

APPENDIX 5: CHURCH HOUSE LIST ENTRY

- 6.14 Historic mapping shows the formal access to Church House from the junction of Church Lane and Church Road, as noted by the circular drive in front of the building. However, more ancillary

access is seen to the rear with outbuildings to the west. The principal elevation of the building thus faces the southeast. The historic formal approach is no longer present with the boundary wall having been blocked up, so the principal access is from Church Lane.

- 6.15 The Grade II Listing of the building highlights that it is a heritage asset of less than the highest significance as defined by the NPPF, as well as the historic and architectural significance of the property. The heritage significance of the Listed Building is principally embodied in its historic fabric representing its Georgian origins.

- 6.16 The setting of the asset also contributes to the significance of the asset, although the significance derived from the setting is less than that from its historic fabric. The principal elements of the physical surrounds and experience of the asset (its 'setting') which are considered to contribute to its heritage significance comprise:

- **The large plot in which it is positioned which represents its status; and**
- **The relationship with Church Lane, Church Road and the Church itself forming a cluster of historic built form to the north of the village centre.**



Plate 17: The historic rear elevation of Church House and now the principal access.

- 6.17 The site would not be visible from within the Listed Building's curtilage, by virtue of the tall flint and brick boundary walls along Church Lane, nor is it visible outside of the walls along Church Lane. Conversely, the Listed Building was not visible from the application site during the survey, but this may change in winter months when vegetation is not in full leaf. In any case, the only elements of the building which might be visible, would be the slate roof and red brick chimneys. It is not considered that this view is of any pertinence to understanding the significance of the Listed Building. Large expanses of built form were located in the position of the Orchard Business Park as early as 1974, prior

to the Listing of the building. Whilst much of the immediate surroundings of the Listed Building comprise modern residential development, this demonstrates the considerable changes to the area in the last quarter of the 20th century. Moreover, the site itself has no historic functional relationship with the Listed Building. Therefore, the application site is not considered to contribute to the significance of the Listed Building through setting.



Plate 18: View from the PRoW towards Church House.



Plate 19: View from the entrance of Church House towards the site.

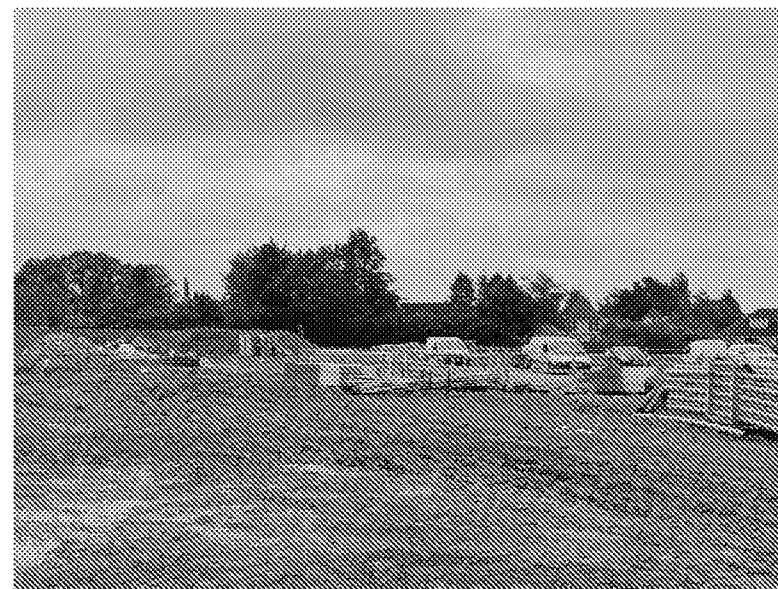


Plate 20: View from the site towards Church House (not visible).

Impact Assessment

- 6.18 The proposed dwellings are positioned towards the western part of the site near to the Orchard Business Park. In the previous permission, this area comprised the public open space together with attenuation features and some dwellings. Generous open space is still incorporated into the proposals to the south of the new buildings, closest to the identified assets, including the Grade I Listed Church. The incorporation of further built form in place of these would not alter the limited appreciation of the Listed Building in the partially obscured winter views from the site. As discussed, these views have limited relevance in relation to the significance of the building, and the extant permission

establishes the principle of built form in this general location. Furthermore, views from the surrounds of the Listed Building itself would not change, due to the inability to see the site. Potential views from the upper level of the Listed Building would also not change dramatically due to the previous permission for substantially more dwellings to the north of the site. Therefore, the proposals would result in 'no harm' to the significance of the Grade II Listed Church House through a change in setting.

Grade II Listed Park Lodge

- 6.19 Park Lodge was added to the National List on 20th September 1984. The List Entry describes the building as follows:

"Early C19. Two storeys. Four windows. Stuccoed. Slate roof. Two C19 bays three windows each on ground floor. Glazing bars intact in the other windows. Doric porch between the bays."

- 6.20 The full List Entry description can be found in Appendix 6.

APPENDIX 6: PARK LODGE LIST ENTRY

- 6.21 Access to Park Lodge has historically been from Church Lane, and the principal elevation of the building faces this road. The access is currently framed by mature trees, vegetation and a low boundary wall.
- 6.22 The Grade II Listing of the building highlights that it is a heritage asset of less than the highest significance as defined by the NPPF, as well as the historic and architectural significance of the property. The heritage significance of the Listed Building is principally embodied in its historic fabric representing its

Georgian origins.

- 6.23 The setting of the asset also contributes to the significance of the asset, although the significance derived from the setting is less than that from its historic fabric. The principal elements of the physical surrounds and experience of the asset (its 'setting') which are considered to contribute to its heritage significance comprise:

- **The large plot in which it is positioned which represents its status; and**
- **The relationship with Church Lane, Church Road and the Church itself forming a cluster of historic built form to the north of the village centre.**



Plate 21: The Grade II Listed Park Lodge.

- 6.24 Views from the Listed Building towards the site presently comprise the modern built form on the north side of Church Lane, which is also slightly elevated from the Listed Building. This prevents any views of the application site at present. Views from the application site towards the Listed Building also include the built form on the north side of Church Lane as well as a number of mature trees, preventing any direct views of the Listed Building. Although the dwellings on the north side of Church Lane were not present historically, views from the site towards Park Lodge would not have been purposely designed and instead would have been incidental. Furthermore, the site itself has no historic functional relationship with the Listed

Building. Therefore, the application site is not considered to contribute to the significance of the Listed Building through setting.



Plate 22: View from in front of Park Lodge towards the site with the modern built form on the north side of Church Lane apparent.

Impact Assessment

- 6.25 As the proposed built form is positioned in the north-western most corner of the application site, it is unlikely it will be perceptible from the Listed Building. However, if it is, this will be seen in conjunction with other built form in the surroundings, thus not changing the mixed nature of the view.
- 6.26 It is not considered that the proposals would have any impact on the ability to appreciate the architectural qualities of the Listed Building or its relationship with Church Lane. Therefore,

the proposals would result in 'no harm' to the significance of the Grade II Listed Church House through a change in setting.

Yapton Main Road and Church Lane Conservation Area

- 6.27 The Conservation Area was first designated on 27th July 1994. No Conservation Area Appraisal has been prepared by Arun District Council. A map of the Conservation Area can be found in Appendix 7.

APPENDIX 7: CONSERVATION AREA MAP

- 6.28 The Conservation Area comprises two distinct areas: the historic core of the village to the southwest and the cluster of historic built form including and surrounding the Parish Church of St. Mary.
- 6.29 The western part of the Conservation Area comprises the village centre and has a tighter urban grain with smaller dwellings, including terraces and semi-detached properties. The eastern part of the Conservation Area including the church has a more spacious quality due to the churchyard and the size of the plots surrounding the large residential properties. However, views across these spaces are interrupted by the built form itself, including boundary walls, and mature vegetation.
- 6.30 Materials throughout the whole of the Conservation Area are mixed, including flint, brick, stone and timber.
- 6.31 Views of note within the Conservation Area include those along principal thoroughfares such as Church Lane and Church Road, in addition to the formal approaches to the historic built form,

such as the Grade I Listed Church. The PRoW leading from Church Lane to the south of the site falls within the Conservation Area boundary and is characterised by the mature vegetation on both sides and the small view of the site which eventually widens.

- 6.32 Therefore, the significance of the Conservation Area is embodied in the mix of materials which form the vernacular architecture, the historic built form and resulting spaces in-between and the ability to appreciate the two distinct areas within the Conservation Area.
- 6.33 The site at present is currently in the process of being redeveloped with the consented scheme as outlined in Section 2. The PRoW that runs through the site is currently closed to the public, but, as mentioned, has been incorporated into the approved development. Therefore, the current baseline open space containing large mounds of dirt associated with the construction of the approved scheme whilst the consented baseline includes public space and attenuation features.
- 6.34 The site lies to the north of the Conservation Area boundary and whilst the features which contribute positively to the Conservation Area's significance can be glimpsed from the site, such as the upper part of the church tower, the boundary wall of Church Farm House and the mature vegetation, it is not considered that views from the site make any particular contribution to understanding that significance. Similarly views from the Conservation Area, notably from the PRoW as the

mature trees prevent views from Church Lane, towards the site do not include any elements or features which contribute to the understanding of the significance of the Conservation Area. The views from the PRoW presently include built form in the Orchard Business Park and it has been approved to include more built form within this view. Therefore, the site is part of the mixed surroundings of the Conservation Area, but makes no contribution to its significance through setting.



Plate 23: Built form along Church Road in the western part of the Conservation Area.



Plate 24: Built form along Church Road in the western part of the Conservation Area.



Plate 25: View from the churchyard entrance along Church Lane.

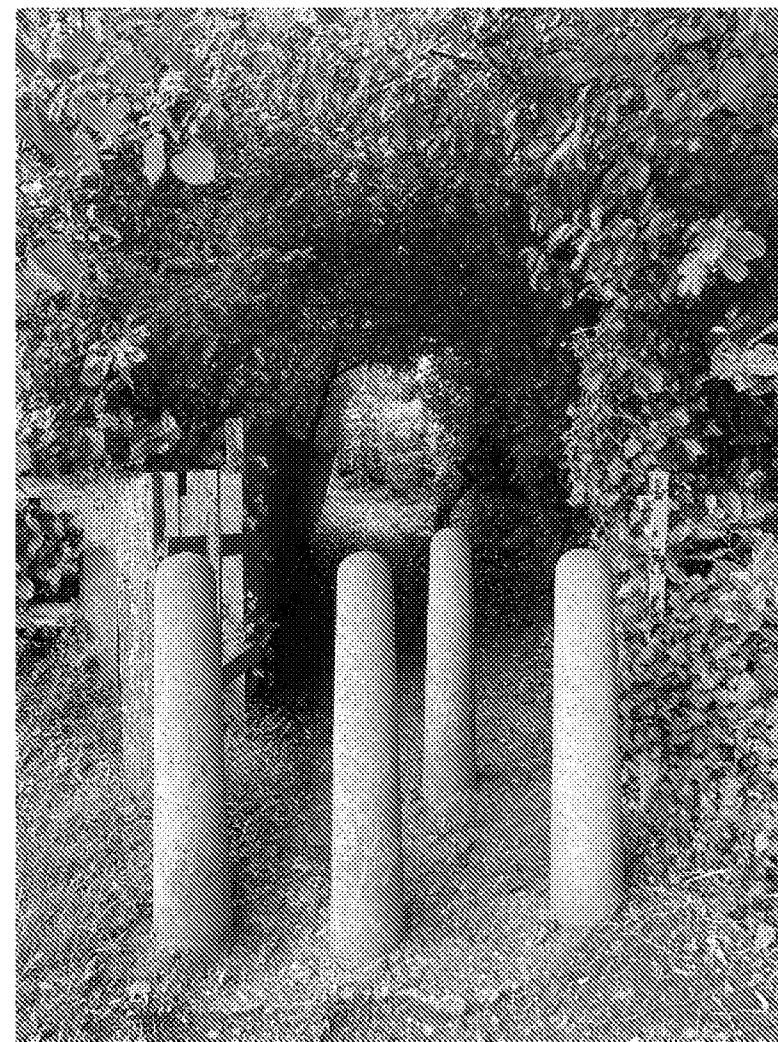


Plate 26: View from Church Lane down the PRoW to the north.



Plate 27: View from the PRoW towards the site, which is glimpsed.

Impact Assessment

- 6.35 The previous permission included public open space towards the south of the larger site, and provision for this is part of the currently proposed scheme, with additional built form included to the west of the PRoW. This would not further materially affect the views outward from the PRoW within the Conservation Area boundary, which already include built form. The changes to the site against the baseline of the previous proposals will not be experienced from other positions within the Conservation Area, nor will it have any impact on its character or appearance. Therefore, the proposals would result in 'no harm' to the significance of the Yapton Main Road and Church Lane Conservation Area through a change in setting.

8. Conclusions

- 8.1 The proposals follow a previous permission on the site for the erection of dwellings and associated public open space and attenuation features.
- 8.2 Given the mix of built form and uses which are already perceptible in views in addition to the principle established by the previous application, the additional dwellings proposed are not considered to result in any changes to the setting of the identified heritage assets which would result in negative impacts to the understanding of their significance.
- 8.3 Therefore, the proposed development will result in 'no harm' to the significance of the identified designated heritage assets through changes to their settings. Thus, it is considered that the proposals will satisfy the requirements of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and relevant local policy.

Appendix 1: Y/60/14/OUT Appeal Decision



Report to the Secretary of State for Communities and Local Government

by David Nicholson RIBA IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 7 October 2015

TOWN AND COUNTRY PLANNING ACT 1990

ARUN DISTRICT COUNCIL

APPEAL MADE BY

KEITH LANGMEAD LTD.

Inquiry held on 7-10 July 2015

Land to the south of Ford Lane, East of North End Road, Yapton

File Ref: APP/C3810/A/14/2228260

CONTENTS

Page No.

1. Procedural Matters	1
2. The Sites and Surroundings	2
3. Planning Policy	4
4. The Appeals Proposals	8
5. The Case for Arun District Council	9
6. The Case for Keith Langmead Ltd.	12
7. The Cases for Interested Parties	17
8. Written Representations	19
9. Conditions	20
10. Obligations	21
11. Inspector's Conclusions	24
12. Inspector's Recommendations	36
Appendices	
A. Appearances	37
B. Documents	38
C. Suggested conditions	40

GLOSSARY

ADC	Arun District Council
ADLP	Arun District Local Plan
Ax	Appendix
CD	Core document
CLG	Communities and Local Government
DAS	Design and Access Statement
dpa	dwellings per annum
EIA	Environmental Impact Assessment
EiP	Examination in Public
HLS	Housing Land Supply
ID	Inquiry Document
IR	Inspector's Report
LB&CA	Listed Buildings and Conservation Areas
LPA	Local Planning Authority
LVIA	Landscape and Visual Impact Assessment
MEMP	Mitigation, Enhancement and Management Plan
NPPF	National Planning Policy Framework
OAN	objectively assessed needs
POS	Public open space
ReX	Re-examination
RfR	Reason for Refusal
S66	Section 66 of the Planning (LB&CA) Act 1990
S106	Section 106 of the Town and Country Planning Act 1990
SHLAA	Strategic Housing Land Availability Assessment
SoCG	Statement of Common Ground
SoS	Secretary of State
T&CP	Town and Country Planning
WSCC	West Sussex County Council
XX	cross-examination

File Ref: APP/C3810/A/14/2228260

Land to the south of Ford Lane, east of North End Road, Yapton

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Keith Langmead Ltd. against the decision of Arun District Council.
- The application Ref Y/60/14/OUT, dated 27 June 2014, was refused by notice dated 2 October 2014.
- The development proposed is: Outline planning application with some matters reserved for 4.5 hectares of residential development comprising 3.4 hectares of land for up to 100 dwellings (up to 30 (30%) affordable housing) together with 1.1 hectares of land set aside for public open space and strategic landscaping and 2.2 hectares of public open space and green corridors with vehicle access from Ford Lane and pedestrian/cycle access only from North End Road.¹

Summary of Recommendation: the appeal should be allowed

1. Procedural Matters

- 1.1 At the Inquiry an application for costs was made by Keith Langmead Ltd. against Arun District Council. This application is the subject of a separate Report.
- 1.2 Determination of the appeals was recovered by the Secretary of State (SoS) by way of a direction². The reason for this direction was because the appeal involves a proposal for residential development of over 10 units in areas where a neighbourhood plan (NP) proposal has been made.
- 1.3 A planning obligation in the form of a Unilateral Undertaking was submitted pursuant to section 106 (s106) of the Town and Country Planning (T&CP) Act 1990. I deal with its contents below.
- 1.4 The application was made in outline form except for access. All other matters (appearance, landscaping, layout and scale) were reserved. The application was refused by the Council for 8 reasons³. UDC withdrew its objections with regard to reason for refusal (RfR) 7 on receipt of the s106 obligation. RfR 8 was withdrawn by the Council on 18 December 2014 as the parties agreed that the proposed affordable housing could be secured by means of a condition (see below).
- 1.5 In a screening direction⁴, under the T&CP (Environmental Impact Assessment) (EIA) Regulations 2011, the SoS directed that the development is not EIA development.
- 1.6 The Inquiry sat for 4 days on 7-10 July 2015. I carried out an unaccompanied site visit of the surrounding area before the Inquiry and I conducted an accompanied site visit on 10 July 2015. I saw the traffic near the school before and after 08.45 on 8 July and at around 15.00 on 10 July 2015

¹ The full description notes that: This application is a Departure from the Development Plan

² Made under Section 79 and paragraph 3 of Schedule 6 of the Town and Country Planning Act 1990 on 17 November 2014.

³ See Decision Notice, main file

⁴ Dated 9 January 2015, main file

- 1.7 The Examination Inspector at the emerging Arun Local Plan (eLP) arranged a Procedural Meeting on 16 July 2015, after the last sitting day of this Inquiry, and issued a detailed statement (see below). I held the Inquiry open until 31 July 2015 for any further representations on this meeting, on any objections made to relevant eLP policies, and on the distribution of housing in the eLP. Following the LP Inspector's conclusions and the further representations⁵, I gave instructions for the Inquiry to be closed on 5 August 2015⁶. I summarise the LP Inspector's conclusions in §3 below and the additional comments for each party at the end of each of their cases.

2. The Site and Surroundings

- 2.1 Yapton lies between Barnham, Littlehampton and Bognor Regis. As well as the plan of the appeal site in the application drawings⁷, maps of Yapton can be found in the Design and Access Statement (DAS)⁸ and at the back of the eLP⁹. Relevant features are shown on ID4 and ID5.
- 2.2 It is common ground that Yapton has a range of services within walking distance of the site, including two GP surgeries and a primary school¹⁰. It has a small business base¹¹. The nearest railway station is two miles away at Barnham. The village is served by bus routes from Littlehampton to Bognor Regis and Chichester and from Yapton to Bognor Regis¹². There is a level crossing on North End Road as it heads out of the village to the north.
- 2.3 The site comprises a 6.7 hectare (ha) field between North End Road, Ford Lane and footpath 358. There is essentially ribbon development along North End Road while most of Ford Lane runs between fields. The southern boundary to the site also borders the businesses at the Orchard Business Park and the rear gardens to several houses along Church Lane. It follows that roughly half the site perimeter adjoins existing development and the other half is next to other fields. Further details are set out in the Joint SoCG¹³.
- 2.4 Public footpath 357 crosses the appeal site diagonally from its south-eastern tip (where it joins Public footpath 358) to the north-western corner where it connects to Ford Lane. Public Footpath 358/359 starts in Church Lane as a narrow twitten¹⁴ and continues in a straight line northwards towards its junction with Ford Lane along the eastern boundary of the site and the historic field boundary¹⁵. Footpaths 356 and 359 continue these paths beyond the site. The site lies some 4.36km from the Council's South Downs viewpoint¹⁶.

⁵ Inquiry Document (ID) 2 / a&b

⁶ ID28

⁷ See folder on main file

⁸ Core document (CD) 7

⁹ CD19

¹⁰ CD20: Yapton Neighbourhood Plan pp 7-8

¹¹ Ibid para 8.3

¹² Ibid paras 11.5-11.7

¹³ ID14a

¹⁴ a Sussex term for a narrow path between two walls or hedges

¹⁵ See footpath numbers on the OS extract at Collins Ax E1

¹⁶ ID24

-
- 2.5 The site lies within the Chichester to Yapton Coastal Plain¹⁷ whose characteristics include low lying flat open landscape and long views. In the Arun Landscape Study¹⁸, commissioned to assess the constraints of green field land to accommodate future development, the site is within Landscape Character Area (LCA) 29: North of Yapton Coastal Plain, which is noted as having minor areas of woodland and a minor contribution to the setting of Yapton. It was assessed as of substantial landscape sensitivity but slight landscape value producing a landscape capacity of low/medium. Of the 45 LCAs, only 8 were assessed as having greater capacity with 23 having only low or negligible capacity.
- 2.6 At the local level, the Council agreed¹⁹ that the site's character type was intensive arable farmland with relatively large fields across relatively flat landform. However, it went on to argue that the site itself was most closely akin to that with field boundaries which tend to be ditches and/or fences and weak/remnant hedgerow with few mature trees and long views to the Downs to the north, rather than that of having a well developed structure of hedges, shaws, copses and woodland which break up views across it and give a sense of large scale enclosure.
- 2.7 It is common ground that the site comprises agricultural land which, according to the Soil and Agricultural Land Assessment Study²⁰, is classified as being of Grade 2 quality and the LPA raises no objection to the loss of agricultural land. It is also common ground that the appeal site is not subject to any surface water flood risk as it is situated in Zone 1, as classified by the Environment Agency, and that foul water drainage can be disposed of via the Ford Wastewater Treatment works which serves this part of Yapton. On my site visit I stopped and closed my eyes, as requested, to listen to a skylark.
- 2.8 St. Mary's Church, believed to date from the late 12th to early 13th centuries with few alterations²¹, is listed at Grade I. It is mostly of flint and its tower is surmounted by a shingled timber spirelet of pyramidal form; this is a typical Sussex feature known as a Sussex cap²². The churchyard is surrounded by trees which provide particularly dense cover to the rear between the church and the appeal site. The church tower can be seen above the trees from the site and beyond. Two other listed buildings on the south side of Church Lane are Church House, across the road from the church lych gate, and Park Lodge, further west along Church Lane. The Council raised no concerns with regard to the settings of these other two buildings.
- 2.9 The Yapton (Church Lane) Conservation Area²³ was designated in 1994 and is fairly tightly drawn around the church, Church Farm House and the two listed buildings on the south side of Church Lane. The description identifies its loose grouping of buildings, high substantial flint boundary walling, mature

¹⁷ Sheet SC9 of the West Sussex Land Management Guidelines at McKenzie Ax EDP2 and Collins Ax E6

¹⁸ CD17

¹⁹ McKenzie Ax EDP2: Landscape Character Assessment, paras A2.17-2.20

²⁰ CD35 published by Arun District Council in March 2013

²¹ See the little guide book at ID21 p3

²² Ibid p11

²³ CD27: Description and map; Dr Wightman's appendix 1; and Collins's appendix F

landscaping and chimneys as important features. Church Farm House is an unlisted residential property within the conservation area. The appeal site touches the northern boundary of the Conservation Area where it borders part of the extended garden to Church Farm House beyond the churchyard.

- 2.10 The Yapton Manor/Place print²⁴ provides persuasive evidence that the building once stood to the east of the appeal site, behind Church Farm House, and I was shown an undulation in the field outside the site which might have been the location of its ha-ha or other earthworks. Burndell Road, with a development site at on the eastern side of the village, was subject to an Archaeological Evaluation²⁵.

3. Planning Policy

- 3.1 The T&CP Act 1990, the Planning and Compulsory Purchase Act 2004, the Localism Act 2011, the Planning (Listed Buildings and Conservation Areas) (LB&CA) Act 1990, the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are particularly relevant.
- 3.2 Following the revocation of the WSOCC Structure Plan and the South East Regional Plan, the only relevant part of the development plan for the area now comprises the Arun District Local Plan (ADLP), adopted in 2003²⁶ and with many policies saved in 2007, and the Yapton Neighbourhood Plan (YNP) which was made on 5 November 2014. The site is close to, but outside, the built-up area boundaries in the ADLP and in the YNP.
- 3.3 All relevant policies are listed in the SoCG. Particularly pertinent are saved ADLP policies GEN2, GEN3, and GEN7(ii). Policy GEN7 does not permit development outside the built-up area boundaries defined in the ADLP. Policy GEN3 defines areas outside the built-up area boundaries as countryside where development will not be permitted other than in specific circumstances. Policy GEN5 makes provision for new dwellings up to 2011 but the Plan makes no policy provisions in terms of housing allocations to meet the housing requirements for the district beyond 2011. Policy GEN7 sets criteria for development which should display high quality design and layout including, at criterion (ii), that it should respond positively to the characteristics of the area to create attractive places and spaces and respect local distinctiveness.
- 3.4 ADLP policy AREA2 only permits development which would preserve or enhance the character or appearance of a conservation area or its setting. ADLP policy AREA17 does not permit development which would harm the significant archaeological interest of a site and, where the presence of remains is known or suspected, requires an assessment of the site before the application is determined. Where this shows that preservation in situ is not justified, conditions may be attached to require investigation before development starts.

²⁴ TD16, as provided in the evidence of Vicky Newman and the No Yap-town group

²⁵ CD16

²⁶ Core Document (CD)10

Emerging Arun Local Plan (eLP)

- 3.5 The eLP 2011-2029 Publication Version is dated October 2014²⁷. At the time that the application was refused, the Council's timetable for this was for pre-submission publication (Regulation 19) in October - December 2014; submission in Jan 2015; examination in April/May 2015; Inspector's Report during August 2015; and adoption in September 2015. The consultation exercise attracted representations raising objections on legal compliance and soundness grounds in respect of all the relevant draft policies in this appeal. The RfRs assert conflict with emerging policies SD SP2, H SP1, C SP1, LAN DM1, HER DM1, HER DM3, HER DM6 and INF SP1. Given my conclusions on the eLP (below), I do not summarise these policies here.
- 3.6 The LP Inspector convened a meeting for 16 July 2015, after all evidence at the Inquiry had been heard. He issued a discussion note²⁸ before the meeting explaining that its purpose was to consider the implications for the future progress of the examination on the issue of 'the full objectively assessed needs (OAN) for market and affordable housing' with reference to the requirement in NPPF 47. He referred to the discrepancy between the OAN figure of 580 dwellings per annum (dpa), in the submitted eLP, and the figures of 786 dpa and 758 dpa, the first in an appeal in December 2014, and the second in a study by G L Hearn Ltd (Hearn report)²⁹.
- 3.7 The Council met on 17 June 2015 and considered whether to proceed with the figure of 580, withdraw the eLP and prepare a replacement plan based on 758 dpa, or to seek suspension. It resolved to ask the LP Inspector to agree to suspend the eLP for six months in order to put forward an OAN of 641 dpa as an interim measure pending a longer review.
- 3.8 In his conclusions after the Procedural Meeting³⁰, the LP Inspector set out the Council's position and summarised the duties, in NPPF 47 and PPG ref ID 2a 016 20150227, to meet the full OAN as informed by the latest available information. He then explained his concerns with the Council's approach as first, that a 30% increase would be a meaningful change following the 2011 census, and second that no OAN figures/methodologies had been tested at examination as representations were only made with regard to the 580 dpa. Given the findings of the Hearn report, he was not convinced that it would be sound or appropriate to proceed on the basis of a figure of 641 dpa. Moreover, he considered that planning to meet a target limited to 641 dpa could prejudice more sustainable strategies including any which might follow the announcement of an Arundel bypass. He did not view suspension for six months as effective protection against 'planning by appeal' as the Hearn report would continue to be raised to argue that the plan was out of date even at adoption.

²⁷ CD19

²⁸ ID26a

²⁹ CD22: Committee report dealing with GL Hearn report 'Objectively Assessed Housing Need: Arun District', March 2015

³⁰ ID26b

- 3.9 The eLP Inspector noted the suggestion in the committee reports³¹ that withdrawal to pursue the full OAN would effectively render all of the NPs immediately out of date. He felt that this was to overstate the position but acknowledged that changes in the amount of development provided for by the eLP could result in certain parts of some NPs being superseded or in need of revision and that NPPF 184 is clear that NPs should not promote less development than that set out in an up-to-date LP. He noted that Arun's NPs have emerged at a time when the adopted ADLP has been growing increasingly out of date, finding the marked lack of synchronisation between the eLP and the NPs to be unfortunate. Finally on this point, he found that ruling out sound judgements on strategic matters which should be set out in the LP, in order to avoid the possibility that resultant policies might not fit with some NPs, would not meet the tests in NPPF 182.
- 3.10 In conclusion, he found that suspension as suggested would not be an appropriate option. However, he went on to consider whether suspension for more than six months could provide a faster option for achieving a sound plan than withdrawal. He therefore invited the Council to consider a 12-18 month suspension with a view to examining the issue of the OAN as soon as possible following representations on the basis of 758 dpa. Any consideration of reasonable alternatives would need to avoid any appearance of pre-determination or over-reliance on the sustainability assessment accompanying the submitted plan.

Yapton Neighbourhood Plan (YNP)

- 3.11 An Examination into the YNP was held in June 2014 and the Examiner's Report is dated 17 August 2014. The referendum version, reflecting the Examiners recommendations, was published in late September 2014³². A referendum was held on 23 October 2014 and the results were as follows: 724 votes cast (22.13% turnout), 681 votes cast in favour of a Yes (94.45%) and 40 votes cast in favour of no (5.55%). At a Full Council meeting on 5 November 2014, Arun District Council resolved to 'make' the YNP which means that it has been brought into legal force, and forms part of the statutory development plan.
- 3.12 The Independent Examiner considered a representation that it should not proceed to referendum until the new ADLP has been adopted. He noted that the adoption process would have established the objectively assessed housing needs for Arun District but was satisfied that the YNP had been prepared in a proportionate and responsible way, as set out in the PPG, to the extent that the qualifying body and the LPA should discuss and aim to agree the relationship between policies in the various plans³³.
- 3.13 He accepted that if the adopted policies of the eLP are different from those which underpin the YNP then they would take precedence and that the qualifying body might wish to carry out a review of the YNP. Finally, in considering the development plan context, he recognised the importance of flexibility and the ability of the YNP to contribute towards the District's

³¹ To the Local Plan Sub-Committee and the Full Council – see ID26 para 11 and 14

³² CD20 and CD21

³³ CD21 para 3.8 and PPG Ref ID 41-009-20140306

objectively assessed housing needs and made recommended modifications accordingly.

- 3.14 All relevant YNP policies are listed in the SoCG. Those with a particular bearing on this appeal are: policy BB1, which does not permit development outside the built-up area boundary except in certain circumstances which do not apply here. Policy EB which echoes the national and local requirements for conservation areas but makes no reference to development within their settings. Policy E9 concerns the loss of listed buildings or structures of character. YNP policies E3, E4, E5 and E6 are concerned with natural habitats, trees and shrubs, biodiversity and green infrastructure.
- 3.15 The first objective of the YNP, based on figures taken from the eLP, is to provide for a minimum of 100 new dwellings. Policy H1 identifies that the minimum housing requirement for Yapton will be established by the eLP. It notes that additional allocations will be made if the eLP requires such action or if the identified housing sites do not proceed. The policy justification adds that the Community Survey³⁴ showed 58% support for 'control' over housing development in order to prevent children from having to leave the village. Housing and development were seen by the authors of the Survey as the key component of the YNP³⁵.
- 3.16 The YNP identifies two housing allocations within its boundary for Yapton (policies SA1 and SA2) which could yield 95 dwellings and states that, with sites in the planning pipeline, this would total 208 dwellings³⁶. The Council pointed out that the allocated sites are in different landscape character areas to the appeal site³⁷. The YNP notes that all the land surrounding the village is either classed as grade 1 or grade 2 agricultural land³⁸. YNP policy E1 is to refuse development on grade 1 and grade 2 agricultural land unless allocated under policies SA1 and SA2 or required by policy H1 to meet the needs in the Plan area.

Housing position

- 3.17 It was common ground at the Inquiry³⁹ that the Council could not demonstrate a 5 year HLS. It was also agreed that the appropriate buffer under NPPF 47 is 20% and that the OAN for 2014-2019 is at least 3,790 (5x758) plus a past shortfall of 712. The precise calculation depends on the order of calculation for the buffer, but the requirement was agreed to be roughly 2,000 more than the deliverable supply over the 5 year period. On the basis of this agreement, no evidence was put forward as to the likelihood that this supply would come forward and be developed within 5 years and my report and recommendations proceed on this basis. The maximum available HLS was agreed to be either 3.01 or 2.92 years.

³⁴ ID22 section 3 Q4

³⁵ ID22 s3 Housing comments

³⁶ CD20 – YNP paras 6.4 6.5. See also ID15

³⁷ ID24

³⁸ CD20 para 6.14

³⁹ ID14b HLS SoCG

Other policy

- 3.18 Adopted Supplementary Planning Guidance (SPG) for conservation areas sets criteria for development within them. Criterion 2.3 expects a high standard for new development both within or affecting the setting of a conservation area. Historic England (HE), Historic Environment Good Practice Advice in Planning Note 3 – The Setting of Heritage Assets⁴⁰ provides a step by step approach to settings and proportionate decision taking.

4. The Proposals

- 4.1 The submitted application comprised several documents, plans and supporting information⁴¹. The scheme would include a housing development, with affordable housing, and public open space between the conservation area and the proposed housing. There would be strategic landscaping along its boundaries and on either side of retained footpath 357. Landscaping described as green corridors would be focused around retained footpath 358 and the south east of the site adjoining the village. Vehicular access would be from Ford Lane and pedestrian/cycle access only from North End Road. All existing hedges and trees on the site are proposed to be retained and enhanced. All these details would be subject to conditions controlling reserved matters. An earlier application for 250 houses, over a larger site, went to appeal but was withdrawn.
- 4.2 Four statements of common ground (SoCGs) were agreed: (a) Joint; (b) housing land supply (HLS); (c) Conditions & obligations; and (4) Archaeology⁴². Agreed matters include that:
- Yapton is a sustainable location for housing growth of the scale proposed (up to 100 houses);
 - the appeal site lies outside the built up area of Yapton as defined by "saved" Arun District Local Plan 2003 (ADLP) Policy GEN 2 but is nonetheless in a sustainable location being immediately adjacent to the settlement boundary of Yapton and close to a range of services and facilities that are all within walking and cycling distance;
 - none of the appeal site is subject to any specific national or local adopted/emerging landscape, heritage or ecological designation but is in the "countryside" for the purposes of ADLP Policy GEN 3;
 - the access from Ford Lane and all other proposed highway works have been agreed by the West Sussex County Highway Authority, the Highways Agency and Network Rail (subject to the imposition of relevant and suitably worded conditions) and the Council raised no objections in these regards; and

⁴⁰ CD26

⁴¹ Including Application Forms; A Planning Statement (including a Design and Access Statement [DAS], Affordable Housing Statement, Flood Risk and Drainage Strategy, Heritage Statement and Archaeology Statement); Transport Assessment; Arboricultural Survey; Extended Phase 1 Habitat Survey; Location Plan drawing no. 200B; Proposed Indicative Layout/open space proposals: drawing no. 201C; Illustrative Strategic Landscape/open space proposals: drawing no. 202B; Means of access drawing no. 130431-10A; and a Photographic Survey.

⁴² Inquiry Document ID14 a-d

that the weight to be given an emerging NP is in no way contingent on the status of the LP.

Landscape

- 5.5 While undesignated, protecting and enhancing a valued landscape is a requirement of the NPPF and this was further supported by a ministerial letter⁵⁰. Weight can be given to an undesignated landscape⁵¹. The Arun Landscape Study assessed the site's capacity for development as low to medium as a result of a combination of factors including the small amount of woodland, the local topography, the contribution to the setting of the village and the loss of broad long views to the South Downs and Arundel. This accords with the decision at *Westbourne*⁵² that harm to the local landscape would outweigh any environmental gains.
- 5.6 The appellant has not made a proper assessment of the impact on 'landscape character or submitted a Landscape and Visual Impact Assessment (LVIA) in accordance with the LVIA guidelines⁵³ as noted in the Council's response, its screening opinion, and the evidence of its landscape witness⁵⁴. Considerable weight should therefore be given to the Council's visual appraisal which identifies harm to key visual receptors including: walkers on public rights of way in the South Downs National Park; local residents on Church Lane and North End Road; passengers on the railway line; road users on Ford Lane; and walkers on footpaths 356, 357, 358 and 359. The scheme would cause clear harm as a result of its 'suburbanising' impact.

Heritage assets

- 5.7 Two key assets would be harmed. St. Mary's Church, believed to date from the 12th century, is listed at Grade I and its tower is a distinctive feature. Views of church towers are recognised in the 'West Sussex Landscape Land Management Guidelines' as a key characteristic of the coastal plain⁵⁵. The Church Lane Conservation Area is adjacent to part of the appeal site. In both cases it is the setting which would be harmed. Setting is defined⁵⁶ as 'the surroundings in which a heritage asset is experienced'. Inadequate assessment has been made of the settings⁵⁷ contrary to NPPF 128, PPG⁵⁸, and Historic Environment Good Practice Advice in Planning Note 3. Historic England advice⁵⁹ and eLP policies HER DM1(d) and HER DM3(i). The

⁵⁰ From Brandon Lewis MP, as Minister of State for Housing and Planning, to the Chief Executive of The Planning Inspectorate, dated 27 March 2015, McKenzie Ax FDP6

⁵¹ *Bishops Cleeve* paras 23, 24, 26, 30 and 31

⁵² CD32 para 30

⁵³ The third edition of Guidelines for Landscape and Visual Impact Assessment (GLVIA3) was published by the Landscape Institute on 17 April 2013.

⁵⁴ CD10, CD15 and McKenzie

⁵⁵ See sheet SC9 at Collins Ax E6

⁵⁶ In the glossary to the NPPF

⁵⁷ See the evidence of Dr Wightman

⁵⁸ PPG: Conserving and Enhancing the Historic Environment. Ref. ID: 18a-013-20140306

⁵⁹ CD26. Historic England document, published March 2015: Historic Environment Good Practice Advice in Planning Note 3 – The Setting of heritage Assets.

Consultation Response from English Heritage⁶⁰ acknowledges that the appellant's evidence constitutes a 'slightly more thorough assessment'.

- 5.8 Statutory duties⁶¹ apply to listed buildings and conservation areas. Recent case law⁶² has emphasised that, for listed buildings, this requires 'considerable importance and weight' to be given the desirability of preserving their setting such that there is a tilted balance even where the harm would not be substantial. Here, there would be harm to the rural tranquillity of the setting in which the church and conservation area are experienced⁶³. Views of the church tower from existing footpaths would be harmed by the surrounding housing estate. The historic character of this setting would be replaced with a domestic suburban one which would harm the significance of the assets.
- 5.9 The importance of the setting of the conservation area is set out in the Appeal Decision for Church House⁶⁴. In the case of *Mordue* the Court found that the Inspector failed to give reasons demonstrating that he had given considerable weight to the harm to the settings of each of the listed buildings that he found would be harmed to some extent.

Archaeology

- 5.10 Where necessary, NPPF 128 requires developers to submit a field evaluation for sites which have the potential to include heritage assets with archaeological interest. The Council's evidence of the residual finds on the site⁶⁵, the review of the data in the Sussex Historic Environment Record and neighbouring evaluations⁶⁶ should be preferred to that of the appellant which has simply assembled documents without analysis. In these circumstances a planning condition would be insufficient to deal with the archaeological potential and this was the view of the county archaeologist⁶⁷. Rather, an archaeological evaluation should be carried out prior to determining the appeal, as happened for the application at Burndell Road in Yapton⁶⁸.

Other material considerations

- 5.11 Weight should be given to the considerable number of objections⁶⁹, the number of residents who attended the Inquiry⁷⁰, and the submissions by these and the Yapton Parish Council. Local feeling was summed up in the statement from Nick Gibb MP: 'If localism and the drive to encourage and support the new wave of planning policy through MPs and community involvement is ever to thrive and develop into meaningful policy then Yapton's MP must be allowed to carry the weight it derives.'

⁶⁰ CD13

⁶¹ Under s66 and s/2 of the Listed Buildings and Conservation Areas (LB&CA) Act 1990

⁶² *Barnwell Manor* followed by *Forge Field* and *Mordue*

⁶³ The evidence of Dr Wightman

⁶⁴ CD28. Land at Church House. Ref. APP/C3810/A/08/2090433

⁶⁵ As shown to the Inquiry by Mr Burn from 4 walkovers and at his photos 1 and 2

⁶⁶ By Cotswold Archaeology at Goodhew Close, Yapton

⁶⁷ CD11

⁶⁸ CD16

⁶⁹ The report to committee, CD6, identifies 369 letters of objection to the original planning application.

⁷⁰ Approximately 31 on Day 1

Public benefits

5.12 These include the provision of housing where the Council cannot demonstrate a 5 year HLS. Affordable housing is a clear benefit. However, these benefits would apply to any development for additional housing on the edge of any settlement in the district. There are no demonstrable heritage benefits⁷¹. Weighed against the clear harm to landscape, heritage assets and potential archaeological remains, the benefits would not outweigh the harm identified by the Council's expert witnesses.

Planning balance

5.13 NPPF 14 is not engaged as the proposal would not amount to sustainable development⁷². The scheme would be in clear conflict with the YNP and local housing policies. It would cause less than substantial harm to designated heritage assets and environmental harm to the character of the area. Despite the benefits of additional housing, on balance, the proposals would be contrary to the NPPF and would not constitute sustainable development. In the alternative, NPPF 14 footnote 9 applies and the harm to the heritage assets would outweigh any presumption in favour of the development. In *Broughton Ashley* the SoS found that conflict with the NP was not beyond the range of reasonable planning judgement.

Additional comments

5.14 Following the procedural meeting into the eLP, the Examining Inspector issued a note suggesting suspension for some 12-18 months so that the Council could undertake the necessary work with regard to the objectively assessed housing needs for the district. There were previously objections to eLP policies LAN DM1, H SP1, SD SP2, C SP1, HER DM1, HER DM3 and HER DM6. The Parish allocations are the result of several components. The plan does not rely on revisiting the NP allocations but will review the strategic allocations.

6. The Case for Keith Langmead Ltd.

6.1 The main issues cover: character and appearance with regard to the development plan, the settings of listed buildings, the conservation area, archaeological remains, sustainable development, and the tilted balance in NPPF 14 when assessed against the NPPF as a whole.

Housing land supply (HLS)

6.2 RfR1 was predicated on the Council being able to demonstrate a 5 year HLS through the strategic locations in the eLP and the allocations in the Referendum Version of the YNP. The YNP is now a made plan with its policies BB1 and H1 based on the housing requirements in the eLP. The Council subsequently⁷³ advised that it could no longer demonstrate a 5 year HLS. It is now agreed that the supply is around 3 years. Despite objections, the Council

⁷¹ As made clear by EH (as was) in CD13A. In fact the Council's closing refers to 'environmental' benefits but the email uses the word 'heritage' and defers to the LPA to judge whether other public benefits exist.

⁷² See *William Davis*, para 37, within ID7

⁷³ December 2014 - see Joint SuCG at CD5

submitted the eLP for examination in January 2015. In February 2015, two appeal decisions⁷⁴ left no doubt that the housing figures in the eLP were inadequate and in March the eLP Examination Inspector made clear that there were major issues over the soundness of the plan (see update below).

- 6.3 Consequently, neither the eLP nor the YNP make sufficient provision for housing. With regard to the housing policies at least, only limited weight should be applied to the eLP. While Yapton has more than 100 dwellings being built or with recent planning permission, this number is included within the Council's figure which only amounts to around a 3 year supply compared with the NPPF requirement of 5 years plus a 20% buffer. The new ALP will need to make provision for higher numbers. As Yapton is one of the more sustainable locations in the District, it is likely that the YNP will need to be reviewed.
- 6.4 Significant amounts of greenfield land beyond settlement boundaries will be required to meet the housing requirements of the District in any event. The YNP allocations are for land in agricultural use. It follows that none of the housing policies in the eLP or in the YNP are up to date. The PPG advises that NPs may be prepared in advance of the adoption of a LP. However, where the housing policies are out-of-date, a NP made in advance of adoption is plainly in a potentially more fragile position. NPPF 198 provides that permission should not normally be granted if it would conflict with a NP. However, it is not a normal situation for a recently made NP to be not up-to-date on account of the Council not being able to demonstrate a 5 year HLS. The position in Arun and Yapton is not normal.
- 6.5 With regard to other SoS decisions concerning NPs, in *Broughton Astley*⁷⁵ the allocated sites, leading to a combined total of 648 dwellings, significantly exceeded the CS requirement of 400 dwellings, quite unlike the situation at Yapton. *Sedlescombe*⁷⁶ concerned an emerging plan and prematurity is not an issue in this appeal. Furthermore, all the cases cited predate *Woodcock*⁷⁷ from which it is clear that policies BB1 and H1 of the YNP are not up to date, as defined by NPPF 49, despite being recently made as the LPA does not have a 5 year HLS.

Character and appearance

- 6.6 The Council's allegations are that the scheme would constitute a significant encroachment into the countryside, on a site not well related to the settlement, which would harm the visual amenities of the location and the character of the area.
- 6.7 On the first point, it should be noted that ADLP countryside policies GEN2 and GEN3 have been found to be out-of-date and inconsistent with the NPPF (see *Westergate*) while there would be no conflict with policy GEN7, criterion (ii) or otherwise. Only limited weight should be given to the relevant eLP policies which all have substantial unresolved objections. As above, YNP policy BB1 is also out of date. While the Council's landscaping witness would have done

⁷⁴ in *Westergate* - Collins Ax0 p175-225

⁷⁵ *Weatherhead* Ax 6, IR para 45 and DL para 17

⁷⁶ *Ibid* Ax 9

⁷⁷ ID7, divider 9, dated 1 May 2015

things differently, that is not the test. The appellant's witness has sufficient experience and expertise to assess the landscape and visual issues. Save for the single viewpoint on the South Downs⁷⁸, it was agreed that the effects would be localised and no other material receptor had been omitted.

- 6.8 The late suggestions, that inadequate information had been submitted to assess the scheme, and that biodiversity would be harmed, were without merit and at odds with the SoCGs. The site is not in any gap. The rationale for strategic landscaping is clear and could be secured by the suggested conditions. The site is not a valued landscape as defined by NPPF 109 and interpreted in *Leonard Stanley*⁷⁹. It was acknowledged that the development would change the character of the area and have some impact on the visual amenities of the locality, as would any edge of settlement countryside site. Here this harm would be very limited in these terms and would not significantly and demonstrably outweigh the benefits of the scheme. It is common ground that the site is well related to the settlement.

Heritage

- 6.9 R/R3 is misconceived in suggesting that insufficient information was submitted. It was never suggested that the appellant's witness did not have the experience or expertise to judge these matters in accordance with NPPF 128 and HE guidance. Although there are several listed buildings in the vicinity, it is common ground that of these only the effect on the church was at issue.

St Mary's church

- 6.10 It is acknowledged that the site is within the setting of the church. However, the setting makes a limited contribution to the significance of the church as a heritage asset as there is limited historical, physical or visual relationship. A small proportion of the church tower is visible from the site but that does not equate to contributing to its significance as a heritage asset. The scheme would ensure that the visual relationship, such as it does exist, would be maintained and so the setting would be preserved in accordance with s66 of the LB&CA Act. A setting is not a heritage asset in its own right and it is only the contribution to significance which matters. The Council has wrongly conflated visibility with harm. If there would be any harm at all it would be less than substantial. In fact, the scheme has been designed to respect the significance of the church. In any event, the s66 test need not be of overriding importance as found at *Razors Farm*⁸⁰ and *East of Hawton*⁸¹ and elsewhere⁸². The balancing exercise must still be carried out taking account of the considerable weight to be given to the social and economic benefits of market and affordable housing, where there is a substantial shortfall, and the environmental benefits of public open space and landscaping.

- 6.11 The tilted balance in favour of sustainable development in NPPF 14 does not apply where specific policies indicate otherwise (footnote 9) including

⁷⁸ McKenzie viewpoint 1

⁷⁹ Collins AxD p 226 and as upheld in *Stroud v SSCLG & Gladman*: 1D7/14

⁸⁰ 1D//12, IR 10.50

⁸¹ 1D7/13, D/L para 21

⁸² *Ola Guildford Road and Kingsland Haines*

designated heritage assets. The Council argued that this exclusion applied even when the harm would be less than substantial⁸³. The correct interpretation should be that footnote 9 should only apply to impact on a listed building or conservation area which would cause substantial harm or total loss of significance. Then the presumption in favour of granting permission would be lost and, as set out in NPPF 133, consent should be refused. Otherwise the balance in NPPF 134 and NPPF 14 should remain. This is clear from every other instance in footnote 9 where another specific policy in the NPPF applies⁸⁴. It is also consistent with the approach to footnote 9 in *Razor's Farm*.

Conservation area

- 6.12 None of the appeal site is within the Church Lane Conservation Area. It is historically, physically and visually separated from the conservation area by intervening modern development and tree cover. It does not form part of the setting of the conservation area for the purposes of the NPPF. The Council is again wrong to conflate (limited) visibility with harm. The design of the scheme, and the proposed public open space in particular, would preserve any contribution that the site might make to the significance of the conservation area as a designated heritage asset, including any views towards Church Farm House. In the event that there would be any harm to the character or appearance of the conservation area, the test in s72, and appropriate balancing exercise, should be applied in the same way as s66 at *Razor's Farm* and *East of Hawton*. Finally on this point, the Council⁸⁵ accepted that there would be no conflict with YNP policy E8.

Archaeology

- 6.13 There is no issue as to the potential archaeological interest in the site. The SoCG for Archaeology⁸⁶ makes clear that the matter could be dealt with by a condition⁸⁷. There was no credible basis for the Council taking up Inquiry time arguing that work should be carried out before determining the appeal. The appellant has submitted the relevant information⁸⁸, including maps and descriptions of the parkland to Yapton Place/Manor⁸⁹, and the Council submitted nothing that was materially different. The suggested pre-commencement condition could protect any remains, even something as dramatic as the suggested Roman villa. The evidence of the Council's archaeological witness was misconceived, unjustified and counter-productive. Applying the suggested conditions would also be consistent with the similar situation in *Westergate*.

⁸³ Citing the *Bishops Tachbrook* decision para 45 – McKenzie Ax 4

⁸⁴ Listed in detail in para 50 of the closing

⁸⁵ Dr Whiteman in XX

⁸⁶ ID11 – as suggested by the Council and agreed between the parties

⁸⁷ See also the findings of the SoS and Inspectors with regard to post decision archaeology conditions at *Westergate 175-225*, *Old Guildford Road 241*, and *Land at Kingsland Laines 259*

⁸⁸ The HER, regression maps, British History Online etc.

⁸⁹ Collins at appendix F1 paras 48-50 pp 430-431 and F2 pp 439-445

Sustainable development

6.14 The scheme would meet the social and economic dimensions of sustainability within the definition in the NPPF. The claim that it would not satisfy the environmental dimension, due to the existence of alleged landscape and heritage harm and the conflict with the YNP, is misconceived. Even if some harm or conflict did arise, it would be necessary to balance this with the benefits of the scheme. It is common ground that Yapton is a sustainable location for housing growth of the scale proposed (up to 100 houses) and the Council has welcomed the proposed provision of 30% affordable housing. While outside the defined built up area in the development plan⁹⁰ it is nonetheless in a sustainable location relative to the settlement being both adjacent to the boundary and close to a range of services, facilities and employment.

6.15 Subject to conditions, the access is acceptable to the local Highway Authority, there are no landscape, heritage or ecological designations affecting the site and it is in Zone 1 for flooding as classified by the Environment Agency. The site is Grade 2 agricultural land but the district is bound to lose some such land to meet its housing needs and it is common ground that the Council raises no objection for this reason⁹¹. The site does not provide any habitat for protected or even non-protected species other than in the field margins where the trees and hedges would be retained. The provision of significant levels of open space and landscaping would have a significant positive ecological impact⁹². The scheme would therefore also deliver environmental benefits.

Balance

6.16 Relevant ADLP policies and the housing policies of the YNP are not up to date. The presumption in favour of sustainable development in NPPF 14 applies. Any adverse impacts would not significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. The scheme should therefore be granted permission.

Conclusion

6.17 The scheme would minimise impact on the character and visual amenities of the locality, preserve the setting of the church and the character and appearance of the conservation area. It would provide a high quality residential development in an extensively landscaped publicly accessible parkland setting that would relate to its surroundings and provide ready access to local services and facilities. Housing is needed now to address the 5 year HLS deficit and the difficulties in delivering affordable housing. The proposals would bring many social, economic and environmental benefits to the local community and so permission should be granted.

⁹⁰ Under both ADLP policy GEN2 and YNP policy BBL, and therefore in the countryside for the purposes of ADLP policy GEN3

⁹¹ CD35 pp1-2; 29-33; and Fig 10. SoCG para 8.

⁹² Officer's Report at CD6 and Collins Ax A p59

Additional comments:

- 6.18 With regard to the procedural meeting, there is no written report to committee, there are no minutes and no further response from the eLP Inspector and so the Council's comments⁹³ are speculative. Whether the eLP is suspended for 12-18 months or withdrawn, no more than extremely limited weight can be given to the eLP policies cited in the RfRs.
- 6.19 There were 453 representations regarding the eLP policies referred to by the Council in its RfRs, many of which have yet to be considered by the LP Inspector. While the distribution of housing allocations amongst parishes is a matter of record, these figures should no longer be relied upon. The comment that the NP allocations would not be revisited is not credible given the LP Inspector's comments⁹⁴. Rather, these figures will need to be reviewed, as predicted by the Independent Examiner, and the outcome of this is impossible to predict at this stage.

7. The Cases for Interested Parties⁹⁵

- 7.1 Many of the representations echoed the concerns which are more fully articulated by the Council above so I do not repeat them.
- 7.2 **Hilary Flynn** read out a statement on behalf of **Nick Gibb MP** for Bognor Regis and Littlehampton. This highlights local opposition, the YNP and the fact that this site was never considered by the NP group. The YNP identified sufficient new homes against the draft LP allocation and, if localism and NPs are to thrive, then the YNP must be allowed to carry the weight it deserves. In addition, the proposals would fail to meet key policy criteria in the NPPF, including that for heritage assets, as well as saved ADLP and eLP policies. The appellant has not engaged with the community affected, there have been large scale developments in this small village already and this speculative scheme is deeply unpopular with the local community.
- 7.3 **Andy Faulkner** introduced the representations by the **Yapton Parish Council**⁹⁶. He referred to the requirement in the Localism Act that consultation should take place prior to submitting an application having regard to any advice from the LPA about local good practice. The submission was endorsed by the new Clerk to the Parish Council, **Andrew Gardner**.
- 7.4 **Tricia Wales**, a representative of the YNP Group, argued that if the YNP is disregarded it would set a precedent all over the country. It would become another worthless piece of paper and neighbourhood planning would become another empty sound-bite. She advised that the focus of the YNP was to prevent housing on agricultural or greenfield land and that any development allowed should be small, around 30-40 houses, and not allow sprawl. The group reluctantly agreed to allocations for 100 houses when it became apparent that there was not enough brownfield land.

⁹³ By Mr Weatherhead on 31 July 2015.

⁹⁴ Paras 11-15 and 17-23 of his letter dated 28 July 2015, ID26b

⁹⁵ At ID17a, b and c except for Nick Gibb MP at ID10 and those of the Parish Council (below)

⁹⁶ ID12

-
- 7.10 More dwellings have been approved and some of the Yapton allocation has commenced. Another has been approved subject to a s106 Agreement. The Olive Branch pub will shortly be converted to flats. The needs of Yapton can be met through small sites without the need for this development. The community of Yapton wish their village to remain exactly that.
- 7.11 **Margaret Sarson** read Mr Sarson's letter which recalled the days when his eldest daughter would ride past his house bareback, leading a string of horses down to the beach, when he would play football in the middle of the road with his boys, or when he would lie under his car with his legs stretched out into the road. Now it can take minutes to cross the overused roads. His plea also raised concerns over light pollution and loss of agricultural land.
- 7.12 **Mary Kinnersley** highlighted the principle of local democracy and argued that there was no need for parkland. She was concerned that further development would follow and took issue with the sustainability of the site with regard to public transport and local employment.

8. Written representations⁹⁹

Many of the written representations also echoed the Council's major concerns.

- 8.1 The **Yapton Parish Council** submitted its original objection and additional comments as well as being represented by Messrs. Faulkner and Gardner. These set out its policy objections with regard to the ADLP, the eLP and the YNP. It referred to the Strategic Housing Land Availability Assessment (SHLAA) carried out in 2009 which rejected the site as: 'too remote and inaccessible from village facilities'. An adjacent site was also rejected in 2012. It pointed to a loss of employment in the village, the unreliability of bus services and the risks associated with the level crossing.
- 8.2 It reported that there was unanimous opposition at a well attended public meeting and dismissed the suggestion that the volume of representations was as a result of one resident. It argued that the land is all top grade agricultural land and pointed out that it is currently all used for crop production. It reported that the SHLAA Ford Eco Town site /1 for 5,000 homes, of which this site would have been part, was rejected. The Eco town site was never considered to be suitable for development in smaller packages because of the perceived infrastructure benefits which a larger development could finance.

Additional points made by a **variety of writers** are summarised below.

- 8.2.1 The appeal ignores the YNP and eLP.
- 8.2.2 The landowner failed to engage with Yapton's residents.
- 8.2.3 It would not be sustainable in terms of infrastructure or community facilities.
- 8.2.4 Increased traffic would be detrimental to both North End Road and the level crossing.
- 8.2.5 The school is full.

⁹⁹ See red folder with main file

- 8.2.6 The site is top grade agricultural land.
- 8.2.7 There are new housing developments in two other areas nearby.
- 8.2.8 The site floods in very wet weather.
- 8.2.9 The surgeries and pharmacy are beyond capacity.
- 8.2.10 The village offers limited employment.
- 8.2.11 There is already public land in Yapton so a green space is not needed.
- 8.2.12 The access would be dangerous.
- 8.2.13 The traffic chaos in the vicinity of the school has to be seen to be believed.
- 8.2.14 It is a back-door attempt to gain approval for 250 houses.
- 8.2.15 It would make a mockery of the hours of hard work put into the YNP.
- 8.2.16 The village shop cannot be extended and is not satisfactory as it is.
- 8.2.17 Questions have been raised over the sewage system.
- 8.2.18 It is wrong to suggest that there is only one objector who is rallying protests.
- 8.2.19 Bus services are limited and there is no public transport to Ford Station.
- 8.2.20 The village is willing to take its share of the burden of new housing providing it remains in proportion.
- 8.2.21 There are no pavements in Ford Lane.
- 8.2.22 Lorries sometimes have to mount the kerb to get past school traffic.
- 8.2.23 Nearby Walberton should shoulder proportionately more of the burden.
- 8.2.24 Whilst it is difficult to argue against the need for more houses to be built in England in general it is easy to argue against this proposal.

9. Conditions

- 9.1 A Schedule of conditions was discussed and was mostly agreed between the Council and the appellant¹⁰⁰. The suggested conditions were discussed at the Inquiry and, following a few changes, these are set out at Appendix C. Except as explained below, should planning permission be granted for the proposals, for the reasons accompanying the attached conditions, I recommend that they should be imposed.
- 9.2 As well as for the reason given, as the distinction between access within the site (which is not reserved) and layout (which is reserved) is not always clear, condition 4 is also required for the avoidance of doubt. Although landscaping is reserved, condition 5 is needed as it covers retention, protection, biodiversity, management and timing.

¹⁰⁰ ID19 and ID25

- 9.3 As the negatively worded condition for affordable housing has been discussed with the appellant, as no financial contribution would be necessary and as it would meet the six tests in NPPF 206, it would be acceptable. To maximise the probability that the affordable housing would meet local needs, suitable criteria should be part of the scheme and the condition must have a retention clause. While access is not reserved, a condition is necessary to control full details.
- 9.4 In the Archaeology SoCG¹⁰¹, the Council accepted that the matter [archaeological field evaluation into the potential impact on archaeological remains] could be undertaken post decision by virtue of the suggested condition. However, unhelpfully, it went on to argue that the scheme should be refused as best practice means that it is appropriate for evaluation to be undertaken prior to a decision. For the reasons set out below, I have found that, in principle, a condition would be adequate but I recommend that, for greater precision, the fuller condition suggested at the Inquiry (ID19), with a minor amendment for clarity, should be adopted.
- 9.5 It was common ground that the TA proposals (in response to requests from and agreements with the Highway Agency, Network Rail and the WSCC Highway Authority) for off-site highway works comprising improvements for North End Road, the Lake Lane/Yapton Lane junction to the north of Yapton Railway Crossing and the junction of Yapton Lane with the A27 could be controlled and delivered by way of conditions. Although there is a statutory right to a foul water sewerage connection¹⁰², a condition requiring the details is reasonable.
- 9.6 The requirement for a Travel Plan (TP) lacks any specific targets, such as numerical goals for modal shift, and there is nothing to suggest that the measures in the TP would involve more than the provision of information. As argued by interested parties, it would be largely aspirational. Nevertheless, given the lack of objection from the Highways Authority and the Council's agreement that the scheme is in a relatively sustainable location, the condition would be adequate to reinforce the argument that the proposals would amount to sustainable development.
- 9.7 In addition to the suggested conditions, to allow the scheme to be as set out in the description of development as discussed at the Inquiry, and as this was the basis for my considerations, a condition is required to limit development to 100 dwellings.

10. Obligation

- 10.1 The planning obligation¹⁰³ contains provisions for contributions to be paid to the Council (ADC) and to the County Council (WSCC). The ADC contributions would go towards Artificial Pitches, the NHS, the Sports Hall and the Swimming Pool. Those payable to WSCC would be for Fire and Rescue, Highways, the Library and for Primary Education. There would also be a requirement for Fire Hydrants.

¹⁰¹ ID14d

¹⁰² *Barrat Homes Limited v Dwr Cymru Cyfyngedig (Welsh Water)* [2009] UKSC 13, para 59

¹⁰³ ID2

- 10.2 ADC has provided justification for the contributions and calculations for the amounts sought under the Community Infrastructure Levy (CIL) Regulations and the NPPF¹⁰⁴. WSCC also provided a justification¹⁰⁵. Both were satisfied that the undertakings would comply with the relevant tests for planning obligations in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. For the reasons given, I agree with this assessment except as set out below.
- 10.3 The transitional period under CIL Regulation 123(3) (as amended), ended nationally on 6 April 2015. After this, s106 planning obligations designed to collect pooled contributions ('tariffs') may not lawfully be used to fund infrastructure which could be funded from the CIL. From that date only very limited pooled contributions (for up to five separate planning obligations relating to planning permissions granted within the charging authority's area) will be permitted towards infrastructure which could be funded from the CIL. As consideration by the SoS may take a little longer, in the event that the appeal is to be allowed, it might, in theory, be necessary to revert to ADC to establish whether or not the limit has been exceeded at that time. However, at the time of the Inquiry, the justification explained that none of the contributions would come near to the limit of five.
- 10.4 Clause 12 provides that if there is an express finding within the Decision that one or more of the obligations in the Undertaking does not meet the statutory tests in CIL Regulation 122 or 123 then that obligation would not take effect. Should ADC adopt a Charging Schedule prior to planning permission being granted, then the owner would be released from any obligations which relate to an item included on that list of infrastructure. The Obligation refers to the decision of the Planning Inspector, whereas this will be made by the SoS, but the difference is of no consequence.
- 10.5 The Artificial Pitches Contribution would be put towards the cost of funding additional 3G artificial turf pitches at Littlehampton Leisure Centre. This is a costed project for the leisure centre serving the catchment area. The Sports Hall contribution would be towards a major makeover of the same centre to increase activity space and provide a better experience. The Swimming Pool Contribution would be put towards increasing the pool capacity there from 6 to 8 lanes. All these would satisfy the CIL tests. On the other hand, no detailed justification was put forward for the NHS Contribution and no defence for this was offered in evidence. Consequently, the NHS contribution would not meet the statutory tests and I recommend that it should not take effect.
- 10.6 The Highways Contributions would be put towards a traffic regulation order for a 20 mph speed limit in Church Lane where there is limited footway provision. The local primary schools are over capacity and the Primary School Contribution would be used to extend provision at Yapton Primary School in accordance with WSCC's published document: Planning School Places 2015. The Library Contribution would be for a 'Tier 7' service whereby a shared facility is used for a click and collect service. As the development would

¹⁰⁴ ID3

¹⁰⁵ CD24

increase the population in the village, it would increase the demand for this service.

- 10.7 The Fire and Rescue contribution would be intended for Community Fire Link supplementary smoke alarms within the Parish of Yapton. While standard smoke alarms would be fitted to the new houses, these additional specialist alarms would be for vulnerable people. I note that there is no detailed costing for this, no identification of the likely number of such devices which might be required and no explanation of how additional houses would recreate a need for further alarms for existing houses. I conclude that the Fire and Rescue contribution would not meet the statutory tests and I recommend that it should not take effect.
- 10.8 The Fire Hydrants would be to provide access for fire brigade vehicles and would be provided at the owner's expense rather than by a financial contribution. These would satisfy the relevant tests.

11. Inspector's Conclusions

From the evidence before me at the inquiry, the written representations, and my inspection of the appeal site and its surroundings, I have reached the following conclusions. The references in square brackets [] are to earlier paragraphs in this report.

Main considerations

11.1 The main considerations in this appeal are as follows:

- i) the effects of the proposals on the character and appearance of the area, with regard to the development plan and its landscape value;
- ii) whether the proposals would preserve the special architectural and historic interest of the listed building of St. Mary's Church and its setting;
- iii) whether the proposals would preserve or enhance the character or appearance of the setting of the Church Lane Conservation Area;
- iv) the effects of the proposals on potential archaeological remains;
- v) whether the proposals would amount to sustainable development as set out in the National Planning Policy Framework (NPPF), having regard to the above matters and any benefits of the scheme.

Development plan context

11.2 Two elements of the development plan are relevant: the extant policies of the Arun Local Plan (ADLP), adopted in 2003 and saved in 2007, and the Yapton Neighbourhood Plan (YNP), which was 'made' on 5 November 2014. These provide the starting point for the appeal which should be determined in accordance with the development plan unless material considerations indicate otherwise. [3.2]

11.3 The NPPF is a material consideration. It says so in paragraph 2 (NPPF 2). It acknowledges the primacy of the development plan in planning decisions, in NPPF 7 and NPPF 11-12, but goes on to emphasise the need for an up to date LP. At the heart of the NPPF is a presumption in favour of sustainable development, defined as NPPF 18-219 taken as a whole. It follows that it is necessary to assess whether or not the scheme would amount to sustainable development and, if so, balance the weight to be given to its benefits against the conflict with the relevant policies in the development plan.

Arun Local Plan (ADLP)

11.4 The proposals would conflict with ADLP policies GEN2 and GEN3. The ADLP is now rather dated. It is common ground that the Council cannot demonstrate a 5 year housing land supply (HLS). Following the LP Inspector's conclusions, significantly more housing land in sustainable locations will need to be found within the next 12-18 months. In these circumstances, under NPPF 49, relevant policies for the supply of housing should not be considered up-to-date. Moreover, the Council can at best demonstrate 3 years HLS. [3.3]

11.5 ADLP policies GEN2 and GEN3 are policies for the supply of housing. They are not only dated but are not up-to-date under NPPF 49. This was confirmed in the Westergate appeals. Under NPPF 14, these policies are

therefore out-of-date. In the event that it is found the proposals would amount to sustainable development, the tilted balance in NPPF 14 would apply and the scheme should only be refused if adverse impacts would significantly and demonstrably outweigh the benefits. Given the directions in NPPF 49 and NPPF 215, only limited weight should be given to conflict with ADLP policies GEN2 and GEN3. If the only conflict with the development plan arose from these two out-of-date policies, a favourable conclusion with regard to the NPPF should outweigh any such conflict and the scheme should be allowed. [3.3][5.13][6.5][6.7]

Emerging Local Plan (eLP)

- 11.6 For the reasons set out in the LP Inspector's Conclusions after the Procedural Meeting, limited weight should be given to the eLP. Moreover, the published draft is not just short of its full OAN, it is significantly short. The future requirement is likely to be 758 dpa compared with 580 dpa. With the past shortfall, the Council can barely demonstrate 3 years supply against the NPPF 49 requirement for 5 years. From this the LP Inspector concluded that the eLP would be unsound without a substantial increase. Very limited, if any, weight should therefore be afforded to the eLP's housing policies and allocations. The only conclusions which can safely be drawn on this are that there is no 5 year HLS and that there is no certainty as to where future allocations will be made. [3.5-3.10][5.7][5.14][6.2][6.18-19]

The Yapton Neighbourhood Plan (YNP)

- 11.7 The Independent Examiner found that the YNP met all the necessary legal requirements and should proceed to referendum subject to modifications. Nevertheless, he was far more cautious about the relationship with the eLP than the Council's closing submissions suggest, in particular with regard to the full OAN. He found that the qualifying body and LPA had discussed and aimed to agree the relationship between the plans. He did not say that the relationship was satisfactory. He could not, given the stage the eLP had reached. Indeed, he found that producing a NP in this context was 'challenging'. This conclusion came before the LP Inspector's Conclusions after the Procedural Meeting. [3.11-3.16][5.1-5.4][6.18-6.19]
- 11.8 Following the LP Inspector's latest letter, the housing policies in the eLP are once again at an early stage and are likely to remain so for some time. What is certain, however, is that the new LP will need to find additional housing land. There is as yet no clear indication of where that land will be but, in this context, the policies within the YNP for the supply of housing are no longer consistent with the eLP however recently the YNP was made. Moreover, the YNP based its allocations of land for 95 dwellings on a figure in the eLP of 100. Even if it was possible to simply allocate more land proportionately, which it is not, as the Council only has a supply for 3 years instead of 5, the YNP would need to allocate land for an additional number of dwellings equivalent to 5 years rather than 3 years at present. [3.8-3.9][5.14][6.18-6.19]
- 11.9 This possibility was identified by the Independent Examiner when he recognised the importance of flexibility, and accepted that if the adopted policies of the eLP were different from those which underpin the YNP then they would take precedence and that the qualifying body might wish to

carry out a review of the YNP. However, he is unlikely to have anticipated the scale of review following the appeal decision in December 2014 and the Hearn Report in March. Given the shortfall in HLS identified in the LP Inspector's conclusions after the Procedural Meeting, the comment by the Independent Examiner should be given new force. While he anticipated a review, that cannot now meaningfully take place for another 12-18 months, if the LP Inspector's conclusions are followed, or longer if the emerging LP is withdrawn. Although the Independent Examiner was entitled to find the YNP sound at that time, based on the information before him and the PPG, there is now a vacuum in district-wide housing allocation policy which leaves YNP policy BB1 with nothing to underpin it. [3.10][3.13]

- 11.10 In Woodcock the judge found that paragraphs 14 and 49 of the NPPF do apply to the housing supply policies in a draft development plan, including a NP. It follows that NPPF 14 and 49 apply to a made NP. Relevant policies for the supply of housing within the YNP are therefore out-of-date as defined by the NPPF. While other policies in the YNP can continue to have full effect, and despite the YNP being only recently made, policy BB1 is out-of-date and should be given limited weight. In the event that the SoS's decision is not issued within 12 months of the YNP being made, on 5 November 2014, under NPPF 215, the weight should be reduced even further. It would be irrational to dismiss the appeal as inconsistent with a recently adopted NP when it is clear that the position will be the same after the 12 month period has expired. [3.17]
- 11.11 Furthermore, Yapton is one of the more sustainable settlements in the district and it is common ground that the site is a sustainable location for some additional housing. Other sites on settlement edges in the district, some of which have NPs, are likely to face similar opposition. In agreement with the Council, no evidence was given as to the probability that the allocations identified in the YLP, or elsewhere in the district, will actually come forward within 5 years. Although it deals with housing, YNP policy H1 is a permissive policy which anticipates additional allocations and so there would be no conflict with it. It follows that if the only conflict with the YNP is with policy BB1, the weight to be given to conflict with the YNP as a whole should be no more than limited. [3.15][5.13][6.14]
- 11.12 The alternative, to give priority to YNP policy BB1 when the eLP is about to reconsider HLS, and when Yapton is one of the more sustainable settlements in the district, would be to cause unnecessary delay in providing additional housing and meeting the needs of the population of Arun District for adequate housing and affordable housing. It would give preference to one YNP policy which aims to restrain housing in circumstances where more housing is needed and where planning policy is urging increased delivery (NPPF 47). Neither the Localism Act nor the NPPF suggest that it is enough for a neighbourhood to assert that it has assessed its share of the housing needs and to then disregard the rest of the district. The requirement in NPPF 49 is directed squarely and exclusively at the LPA. [3.12-3.13][3.17]
- 11.13 Local residents have referred to the allocations in the YNP and argued that these provide enough sites for the needs of the village. As above, this was based on earlier needs assessments which no longer apply. As there are no agreed targets for either Arun district or Yapton, no weight can be given to

the argument that the YNP would provide the necessary HLS for the village or for its share of the district. All that is known is that the published eLP would not have met the full OAN for the district. Furthermore, no evidence was heard as to whether the stated supply figures were achievable either in the district or the village. It follows that no weight can be given to the suggestion that the YNP has made adequate provision for housing land. [5.2][5.3][7.4][7.7]

- 11.14 The weight to be given to a NP as a whole is not contingent on the status of the LP. With regard to most of the YNP policies, that is not an issue. At the time, the YNP was entitled to allocate housing sites and did so through the permissive policy H1, based on the housing requirements in the eLP, before the Council acknowledged that it could not show a 5 year HLS. It then created a settlement boundary through policy BB1. Nevertheless, the lack of error in the YNP process is not to say that significant weight should still be given to one specific policy within the YNP which aims to restrict housing when the eLP has no overall strategy for its HLS, and is out-of-date under NPPF 49, as is the case here. If YNP policy BB1 represents the whole thrust of the village's aspirations for the NP, i.e. to prevent additional housing, then this policy would have had no basis in the statute or in the NPPF. [5.2][6.3][7.2-7.7]
- 11.15 The weight to be attributed to YNP policy BB1 is a matter for the SoS. However, the following facts are relevant:
- 11.15.1 Arun's NPs have emerged at a time when the adopted ADLP has been growing increasingly out-of-date with its housing policies only running to 2011; [3.7][3.9]
- 11.15.2 the eLP housing policies are now back at an early stage and merit limited weight; [3.10]
- 11.15.3 the YNP was prepared and made on the basis that the Council could show a 5 year HLS, now it has agreed that it cannot; [3.11][3.17]
- 11.15.4 In fact, ADC now has barely 3 years HLS compared with the NPPF requirement of 5 years, a considerable shortfall; [3.17]
- 11.15.5 proportionally, the YNP allowance of 100 is also only three-fifths of what it should be; [3.13-3.15]
- 11.15.6 ADC has a persistent record of under-delivery (hence the agreed 20% buffer); [3.17]
- 11.15.7 the YNP built-up area boundary (policy BB1) is out-of-date as it restricts the supply of housing land where there is no 5 year HLS (see *Woodcock*); [6.5]
- 11.15.8 the YNP housing allocations are also for sites in agricultural use; [3.16]
- 11.15.9 there was no evidence at the Inquiry that the sites allocated in the YNP would be delivered, or on the likelihood that even the 3 years' HLS sites in the district are deliverable within 5 years; [3.17]
- 11.15.10 over half of those surveyed for the YNP (58%) were in favour of additional housing for local people in need, albeit controlled; [3.15]

-
- 11.15.11 Yapton is one of the more sustainable villages in the district; [3.10]
 - 11.15.12 the YNP mistakenly assumed that the eLP would be adopted soon; [3.10]
 - 11.15.13 while the Council has stated that it would like to increase its HLS through strategic allocations, without affecting allocations in the villages, the LP Inspector has not accepted this; [3.8][5.14]
 - 11.15.14 now that the eLP will be suspended for 12-18 months, or withdrawn, the relationship between the eLP and YNP can no longer be viewed as complementary; [3.10][3.12]
 - 11.15.15 the LP Inspector acknowledged that changes in the amount of development provided for by the eLP could result in certain parts of some NPs being superseded or in need of revision; [3.9]
 - 11.15.16 the Independent Examiner acknowledged that changes in the eLP could result in parts of some NPs being in need of review; [3.13] and
 - 11.15.17 NPPF 184 is clear that NPs should not promote less development than set out in an up-to-date LP.
- 11.16 For all these reasons, the weight to be given to the need for additional housing in Arun district, including Yapton, as urged by NPPF 47, should be given considerably more weight when balanced against YNP policy BB1.

Landscape

- 11.17 The Arun Landscape Study assessed the capacity of LCA 29 as a whole for development as low/medium. This is a greater capacity than that of half the LCAs studied which were assessed as Negligible to Low. The site lies within LCA 29 but with half of its boundaries adjoining built development along or across from either North End Road, the Orchard Business Park or the rear gardens to Church Lane. The accompanied visit showed that the site is on the cusp of a landscape exhibiting the features of LCA 29 but is also adjacent to built-up areas of the village. Moreover, while looking east beyond the site the view is of open fields, with a weak hedgerow structure, the site itself has several mature trees along footpath 358 and more around its perimeter with the village than in other parts of the character area. On this point the capacity of the site for development in landscape terms is significantly greater than that of LCA 29 as a whole which in turn has a greater capacity than average for the district. [2.5]
- 11.18 The scheme would change an open field into a housing estate. There would be a loss of countryside. It is a pleasant field with some open views and its loss would therefore be likely to cause some harm to the character and appearance of the immediate area. The proposals are in outline form and so, while conditions would control the detail, little positive weight can be given to the likely quality of the detailed design of the buildings at this stage. The illustrative drawings would push the housing towards Ford Lane and North End Road retaining the footpath across the site and creating open space between the church and the housing. This could provide a pleasant buffer between the older parts of the village and the new houses but, in the absence of further details, it should be assumed that the overall effect on the landscape character of the site itself would be harmful. [4.1]

- 11.19 On the other hand, subject to conditions requiring buffer planting, there is little sound evidence that there would be harm beyond the immediate area. It is likely that there would be no more than glimpses of the houses from Church Lane, while views from North End Road would be screened, and both would be in the context of existing housing. In time, the views from footpath 358 and from footpaths 356 and 359 beyond the site would be of landscaping. Footpath 357 would be significantly affected at first but could be lined with substantial planting so that ultimately its amenity value would be retained. For road users on Ford Lane there would be boundary planting and any glance towards the housing from a passing train along the railway line beyond would be of even less consequence. The site visit confirmed that the suggestion that there would harm to views from the South Downs was not credible. [2.4][5.6][6.7]
- 11.20 The Council has alleged that the appellant has not made a proper assessment of the impact on landscape character, or submitted a Landscape and Visual Impact Assessment (LVIA) in accordance with the LVIA guidelines. However, this is not mandatory and the appellant's evidence includes the relevant landscape documents and a detailed photographic survey. The DAS contains an assessment and analysis of the site and explains how that has informed the illustrative layout. The documentation was therefore adequate. [4.1(f/n39)][5.6][6.8]
- 11.21 Views of church towers are recognised in the 'West Sussex Landscape Land Management Guidelines' as a key characteristic of the coastal plain. The scheme would impair views of the tower from the appeal site and immediately to the north. On the other hand, the scheme would protect views along the footpaths and those from the east, further into LCA 29, would be unaffected. This concern should be given limited weight. [5.2][6.7]
- 11.22 While NPPF 17 bullet 5 recognises the intrinsic character and beauty of the countryside, there is no evidence that the site should be considered as a valued landscape, as defined in NPPF 109, bullet one. As interpreted by the Courts in *Stroud v SSCLG & Gladman*, the site would need to be more than just popular with local residents for this to apply. With regard to the letter from Brandon Lewis MP, this only draws attention to the fact that the impact of development on the landscape can be an important material consideration and does not alter the law or policy or suggest that landscape impact should be an overriding factor where the harm would be limited. [5.5(f/n50)][6.8(f/n77)]
- 11.23 Given the concern shown by local residents for their environment, as typified by the enormous effort that has gone into the YNP, it is reasonable to expect that great interest would also be given to the detailed design that would be put forward at reserved matters stage. Contrary to the Council's concern that there would be a 'suburbanising' impact, there was no evidence that the detailed design could not be suitable for the edge of a rural settlement rather than adopting its style from a low-density zone to a town or city. Subject to satisfactory proposals at the details stage, it is likely that a good scheme would come forward that would accord with the design requirements of ADLP policy GEN7(ii). [5.6]
- 11.24 Overall, there would be some localised harm to the character and appearance of the locality but there would be no significant harm to the

wider landscape. Moreover, given the need for much more housing in the district, and so the need for greenfield land to meet this demand in any event, the likely net harm to the district would be nil.

Conclusions on character and appearance

- 11.25 The site lies outside the settlement boundary in the ADLP and so within an area defined as countryside. However, ADLP policies GEN2 and GEN3 are for the supply of housing which serve to restrain development. In accordance with NPPF 49 and 14, the weight to be given to the need for housing should clearly outweigh the conflict with these out-of-date ADLP policies and with any harm to the countryside by way of policy rather than harm to the landscape. The site is also beyond the settlement boundary in YNP policy BB1. The YNP was only recently made. However, for all the above reasons, conflict with this policy alone should not outweigh the benefits of additional housing and affordable housing.
- 11.26 Subject to reserved matters, there would be no conflict with ADLP policy GEN7. Other than the loss of open countryside at the edge of a settlement, which must be inevitable if the Council is to meet its housing targets, there would be no significant harm to the character and appearance of the area or the wider landscape or conflict with NPPF 17.

Heritage

Listed building

- 11.27 St. Mary's Church is a fine, attractive, historic building and this is consistent with its Grade I listing. As an important designated heritage asset, under NPPF 132, great weight should be given to its conservation. Its significance is mostly on account of its great age and the degree of survival of much of its early fabric. Setting is defined in the glossary to the NPPF as 'the surroundings in which a heritage asset is experienced' and so it extends to cover anywhere from which the church tower can be experienced. The whole of the church can be seen, and experienced, from within the churchyard and from a short section of Church Lane. [2.8]
- 11.28 The top of the tower can be seen from much further afield, including the whole of the appeal site. This is all therefore within its setting as are parts of the existing village, notably some of Church Lane. However, unlike its Church Lane frontage, there is no inter-visibility between the appeal site and most of the church, only one way views of the tower. Little if any of what is important to the significance of the asset can be experienced from beyond the churchyard and the contribution which the wider setting makes to its significance is very limited. [2.8][5.7][6.10]
- 11.29 The setting of a heritage asset is not limited to where there is inter-visibility but HE Advice Note 3 confirms that this can be important. However, none of its examples of where views contribute more to understanding the significance of a heritage asset are relevant. This is because there is no important relationship between the church and the appeal site, no historical association, the composition in the view was never part of its design or function, and no relationship with features or phenomena. The evidence with regard to West Sussex churches standing towards the edge of villages

is interesting but here the church is already surrounded by land in residential use and the appeal site is off to one side so that the church would still be visually open to the countryside beyond the grounds of Church Farm House. The scheme has been designed with a wide margin of open space to respect the significance of the church. [2.9][3.18]

- 11.30 The proposed houses would obscure the tower from some views within the field and from parts of Ford Lane. Otherwise, the views from the footpath would be retained albeit that the view would be framed by houses rather than an open field. While this would alter the experience of this heritage asset from this part of its setting, subject to the detailed design of the houses, there is no evidence that the significance of the asset would be harmed by a change within what is effectively a relatively peripheral part of its setting. [5.8][6.10]
- 11.31 The Council alleged that an inadequate assessment had been made of the settings. NPPF 128 requires the level of detail to be sufficient to understand the potential impact of the proposal on the significance of the assets. The Consultation Response from HE acknowledges that the appellant's evidence constitutes a 'slightly more thorough assessment'. While the Council seems to have interpreted this as damning with faint praise, it should be taken at face value as a lack of overt criticism. In any event, the information is comprehensive and the level of analysis is enough for a proper assessment of the setting. It would accord with PPG Ref. ID: 18a-013-20140306 that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. [5.7][6.9]
- 11.32 Two other listed buildings, Church House and Park Lodge, stand on the south side of Church Lane with other houses between them and the appeal site. The Council rightly raised no concerns with regard to the settings of these buildings and, given the separation, no harm would be caused. While the Council has referred to the historic character of the parkland to Yapton Place/Manor, there was no evidence that this setting ever made an important contribution to the significance of the church and in any event the parkland is no longer there. [2.8][2.10]
- 11.33 For all these reasons, the contribution which the setting makes to the significance of the church would be unaffected by the changes within an area of that setting in which only part of the church tower can be experienced. The proposals would therefore preserve the special architectural and historic interest of St. Mary's Church and its setting. Given that no harm would occur, the tests for substantial or less than substantial harm in NPPF 132-134 are not relevant and the proposals would accord with s66 of the LB&CA Act. While the relevant eLP policies carry rather more weight than those for housing, as there have few objections to these, there would be no conflict with these either. There would be no conflict with YNP policy E9. [3.1][3.14][5.8][6.10]

Conservation Area

- 11.34 The Church Lane Conservation Area is tightly drawn around the church and the oldest part of the village. Its character and appearance are closely

linked with the historic buildings within it and the pattern of roads and boundaries. Views are not identified in any character appraisal for the conservation area. Although the photographic evidence suggests that Yapton Place/Manor probably adjoined Church Farm House, and its park may have covered part of the appeal site, their remains have blended into the landscape and they do not feature in the conservation area boundary, any stated reason for its designation or, consequently, its significance as a designated heritage asset. Rather, the character and appearance of the conservation area, and its significance, are derived from the extant historic structures, including the vernacular style and materials they exhibit, and their arrangement and patterns. (2.9)[5.9][6.12][7.3]

- 11.35 The conservation area adjoins part of the appeal site over a short distance but the proposed houses would be well outside its boundary. While there would be some inter-visibility at Church Farm House and views of the church tower (see above), in general the site is physically and visually separated from the conservation area by intervening modern development and tree cover. Historically, it has not formed part of the setting to the conservation area which would be unharmed. The site is therefore very different to that at Church House which was within the conservation area and in front of the church. (2.9)[4.1][5.9]
- 11.36 Subject to reserved matters, the houses would stand well beyond the conservation area and separated by open space and landscaping. For these reasons, the scheme would not affect the significance of this designated heritage asset or the character or appearance of the conservation area, which would be preserved. It would accord with historic environment policy in the NPPF and neither NPPF 133 nor NPPF 134 would apply. There would be no conflict with saved ADLP conservation area policy AREA2. As there would be no harm to the conservation area, let alone substantial harm, NPPF 14 footnote 9 does not apply. YNP policy EB is not relevant as it refers to development within the conservation area. (3.1)[3.14][5.8][6.12]

Archaeology

- 11.37 The Archaeology Statement refers to policy in the NPPF, available records, a single recorded find (despite development at Orchard Business Park and ploughing practice on the site) and a desktop assessment. It concludes that, while there is some evidence for historical settlement, a condition requiring more detailed evaluation and assessment prior to development would be appropriate. For these reasons, the level of information was adequate and would comply with NPPF 141. (4.1)(6.29)[5.10][6.13]
- 11.38 The site may contain the remains of human activity, either from the parkland to Yapton Place/Manor or from earlier occupation. The Council's witness found as much on site, albeit it was not suggested that the finds were important or unusual for West Sussex. Supported by a response from WSCC Archaeologists, the Council sought an evaluation, including the excavation of trial trenches, prior to determination. (5.10)
- 11.39 There was no evidence at the Inquiry that the scale or quality of any buried deposits are likely to be any greater than under any other typical agricultural field in the district or that there are likely to be finds for which preservation in situ is justified. Although it was not agreed in evidence that

required by conditions or by the planning obligation. However, while these would be advantageous, as above, they should more properly be considered as mitigation than as benefits. [5.12][6.15]

Other matters

- 11.46 Although there was limited engagement with the community with regard to this application, there was pre submission consultation as described in the Statement of Community Involvement for an earlier application and, while not ideal, it is not unreasonable for the appellant to claim that it knew what the response to any further consultation would be. Local residents had plenty of time to comment and many did. The statutory authorities have assessed any additional pressures on infrastructure, roads and the school as acceptable subject to conditions and contributions. The two site visits during school drop-off and pick-up times showed that the roads were busy and congested at these periods, with consequential traffic delays, but did not show anything exceptional for roads outside a school in southern England. [1.5][4.2][4.3][7.7][7.9][8.2.1-8.2.24][9.5]
- 11.47 Concerning the issue of biodiversity, raised for the first time by the Council in evidence at the Inquiry, the field has been planted with a single crop. While there was a skylark singing above the appeal site during the site visit, there was no evidence at the Inquiry that the site itself provides any significant habitat for either protected or non-protected species other than in the field margins where the trees and hedges would be retained and enhanced. There would be no conflict with any development plan policies, including YNP policies E3, E4, E5 and E6. [3.14][6.8][6.15]

Conclusion on sustainability.

- 11.48 Sustainable development is defined in NPPF 6 as the policies in NPPF 18 to NPPF 219 as a whole while NPPF 7 identifies 3 dimensions to sustainability as economic, social and environmental. New construction would provide economic benefits. More residents would increase support for local services and public transport. There would be no significant economic downside to the proposals. New housing, and affordable housing in particular, would provide substantial social benefits. Although disputed by local residents, given the primary school and other services in the village, the proximity of potential employment at the Orchard Business Park and elsewhere nearby, and the regular bus services, it is not surprising that it is common ground that the site is in a sustainable location. [5.13][6.14]
- 11.49 With regard to the environmental dimension, subject to mitigation by the proposed planting, no significant harm would be caused to the wider landscape or biodiversity. The loss of countryside and productive agricultural land counts against the scheme but the weight to this, and conflict with ADLP policy GEN3 and YNP policy E1, should take account of the fact that such land would be lost to housing both under the YNP allocations and elsewhere in the district in any event if its housing needs are to be met. For the above reasons, there would be no harm to heritage assets. There would be no conflict with relevant development plan policies or with adopted SPG criterion 2.3 with regard to the effect on the setting of a conservation area. [5.13][6.14]

- 11.50 As the scheme is still in outline, limited weight can be given to its detailed design and the benefits which should flow from the conditions and obligation should be more properly considered as mitigation. Nevertheless, the illustrative layout, which could be required through reserved matters, indicates a scheme that would be well integrated, legible and permeable by walking and cycling and some weight should be given to this. Overall, I find that the environmental effects would be neutral. [1.4]
- 11.51 The policies in the NPPF also include the section on NPs at NPPF 183-185. The latter confirms that the policies in a NP take precedence over those LP policies but only once it has demonstrated its general conformity. The YNP did comply with this at the time but, as above, the position with regard to the housing policies in the LP now leaves nothing to underpin those in the YNP. Consequently, while the conflict with one policy in the YNP should not be disregarded in assessing the sustainability of the scheme, it should be given little weight. Although NPPF 198 states that an application which conflicts with the NP should not normally be granted, the appellant is justified in arguing that, given the level of shortfall and the status of the eLP, the situation here is far from normal. [5.4][6.5]
- 11.52 While there are many similarities with the *Broughton Astley* appeal, the shortage in supply there (4.1 years) was less than half that of around 3 years agreed to exist in Arun District and there the NP allocated significantly more sites than the Core Strategy requirement for the settlement. The cases at *Winslow*, *Sedlescombe* and *Earls Barton* are quite different as other significant harms or policy conflict were identified.
- 11.53 For all these reasons, on balance, the proposed scheme would amount to sustainable development as defined by the NPPF. This is a material consideration which should attract considerable weight.

Overall conclusions

- 11.54 As set out above, as the relevant development plan policies are out-of-date, and as the proposals would amount to sustainable development, the tilted balance in NPPF 14 should apply and the scheme should only be refused if adverse impacts would significantly and demonstrably outweigh the benefits. In this case the only adverse impact would be to the character and appearance of the field itself, and the loss of agricultural land, harm which is likely to be inevitable somewhere in the district if housing targets are to be met. That is to say, for the district as a whole, the net harm would be nil while there would be considerable benefits. The proposals would therefore amount to sustainable development and the tilted balance should apply. However, even a straightforward balance weighs in favour of the scheme. This material consideration firmly indicates determination in favour of the proposals rather than in accordance with the development plan.
- 11.55 Given that there is far more than a limited degree of conflict between NPPF 47, 49 and 14, under NPPF 214 less than full weight should be given to YNP policy BB1. YNP policy H1 identifies that the minimum housing requirement for Yapton will be established by the eLP, and notes that additional allocations will be made if the eLP requires such action. While

there is doubt about what the eLP will require, this only reinforces the lack of foundation to the housing policies in the YNP. [3.14-3.15][5.2][6.16]

- 11.56 If the SoS's decision is made after 5 November 2015, NPPF 215 is also relevant and the weight to YNP policy BB1 should be reduced even further. In the alternative approach, if the development plan is taken as the starting point, as required by the Act and confirmed in NPPF 2, then considerably more weight should be given to the need for housing such that it would clearly outweigh the conflict with YNP policy BB1. Either way, the government imperative to boost the supply of housing should be given considerably more weight than the conflict with a single YNP policy, which is out-of-date and inconsistent with the NPPF as a whole. [5.13][6.16]
- 11.57 The proposals expose the tension in the NPPF between the desire for local people to decide on local issues and the need to provide an adequate supply of housing. Neither the Localism Act nor the NPPF suggest that local people should have the power to restrain housing development yet that is what the YNP seeks to do and was one the main aims in its production. Whichever way the decision is made, it is likely be criticised as reneging on either the commitment to localism, through NPs, or the commitment to adequately house the local population, as is heavily emphasised in the NPPF. A finding of substantial weight to YNP policy BB1 would mean that, for consistency, all Arun's NP boundaries could be argued to be sacrosanct and leave the eLP with little room to manoeuvre. [3.9][3.17][5.4][6.3][7.4]
- 11.58 Moreover, dismissing the appeal might be a very short lived victory for local residents given the likelihood that the eLP will need to find additional housing sites and that, other than policy conflict and local opposition, the proposals would not cause significant harm and not cause any harm that is not likely to be caused elsewhere if this site is not developed for housing. In the absence of any other harm, the scheme should be allowed to proceed. [5.14][6.18-6.19]
- 11.59 To give limited weight to YNP policy BB1 would be a great disappointment to many local residents and should not be undertaken lightly. It was argued that to allow the appeal would undermine all NPs. However, for all the reasons set out above, this would not be to negate all the other work leading to all the other policies in the YNP, and elsewhere, which remain valid. Any weakening of policies generally would only apply to those with the express aim of preventing new housing where there is considerable shortfall, which would be contrary to the purpose of NPs in the NPPF and which has no support in the Localism Act.

12. Recommendation

- 12.1 The appeal should be allowed and outline planning permission granted subject to the attached Schedule of conditions and with appropriate findings with regard to whether the obligation satisfies the statutory tests.

David Nicholson

INSPECTOR

Appendix A

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Anne Williams of Counsel	instructed by Arun District Council
She called	
Andrew Burn	Waterman Energy, Environment & Design
BA MCIFA	Limited
Dr Ian Whiteman	Arun District Council
BA (Hons) MSc PhD	
Fiona McKenzie MA (Cantab)	The Environmental Dimension Partnership
MA CMLI AEMA Arboria	
Peter Weatherhead	Peter Weatherhead Planning
BA MRTPI FRICS	

FOR THE APPELLANT:

Graeme Keen of Counsel	instructed by the appellant
He called	
Paul Collins BA (Hons) DipTP	Phoenix Planning Consultancy
MRTPI	

INTERESTED PERSONS:

Laura Floodgate	West Sussex County Council
Hilary Flynn	on behalf of Nick Gibb MP for Bognor Regis and Littlehampton
Andy Faulkner	Chairman, Yapton Neighbourhood Plan Group, and former
	Vice-chairman Yapton Parish Council
Tricia Wales	Yapton Neighbourhood Plan Group
Vicky Newman	Representative of 'No Yap Town' Residents Group
Margaret Sarson	Local resident
John Mills	Local resident
Andrew Gardiner	Now Clerk to the Yapton Parish Council
Mary Kinnersley	Local resident

Appendix B

LIST OF INQUIRY DOCUMENTS

ID1	Notification of inquiry.
ID2	S106 planning obligation.
ID3	ADC's statement on infrastructure contributions.
ID4	Fiona McKenzie's suggested site visit plans.
ID5	Appellant's plan of Yapton identifying relevant features.
ID6	Local plan examination update clip.
ID7	Appellant's authorities bundle (separate folder).
ID8	Appellant's opening statement.
ID9	ADC's opening statement.
ID10	Statement by Nick Gibb MP.
ID11	Archaeology SoCG.
ID12	Mr Faulkner's statement.
ID13	ADC's response to Local Plan Examination Inspector.
ID14	SoCGs: (a) Joint; (b) HLS; (c) Conditions & obligations; (4) Archaeology.
ID15	Mr. Faulkner's new homes data.
ID16	Yapton Place print. A copy of S H Grimm's 1792 painting, submitted by the Ne Yap-town community group (see also its written representation) .
ID17	(a) Mrs Newman's statement; (b) Mr Mill's statement; (c) Mr Sarson's letter.
ID18	Biodiversity checklist.
ID19	Mr Burn's suggested amended archaeology condition.
ID20	PPG extract.
ID21	Information on St Mary's church.
ID22	YNP community survey.
ID23	ADC leisure strategy.
ID24	Note from Ms McKenzie.
ID25	Updated list of suggested conditions (including disputed version of Condition 15).
ID26	Council's Closing.
ID27	Appellant's Closing.
ID28	Arun Local Plan examination: a) Inspector's discussion note for Procedural meeting on 16 July 2015 and b) Inspector's Conclusions after the meeting, dated 28 July 2015
ID29	Further representations on the LP Inspector's conclusions.
ID30	Letters closing the Inquiry on 5 August 2015.
ID31	Costs application and response.

CORE DOCUMENTS

CD1	National Planning Policy Framework
CD2	Planning Practice Guidance
CD3	LPA Statement of Case (Dec 2014)
CD4	Appellant's Statement of Case
CD5	Statement of Common Ground (22/12/2014)
CD5A	Statement of Common Ground on planning obligations
CD5B	Statement of Common Ground – housing land supply

CD6	Officer's Recommendation Report
CD7	Appellant's Design and Access Statement and Planning Assessment
CD8	Appellant's Extended Phase 1 Habitat Survey – Corylus Ecology
CD9	Appellant's Tree Survey
CD10	Objection from Landscape Architect (Terra Firma), WSCC
CD11	Consultation Response from WSCC Archaeology
CD12	Consultation response from Historic Buildings Adviser
CD13	Consultation Response from English Heritage (4/8/14) – Samantha Johnson
CD13A	Further Response from English Heritage to Paul Collins (14/8/14)
CD 14	Consultation Response from Yapton Parish Council: (18/8/2014)
CD15	Screening Opinion issued by Arun District Council on previous application
CD16	Cotswold Archaeology, Land off Burndell Road, East Yapton, West Sussex - Archaeological Evaluation – May 2011 - CA Report: 11143
CD17	Arun Landscape Study, Hankinson Duckett Associates 2006
CD18	Arun Local Plan 2003
CD19	Publication Version Arun Local Plan 2011 – 2028
CD20	Referendum Version Yapton Neighbourhood Plan
CD21	Yapton Neighbourhood Plan Examiner's report
CD22	Committee report dealing with GL Hearn report 'Objectively Assessed Housing Need: Arun District', March 2015
CD23	Open Space and Recreational Standards Supplementary Planning Guidance (October 2000)
CD24	WSCC CIL Justification Statement
CD25	Guidelines for Landscape and Visual Impact Assessment (GLVIA) 2013
CD26	Historic Environment Good Practice Advice in Planning Note 3. Historic England 2015
CD27	Plan of Yapton Conservation Area
CD28	Appeal Decision Re Character of Conservation Area; APP/C3810/A/08/2090433
CD29	Arun Local Plan 2003 Map of Yapton
CD30	Arun Local Plan 2014 Map of Yapton
CD31	Recent Appeal Decisions re sites in Westergate: APP/C3810/A/14/2220943 APP/C3810/A/14/2217385
CD32	Appeal Decision re Heritage Assets at Westbourne APP/L3815/A/13/2205297
CD33	Chartered Institute for Field Archaeologists "Standard and Guidance for historic environment desk-based assessment" December 2014
CD 34	ADC Conservation Areas SPG, 2000

Appendix C

Schedule of conditions

- 1) Details of appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority (LPA) before any development begins and the development shall be carried out as approved.

Reason: To ensure that all reserved matters are considered and approved by the LPA prior to commencement of work.

- 2) Application for approval of the reserved matters shall be made to the LPA before the expiration of three years from the date of this permission. The development hereby permitted shall begin before the expiration of one year from the date of approval of the last of the reserved matters to be approved.

Reason: To accord with the requirements of Section 92 of the T&CP Act 1990.

- 3) This permission relates to the following submitted plans:

- Location Plan Drg: 200B
- Proposed Indicative Layout/open space proposals: Drg 201C
- Illustrative Strategic Landscape/open space proposals: Drg 202B
- Means of access Drg: 130431-10A

Reason: To ensure that the development is carried out in accordance with the permitted drawings and in accordance with the PPG Paragraph Ref 10: 21a-022-20140306.

- 4) The layout details submitted pursuant to condition 1 shall accord with Proposed Indicative Layout/open space proposals: Drg 201C and shall include:

- i) 4.5 hectares (ha) of residential development comprising up to 100 dwellings on 3.4 ha at a net site density of 29 dwellings per ha (dph) and 1.1 ha of ancillary open space and landscaping laid out within the area marked A on Drg: 201C and;
- ii) 2.2 ha comprising public parkland and green corridors laid out within the area marked B on Drg: 102C.

No more than 30 dwellings shall be constructed unless or until the proposed 2.2 ha of public parkland and green corridors has been laid out in accordance with the approved details.

Reason: To ensure that the proposed development is carried out in accordance with the approved drawings and to ensure timely delivery of the proposed public parkland and green corridors in order to protect residential amenity.

- 5) The landscaping details submitted pursuant to condition 1 shall include:

- i) a plan showing existing hedging and trees to be retained together with details of measures for their protection, during the course of development;

- ii) the species, number, sizes and position of new trees, shrubs and hedging to be planted and details of any grassed or other planted areas, including seeding with an appropriate Native British Wildflower Flora mix;
- iii) measures to enhance biodiversity;
- iv) a landscape management plan detailing a programme for the implementation, long term management and maintenance of the 1.1 ha of ancillary open space and the 2.2 ha of public parkland.

No more than 50 dwellings shall be occupied unless and until the landscaping has been implemented in accordance with the approved details and any trees, shrubs or hedging plants which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise approved in writing by the LPA

Reason: To ensure that appropriate landscape details are submitted to and approved by the LPA and that the landscape proposals are delivered in a timely manner in order to protect residential amenity.

- 6) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the LPA. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2: Glossary of the NPPF or any future guidance that replaces it. The scheme shall include:
- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of the total number of dwellings approved at reserved matters stage of which 80% shall be social rented and 20% intermediate housing;
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing (if no Registered Social Landlord involved);
 - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The affordable housing shall be retained in accordance with the approved scheme.

Reason: In order to ensure the delivery of appropriate affordable housing in accordance with the proposed development and the NPPF.

- 7) No development shall commence until detailed design and construction drawings for the means of access/egress onto Ford Lane as shown on the submitted Drg: 130431-10A (including street lighting) and the proposed improvements to North End Road as shown on the submitted Drg nos.:

130431-04B and 130431-05B, including bus stops, pedestrian facilities and street lighting along and across North End Road have been submitted to and approved by the LPA and no part of the development shall be commenced until these means of access have been constructed in accordance with the approved detailed design and construction drawings.

Reason: To ensure the timely delivery of required highway improvements in order to protect the safety of road users and residents.

- 8) No development shall commence until detailed scheme, design and construction drawings for the retention and improvement of public rights of way routes 357, 358 and 359 together with the provision of new cycle and new pedestrian routes through the site and to North End Road have been submitted to and approved by the LPA and no dwellings shall be occupied until the improvements and new pedestrian and cycle routes have been implemented and constructed in accordance with the approved detailed scheme, design and construction drawings and any legal requirements, as may be necessary.

Reason: To ensure that the proposed enhancements to footpaths and cycle routes are delivered in a timely manner.

- 9) No development shall commence until detailed design and construction drawings, including provision of a Stage 1 Road Safety Audit for the proposed improvements to the Lake Lane/Yapton Lane junction as shown on the indicative Drg: 130431-09A, have been submitted to and approved by the LPA and no more than 50 dwellings shall be occupied until the junction modifications have been constructed in accordance with the approved detailed design and construction drawings.

Reason: To ensure the safety of residents and highway users and the timely delivery of required junction improvements.

- 10) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the LPA. The Statement shall provide for (but not necessarily be limited to):
- i) vehicle parking for site operatives and visitors, and on-site turning space;
 - ii) loading and unloading of plant and materials;
 - iii) storage of construction plant and materials;
 - iv) erection and maintenance of security hoarding, including decorative displays and facilities for public viewing as appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) the location of any site huts/cabins/offices;
 - viii) routing of construction vehicles to and from the development site;
 - ix) details of any temporary traffic management works required to construct any of the works;
 - x) details of Chapter 8 signage on the approaches to the site warning of the presence of construction vehicles and associated activities on or close to the public highway;
 - xi) details of the Construction Design Management Co-ordinator and site foreman including contact details (and out-of-hours contact details);

- xii) evidence of community involvement and/or public consultation prior to any works being carried out.

Details of how measures will be put in place to address any environmental problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints shall be available on site and their availability made known to all relevant parties.

The Statement as approved shall be adhered to at all times throughout the construction period.

Reason: To ensure highway safety and to protect the amenities of residents.

- 11) No development shall take place until details of the Implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the LPA. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for the adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that an appropriate drainage strategy is implemented in accordance with the submitted proposals.

- 12) No part of the development shall be occupied until a Travel Plan, including a timetable for implementation and periodic review, has been submitted to and approved in writing by the LPA. The Travel Plan shall be implemented as approved.

Reason: To encourage the use of sustainable modes of transport.

- 13) No development shall take place until a detailed scheme of highway works has been submitted to and approved in writing by the LPA (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport). The works shall comprise a staggered junction ahead sign to diagram number 507.1 of the Traffic Signs Regulations and General Directions 2002 (TSRGD) on the westbound approach to the A27 junction with Yapton Lane. The sign shall have a height of 1.20 metres, be erected between 245 and 305 metres in advance of the hazard, have clear visibility of 105 metres and be supported on a yellow backing board. In addition, at the end of the A27 right turn lane into Yapton Lane, the priority arrangement shall be highlighted by the provision of additional "Give Way" signs and road markings to diagram number 602 and 1023 of the TSRGD. No dwelling in the development hereby permitted shall be occupied until the scheme approved by the LPA has been completed in full.

Reason: To ensure highway safety as directed by the Highways Agency.

-
- 14) No more than 50 dwellings of the development hereby permitted shall be occupied until the completion of the improvements to the A27 junction with Yapton Lane shown on Drg: 130431-06B (or such other scheme of works substantially to the same effect, as may be approved in writing by the LPA (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport)).

Reason: To ensure highway safety as directed by the Highways Agency.

- 15) Development shall not commence until a programme of archaeological work has been implemented and completed in accordance with a written Archaeological Mitigation Strategy document to be submitted to and approved by the LPA. This should include a historic environment desk based assessment, to include an assessment of the potential to encounter previously unknown archaeology and its potential significance.

The mitigation strategy shall outline appropriate specific methodology and include commitments to:

- Carry out on site archaeological investigation in accordance with an agreed project design. This shall include but not be limited to archaeological field walking and geophysical survey, in order to inform the trial trenching.
- Use the results of trial trenching with the results of this assessment to identify areas that warrant further archaeological investigation in advance of development as appropriate, such as open excavation or archaeological watching brief.
- Preserve in situ and intact non-designated archaeological heritage assets that are demonstrably of equivalent significance to scheduled monuments (with reference to Historic Environment guidance in Paragraphs 132, 133 and 139 of the National Planning Policy Framework, March 2012);
- Fully Investigate, record, analyse and report, to a specification to be submitted to and approved by the LPA, and to a standard proportionate to their significance, archaeological heritage assets that unavoidably will be affected adversely by development-related ground excavations;
- Prepare and implement satisfactory procedures to communicate the findings of archaeological investigation to the local community, including involvement in community archaeological projects where appropriate.

Reason: To ensure that the archaeological potential of the site is appropriately investigated and where necessary a mitigation strategy is implemented.

- 16) Construction of the development shall not commence until details of the proposed means of foul water sewerage disposal have been submitted to, and approved in writing by the LPA in consultation with Southern Water. No dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

Reason: In order to ensure that appropriate foul water sewerage disposal means are available prior to occupation.

- 17) Details of the laying out of a minimum 400 sq m area designated as a Local Equipped Area of Play (LEAP) and three Local Areas of Play (LAP), each of at least 100 sq m, and all other amenity areas (other than private gardens) to be provided on site together with their defined boundaries, means of enclosure, proposed use and items of equipment and other structures to be installed shall be submitted to and approved in writing by the LPA. No more than 50 dwellings shall be constructed unless or until the amenity areas including the LEAP and at least 2 LAPs have been laid out in accordance with the approved details.

Reason: To ensure the timely delivery of appropriate play areas for children resident in the approved development in accordance with the Council's adopted Open Space and Play Areas Supplementary Planning Guidance 2000.

- 18) The development hereby approved shall be carried out in accordance with the recommendations set out in the Extended Phase 1 Habitat Survey prepared by Corylus Ecology and submitted with the planning application. This will include updates to the existing Phase 1 Habitat Survey and any necessary protected species surveys undertaken no less than 12 months prior to the commencement of development and measures to avoid or mitigate ecological impacts and provide ecological enhancements. Details shall be submitted to the LPA and approved in writing prior to the commencement of development.

Reason: To enhance biological diversity in accordance with the NPPF and policy GEN29 of the Arun District Local Plan and to protect the ecological interest of the site.

- 19) The total number of dwellings shall not exceed 100.

Appendix 2: Y/80/16/OUT Officer's Report

Recommendation Report for Outline Consent**REF NO:** Y/80/16/OUT**LOCATION:** Land to the South of Ford Lane
East of North End Road
Yapton**PROPOSAL:** Outline application with some matters reserved for 4.5 hectares of residential development comprising 3.4 hectares of land for up to 100 dwellings (up to 30 (30%) affordable housing) together with 1.1 hectares of land set aside for public open space & strategic landscaping & 2.2 hectares of public open space and green corridors with vehicular access from Ford Lane & pedestrian/cycle access only from North End Road. Resubmission of Y/60/14/OUT. This application is a departure from the development plan, affects the character & appearance of the Church Lane Yapton Conservation Area & affects the setting of a listed building.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As Above
SITE AREA	6.7Ha
TOPOGRAPHY	Predominantly flat.
TREES	The Lime and Oaks on this site all make a significant impact in the landscape and are worthy of protection.
BOUNDARY TREATMENT	The red line application site includes hedgerows and trees around the periphery of the site.
SITE CHARACTERISTICS	The site comprises a 6.7 hectare (ha) field between North End Road, Ford Lane and footpath 358. There is essentially ribbon development along North End Road while most of Ford Lane runs between fields. The southern boundary to the site also borders the businesses at the Orchard Business Park and the rear gardens to several houses along Church Lane. It follows that roughly half the site perimeter adjoins existing development and the other half is next to other fields. The site's character type was intensive arable farmland with relatively large fields across relatively flat landform.
CHARACTER OF LOCALITY	St. Mary's Church is located to the south-east, believed to date from the late 12th to early

report

13th centuries with few alterations, is listed at Grade I. It is mostly of flint and its tower is surmounted by a shingled timber spirelet of pyramidal form; this is a typical Sussex feature known as a Sussex cap. The churchyard is surrounded by trees which provide particularly dense cover to the rear between the church and the site. The church tower can be seen above the trees from the site and beyond. Two other listed buildings on the south side of Church Lane are Church House, across the road from the church lych gate, and Park Lodge, further west along Church Lane.

To the south of the site there is Orchard Business Park separated from the site by a boundary hedge. There are also the rear of properties located on Church Lane.

To the west is North End Road and to the North is Ford Lane.

To the East is open arable farmland shown to be in the ownership of the applicant at the time of the application.

RELEVANT SITE HISTORY

Y/99/13/	Outline application for 10.5 hectares of residential development (comprising up to 250 dwellings (30% to be affordable) together with ancillary open space and landscaping), 14.9 hectares of public open space development to be laid out as public parkland and landscaped green corridors, vehicular access from Ford Lane (The means of access) - This is a Departure from the Development Plan	Refused 18-03-2014 Appeal: Withdrawn 01 08 2014
Y/60/14/OUT	Outline planning application with some matters reserved for 4.5 hectares of residential development comprising 3.4 hectares of land for up to 100 dwellings (up to 30 (30%) affordable housing) together with 1.1 hectares of land set aside for public open space and strategic landscaping and 2.2 hectares of public open space and green corridors with vehicular access from Ford Lane and pedestrian/cycle access only from	Refused 02-10-2014 Appeal: Dismissed 13 09 2016

North End Road. This application is a
Departure from the Development Plan.

The Council refused application reference Y/60/14/OUT on 2 October 2014 and this decision was appealed. Following an inquiry held between 7-10 July 2015 the appeal was recovered by the Secretary of State (SoS) on 8 September 2015 and the SoS made his decision on 13 September 2016. The inspector recommended to allow the appeal and the SoS subsequently dismissed the appeal. Full details contained in appeal ref APP/C3810/A/14/2228260.

The applicant has sought Judicial Review of the decision by the SoS and this is to be heard on 21 March 2017.

REPRESENTATIONS

Representations received:

Yapton Parish Council

- Objection.
- Decision should be deferred until after the High Court decision.
- Arun Council should decline the application as a repeat application for development that has already been refused.
- This is a departure from the Yapton Neighbourhood Plan.
- Loss of high quality agricultural land.
- Significant and detrimental impact on listed buildings and conservation area.
- Significant impact on road network.
- Traffic Study needs updating.
- Detrimental impact on village infrastructure and facilities.
- No consultation with the community.
- The proposed development is wholly inappropriate.
- Adverse impact on community, local facilities and rural nature of village.

Letters of objection were received from 141 separate households objecting on the following grounds:

- The application pre-empts a crucial outstanding planning decision (69)
- The Developer has not consulted with the community (72)
- The development would change the character of the village (69)
- The proposal is contrary to the Yapton Neighbourhood Plan (114)
- Impact on highways (116)
- Loss of high quality agricultural land (105)
- Impact on the character of the Conservation Area and Listed Buildings (89)
- Impact on village services, facilities and infrastructure (85)
- The site is located outside the village boundary (40)
- An application for similar development on this site was previously refused (36)
- There are plenty of building sites in Yapton so there is no demand (29)
- Impact on habitat (7)
- Flood risk (12)
- Loss of footpaths (29)
- Insufficient detail/data needs to be updated (15)
- Site 71 must be treated as one comprehensive scheme (2)

Comments on Representations received:

Comments are noted and issues are addressed in conclusions section of the report.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Drainage)
Conservation Officer
WSCC Strategic Planning
Highways England
Surface Water Drainage Team
Environmental Health
Parks and Landscapes
Arboriculturist
Economic Regeneration
Head of Planning Policy & Cons
Planning and Housing Strategy
Sussex Police-Community Safety
NHS Coastal West Sussex CCG
Network Rail
Sussex Police-Community Safety
WSCC Strategic Planning
Highways England

Consultations responses received:

Conservation Area Advisory Committee - Affects character and appearance of the Church Lane Yapton Conservation Area (CA) and affects the setting of a Listed Building. Strong Objection - adverse effect on CA due to scale of development and density.

Economic Development - no objections but should sign up to the Arun Developer and Partner Charter, use local suppliers and workforce and produce a skills plan for the development.

WSCC Highways - More information required.

The Highway Authority requires additional work be carried out by the applicants/their consultants to bring the current submission up-to-date, thereby allowing the Highway Authority to be able to appraise the application further.

Proposed vehicular access.

Although not specifically shown on the submitted Ford Lane access drawing, forward visibility plays in accordance with Design Manual for Roads & Bridges (DMRB) advice should be included in any final scheme constructed.

All access revisions have been the subject of a Stage 1 Road Safety Audit (RSA). Although satisfied overall with the RSA, the Highway Authority require signed and dated copies for its records. The Planning Authority should also retain the same for its records.

At time of submission of S38/278 Agreement, reference should also be made to Departures from Standards documentation dated 25th and 26th June 2014.

Personal injury accident report.

As two years have passed since the earlier proposal, a further update should be provided for the Highway Authority to review.

Traffic Assessment.

As the Bognor Regis Relief Road is now open to traffic and newly recorded traffic count data is available, the applicant should re-visit and provide new traffic impact information (tables, turning flow diagrams etc.) for all junctions tested to demonstrate any new or revised impact as a consequence of the Relief Road opening. The Highway Authority will review this information when available.

Effects on nearby railway crossings - Station Road (Ford) and North End Road (Yapton).

This was set out in the previous TA. However, as Network Rail has announced its intention to replace the half barriers at the North End Road crossing with full barriers, this will extend the 'down time' of the gates. This, in turn, will have an effect on traffic queues on the highway network. As such, the applicant should re-assess the impact of the development alongside these changes, again providing data for the current situation (half-barrier) and now for the proposed one (full barriers). In addition, the LPA should ensure that it consults Network Rail for their comments about the site's proximity and impacts on both Yapton and Ford railway crossings and other nearby non-vehicular crossings over the railway line.

Access by non-car modes.

Walking - Plans show a new footway created along the southern side of Ford Lane connecting both the access point back to North End Road and to a crossing refuge shown on Ford Lane. The TA also confirms that an internal hierarchy of walking routes will be provided, some of which utilising improved PROW routes within the site and connecting to existing paths off-site. A route to that approved under Y/81/10 would also be beneficial, if possible. The width of the footway running on the eastern side of North End Road between Ford Lane and Orchard Business Park should also be increased to cater for increased pedestrian demand, specifically where highway or development land permits.

Cycling - An indicative route is shown on the application drawing. This will be considered further at any reserved matters stage. However, if future development is proposed on land adjacent to the application site, it would be beneficial to provide further links north-south and east-west through the site connecting to routes already providing access to Main Road and Burndell Road. Parts of these could be accommodated on quiet roads within the scheme. However, the preference would be for a more formalised network of high quality routes away from access roads leading through the site from Ford Lane and North End Road and then towards Church Lane, with connections to and across King George Recreation Ground and through to Main Road and Burndell Road. A link through to that approved under Y/81/10 would also be beneficial. All changes and/or connections to formal PROW will have to be approved by the PROW officer and, where required, the PROW Committee.

Public transport - Routes 66 and 700 are the closest to the site. The 700 'Coastliner' provides a far more regular service than the 66. However, it is located some 1200m from the site with (currently) limited connections to bus stops on-foot. Improved access to routes providing connections to the 700 is, therefore, required. New bus shelters and stops are proposed on North End Road and have been subject to Stage 1 Road Safety Audit.

Public Rights of Way (PROW).

To promote use, it is recommended that all routes within the application site should be upgraded to dual-use (pedestrians and cyclists) with improved width and surfacing in accordance with WSCC PROW criteria. The details of which can follow at reserved matters stage. The applicants should future-proof any routes within land in their control to ensure that if further land becomes available adjacent to the site, that routes could continue to destinations

such as King George's Recreation Ground, Main Road and Burndell Road. Any diversions of the routes (including any temporary diversions) will require a Diversion Order to be obtained from the Local Planning Authority who would need to process and seek to make any such Order under S257 of the Town and Country Planning Act. The existing steps at the north of the site on PROW 357 should be removed and replaced with an alternative pedestrian and cycle-friendly facility to ensure that improved access for all is achieved at this point. Also, the link from the site to Church Lane should also be improved in terms of width and surfacing.

Travel Plan.

Commitment to electric car charging points and penalty measures (if targets are not met) should also be included in any final Travel Plan.

Street lighting.

As part of the proposals, additional street lighting will be necessary on Ford Lane in and around the new access point and proposed footway. Improvements to existing street lighting (or replacement by new) at the junction of Ford Lane and North End Road will also be required. The details of this can be dealt with at any detailed design stage. All to be provided at the applicant's expense and secured by condition.

Fire and Rescue Service (WSF&RS) - water and access.

WSF&RS would have to accommodate the resilience to cope with the increased demand. With regards to access, provided building regulations are complied with, no objections would be made. There is not enough detail to assess layout or hydrant requirements at this stage. WSF&RS request through the S106 that hydrants are installed in locations to be agreed with WSF&RS.

WSCC infrastructure contributions.

The development will be expected to provide contributions towards WSCC infrastructure. A summary of some of this will be provided when the information is available and will be based on standard accepted formulae and terminology. Contributions towards a number of off-site highway works/schemes (and actual physical schemes) was also previously agreed. Requirements for appropriate highways-related mitigation will be reviewed when the additional information requested in this report is made available and has been considered by the Highway Authority.

WSCC Highways Conclusion.

The following further information is required to enable further consideration of the application by the Highway Authority:

1. New traffic impact/flow data following opening of the Bognor Regis Relief Road
2. Assessment of North End Road railway crossing in light of proposed changes to it (i.e. full barrier installation)
3. Up-to-date accident data

Please re-consult when the information is available, at which time the Highway Authority will consider the application further.

Highways England - Require TA to be updated to:

- reflect the latest Arun Local Plan
- show up to date baseline conditions i.e. traffic and queue length data, committed development, and Personal Injury Accident Report
- trip generation and distribution

- highway impact assessment - traffic growth and scenarios
- impact on A27/Yapton Lane junction

Further comments.

Given the additional consents and associated traffic impacts as a consequence, the potential traffic flow changes on the network since BRRR opened, the need for updated accident records, the proposed changes at the railway crossing and need for updated S106, WSCC Highways is minded to support an objection if suitable additional information is not provided, without which we won't be able to fully consider the proposal.

WSCC Flood Risk Management Team - no objection

Surface Water - Any existing surface water flow paths across the site must be maintained or appropriate mitigation strategies proposed.

Reason: NPPF para 103 states - "When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere" A wholesale site level rise via the spreading of excavated material should be avoided.

Ground Water - Where surface water is to be disposed of via infiltration/soakaway, an appropriate assessment as set out in BRE Digest 365 or equivalent shall be carried out.

Ground Water Contamination - The LPA should consult with the EA if this is considered as risk.

Ordinary Watercourses - If local or field boundary ditches are present these should be maintained and highlighted on future plans.

Future Development - SuDs

- Development should not commence until finalised detailed surface water drainage designs and calculations for the site have been submitted to and approved in writing by the Local Planning Authority. The designs should demonstrate that the surface water runoff generated up to and including the 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event.

- 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 scheme shall subsequently be implemented in accordance with the approved designs.

- Please note that Schedule 3 of the Flood and Water Management Act 2010 has not yet been implemented and WSCC does not currently expect to act as the SuDs Approval Body (SAB) in this matter.

Sussex Police

More in depth advice can be provided at reserved matters stage.

Recommend in-curtilage parking bays or garages. Communal parking areas should be in view of active rooms. Boundaries between public and private spaces should be clearly indicated. Dwelling frontages should be open to view. Perimeter fencing must be adequate and robust. Gates must be robustly constructed and lockable. Avoid the creation of windowless elevations and blank walls adjacent to public space. Attention is directed to the Secured by Design website. Lighting should conform to recommendations in BS 5489:2013.

Sussex Police

Commercial Planning Manager - Request for financial contribution towards police infrastructure in S106 Agreement.

Southern Water

The development must provide additional local infrastructure to prevent the risk of flooding.

- Attach condition: "Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable."

- Suggested Informative: "The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk in order to progress the required infrastructure."

- The Lidsey catchment is under a Hydraulic Issue preventing the connection of any additional foul flow into any network. Development flow may be permitted if the developer can prove the removal of surface water flows into the system and this is approved by Southern Water.

- The applicant is advised to adopt, where appropriate, the measures in the table "Practical measures to reduce the potential impacts of development".

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

- The applicant will need to ensure that arrangements exist for the long term maintenance of the SuDS facilities. Drainage details submitted to the Local Planning Authority for the SuDS scheme should:

- specify the responsibilities of each party for the implementation of the scheme

- specify a timetable for implementation

- provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for the adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

- Condition: "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 Local Planning Authority in consultation with Southern Water."

- Should any sewer be found during construction works, 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 works commence on site.

Engineers (Drainage) - Please apply standard conditions ENGD2B, ENGD3A, ENGD5A, ENGD5B.

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 ensure that there is capacity in the system to contain below ground level the 1 in 100 year 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.

Housing Strategy - The delivery and control mechanism for the affordable housing element needs to be clarified. A condition should be imposed. Affordable rented properties should comprise of 1, 2 and 3 bed dwellings. 4 bed dwellings are not recommended.

The affordable housing should be integrated to form clusters and should be indistinguishable from the Market Housing. A minimum of 25% of the 1,2 and 3 bed dwellings provided should be delivered to Lifetime Homes standards.

S106 - the provision of a capped percentage transfer value to a provider of affordable housing would not be supported. Nor would support for the inclusion of Starter Homes as an affordable housing product be forthcoming.

Summary - In terms of the provision of affordable housing there is no objection in principle but a reserved matters application would be needed in order to comment on the detail of an on-site provision of 30% affordable housing.

Aboriculturist - Objects

- The Aboricultural data submitted is fundamentally flawed and needs to be reviewed and amended and re-submitted with accurate Root Protection Area calculations.
- The Lime and Oaks on this site all make a significant impact in the landscape and are worthy of protection and I recommend that they are TPO'd (Tree Protection Area) to ensure that they are fully respected during any potential development process.

Network Rail - no objection.

WSCC - S106 Response -

School Infrastructure Contribution - Schools do not have spare capacity for this proposal. Contributions would need to be requested. Further advice on all of the main education sectors should be sought. Formula for calculating the financial contribution should be inserted into the Legal Agreement (see response).

Library Infrastructure Contribution - The library would not be able to serve the additional needs that the development would generate. Formula for calculating the Library financial contribution should be inserted into the Legal Agreement (see response).

Fire and Rescue Service Infrastructure - A financial contribution would be required. Formula for calculating the financial contribution should be inserted into the Legal Agreement (see response).

General Points - Any alteration to the housing mix may require re-assessment of contributions. This should be sought as soon as the housing mix is known. The figures quoted are only valid for 3 months and will thereafter be revised. Review of the contribution towards additional County Council services should be referred to an appropriate index, preferably RICS BCIS All-In TPI (subject to annual review). If roads are to be kept private, the S106 Agreement should ensure that they are properly built, not offered for adoption and the construction standard is certified by a suitably qualified professional. If land is to be transferred to the County Council as part of the development, CAD drawings will be required to aid design/layout and ensure there is no accidental encroachment.

Greenspace - Require confirmation of proposed areas of public open space within the development. Proposed dwelling numbers trigger the need for onsite Local Equipped Area for Play (LEAP), Local Area for Play (LAP) Multi Use Games Area (MUGA) contribution and landscaped open space areas. Detail to be approved by LPA. Detail of maintenance provision to

be provided, and commuted sum payments required towards maintenance of open spaces where provided, and if taken on by LA. S106 contributions required for infrastructure.

Landscaping - Should be High Quality Design reflecting elements of surroundings and enhancing local distinctiveness. Should be visually pleasing and interesting. Should enhance Landscape quality of the site. Planting scheme to include native species, enhance biodiversity and create enhanced wildlife corridor opportunity. Should provide a sense of flow and cohesion between landscape and buildings. This should be conditioned. Prior to any consent being given, a full landscaping scheme should be submitted for approval, detailing species choice, position, densities and size at time of planting. This should be plotted in plan and list form in relation to the planting to be retained in the locale. The setting is close to the South Downs National Park. The long term management of the developing landscape would also need to be considered. The landscape scheme should maximise biodiversity including native species and the retention of a variety of habitats.

Arboriculture - Tree protection fencing requirements to be identified and tree protection plan to be conditioned. Retained trees must be protected during the works. Protective fencing must be erected prior to the commencement of development. Any tree removal from the site should be agreed with Arun District Council's Tree Officer. Root protection areas should extend into the development site and onto neighbouring land in accordance with BS 5837:2012 "Trees in relation to construction." Any agreed removed trees should be mitigated.

Biodiversity/Ecology - A habitat survey report must be included and recommendations conditioned. Clearing of vegetation must not be carried out during the bird nesting season. Vegetation on boundaries should be retained. Bat and bird boxes are recommended.

All these details should be submitted for approval.

Environmental Health

Concerns regarding potential noise nuisance from Orchard Business Park. Request information from applicant regarding any potential noise issues and an indication of how this may impact on future residents or be mitigated if necessary.

Since the original 2014 application for this site, the Council has received 3 separate complaints regarding noise from Orchard Business Park. Although Statutory Nuisance has not been substantiated, I have concerns that should this application be permitted, sensitive receptors would be being introduced into close proximity to noise source(s).

As the applicant is unwilling to provide further information regarding noise, I would recommend that this application is refused on the basis of insufficient information.

Comments on Consultation responses:

Further information has been requested by Consultees, including WSCC Highways, Highways England, Greenspace and Environmental Health. Requests were made to the agent and it was confirmed that no further information would be submitted. The Agent is of the opinion that the Inspectors decision which recommended approval of the Y/60/14 application to the SoS and the advice contained in the PPG warrants not providing requested information. This is assessed in the Conclusions section below.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

GEN2
GEN3
GEN7
GEN11
DEV17

Built-up Area Boundary
Protection of the Countryside
The Form of New Development
Inland Flooding
Affordable Housing

<u>GEN12</u>	Parking in New Development
<u>GEN18</u>	Crime Prevention
<u>GEN20</u>	Provision of Public Open Space within New Development
<u>GEN25</u>	Water Resources
<u>GEN29</u>	Nature and Conservation Across the District
<u>GEN8</u>	Development and the Provision of Infrastructure
<u>GEN32</u>	Noise Pollution
<u>GEN9</u>	Foul and Surface Water Drainage
<u>AREA17</u>	Sites of Archaeological Interest
<u>AREA2</u>	Conservation Areas
Publication Version of the Local Plan (October 2014):	INF SP1 Infrastructure provision and implementation
	H SP2 Affordable Housing
	SD SP1 Sustainable Development
	D DM1 Aspects of Form and Design Quality
	OSR DM1 Open Space, Sport and Recreation
	H DM1 Housing Mix
Yapton neighbourhood plan 2014 Policy BB1	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E1	Protection of high value agricultural land
Yapton neighbourhood plan 2014 Policy E11	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy H1	Housing requirement
Yapton neighbourhood plan 2014 Policy H2	Dwelling size
Yapton neighbourhood plan 2014 Policy PK1	Parking standards for new residential 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 are material considerations in the determination of this planning application. The

report

emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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

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. Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Whilst an NDP is under preparation it will afford limited 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).

The only relevant part of the development plan for the area now comprises the Arun District Local Plan (ADLP), adopted in 2003 and with many policies saved in 2007, and the Yapton Neighbourhood Plan (YNP) which was made on 5 November 2014. The site is close to, but outside, the built-up area boundaries in the ADLP and in the YNP.

All relevant policies are listed above. Particularly pertinent are saved ADLP policies GEN2, GEN3, and GEN7(ii). Policy GEN2 does not permit development outside the built-up area boundaries defined in the ADLP. Policy GEN3 defines areas outside the built-up area boundaries as countryside where development will not be permitted other than in specific circumstances. Policy GEN5 makes provision for new dwellings up to 2011 but the Plan makes no policy provisions in terms of housing allocations to meet the housing requirements for the district beyond 2011. Policy GEN7 sets criteria for development which should display high quality design and layout including, at criterion (ii), that it should respond positively to the characteristics of the area to create attractive places and spaces and respect local distinctiveness.

ADLP policy AREA2 only permits development which would preserve or enhance the character or appearance of a conservation area or its setting. ADLP policy AREA17 does not permit development which would harm the significant archaeological interest of a site and, where the presence of remains is known or suspected, requires an assessment of the site before the

application is determined. Where this shows that preservation in situ is not justified, conditions may be attached to require investigation before development starts.

The made Yapton NDP policies are listed above. The YNDP is based on an earlier version of the OAN which has now been updated to 919 units per annum which leaves the District with a Housing Land Supply (HLS) of only 1.92 years (ADC Authority Monitoring Report January 2016) far less than the 5 year requirement. At the time of the Inquiry, the inspector described the HLS as between 2.92 and 3.01 years, based on an OAN of 758.

The council cannot demonstrate a 5 year HLS.

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 does not comply with the Development Plan in that it proposes residential development outside the village development boundary.

This is assessed in the Conclusions section below.

OTHER MATERIAL CONSIDERATIONS

Planning Policy Guidance Update 11 February 2016

For applications in an area with a neighbourhood plan that has passed referendum and been "made", and thus forms part of the development plan, but where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites paragraph 49 of the Framework is clear that "relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites." Paragraph 49 applies to policies in the statutory development plan documents which have been adopted or approved in relation to a local planning authority area. It also applies to policies in made neighbourhood plans.

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the Framework states that the presumption in favour of sustainable development requires the granting of planning permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

In this situation, when assessing the adverse impacts of the proposal against the policies in the Framework as a whole, decision makers should include within their assessment those policies in the Framework that deal with neighbourhood planning.

This includes paragraphs 183-185 of the Framework; and paragraph 198 which states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted".

CONCLUSIONS

PRINCIPLE:

The site lies in a countryside location outside the built-up area boundary where the principle of residential development would normally be considered to be unacceptable. Development Plan policies seek to exert strict control over development in the countryside to protect it for its own sake. Development will only be permitted where there is a strong justification for a countryside location. The Government's advice indicates that planning authorities should continue to ensure that the quality and character of the wider countryside is protected and where possible enhanced.

Arun District Local Plan policies GEN2 and GEN3 seek to focus development within built up areas however these boundaries have reduced weight as they are time expired since they do not relate to housing provision beyond 2011. The Arun Local Plan 2011-2031 Publication Version reflects the need to provide housing on land outside of the defined built up areas. It sets out allocations for future housing for Parish and Town Councils that they should bring forward over the plan period. Policy H SP1 of the Emerging Plan requires Neighbourhood Plans to bring forward proposals for housing delivery.

The proposed site is also outside of the built up area of Yapton village in a location that has not been allocated for housing. The Yapton Neighbourhood Plan identifies two sites to meet its housing requirements for the parish SA1 Land to the north of Yapton Primary and SA2 land at Cinders Lane. However, the Council is currently unable to demonstrate an adequate supply of housing land as required by paragraph 49 of the NPPF. The suspension of the Examination into the Local Plan was on the grounds that the Council's Objectively Assessed Housing Need should be reviewed higher than that proposed in the Local Plan (580 units p.a). The Council will need to identify more suitable land supply to meet additional housing requirement. The OAN figure has been increased to 919 units p.a as of November 2016.

The Proposal does not comply with the development plan but there are material considerations that would justify a recommendation to approve this site as it would not be contrary to the core principle within the NPPF.

This position has been further endorsed by the updated guidance in the PPG, and recent appeal decisions which confirm that where there is a lack of 5 year housing land supply this renders the policies relating to housing allocations within a neighbourhood plan out of date. This was a stance that the District Council has taken on other applications outwith the built up area boundary. The Inspector recommended that the appeal be allowed on the basis of the out of date local plan, lack of 5 year HLS whereby the NPPF supported the principle of sustainable development, and Yapton is a sustainable location. NPPF 14 should apply and the scheme should only be refused if adverse impacts would significantly and demonstrably outweigh the benefits. The Inspector held that less than full weight should be given to policy BB1 in the YNDP.

The NPPF states "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites". NPPF Para 49.

The site is in a sustainable location and has a positive relationship to the built up area given that the site has existing built development to the east and south of the application site. Yapton has existing shops, services, existing major routes for good public transport links and the site would be physically and visually connected to the existing built up area.

Yapton is a sustainable location for further residential development and the assessment of policy supports the principle of residential development on this site, however the SoS took a contrary view which gave significant weight to the built up area boundary policy BB1 in the YNDP. This decision is to be challenged in the High Court in March 2017.

The emerging LP as confirmed by the Inspector should be afforded little weight, where the only conclusions which can be safely drawn is the lack of 5 year HLS.

The Yapton NP is based on an earlier OAN figure which has been superseded twice since the Inquiry on the Y/60/14 application. The Inspector took the view that YNP policy BB1 - Built up area boundary is out of date as it restricts the supply of housing land. The SoS disagreed with his Inspector stating that the application site "does not comply with the social element of sustainability".

The ministerial statement on 12 December 2016 sought to clarify matters, but this has been challenged, (pre-action Judicial Review papers have been served). This statement sets out that the neighbourhood plans should not be deemed out of date under para 49 NPPF if all of the following circumstances arise at the time the decision is made:

- the Ministerial Statement is less than 2 years old or the NP has been part of the development plan for 2 years or less;
- The NP allocates sites for housing; and
- The LPA can demonstrate a three year supply of deliverable housing sites.

On this basis the SoS decision carries less weight given that the decision (Y/60/16/OUT) is subject of a JR and that Arun has only 1.92 year HLS. This has resulted in the HLS having been given more weight by the local planning authority.

The principle of residential development on this site would in the current policy circumstances set out in the NPPF be acceptable.

Local Infrastructure

A number of objections refer to the lack of infrastructure, no capacity at schools and waiting times for Doctor's appointment. As with other major residential proposals there would be a requirement for the developer to enter into a s106 agreement where in the event of limited education space the developer makes a contribution. WSCC has indicated that there is no capacity and there will be a need for the developer to provide for education. A standard formula for calculating the payment based on the confirmed housing mix will be included in the s106 if approved. NHS has been consulted comments awaited.

The applicant has provided a signed UU which is not acceptable to either the district Council or WSCC.

DESIGN

Planning Policies and Central Government Advice support the efficient and effective use of land. Policy GEN7(i) requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. Central Government

advice further indicates that more intensive development is not always appropriate and that design which is inappropriate in its context should not be accepted. Furthermore new development should be well integrated with and complement the local area in terms of, for example, layout.

Policy GEN7 also sets out a requirement for schemes to display high quality design and layout. The NPPF also attaches great weight to the design of the built environment and states that good design is a key aspect of sustainable development and should contribute to making places better for people.

Paragraph 7 of the NPPF states that one part of the sustainable development principle is a high quality built environment and para 9 expands by confirming that this is through seeking improvements to the quality of the built environment and widening choice of high quality homes. One of the 'core planning principles' at para 17 is securing high quality design and a good standard of amenity.

Section 7 of the NPPF relates to 'requiring good design'. The section states good design is a key aspect of sustainable development (para 56), that developments should establish a strong sense of place and be visually attractive as a result of good architecture (58). Para 64 confirms that planning permission should be refused for poor design that fails to improve the character or quality of an area.

The proposal is for outline planning permission and an indicative masterplan layout has been prepared.

RESIDENTIAL AMENITY

Arun District Local Plan Policy GEN7 indicates planning permission will only be granted for schemes displaying high quality design and layout. It further indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. The NPPF states that new development should contribute positively to making places better for people.

The detailed design layout does not form part of the application, but the indicative layout does not suggest that there will be any significant impact on neighbouring residential amenity.

The Environmental Health Officer raised concerns regarding potential noise nuisance from Orchard Business Park. Information was requested from applicant regarding any potential noise issues and an indication of how this may impact on future residents or be mitigated if necessary, but the applicant did not believe this to be necessary and dismissed the request.

Since the original 2014 application for this site, The Council received 3 separate complaints regarding noise from this site. Although Statutory Nuisance has not been substantiated, there are concerns that should this application be permitted, sensitive receptors would be being introduced into close proximity to noise source(s).

As the applicant is unwilling to provide further information regarding noise, the EHO recommends that this application is refused on the basis of insufficient information.

Policy GEN 32 states that noise sensitive development will not be permitted if its users would be

affected adversely by noise from existing or proposed noise generating uses.

AFFORDABLE HOUSING

The delivery and control mechanism for the affordable housing element needs to be clarified and this could be addressed by condition.

The Housing Strategy Manager has stated that affordable rented properties should comprise of 1, 2 and 3 bed dwellings. 4 bed dwellings are not recommended. The affordable housing should be integrated to form clusters and should be indistinguishable from the Market Housing.

A minimum of 25% of the 1,2 and 3 bed dwellings provided should be delivered to Lifetime Homes standards.

S106 - the provision of a capped percentage transfer value to a provider of affordable housing would not be supported. Nor would support for the inclusion of Starter Homes as an affordable housing product be forthcoming.

HIGHWAYS

Both Highways England (HE) and the Local Highway Authority have requested further information. HE have confirmed that the council should refrain from granting the application until the requested information has been provided and assessed.

WSCC have stated that "given the additional consents and associated traffic impacts as a consequence, the potential traffic flow changes on the network since BRRR opened, the need for updated accident records, the proposed changes at the railway crossing and need for updated S106, WSCC Highways is minded to support an objection if suitable additional information is not provided, without which we won't be able to fully consider the proposal".

The applicant has been asked to provide an updated TA and this request was refused on the basis that the agent is "unable to add anything further because these statutory consultees set out clearly and precisely what the additional information is, the reasons why it is required or why it is relevant, necessary and material to this application given the clear history of agreement on all matters in question" [sic].

"The applicant sees no need to amend the submitted application or the supporting documents in these regards and is content that the Council determines the application as submitted and has therefore made repeated requests for the Council to do so since the closure of the consultation/advertisement period and we do so again now". (email dated 31 January 2017).

The submitted TA which formed part of the 2014 application submission was drafted on 30 April 2014 with the revised final dated 3 June 2014.

Both HE and WSCC have confirmed that the reason for refusal on the basis of the lack of a TA update that covers the points raised on highways matters will be supported through to appeal if necessary.

FOOTPATHS

A number of representations referred to the loss of footpaths, this is not proposed. The indicative layout indicates the position of the footpaths, if the development had been acceptable the detailed design layout would be required to take account of the public rights of way that cross the site.

FLOOD RISK AND DRAINAGE

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 note 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 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 Councils Drainage Engineers have confirmed that this information can be secured by condition and will be dealt with as a reserved matter.

Any SUDS or soakaway design will need to include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design.

The Drainage Engineers at Arun and WSCC have provided their separate detailed responses and neither object to the proposal. The effect of assessing the current situation and designing a SUDS scheme which provides 1 in 100 year capacity plus 30% buffer improves existing drainage in an area.

FOUL DRAINAGE

There is currently 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 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 sewers will be required.

If approved the developer would enter into a formal agreement with Southern Water to provide the

necessary infrastructure.

LANDSCAPE CHARACTER

Landscape character had been raised as an issue, but this was fully addressed at the Inquiry and the Inspector concluded that subject to conditions requiring buffer planting, there is little sound evidence that there would be harm beyond the immediate area. The proposal would therefore be acceptable in terms of landscape impact.

OPEN SPACE

The Greenspace officer would require confirmation of proposed areas of public open space within the development. Proposed dwelling numbers trigger the need for onsite LEAP, LAP Multi Use Games Area (MUGA) contribution and landscaped open space areas. Detail to be approved by LPA. Detail of maintenance provision to be provided, and commuted sum payments required towards maintenance of open spaces where provided, and if taken on by LA. S106 contributions required for infrastructure.

It would have been appropriate to have added these requirements by means of condition.

Landscaping - Should be High Quality Design reflecting elements of surroundings and enhancing local distinctiveness. Should be visually pleasing and interesting. Should enhance Landscape quality of the site. Planting scheme to include native species, enhance biodiversity and create enhanced wildlife corridor opportunity. Should provide a sense of flow and cohesion between landscape and buildings. This should be conditioned. Prior to any consent being given, a full landscaping scheme should be submitted for approval, detailing species choice, position, densities and size at time of planting. This should be plotted in plan and list form in relation to the planting to be retained in the locale. The setting is close to the South Downs National Park. The long term management of the developing landscape would also need to be considered. The landscape scheme should maximise biodiversity including native species and the retention of a variety of habitats.

Biodiversity/Ecology - A habitat survey report must be included and recommendations conditioned. Clearing of vegetation must not be carried out during the bird nesting season. Vegetation on boundaries should be retained. Bat and bird boxes are recommended.

IMPACT ON TREES

The Council's Arboriculturist objects to the granting of permission as the arboricultural data submitted is fundamentally flawed and needs to be reviewed and amended and re-submitted with accurate RPA calculations.

The Lime and Oaks on this site all make a significant impact in the landscape and are worthy of protection and it is recommend that they are TPO'd to ensure that they are fully respected during any potential development process.

The TPO procedure has commenced and notices are to be served.

If the application were to have been approved conditions relation to tree protection would be required.

IMPACT ON LISTED BUILDINGS AND THE CONSERVATION AREA

The Conservation Area Advisory Group stated that it had a strong objection to the proposal. The proposal affects the character and appearance of the Church Lane Yapton Conservation Area and affects the setting of a Listed Building. Their objection was on density and scale of development.

The Secretary of State agrees with the inspector that there is no evidence that the significance of St Mary's Church would be harmed by the proposal. He further agreed, for the reasons set out in the Inspectors report at IR11.31, that the information provided by the appellant on the settings of heritage assets is comprehensive and the level of analysis is enough for a proper assessment of the setting. He agrees that the scheme would not impact on Church House and Park Lodge. It is accepted that subject to the detailed design of a residential development in this location it can be accepted with little harm to the setting of the conservation area and nearby listed buildings and therefore would not be contrary to planning policy.

ARCHAEOLOGY

Archaeology had been raised as an issue at the Inquiry and this had been dismissed by the Inspector as the level of evidence was adequate and complied with para 141 of the NPPF.

LOSS OF AGRICULTURAL LAND

The Council does not have an adopted policy that seeks to protect agricultural land but Policy GEN 3 seeks to protect the countryside. As set out above there is a requirement for land for housing and in principle the site would be acceptable for housing development subject to other policy related matters being fully addressed.

INFRASTRUCTURE

A number of representations referred to the lack of infrastructure to support further residential development. Yapton is a sustainable location with a number of local shops and services. There would be a requirement for any major residential proposal to provide developer contributions towards education, fire & rescue, police, library and health services. If the proposal had been acceptable there would have been a requirement for a s106 agreement to cover these matters.

The applicant submitted a Unilateral Undertaking but this has been rejected by WSCC and Arun Council.

SUMMARY

The application for residential development on this site is one which could have been supported by officers given the severe lack of Housing Land Supply at only 1.92 years instead of the required 5 years. The current HLS is less than the 3 years set out in the December 2016 Ministerial statement.

While the principle of residential development would be acceptable it is essential that the council does not approve development that has not fully considered other policy matters. In this case there are objections from Highways England and WSCC on the lack of an update to the TA; a need for

consideration of noise from the adjacent Orchard Business Park and the Council's Arboriculturist has requested revisions to the tree survey as the calculations are flawed. Despite requests to the agent to provide updated information this was not provided, therefore the application must be recommended for refusal on lack of crucial information.

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).

RECOMMENDATION

REFUSE

- 1 The application and supporting documentation fails to demonstrate that the proposed development would not have an adverse impact on the road network. Specifically the applicant has failed to provide an updated Traffic Assessment as requested by both Highways England and the Local Highway Authority that takes account of the intervening period from the original Traffic Assessment prepared 3 June 2014 and the submission of the current application November 2016.
The information is required in order that the development can be fully assessed in terms of Policy GEN7 and the NPPF.
- 2 The application and supporting documentation fails to demonstrate that the proposed development would not have an adverse impact on the trees on site. The applicant has failed to meet the request that the Arboricultural Study data needs to be reviewed and amended with accurate calculations.
The information is required in order that the development can be fully assessed in terms of Policy GEN7 and the NPPF.

- 3 The application and supporting documentation fails to demonstrate that the proposed development has taken account of the site's location adjoining the Orchard Business Park. The applicant has failed to meet the request that further information should be provided to address potential noise nuisance from Orchard Business Park on how this may impact future residents or the type of mitigation may be required.
The information is required in order that the development can be fully assessed in terms of Policy GEN32 and the NPPF.
- 4 The Unilateral Undertaking submitted by the applicant is not acceptable as it fails to take account of the full requirements for infrastructure generated by the development . The Local Planning Authority is not satisfied that the proposed development can be undertaken in a satisfactory manner contrary to policy GEN8 of the Arun District Local Plan and the NPPF.
- 5 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Appendix 3: Y/82/20/RES Decision Notice and Officer's Report

Recommendation Report for Approval of Reserved Matters Following Outline Approval

REF NO:	Y/82/20/RES
LOCATION:	Land to the south of Ford Lane and East of North End Road Yapton BN18 0DS
PROPOSAL:	Approval of reserved matters following outline consent Y/80/16/OUT for 4.5ha of residential development comprising of 3.4ha of land for the erection of 100 No. dwellings (up to 30 (30%) affordable housing) together with 1.1ha of land set aside for public open space, strategic landscaping, 2.2ha of public open space, green corridors with vehicular access from Ford Lane & pedestrian/cycle access only from North End Road (resubmission following Y/19/20/RES). This application may affect the setting of listed buildings, affects the character & appearance of the Church Lane, Yapton Conservation Area & affects a Public Right of Way. This site falls within Strategic Site SP2 (Zero Rated).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks approval of Reserved Matters for 100 dwellings and associated works following Y/80/16/OUT on land to the south of Ford Lane and east of North End Road, at Yapton. The reserved matters that are being applied for comprise appearance, scale, layout and landscaping. Separate discharge of condition (DOC) applications will be submitted which cover surface water drainage and foul water drainage, ecology, archaeology, energy, noise, tree protection measures and the submission of a construction management plan.
SITE AREA	6.7 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	29 dwellings per hectare.
TOPOGRAPHY	Predominantly flat
TREES	The Lime tree and the Oak trees make a significant impact in the landscape and are subject of a Tree Preservation Order (TPO/Y/2/17).
BOUNDARY TREATMENT	The site includes hedgerows and trees around the periphery of the site. The applicant has constructed contractor fencing to secure and enclose the site.
SITE CHARACTERISTICS	A field between North End Road, Ford Lane and footpath FP358. The site is arable farmland with relatively large fields across a relatively flat landform. The southern boundary borders businesses at the Orchard

REPORT_1611(ODS)

Business Park and rear gardens to several houses along Church Lane. Roughly half the site perimeter adjoins existing development and the other half is next to fields. To the west is North End Road and to the north Ford Lane. To the east is open arable farmland.

CHARACTER OF LOCALITY

Essentially ribbon development along North End Road, while most of Ford Lane runs between fields. St. Mary's Church is to the south-east, is listed at Grade I. The churchyard is surrounded by trees which provide dense cover to the rear between the church and the site. The church tower can be seen above the trees from the site and beyond. Two other listed buildings on the south of Church Lane are Church House and Park Lodge, further west on Church Lane.

RELEVANT SITE HISTORY

Y/19/20/RES	Approval of reserved matters following outline consent Y/80/16/OUT for 4.5ha of residential development comprising of 3.4ha of land for the erection of 100 No. dwellings (up to 30 (30%) affordable housing) together with 1.1ha of land set aside for public open space & strategic landscaping & 2.2ha of public open space & green corridors with vehicular access from Ford Lane & pedestrian/cycle access only from North End Road. This application may affect the setting of listed buildings, affects the character & appearance of the Church Lane, Yapton Conservation Area & affects a Public Right of Way.	Refused 12-05-20
Y/80/16/OUT	Outline application with some matters reserved for 4.5 hectares of residential development comprising 3.4 hectares of land for up to 100 dwellings (up to 30 (30%) affordable housing) together with 1.1 hectares of land set aside for public open space & strategic landscaping & 2.2 hectares of public open space and green corridors with vehicular access from Ford Lane & pedestrian/cycle access only from North End Road. Resubmission of Y/60/14/OUT. This application is a departure from the development plan, affects the character & appearance of the Church Lane Yapton Conservation Area & affects the setting of a listed building.	Refused 16-02-17
		Appeal: Allowed+Conditions 15-01-18
Y/106/20/PL	Construction of 3 dwellings as temporary sales area & sales office including access, parking and landscaping. This application affects a Public Right of Way.	

Y/80/16/OUT for up to 100 dwellings was allowed on appeal on 15th January 2018. A pre-application enquiry (PAA/85/19/) was submitted relating to a reserved matters application which would be based on Y/80/16/OUT.

A reserved matters application (Y/19/20/RES) was refused for the following four reasons:

1. The applicant has failed to submit information to demonstrate how the development accords with the draft Arun Design Guide Supplementary Planning Document (SPD) which promotes good design in new development.
2. The proposed layout concentrates higher density development in the western part of the site. The apartment buildings are not provided with sufficient private amenity space. The rows of car parking lack any tree planting to break up the negative visual impact of the parking spaces, which is visually unacceptable. The quantum of visitor parking spaces is unacceptably low. The housing mix is not SHMA compliant.
3. Insufficient surface water drainage details have been submitted to fully determine the viability of the proposed surface water drainage scheme, which is incorporated into the proposed layout plan.
4. The layout is unacceptable as it includes large groupings of affordable dwellings. Affordable dwellings should be pepper potted in small clusters.

REPRESENTATIONS

No objection.

- The housing mix should align with the NP providing family homes and houses for the elderly;
- The 3 storey homes on North End Road should be reduced to 2 storey to be in keeping with the area;
- The LEAP should be re-sited away from the attenuation basin;
- All street lighting must be designed to ensure minimum light pollution;
- All garages must be used for parking so as to prevent street / verge parking.

Further to the re-notification which ended on 28th October 2020, Yapton Parish Council made the following comment:

- It is acknowledged that the height of the flats fronting North End Road have been reduced marginally. YPC remain concerned with the impact high buildings fronting this section of road would have on the streetscape of predominantly open fields and dwellings of no more than 2 storeys in height. Yapton has very few buildings over 2 storeys in height excepting historic buildings such as Bonhams, Berricourt and St Mary's Church.

Four letters of representation have been received from local residents objecting to the development on the following grounds:

- The height of the apartment buildings would be out of keeping with the surrounding area.
- The apartment buildings introduce an urban form altering the charm and character of the area.
- The 2 houses to the rear of Pippin Cottage on North End Road should be re-located.
- The house adjacent to Harptree Cottage on North End Road should be re-located.
- There are trees in the garden of Harptree Cottage which will shed leaves into adjacent properties.
- Solid fuels are burnt at Harptree Cottage and logs are cut which will disturb the adjacent residents.
- The pumping station is too close to the house at Orchard Nursery on Church Lane.
- Mitigation measures are required to prevent travellers accessing the large public open space on site.

The Arun District Bridleway Group objected to the development on the following grounds:

- Footpath FP358 should be upgraded to a bridleway.
- FP358 could be surfaced with crushed stones to provide a surface suitable for year round use.

Arun District Conservation Area Advisory Panel supported the development:

- The principle of development has already been established.

- The design of the dwellings is satisfactory but will depend on materials, detailing and finishes.
- Open space separates the housing from the Conservation Area which would lead to a neutral impact on its setting.
- The houses are set back on the Ford Lane frontage which will help to preserve the rural character of the street scene.
- Special care is required in the choice of materials/finishes of dwellings visible from the Conservation Area & the roads.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and issues addressed in the Conclusions section below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND: No comments to make on this reserved matters application and await the submission of the discharge of condition application for the A27/Yapton Lane junction improvement.

LOCAL HIGHWAY AUTHORITY:

No objection. The road widths (5.5 to 4.8m) comply with guidance in Manual for Streets. Conditions should be imposed regarding the provision of car parking spaces and cycle parking for each dwelling.

LOCAL HIGHWAY AUTHORITY - PUBLIC RIGHTS OF WAY TEAM

No objection. Footpaths 357,358 and 359 would remain unaltered in their definitive line within the boundary of the site and so no diversion application under S.257 Town & Country Planning Act would be required. The southern section from Church Lane (50m approx.) falls outside the site and would require further discussion to secure the upgrade of this section.

WSCC FIRE & RESCUE SERVICE:

No objection. A condition is required regarding the proposed location of the required fire hydrants.

NATURAL ENGLAND:

No objection. Natural England considers the development would not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

ADC ECOLOGY:

No objection. Following a review of the Ecological Mitigation and Enhancement Strategy (October 2020), the mitigation proposed is suitable. In line with Policy ENV DM5 of the Local Plan, information on Biodiversity Net Gain has been provided, prior to determination and can be conditioned.

SPORT ENGLAND:

No comment to make on this application.

ADC HOUSING:

No objection to the housing mix nor to the location of the affordable housing submitted with the amended reserved matters application.

SOUTHERN WATER:

No objection. Southern Water recognises its obligations under the new charging regime to provide capacity in the existing sewerage system to accommodate the needs of the development. Southern

Water and the developer will need to work together to review if delivery of the network reinforcement aligns with proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

ADC DRAINAGE:

No objection. Drainage information has been submitted in support of the proposed layout demonstrating that there is adequate space within the site layout for surface water drainage. A 3.0 metre easement has been provided to the watercourse on the southern part of the site. Further drainage details will be provided in a separate discharge of conditions application.

ENVIRONMENTAL HEALTH:

No objection. Conditions are required regarding the provision of electric vehicle charging points, the submission of a construction management plan, limiting the working hours for construction, the submission of details of the external lighting and a precautionary condition if contamination is discovered on the site.

HISTORIC ENGLAND:

Do not wish to offer any comments on this reserved matters application.

ADC ARCHAEOLOGY:

No objection. The archaeological evaluation of this site and any subsequent mitigation measures will be secured via the archaeology condition imposed on Y/80/16/OUT.

ADC CONSERVATION OFFICER:

The site is located in the vicinity of St Mary's Church (Grade I), Church House (Grade II), Park Lodge (Grade II) and The Old Cottage (Grade II); the following Locally Listed Buildings: 1 & 2 Church Cottages, Little Orchard and Yapton Lodge; and Church Lane Conservation Area. The heritage statement assesses the significance of the heritage assets and the potential impact of the development upon them. The development would have a neutral impact upon the various heritage assets and their settings; due to the location of the open space and the considered design of the properties. The proposal would not cause harm to the significance of the heritage asset or their setting.

ADC GREENSPACE:

No objection. The layout includes 1.1ha of land for public open space and strategic landscaping and 2.2ha of public open space and green corridors and is supported. It is refreshing to see such a well thought out and well detailed landscape setting for this development proposal. Thought has gone into providing usable POS areas, integrated and well chosen play provision, connectivity and an overall quality landscape proposal. Condition 16 of the outline planning permission requires the submission of details for the LEAP and LAPs.

ADC ARBORICULTURE:

Object. The applicant has submitted a Tree Survey and an Arboricultural Impact Assessment which includes a Tree Protection Plan proposing mitigation measures. The tree survey data is comprehensive and the category ratings are supported. The line of the PRow Footpath 357 runs through the root protection area (RPA) of a Lime Tree; the line of PRow Footpath 358 runs through the RPA of trees along the eastern boundary of the site; and a swale to the east of the site intrudes on the RPA of an important tree.

SUSSEX POLICE:

No objection. The development should be designed to Secured by Design standards. The apartments should be fitted with access controls. Communal parking must be within view of an active room within a property. Ground planting should not be higher than 1.0m, with tree canopies no lower than 2 metres.

Bollard lighting is not appropriate as it does not project sufficient light at the right height. The public footpaths should be overlooked.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and issues addressed in the Conclusions section below.

POLICY CONTEXT

Designation applicable to site:

Within the Built-up Area Boundary (BUAB) in the Local Plan.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
HERDM6	HER DM6 Sites of Archaeological Interest
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TELSP1	TEL SP1 Strategic delivery of telecomms infrastructure
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

Yapton neighbourhood plan 2014 Policy BB1

Built-up Area Boundary

Yapton neighbourhood plan 2014 Policy E1

Protection of high value agricultural land

REPORT_1611(OD6)

Yapton neighbourhood plan 2014 Policy E11	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy E4	Minimising the environmental impact of development
Yapton neighbourhood plan 2014 Policy E5	Enhancement of biodiversity
Yapton neighbourhood plan 2014 Policy H1	Housing requirement
Yapton neighbourhood plan 2014 Policy H2	Dwelling size
Yapton neighbourhood plan 2014 Policy PK1	Parking standards for new residential development

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities

POLICY COMMENTARY

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

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

The Yapton Neighbourhood Plan (NP) 2014-2029 was made on 5th November 2014. Relevant Yapton NP policies have been taken into account and are addressed in the 'Conclusions' section of this report.

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 development is located inside the built-up area boundary (BUAB) of Yapton and therefore complies with the relevant Development Plan policies. The proposal 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 including Church Lane Conservation Area and the Listed Buildings.

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

The principle of residential development on the site was established when Y/80/16/OUT was allowed on appeal on 15th January 2018 for up to 100 dwellings, including up to 30 affordable dwellings.

ASSESSMENT

This reserved matters application seeks to deliver detached and semi-detached houses, terraced houses (town houses) and two apartment buildings. Key issues to be considered are ones of detail and relate to the layout, scale, appearance and landscaping.

DESIGN AND FORM OF BUILDINGS

Policy D SP1 of the Local Plan requires "all development proposals should be of good quality and demonstrate a high standard of design".

Paragraph 124 of the National Planning Policy Framework (NPPF) says: "the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities".

Paragraph 16 of the National Design Guide states: "well-designed places and buildings come about when there is a clearly expressed 'story' for the design concept and how it has evolved into a design proposal. This explains how the concept influences the layout, form, appearance and details of the proposed development. It may draw its inspiration from the site, its surroundings or a wider context. It may also introduce new approaches to contrast with, or complement, its context. This 'story' will inform and address all ten characteristics. It is set out in a Design and Access Statement that accompanies a planning application."

The Arun Design Guide Supplementary Planning Document (SPD), is a draft with consultation undertaken in early 2020 with adoption expected later in the year. The guide promotes good design through setting out key design objectives including the development of a design rationale which should draw upon the results of a site appraisal in order to justify the reasoning behind key design decisions for the proposed development.

A Design Response has been submitted with the application which demonstrates how the development accords with the 10 characteristics set out in the National Design Guide and the draft Arun Design Guide. The design rationale for the development, together with the layout - which is predicated on the indicative layout approved at the outline planning stage, the massing and the form of the development are set out in the Design Response.

The Design Response sets out how the "form and massing of the development responds to the residential character of the surrounding area. The houses are closer together along the western boundary, sitting close to and fronting onto North End Road; continuing the existing streetscene along the road. In contrast to this, the houses moving out towards the eastern and northern boundary are larger and more spread out. This along with both the green corridor and the pockets of strategic landscaping running along the existing PROW 357, aid in breaking up the development". (Section 12 of the Design Response, 2020)

It is considered that the Design Response sets out the design rationale for the development focussing on an arts and crafts style development that is characteristic of an inter war residential development. The Design Response identifies the layout of the development and how the form and massing of the

development is predicated on the parameter plans listed in the conditions imposed by the Inspector on the outline planning permission. The information in the Design Response addresses and overcomes the first reason for refusal of the previous reserved matters application (Y/19/20/RES).

DENSITY

Policy D DM1 (13) of the Local Plan requires: "the density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity".

Paragraph 122(a) of the new NPPF (February 2019) states "planning decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it".

The net density is 29 dwellings per hectare, which accords with Condition 4 imposed on Y/80/16/OUT. The density of the development is important in the consideration of the impact on the character of Yapton and its relationship with the adjacent listed buildings, on a site on the edge of the village.

SITE LAYOUT AND CHARACTER

Policy D DM1(1) of the Local Plan requires the development to "make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding areas, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping and design features".

Policy D SP1 of the Local Plan specifies that development should have been derived from a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness and usability, health and wellbeing and climate change); and the influence these objectives have on the form of the development.

Site Access Layout

The layout plan (Drawing No. 065 Rev. A) is based on and accords with the Site Access Drawing Number 130431-10 Rev. A, which is listed in Condition 3 imposed on the outline permission (Inspector's Decision letter (APP/C3810/W/17/3170059). Drawing Number 130431-10 Rev. A includes approved visibility splays along Ford Lane, i.e. 4.5m x 63m to the west and 4.5m x 160m to the east.

Following on from the refusal of Y/19/20/RES, the new reserved matters application includes a number of changes to the layout. The access road serving Plots 6, 7, 15-18, 36-45 and 54-58 on the previously refused reserved matters application measured between 4.1 and 4.8m wide, which was unacceptable. The road widths (5.5 to 4.8m) on the layout plan (Drawing No. 065 Rev. A) in the new reserved matters application comply with guidance in Manual for Streets and they have footways provided on both sides. The internal road hierarchy is acceptable as it measures 4.8m in width and complies with Policy T SP1 of the Local Plan.

The layout plan (Drawing No. 065 Rev. A) does not include the provision of emergency access into the site from North End Road. The ideal location for an emergency access into the site from North End Road would be next to Plot 61; and it is considered that there is space in this location, for the emergency services to access the site from North End Road.

Layout of Public Open Space and Play Areas

The layout plan (Drawing No. 065 Rev. A) includes the provision of 1.1 hectares of ancillary public open space and strategic landscaping and 2.2 hectares of public parkland and green corridors, which is

REPORT_1611(006)

acceptable as it accords with Proposed Indicative Layout/open space proposals Drawing: 201 Rev. C listed in Condition 4 imposed on Y/80/16/OUT.

Condition 16 of Y/80/16/OUT requires the submission of details of the laying out of a minimum 400 square metres area designated as a Local Equipped Area of Play (LEAP) and the Local Areas of Play (LAP), each of at least 100 square metres, and all other amenity areas (other than private gardens) to be provided together with their defined boundaries, means of enclosure, proposed use and items of equipment and other structures to be installed. The condition includes a trigger point for delivery. The drawings submitted with this application have been submitted for information purposes only at this stage and the details will be formally agreed under a discharge of condition application for Condition 16.

The layout plan (Drawing No. 065 Rev. A) and the Detailed Play Provision Plans include the location of the LEAP and the 2 LAPs; together with the details of the play equipment proposed to be provided in the LEAP and LAPs. The LAPs are detailed in Detailed Play provision Lap 1 0502 Rev PL05 and LAP 2 0503 Rev PL05 which provide two well thought out and imaginative schemes for this development. The LEAP is located in the large area of green space in the southern part of the site. Information has been submitted on the defined boundaries and means of enclosure of the LEAP and the two LAPs. Careful consideration has been given to the siting of the play features ensuring they are safe and appropriately located and that the play equipment provides a range of play experiences for children and young people.

The outline application 'Proposed Indicative Layout & Open Space Proposals Plan' (Drawing No. 201 Rev. C) identified a 32m wide open space buffer along the eastern boundary and an 85m wide buffer along the southern boundary, adjacent to rear gardens of houses on Church Lane. The layout plan (Drawing No. 065 Rev. A) which accompanied this reserved matters application (Drawing no. 065 Rev. A) includes a 32m wide open space buffer along the eastern boundary and an 85m wide buffer along the southern boundary. Part of the 32m wide open space buffer along the eastern boundary accommodates the site access road and a swale, but this is considered to be acceptable.

The layout plan (Drawing No. 065 Rev. A) shows a good amount of public open space along the eastern part of the development, which would allow the retention of significant trees along this boundary; together with the provision of a central area of public open space (i.e. Green Corridor). Provision has been made on the layout plan (Drawing No. 065 Rev. A) for connecting pathways in the public open space in the southern and eastern parts of the site for internal movement, which would link into the existing footpath network beyond, providing good access for pedestrians and cyclists.

The layout plan shows a larger area of open space (i.e. the Green Corridor) on either side of the existing footpath that runs through the site than was shown on Drawing 201 Rev. C: "Proposed Indicative Layout/open space proposals" referred to in Condition 4 in the outline permission. The larger area of open space is considered to be acceptable, as it would create both a sense of place and a sense of arrival for anyone walking or cycling through the site on the existing footpath.

The layout plan (Drawing No. 065 Rev. A) shows the majority of houses fronting onto areas of public open space. The proposed layout of the dwellings on plots 33, 34, 41 and 42 is considered to be acceptable; the houses are set back from the footpath; and the siting of the houses provides a vista from the LEAP in the southern part of the site towards the LAP and the green space in the middle of the site.

Landscape Layout

The 'Illustrative Strategic Landscape & Open Space Proposals' (Drawing No. 202 Rev B), which was listed in Condition 3 of the outline planning permission sets out the indicative framework for the location of the strategic landscaping on the site. The 'Illustrative Strategic Landscape & Open Space Proposals' (Drawing No. 202 Rev. B) included the planting of strategic landscaping along the boundary of the site

REPORT_1611(006)

with Orchard Business Park, and along the eastern boundary of the development, which would help to screen views of the proposed housing when viewed from Church Farm and St Mary's Church.

The strategic landscaping along the northern, western and southern boundaries of the site and along the eastern boundary of the proposed housing as identified on the 'Illustrative Strategic Landscape & Open Space Proposals' plan (Drawing No. 202 Rev. B), which was approved at the outline planning stage has been followed through, wherever practicable, and is considered to be acceptable.

A full landscape scheme has been submitted with this application in the form of a Coloured Landscape Plan, Boundary Treatment Plans, Tree Setting Out Plans, Detailed Planting Plans and Plant Schedule and Maintenance Specification Details, detailing species choice, position, densities and size at time of planting. The planting has been plotted in plan and list form showing the location of the trees and shrubs with quantities proposed, densities and size at time of planting and in relation to the trees and vegetation to be retained and enhanced. Landscaping details ensure the setting is not compromised visually and the proposed residential development is appropriate to its setting. The planting would be sufficient in height with a mix of tree and shrub species that are sufficiently fast growing to provide a year' round interest. The screening to adjacent dwellings would provide a good mix of native species, which when planted would establish quickly to form a balanced and appropriate planting scheme, which is considered to be in accordance with Policy D DM1 of the Local Plan.

Layout of Houses and Apartments

The layout plan (Drawing No. 065 Rev. A) ensures that the houses and apartments are located in the areas identified for residential development on the 'Indicative Layout/open space proposals' (Drawing 201 Rev. C) which was listed in Condition 4 which was imposed on the outline permission.

Previously refused layout (Y/19/20/RES) appeared to focus the higher density developments on the west part of the site, towards North End Road; with the lower densities comprising detached houses focussed towards the south and east of the site. The layout of the western part of the site has been reconfigured in the current reserved matters application through the re-orientation of the semi-detached houses on Plots 61-62 to face onto North End Road. There is a reduced number of terraced properties along the boundary with the Orchard Business Park (now Plots 47-54). The terraced and semi-detached properties (Plots 86-91 and 96-99) have been re-located to the western side of the centrally located area of public open space. Smaller properties (Plots 19-23) have been re-located to the eastern part of the application site. Alterations have been made to the tenure / mix of the affordable housing; and alterations to the locations of some of the affordable homes as a result of re-locating some of the smaller terraced properties; all of which has led to an improved and more balanced layout to the residential development on the site.

The range of house types on Plots 24 to 33 has been increased to ensure that the street-scene is varied and not uniform or regimented, creating a visually attractive residential development fronting onto the open space that bounds the south and east parts of the site and towards the adjacent farmland. Houses on Plots 15, 16, 17 and 18 have been re-aligned in the current reserved matters application (Y/82/20/RES) from the layout on the previously refused application (Y/19/20/RES), so as to ensure that they form an inherent part of the larger block of housing comprising Plots 1 to 14 inclusive. There is now vehicular and pedestrian access around the whole block of houses in this location, which is considered to be acceptable in terms of accessibility and permeability. A new road has been created around Plot 18 towards Plot 100, together with additional footpath links, creating increased permeability within the application site.

The layout plan (Drawing No. 065 Rev. A) turns its back on residential development on the Crayfern development of 10 houses on Orchard Business Park to the south and west of the site. No connectivity is shown between the site and the housing on Orchard Business Park. However, there was never any

connectivity between the two sites shown on the layout plan approved at the outline planning stage.

The layout plan (Drawing No. 065 Rev. A) includes 2 apartment buildings (accommodating Plots 63 to 70 and Plots 71 to 78 respectively) on the western boundary of the site. The apartment buildings are located in a prominent gateway position, visible from North End Road. The 2 apartment buildings have been reduced from 3 storeys to 2.5 storeys and the western elevations of both buildings include active frontages facing onto North End Road. These apartment buildings would enhance the visual appearance of the western part of the development, and constitute gateway buildings into the site from North End Road; as the two buildings would have sufficient scale and height next to the highway. Private amenity space has been provided in the layout plan (Drawing No. 065 Rev. A) for the 2 apartment buildings, which is considered to be acceptable.

The layout plan (Drawing No. 065 Rev. A) includes details of refuse collection points for each house and the 2 apartment buildings, together with details of the refuse vehicle tracking within the site, which are also considered to be acceptable. The 2 apartment buildings (Plots 63 to 70 and plots 71 to 78) are provided with bin and cycle stores that are attached to the apartment buildings, which is considered to be acceptable. Consequently the residential development complies with Policy D DM1 of the Local Plan.

Root Protection Areas of Trees

A Tree Survey and an Arboricultural Impact Assessment have been submitted. All of the trees on the site that are protected by a Tree Preservation Order (TPO/Y/2/17) have been incorporated into open space or landscape buffer zones on the proposed layout plan (Drawing No. 065 Rev. A). The layout plan includes the reconfiguration of the road and footpath in the vicinity of the retained Lime tree in the middle of the public open space. The Lime tree is a category A tree of potential veteran status. The PRow Team at West Sussex County Council would not allow Footpath 357 to be re-routed. To overcome the issue of the PRow Footpath 357 running within the RPA of the Lime Tree, a non-dig surfacing method should be used for the footpath. This should be conditioned to ensure that the roots of the tree are protected and allows for a surfacing material to prevent the grass becoming muddy and unsightly in the future. This would also prevent any deviation of the route which in itself brings legal complications and introduces the possibility of people creating their own desire lines on the ground.

The houses on plots 95-100 which incurred into the root protection area (RPA) of the Lime tree on the layout plan in the previously refused reserved matters application have been re-located outside the RPA of the Lime tree in the layout plan in the current application, which is acceptable.

The PRow Footpath 358 runs through the RPA of numerous trees growing near the eastern boundary of the site and the proposal is to increase the width of this footpath and to create a 3.0m wide bridleway, to ensure people are not riding under trees, removing the pressure to crown lift the TPO'd trees. The impact has been considered within the Arboricultural Impact Assessment which describes the footpath as 'highly unlikely to harm live roots'. A swale is proposed to run north-south through the eastern part of the site. The proposed swale is in an area of land that is currently ploughed, and therefore it is unlikely to harm live roots from the trees growing along the eastern boundary of the site; and there are no drainage runs within the RPAs of the retained trees on the eastern side of the site. It is considered, on balance, that the impact of the footpaths on the RPAs of the trees is acceptable.

There are a considerable amount of trees and hedgerow about the perimeter of the site, including substantial linear groups of Leyland cypress which provide valuable screening. Any trees in particular along the boundaries, which adjoin neighbouring land could provide potential valuable screening and should be retained. The established Leylandii hedge in the south west part of the site adjoining Orchards Business Park has the potential for shading and could in time cause high hedge issues with the location of the housing shown on Drawing No. 065 Rev. A, but it is considered that this would be a maintenance issue for the residents of the new houses on both sides of the Leylandii hedge.

Layout of Surface Water Drainage Features

The surface water drainage features shown on the layout plan (Drawing No. 065 Rev. A) include an attenuation basin in the southern part of the site, incorporating a 3.0m wide maintenance strip, and a large swale (a rill) running along part of the eastern boundary. ADC Drainage Engineers consider that sufficient detail has been submitted in support of the reserved matters application demonstrating that there is adequate space within the site layout to accommodate the surface water drainage. Consequently, the proposed development complies with Policy W DM3 of the Local Plan and Policy E11 of the Yapton Neighbourhood Plan and the National Planning Policy Framework.

Pumping Station Layout

Layout plan (Drawing No. 065 Rev. A) includes the provision of a pumping station in the south west part of the site adjoining Orchards Business Park. The pumping station is located 15m from the nearest dwelling at Orchard Nursery, as required by the Sewers for Adoption (SFa7) guidelines and is located 9m from the site boundary. The pumping station is submerged which helps to protect the surrounding area from air and noise pollution. The area is to be enclosed by timber fencing, with additional planting and soft landscaping proposed between the pumping station and the site boundary. Noise from the pumping station when fully submerged is generally negligible and is unlikely to have an effect on the amenity of surrounding dwellings and open spaces, particularly with the fencing and landscaping providing additional protection. It is expected that the pumping station would be visited by a tanker 2-3 times per annum as standard for general maintenance and upkeep. The location of the pumping station has been chosen in accordance with the Sewers for Adoption Guidelines and for vehicle turning requirements when the tanker is required to visit the site.

Layout of Footways / Cycleways

Three Public Rights of Way (FP357, FP358 and FP359) run through the site and are incorporated in the layout plan (Drawing No. 065 Rev. A). The layout plan includes a green corridor which runs diagonally across the site from north west to south east, following the line of one of the public footpaths; and another footpath runs under the trees along the eastern boundary of the site. The LEAP in the southern part of the site includes shared-use paths for a choice of users.

Condition 8 of Y/80/16/OUT requires details to be submitted and approved prior to the commencement of development for the retention and improvement of PROW FP357, FP358 and FP359. All public footpaths should be widened to measure a minimum of 3.0m wide for shared foot and cycle use and be surfaced; and this will be achieved through the submission of a discharge of condition application. Footpath 357 would remain as such, with a hard standing agreed with the developer and in consultation with WSCC PROW Team. Dropped curbs would be required at any crossing points / raised platform on the section of roadway to indicate the presence of the PROW and pedestrian traffic. Footpath 358 on the eastern boundary of the site is to be upgraded to Bridleway status, with a minimum 3.0m width and surfacing specification to be agreed with WSCC PROW team, the details of which would be included in a discharge of condition application. The PROW FP359 which leaves the site in the south east corner would remain a grassed surface with ground reinforcement to ensure the ground remains firm and useable all year round, whilst maintaining its rural aspect.

The submitted Movement Plan (Drawing No. 80) shows the line of a cycleway running east-west across the site from North End Road in the west to Ford Lane in the north east. The line of the proposed cycleway would link-up with the cycle link that would run from the new school in Ford and on through the strategic housing sites in Yapton and on southwards to the strategic allocation at Barnham / Eastergate / Westergate (known as BEW). The provision of this cycleway running east-west across the application site is supported by the Local Planning Authority and would be provided in a separate discharge of condition application for Condition 8 which would be submitted following the determination of this reserved matters application.

The Local Highway Authority requested access protection barriers both within the site and on the public highway at the new sections of footway alongside Ford Lane and the pedestrian connection on North End Road which, in turn, leads to off-site footway improvements along this road; to protect users and be designed to cater for those who are mobility impaired and those with pushchairs. The details and the delivery of the access protection barriers would be provided in a separate discharge of condition application for Condition 8.

Parking Layout and Provision

The car parking layout is predominantly on plot, but with courtyard parking serving the two apartment buildings in the western part of the site.

The revised layout plan (Drawing No. 065 Rev. A) and the landscaping plans submitted with the current reserved matters application (Y/82/20/RES) include the provision of increased tree planting and landscaping in the parking courts serving the 2 apartment buildings and in the rows of car parking spaces in the western part of the development shown on Drawing No. 065 Rev. A, serving the terraced houses (town houses) on Plots 47-50; 51-54; 79-82; 86-90; 96-99. The proposed development includes the planting of 214 trees, together with hedging and shrubs. The provision of additional tree planting breaks up the visual impact of the parking spaces, and enhances the appearance of the parking areas.

The parking plan (Drawing No. 076 Rev. A) shows 2 car parking spaces per 1, 2 and 3 bed dwellings and 3 car parking spaces per 4 bed dwellings. In addition to the on-plot parking spaces per house, there are 60 garages in the proposed development, comprising 37 detached garages and 23 integral garages. Consequently, the quantum of car parking proposed on the parking plan (Drawing No. 076 Rev. A) is in line with the recommendations in Table 3.1 of the Arun District Parking Standards, approved January 2020. The dimensions of the garages measure 6.0m by 3.0m, and the size of the garages is therefore considered to be acceptable.

The number of visitor parking spaces has been increased in this application to 20 parking spaces. The previously refused application only provided 7 visitor parking spaces. The number of visitor spaces required on site are recommended in paragraph 3.3 of the Arun District Parking Standards SPD which states "visitor parking will be required to be provided at a ratio of 20% of the total number of residential units. For example, if there were 100 dwellings proposed, in addition to the allocated residents parking, 20 visitor spaces should be provided". Consequently, the number of visitor parking spaces proposed in the current reserved matters application complies with the Arun District Parking Standards SPD, January 2020.

Cycle parking is provided for the two apartment buildings in secure cycle stores which would be located in single storey buildings attached to the apartments. The layout plan (Drawing No. 065 Rev. A) does not include provision of garden sheds in rear gardens for the storage of bicycles; only the provision of garages. The proposed levels of cycle parking for properties is unacceptable. The submission of details regarding the provision/appearance of garden sheds for the storage of bicycles could be conditioned.

The quantum of residential parking spaces is acceptable and complies with the Arun District Parking Standards SPD, January 2020; but visitor parking spaces are unacceptably low, contrary to the District Parking Standards SPD and Policy T SP1(d) of the Local Plan; and that secure cycle storage provision should be conditioned

Layout to deter unauthorised access

Unauthorised access by to the large open space at the southern end of the site would be restricted by the bollards and the presence of the surface water drainage feature (the swale) which runs along the eastern side of the site.

APPEARANCE

The residential development would have the appearance of a typical inter-war housing estate, with houses incorporating splayed bay windows incorporating tile hanging and projecting gables on the front elevations with whitewashed render. A number of the houses have integral garages.

The materials palette for the houses and the 2 apartment buildings would comprise 3 types of facing brick, together with the use of render and / or tile hanging and / or timber boarding on specific dwellings, together with 3 types of roof tiles. The 2 apartment buildings measure up to three storeys in height and include pitched roofed dormers and Juliet balconies. The site frontage along North End Road would be enhanced by the provision of a feature brick entrance wall. The gardens of houses in prominent locations and at road junctions within the site would be enclosed by brick walls. The houses facing onto the attenuation basin along the southern side of the application site would front onto an attractive landscaped area surrounding the attenuation basin. It is considered that the proposed appearance of the houses and the 2 apartment buildings would enhance the built environment at the northern end of the village of Yapton and provide the design benchmark for the development on land to the west of North End Road site which is directly opposite the application site.

SCALE AND BUILDING HEIGHTS

Policy D DM1(14) of the Local Plan says: "the scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement".

The predominance of two storey dwellings is in keeping with the character of existing development including the two storey houses facing outwards towards Ford Lane to the north and ensures that the development reflects the built form and massing, in this part of Yapton. The two apartment buildings on the western boundary of the site are 2.5 storeys high on the western wings and go down to 2 storeys. It is considered that the 2.5 storey elements of the apartment buildings would enhance the visual appearance of the western boundary of the development, and provide prominent buildings that function as gateway buildings into the site from North End Road; as the two buildings would have sufficient scale and height next to the highway.

Consequently, it is considered that the proposed residential development complies with Policy D DM1 of the Local Plan.

RESIDENTIAL AMENITY

Policy D DM1(3) of the Local Plan says: "have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

The siting of the houses and apartments would ensure that there would be no materially adverse overlooking or overbearing impacts on existing houses along North End Road including Pippin Cottage and Harptree Cottage. The development would be acceptable on the residential amenities of neighbouring properties because there would be no materially adverse overlooking or overbearing impacts given the distance to the site boundary and the siting of the houses and apartments along North End Road.

The proposed development complies with Policy D DM1(3) of the Local Plan in terms of impact on neighbouring residential amenity along North End Road.

AFFORDABLE HOUSING

The provision of affordable housing is not set out in the Section 106 Unilateral Undertaking which

accompanied Y/80/16/OUT. It was recommended at the time that the outline planning application was presented to the Development Control Committee that the provision of affordable housing should be dealt with by means of a condition, rather than in a Section 106 Agreement.

To meet the requirements of the Council's Affordable Housing Policy AH SP2 of the Local Plan, the terms of the Affordable Housing Statement and Condition 6 imposed on the outline stage, provision must be made for 30 affordable dwellings, of which 80% (24 dwellings) are to be social rented and 20% (6 dwellings) are to be shared ownership (intermediate).

The affordable dwelling mix, which has been agreed with the ADC Housing Officer comprises:

- 12 x 1 bed flats (all social rented);
- 4 x 2 bed flats (all social rented);
- 8 x 2 bed houses (4 = social rented and 4 = shared ownership);
- 4 x 3 bed houses (all social rented); and
- 2 x 4 bed houses (all shared ownership).

To ensure affordability of rented accommodation the rent should not be set higher than 90% of Local Housing Allowance (LHA) levels. In addition to ensure sufficient dwellings are accessible for those on the Council's Housing Register we would anticipate that 50% of the rented units are set at rent levels of no higher than 65% of open market value.

Policy AH SP2 says: "affordable housing must be visually indistinguishable from market housing with large groupings of single tenure dwellings or property types avoided. Affordable housing units shall be permitted in small clusters throughout development schemes". The development needs to comply with Policy AH SP2 of the Local Plan in terms of pepper potting the affordable dwellings.

The layout of the affordable dwellings on Drawing No. 068 Rev. B includes the provision of affordable dwellings in the 2 apartment buildings on the western boundary of the site facing onto North End Road. There are 2 semi-detached houses that are affordable dwellings (Plots 61 and 62) fronting onto North End Road; together with terraced houses / town houses on Plots 47-50, 86-89 and 96-99 which have been pepper potted on land to the west of the public open space which runs through the middle of the residential development on the site.

Bearing in mind that registered social landlords do not like layouts that pepper pot affordable dwellings sparingly around site for management reasons, it is considered that the affordable dwellings are sited in smaller clusters than the previously refused reserved matters application (Y/19/20/RES), and that they are pepper potted more effectively throughout the western part of the residential development.

Consequently, the proposed provision of affordable dwellings is considered to be acceptable and it complies with Policy AH SP2 of the Local Plan and the NPPF, which require affordable housing units to be provided in small clusters pepper potted throughout the development.

HOUSING MIX

Policy HDM1 provides for a mix of housing to meet local needs and requires that all housing development should provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand. It is important to highlight that the policy does not prescribe a specific housing mix that must be met by individual applications, with the policy stating that each must be considered on its own merits. The policy (12.2.4) continues to acknowledge that the final mix will be the negotiated on a site by site basis, having regard to the most up to date SHMA.

The 2012 SHMA was the subject of an update in 2016 in which paragraph 6.3 stated that the evidence highlighted a direction towards the provision of 2 and 3 bed units for market units and smaller affordable

units. The GL Hearn 2016 update acknowledges at paragraph 6.10 that the analysis clearly shows the different profiles in the different broad tenures with affordable (rented) need being more heavily skewed towards smaller dwellings and market housing predominantly homes with three or more dwellings. Table 29 identifies a suggested broad mix housing by size and tenure for the District.

The development comprises the following market (70 dwellings) and affordable (30 dwellings) mix:

- 12 x 1 bed dwellings;
- 16 x 2-bed dwellings;
- 32 x 3-bed dwellings;
- 40 x 4-bed dwellings.

The number of 1-bed dwellings (12%) complies with Policy H2 of the Yapton NP (i.e. 10-15% of all dwellings); however, the number of 2-bed dwellings (16%) is less than the percentage quota for 2-bed dwellings in Policy H2 (i.e. 25-35% of all dwellings); the number of 3-bed dwellings (32%) is less than the percentage quota for 3-bed dwellings in Policy H2 (i.e. 45-55% of all dwellings); and the number of 4 bed dwellings (40%) is considerably higher than percentage quota for 4+ dwellings in Policy H2 (i.e. 5-10% of all dwellings). The number of 2-bed and 3-bed dwellings would need to be increased and the number of 4-bed dwellings would need to be reduced considerably to comply with Policy H2 of the NP.

An appeal decision (APP/Z1510/W/19/3222599 for Land adjacent to Colne House, Station Road, Earls Colne, CO6 2LJ) has been submitted in the planning statement to justify why the housing mix should be developed in non-compliance with Policy H2 of the NP. This is a very helpful appeal decision when dealing with the housing mix. The Inspector found "matters to be determined in respect of this appeal relating to scale and appearance cannot be considered to be synonymous with housing mix" and "there is no planning condition or legal obligation attached to the outline permission which could manage the mix of market homes. In order to manage housing mix it would have been necessary for the Council to impose a specific condition on the outline planning permission". The LPA acknowledges that there was no condition imposed on Y/80/16/OUT to manage the mix of market homes on the Land to the south of Ford Lane and east of North End Road, in Yapton.

Whilst the market and affordable housing is disaggregated, Policy HDM1 of the Local Plan makes reference to the delivery of both tenures in the creation of a balanced community. The development comprises detached, semi-detached and terraced houses and 2 apartment buildings which provide for variety not only in housing size but type. The overall market and affordable mix provide for a range of dwelling sizes from 1, 2, 3 and 4 bed flats and houses. The proposed development delivers just under half of the overall scheme as 2 and 3 bed dwellings (i.e. 48 dwellings). This is consistent with the objectives of the SHMA in providing a focus on family housing across a range of housing sizes and types whilst also providing a proportion of smaller 1 bed units overall. The current proposal includes 40% 4 bed units compared to the recommended proportion of 10-15% in the SHMA update. This departure is justified in terms of the density of the development (29 dwellings per hectare). If the plans provided a greater number of smaller units this would increase the density in pockets of the development. This density of the site is important in the consideration of the impact on the character of the village and its relationship with the Conservation Area to the south, on a site on the edge of the village of Yapton. The use of detached dwellings is important in creating larger more dense areas in the western part of the site and the use of detached dwellings to blend out to the eastern and northern edges of the site.

Consequently, it is considered that the housing mix, sizes and tenures in this reserved matter application provides a range of house sizes including family accommodation over a range of dwelling sizes and tenures, and whilst it does not accord with Policy H DM1 of the Local Plan and Policy H2 of the Yapton NP, the mix proposed is needed to provide lower density development in sensitive eastern and northern parts of the site.

HERITAGE ASSETS

Policy HER DM1 of the Local Plan says: "proposals affecting statutory Listed Buildings will be required to preserve or enhance the historic character, qualities and special interest of the buildings" and "protect and where possible enhance the setting of the building". (Policy HER DM1(a) and (e).

Policy HER DM3 of the Local Plan says: "in order to preserve or enhance the character or appearance of the Conservation Area, planning permission will normally be granted for proposals within or affecting the setting of a Conservation Area, provided that it does not harm important views into, out of or within the Conservation Area".

Policy E8 of the Yapton NP says: "within the Church Lane and Main Road / Church Road Conservation Areas development proposals will be required to preserve or enhance the character of those areas. Development proposals and extensions and alterations to existing buildings and structures will be expected to be suitably designed for the context within which they are set; and ensure that the scale and massing of buildings relate sympathetically to the surrounding area; and use traditional and vernacular building materials to respect the context of the development concerned."

Paragraph 190 of the NPPF (February 2019) requires great weight to be given to the conservation of heritage assets. Any harm resulting from the proposed development should be weighed against the public benefit in accordance with paragraph 196 of the NPPF (February 2019). Paragraph 196 of the NPPF says that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum value".

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 says: "In the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"

A heritage statement has been provided with this reserved matters application. There are 3 types of designated heritage assets which are located adjacent to this site:

- 1) St Mary's Church (Grade I), Church House (Grade II), Park Lodge (Grade II) and The Old Cottage (Grade II) Listed Buildings;
- 2): 1 & 2 Church Cottages, Little Orchard and Yapton Lodge Locally Listed Buildings; and
- 3) Church Lane Conservation Area.

There are a number of heritage assets in close proximity to the site. Of specific interest to this application are St Mary's Church (Grade I) and the Conservation Area. Church Lane Conservation Area covers a small and tightly defined area around the church and contains a limited number of houses. The layout of the conservation area means that the older buildings within the conservation area are located close to some more modern houses and bungalows on the north side of Church Lane, which provide some separation between the conservation area and the site. The other heritage assets which have been identified based on a map-based assessment are located so as to not be directly affected by the proposed development.

The new houses would be set back from the Church Lane Conservation Area and the associated heritage assets through the creation of a new area of open space. The open space continues into the site following the route of one of the existing footpaths so as to make a feature of it. Such a proposal would have the benefit of moving the housing further away from the conservation area, whilst also forming a pleasant transition area between it and the main part of the development. It allows for the church tower to remain a feature of views from within the site, whilst not harming the setting of the church which is contained more within the churchyard and surrounding Conservation Area. The intention to include a number of areas of open space within the development will have a positive impact upon its

character, which will better attempt to reflect this part of the village. The design of houses closest to the Conservation Area and the church appear to be based on the designs of properties constructed in the early to mid twentieth century. At present, the dwellings along the northern side of Church Lane are of a similar age in terms of their construction date, so this approach would appear to be acceptable. The designs are suitable for the character of the wider village.

The development would have a neutral impact upon the various heritage assets and their settings. This is in part due to the location of the area of open space in the southern section of the site, along with a more considered design of the properties. The application does not cause harm to the significance of the heritage asset or their setting.

Having had regard for the principles established in the outline permission together with the layout of the development on the site and the location of the Yapton Conservation Area, the design of the buildings and their proximity; it is considered the development would continue to have no harm to the significance of the designated heritage assets than that established in the outline planning permission and found to be acceptable, in accordance with paragraph 196 of the NPPF.

The development is acceptable and complies with Policy HER DM1 of the Local Plan in terms of impact on listed buildings and Policy HER DM3 of the Local Plan in terms of impact on the Conservation Area; Policy E8 of the Yapton NP, the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), in that it protects the setting of Listed Buildings and Church Lane Conservation Area.

BIODIVERSITY

Policy ENV DM5 of the Local Plan says: "development schemes shall seek to achieve a net gain in biodiversity and protect existing habitats on the site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats".

Policy E5 of the Yapton NP says: "in order to retain and encourage biodiversity, flood attenuation ponds should, where possible, be included in the design of development proposals and these should incorporate links and corridors for wildlife. If this is not possible, then other forms of Sustainable Urban Drainage Systems (SuDS) should be provided."

Condition 17 imposed on the outline required the submission of updates to the existing Phase 1 Habitat Survey and any necessary protected species surveys undertaken no less than 12 months prior to the commencement of development and measures to avoid or mitigate ecological impacts. Details of ecological enhancements are required to be submitted to the LPA and approved in writing prior to the commencement of development, in accordance with Condition 17.

Due to the size and location of the development it is recommended that the updates to the existing Phase 1 Habitat Survey are undertaken by a trained ecologist to determine the presence of protected species within the site and the impact the residential development would have on the surrounding environment. It was recommended that all of the above points be addressed in an application for the Discharge of Conditions (DOCs).

The Council's Ecological Advisor has withdrawn the initial objection following the submission of the Ecology Mitigation and Enhancement Strategy. In line with Policy ENV DM5 of the Local Plan, information has been provided on Biodiversity Net Gain in the Ecology Mitigation and Enhancement Strategy. The proposed ecological enhancements include: any trees removed should be replace at a ratio of 2:1; wildflower meadow planting used; wildlife pond; filling any gaps in tree lines or hedgerows with native species; bat bricks / tiles are integrated into the buildings onsite facing south/south westerly

positioned 3-5 metres above ground; bird box to be installed on the buildings / and or tree within the garden of the property; grassland areas managed to benefit reptiles; log piles on the site; gaps are included at the bottom of the fences to allow movement of small mammals across the site; and hedgehog nesting boxes are included on the site. The ecological enhancements are considered to be acceptable as they would constitute a biodiversity net gain on this site; and these will be dealt with in the discharge of conditions application.

It is understood that the protected species surveys will be submitted in a discharge of conditions application, following the determination of this reserved matters application, which is considered to be acceptable.

NOISE POLLUTION

Policy QE DM1 of the Local Plan and the NPPF emphasise that noise sensitive development will not be permitted if its users would be affected by noise by proposed noise generating uses.

In terms of noise pollution, Environmental Health have requested that conditions be imposed regarding the submission of a construction management plan and limiting the working hours for construction. These conditions were imposed by the inspector on the outline planning permission, in compliance with Policy QE DM1 of the Local Plan and the NPPF.

Environmental Health have requested the submission of details of the external lighting and a precautionary condition if contamination is discovered on the site. These conditions were imposed by the inspector on the outline planning permission.

AIR POLLUTION

Policy QE DM3(c) of the Local Plan requires all major development proposals to assess the likely impacts of the development on air quality and mitigate any negative impacts by encouraging the use of cleaner transport fuels on site, through the inclusion of electric car charging points.

Information on electric vehicle charging points should have been submitted with the reserved matter application. Consequently, it is considered that a condition should be imposed on the reserved matters approval requiring the submission of an Electric Vehicle (EV) Charging Strategy and the delivery of EV charging points within the development prior to first occupation, in accordance with Policy QE DM3 (c) of the Local Plan.

EXTERNAL SPACE STANDARDS

The layout plan (Drawing No. 065 Rev. A) shows all houses with rear gardens that measure at least 10.5 metres in length, which is acceptable to ensure adequate amenity space is provided and is in compliance with the Arun Design Guide. The two apartment buildings are provided with sufficient private amenity space on the layout plan (Drawing No. 065 Rev. A), which is acceptable in terms of residential amenity. The site layout includes 20 metre back to back stand-off distances and 11 metre side-on-back distances, which are considered to be acceptable.

INTERNAL SPACE STANDARDS

Policy D DM2 of the Local Plan sets out that the LPA will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance.

The floor plans of each house and apartment where it specifies the number of bedrooms, the occupancy and the square metres of floor space have been cross referenced with the Nationally Described Space Standard (NDSS) table (Table 1). The minimum gross internal floor areas of all of the houses and the 2 apartment buildings on the application site comply with Policy D DM2 and meet the NDSS requirements.

CLIMATE CHANGE

Policy ECC SP1 of the Local Plan says: "The Council will support development which is located and appropriately designed to adapt to impacts arising from climate change such as the increased probability of tidal and fluvial flooding; water stress; health impacts as a result of extreme temperatures and a decline in the quality of habitats and richness in biodiversity". Policy ECC SP2 of the Local Plan says: "All major developments must produce 10% of the total predicted energy requirements from renewable or low carbon energy generation on site, unless it can be demonstrated that this is unviable".

All of the dwellings on the site would incorporate up-to-date building regulations (i.e. fabric first). A condition should be imposed on the reserved matters approval requiring the submission of the detailed Standard Assessment Procedure (SAP) calculations (once detailed construction design has been undertaken) together with a timetable for how the 10% decentralised energy will be achieved on the site, in accordance with Policy ECC SP2 of the Local Plan.

The proposed east/west orientation of houses on Plots 1, 8, 15-18, 25-31, 37-40, 79-82 and 86-100 inclusive would ensure maximum solar gain and would comply with Policy ECC SP1 of the Local Plan. The north/south orientation of the remaining houses and the two apartment buildings on the site would not ensure maximum solar gain and would not comply with Policy ECC SP1 of the Local Plan.

The layout of the houses and apartments on the application site was predicated on the indicative framework which was set out in Condition 3 which was imposed on the outline planning permission Y/80/16/OUT and comprised the 'Proposed Indicative Layout & Open Space Proposals' (Drawing No. 201 Rev. C) and 'Illustrative Strategic Landscape & Open Space Proposals' (Drawing No. 202 Rev. B). The majority of dwellings are orientated north/south and therefore, on balance the layout makes all reasonable endeavours to achieve maximum solar gain.

PROTECTION OF SOILS

Policy SO DM1(d) of the Local Plan says: "where development is permitted it should, as far as possible, use the lowest grade of land suitable for that development. Development will not be permitted unless the applicant has submitted a soil resources plan for the development".

The Inspector at the appeal into the outline planning application (Y/80/16/OUT) did not impose a condition regarding the submission of a soil resources plan, in accordance with Policy SO DM1. However, it is considered appropriate to impose a condition at this reserved matters stage as the site is currently in agricultural use and to enable the Local Planning Authority to control the development and protect the soil resources on the site.

SUMMARY

This reserved matters application seeking approval for appearance, scale, layout and landscaping is considered to be acceptable. The proposed development is architecturally acceptable and a Design Response has been submitted to demonstrate how the development accords with the draft Arun Design Guide Supplementary Planning Document (SPD), which promotes good design in new development. The affordable housing has been pepper potted around the western part of the development site. The impact of the proposed development on the trees can be mitigated by no-dig condition. It is considered that the proposed residential development would result in a well designed, high quality scheme which seeks as far as possible to integrate itself with the other proposed new developments that are planned for Yapton including the Redrow scheme on the western side of North End Road. It is therefore recommended that this application for reserved matters is approved and the following conditions be imposed.

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (right to respect private and family life) and 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 the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

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

SECTION 106 DETAILS

There were two Unilateral Undertakings imposed at the outline planning stage.

The first Unilateral Undertaking dated 22nd December 2016 contains planning obligations regarding fire hydrants, highways contribution, a library contribution, primary education contribution, sports hall contribution, swimming pool contribution and a contribution to artificial pitches.

The second Unilateral Undertaking dated 14th December 2017 contains planning obligations regarding a fire and rescue contribution, secondary education contribution and further education contribution.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved drawings and submitted materials:
 - Drawing No. 037 Rev. A - Site Location Plan
 - Drawing No. 065 Rev. A - Planning Layout (Colour)
 - Drawing No. 065 Rev. A - Planning Layout (B&W)
 - Drawing No. 068 Rev. B - Affordable Housing with 80% rented / 20% shared ownership
 - Drawing No. 071 Rev. A - Enclosures Plan
 - Drawing No. 072 Rev. B - Materials Plan
 - Drawing No. 074 Rev. A - Massing Plan
 - Drawing No. 075 Rev. A - Hard Surfacing Plan
 - Drawing No. 076 Rev. A - Parking Plan
 - Drawing No. 077 Rev. A - Refuse Plan

- Drawing No. 80 - Movement Plan
- Drawing No. 70 Rev. A - Street Scenes A-D
- Drawing No. 12 - Bakewell / Buxton (4 Block) Floor Plans
- Drawing No. 13 - Bakewell / Buxton (4 Block) Elevations
- Drawing No. 25 - Letchworth Special Floor Plans
- Drawing No. EF_LETC_SM.5 Rev. A - Letchworth Elevations
- Drawing No. 18 - Oxford Lifestyle Elevations and Floor Plans
- Drawing No. 19 - The Oxford Lifestyle "2017 Edition" Elevations and Floor Plans
- Drawing No. 20 - Leamington Lifestyle Elevations and Floor Plans
- Drawing No. 21 - Leamington Lifestyle Elevations and Floor Plans
- Drawing No. 46 - Stratford Elevations and Floor Plans
- Drawing No. 47 - Stratford Elevations and Floor Plans
- Drawing No. EF_CAMB_DM.8 - Cambridge Elevations and Floor Plans
- Drawing No. EF_CAMB_DM.8 - Cambridge Elevations and Floor Plans
- Drawing No. 45 - Harlech Elevations and Floor Plans
- Drawing No. EF_SHAF_DM.8 - Shaftesbury Elevations and Floor Plans
- Drawing No. EF_CANT_DM.7 Rev. C - Canterbury Floor Plans
- Drawing No. EF_CANT_DM.7 Rev. B - Canterbury Elevations
- Drawing No. EF_HARR_DM.8 Rev. B - Harrogate Elevations and Floor Plans
- Drawing No. EF_HARR_DM.8 Rev. A - Harrogate Elevations (Render) and Floor Plans
- Drawing No. EF_SUND_DM.7 Rev. A - Sunningdale Floor Plans
- Drawing No. EF_SUND_DM.7 Rev. A - Sunningdale Elevations
- Drawing No. EF_HENL_DM.6 Rev. A - Henley Floor Plans
- Drawing No. EF_HENL_DM.6 Rev. A - Henley Elevations
- Drawing No. EF_TT3_M.4 - Tavy (Four Block) Floor Plans
- Drawing No. EF_TT3_M.4 - Tavy (Four Block) Elevations
- Drawing No. EF_DD4_M.3 - Dart (Four Block) Floor Plans
- Drawing No. EF_DD4_M.3 - Dart (Four Block) Elevations
- Drawing No. EF_TEME_SM.10 - The Teme "2014 Edition" Elevations and Floor Plans
- Drawing No. 038 Rev. F - Apartment A Floor Plan and Elevations
- Drawing No. 34 - Single Garage "2017 Edition" Floor Plan and Elevations
- Drawing No. 35 - Twin Garages "2017 Edition" Floor Plan and Elevations
- Drawing No. 045 Rev. A - Proposed Residential Development Plan
- Drawing No. 046 - Feature Brick Entrance Wall
- Drawing No. 0100 Rev. PL09 - Coloured Masterplan
- Drawing No. 0301 PL07 - Detailed Planting Plan - Sheet 1 of 8
- Drawing No. 0302 PL09 - Detailed Planting Plan - Sheet 2 of 8
- Drawing No. 0303 PL09 - Detailed Planting Plan - Sheet 3 of 8
- Drawing No. 0304 PL09 - Detailed Planting Plan - Sheet 4 of 8
- Drawing No. 0305 PL09 - Detailed Planting Plan - Sheet 5 of 8
- Drawing No. 0306 PL09 - Detailed Planting Plan - Sheet 6 of 8
- Drawing No. 0307 PL05 - Detailed Planting Plan - Sheet 7 of 8
- Drawing No. 0308 PL05 - Detailed Planting Plan - Sheet 8 of 8
- Drawing No. 0309 PL09 - Plant Schedule and Maintenance Specification
- Drawing No. 0501 PL09 - Boundary Treatment Plan
- Drawing No. 0601 PL07 - Tree Setting Out Plan - 1 of 8
- Drawing No. 0602 PL09 - Tree Setting Out Plan - 2 of 8
- Drawing No. 0603 PL09 - Tree Setting Out Plan - 3 of 8
- Drawing No. 0604 PL09 - Tree Setting Out Plan - 4 of 8
- Drawing No. 0605 PL09 - Tree Setting Out Plan - 5 of 8
- Drawing No. 0606 PL09 - Tree Setting Out Plan - 6 of 8
- Drawing No. 0607 PL04 - Tree Setting Out Plan - 7 of 8

- Drawing No. 0608 PL05 - Tree Setting Out Plan - 8 of 8
 - Drawing No. 18-344/100 Rev. F - Refuse Vehicle Swept Path Analysis
 - Drawing No. 18-344/101 Rev. E - Fire Tender Swept Path Analysis
 - Drawing No. 18-344/102 Rev. E - Private Car Swept Path Analysis
 - Drawing No. 18-344/103 Rev. E - General Arrangement
 - Drawing No. 18-344/105 Rev. D - Pumping Station Tanker Swept Path Analysis
 - Drawing No. 18-344/111 Rev. A - Substation Maintenance Vehicle Tracking
 - Drawing No. 0401 Rev. PL02 - Sections through Infiltration Basin
 - Drawing No. 0502 Rev. PL06 - Detailed Play Provision - LAP 1
 - Drawing No. 0503 Rev. PL06 - Detailed Play Provision - LAP 2
 - Drawing No. 0505 Rev. PL05 - Detailed Play Provision - LEAP
-
- House Type Brochure, prepared by Geoff Perry Associates Limited
 - Landscape Maintenance & Management Specification, prepared by Fabrik, dated November 2019, Rev. PL08.
 - Design Response, Ford Lane, Yapton.
 - Tree Survey & Arboricultural Impact Assessment: Ford Lane, Yapton V1 (Ref. JSL3292_772), June 2020.
 - Ecology Mitigation and Enhancement Strategy, Ford Lane, Yapton, West Sussex (ECO00395) 28th October 2020, prepared by RPS Group.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy D DM1 and Policy D SP1 of the Arun Local Plan.

- 2 No dwelling shall be occupied until the road(s), footways, and parking areas serving it have been constructed, surfaced and drained in accordance with the approved plans and details.

Reason: To secure satisfactory standards of access for the proposed development, in accordance with Policy D DM1 the Arun Local Plan.

- 3 No dwelling shall be occupied until the garage for that dwelling shown on the approved plans has been constructed and provided for the dwelling to which it relates. The garage shall not be used for any purpose other than the parking of vehicles and for domestic storage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in accordance with Policy D DM1 of the Arun Local Plan.

- 4 No dwelling shall be first occupied until covered and secure cycle parking spaces serving that dwelling has been provided.

Reason: To provide alternative travel options to the use of the car in accordance with Policy D DM1 and Policy T DM1 of the Arun Local Plan.

- 5 Prior to commencement of works to footpath 357, details of a non-dig surfacing method to be used for the surface treatment of PRoW Footpath 357 running within the Root Protection Area (RPA) of the Lime Tree, which is a category A tree of potential veteran status, should be submitted for approval in writing by the Local Planning Authority. The approved details should be implemented during the surfacing of PRoW Footpath 357 and as part of any maintenance works on the footpath within the RPA of the Lime Tree.

Reason: To ensure that the roots of the Lime Tree are protected and allows PRoW Footpath 357 to be surfaced in robust materials in accordance with Policy D DM1 and Policy ENV DM4 of the Arun Local Plan.

- 6 Prior to the export of any material from site, or within six months of commencement of development, whichever is earlier, a soils management plan shall be submitted for approval in writing by the Local Planning Authority. The soil handling measures and the proposed use of on-site soils as set out in the approved soils management plan will be implemented on site to ensure that the soil resource is preserved.

Reason: To enable the Local Planning Authority to control the development and protect the soil resources on the site, in accordance with Policy SO DM1 of the Local Plan

- 7 Notwithstanding the provisions of Class A, A.1, (g) within Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no rear extensions to the dwelling houses shall be erected within the curtilage of the dwellings hereby permitted unless planning permission is first granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with Policy D DM1 of the Arun Local Plan.

- 8 No development above damp proof course (DPC) level shall take place until an Electric Vehicle Charging Strategy has been submitted and approved in writing by the Local Planning Authority which identifies the nature, form and location of electric charging infrastructure to be provided across the development. The electric vehicle strategy shall then be implemented in accordance with the approved details, prior to first occupation.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with Policy D DM1 and Policy QE DM3 (c) of the Arun Local Plan and the NPPF. It is considered necessary for this to be a pre-commencement condition to ensure that the requisite charging infrastructure is designed into the housing development and it is implemented.

- 9 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved in writing by the Local Planning Authority the detailed Standard Assessment Procedure (SAP) calculations (once detailed construction design has been undertaken) together with a timetable for how the 10% decentralised energy will be achieved on the site.

Reason: In order to seek to achieve high levels of energy efficiency in accordance with the aims of the NPPF and Policy ECC SP2 of the Arun Local Plan.

- 10 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.

Application for approval of Reserved Matters Following Outline Approval

DECISION NOTICE

Application Ref: Y/82/20/RES

1 To Addressee

Pegasus Group
Pegasus House
Querns Business Centre
Whitworth Road
Cirencester
GL7 1RT

2 Site Address

Land to the south of Ford Lane
and East of North End Road
Yapton
BN18 0DS

3 Description of Development

Approval of reserved matters following outline consent Y/80/16/OUT for 4.5ha of residential development comprising of 3.4ha of land for the erection of 100 No. dwellings (up to 30 (30%) affordable housing) together with 1.1ha of land set aside for public open space, strategic landscaping, 2.2ha of public open space, green corridors with vehicular access from Ford Lane & pedestrian/cycle access only from North End Road (resubmission following Y/19/20/RES). This application may affect the setting of listed buildings, affects the character & appearance of the Church Lane, Yapton Conservation Area & affects a Public Right of Way. This site falls within Strategic Site SP2 (Zero Rated).

4 In pursuance of their powers under this Act and related Orders and Regulations the Council **PERMIT** this development to be carried out in accordance with the application and plans and subject to the following conditions.

- 1 The development hereby approved shall be carried out in accordance with the following approved drawings and submitted materials:
 - Drawing No. 037 Rev. A - Site Location Plan
 - Drawing No. 065 Rev. A - Planning Layout (Colour)
 - Drawing No. 065 Rev. A - Planning Layout (B&W)
 - Drawing No. 068 Rev. B - Affordable Housing with 80% rented / 20% shared ownership
 - Drawing No. 071 Rev. A - Enclosures Plan
 - Drawing No. 072 Rev. B - Materials Plan

- Drawing No. 074 Rev. A - Massing Plan
- Drawing No. 075 Rev. A - Hard Surfacing Plan
- Drawing No. 076 Rev. A - Parking Plan
- Drawing No. 077 Rev. A - Refuse Plan
- Drawing No. 80 - Movement Plan
- Drawing No. 70 Rev. A - Street Scenes A-D
- Drawing No. 12 - Bakewell / Buxton (4 Block) Floor Plans
- Drawing No. 13 - Bakewell / Buxton (4 Block) Elevations
- Drawing No. 25 - Letchworth Special Floor Plans
- Drawing No. EF_LETC_SM.5 Rev. A - Letchworth Elevations
- Drawing No. 18 - Oxford Lifestyle Elevations and Floor Plans
- Drawing No. 19 - The Oxford Lifestyle "2017 Edition" Elevations and Floor Plans
- Drawing No. 20 - Leamington Lifestyle Elevations and Floor Plans
- Drawing No. 21 - Leamington Lifestyle Elevations and Floor Plans
- Drawing No. 46 - Stratford Elevations and Floor Plans
- Drawing No. 47 - Stratford Elevations and Floor Plans
- Drawing No. EF_CAMB_DM.8 - Cambridge Elevations and Floor Plans
- Drawing No. EF_CAMB_DM.8 - Cambridge Elevations and Floor Plans
- Drawing No. 45 - Harlech Elevations and Floor Plans
- Drawing No. EF_SHAF_DM.8 - Shaftesbury Elevations and Floor Plans
- Drawing No. EF_CANT_DM.7 Rev. C - Canterbury Floor Plans
- Drawing No. EF_CANT_DM.7 Rev. B - Canterbury Elevations
- Drawing No. EF_HARR_DM.8 Rev. B - Harrogate Elevations and Floor Plans
- Drawing No. EF_HARR_DM.8 Rev. A - Harrogate Elevations (Render) and Floor Plans
- Drawing No. EF_SUND_DM.7 Rev. A - Sunningdale Floor Plans
- Drawing No. EF_SUND_DM.7 Rev. A - Sunningdale Elevations
- Drawing No. EF_HENL_DM.6 Rev. A - Henley Floor Plans
- Drawing No. EF_HENL_DM.6 Rev. A - Henley Elevations
- Drawing No. EF_TT3_M.4 - Tavy (Four Block) Floor Plans
- Drawing No. EF_TT3_M.4 - Tavy (Four Block) Elevations
- Drawing No. EF_DD4_M.3 - Dart (Four Block) Floor Plans
- Drawing No. EF_DD4_M.3 - Dart (Four Block) Elevations
- Drawing No. EF_TEME_SM.10 - The Teme "2014 Edition" Elevations and Floor Plans
- Drawing No. 038 Rev. F - Apartment A Floor Plan and Elevations
- Drawing No. 34 - Single Garage "2017 Edition" Floor Plan and Elevations
- Drawing No. 35 - Twin Garages "2017 Edition" Floor Plan and Elevations
- Drawing No. 045 Rev. A - Proposed Residential Development Plan
- Drawing No. 046 - Feature Brick Entrance Wall
- Drawing No. 0100 Rev. PL09 - Coloured Masterplan
- Drawing No. 0301 PL07 - Detailed Planting Plan - Sheet 1 of 8
- Drawing No. 0302 PL09 - Detailed Planting Plan - Sheet 2 of 8
- Drawing No. 0303 PL09 - Detailed Planting Plan - Sheet 3 of 8
- Drawing No. 0304 PL09 - Detailed Planting Plan - Sheet 4 of 8
- Drawing No. 0305 PL09 - Detailed Planting Plan - Sheet 5 of 8
- Drawing No. 0306 PL09 - Detailed Planting Plan - Sheet 6 of 8
- Drawing No. 0307 PL05 - Detailed Planting Plan - Sheet 7 of 8
- Drawing No. 0308 PL05 - Detailed Planting Plan - Sheet 8 of 8
- Drawing No. 0309 PL09 - Plant Schedule and Maintenance Specification
- Drawing No. 0501 PL09 - Boundary Treatment Plan
- Drawing No. 0601 PL07 - Tree Setting Out Plan - 1 of 8
- Drawing No. 0602 PL09 - Tree Setting Out Plan - 2 of 8
- Drawing No. 0603 PL09 - Tree Setting Out Plan - 3 of 8

- Drawing No. 0604 PL09 - Tree Setting Out Plan - 4 of 8
- Drawing No. 0605 PL09 - Tree Setting Out Plan - 5 of 8
- Drawing No. 0606 PL09 - Tree Setting Out Plan - 6 of 8
- Drawing No. 0607 PL04 - Tree Setting Out Plan - 7 of 8
- Drawing No. 0608 PL05 - Tree Setting Out Plan - 8 of 8
- Drawing No. 18-344/100 Rev. F - Refuse Vehicle Swept Path Analysis
- Drawing No. 18-344/101 Rev. E - Fire Tender Swept Path Analysis
- Drawing No. 18-344/102 Rev. E - Private Car Swept Path Analysis
- Drawing No. 18-344/103 Rev. E - General Arrangement
- Drawing No. 18-344/105 Rev. D - Pumping Station Tanker Swept Path Analysis
- Drawing No. 18-344/111 Rev. A - Substation Maintenance Vehicle Tracking
- Drawing No. 0401 Rev. PL02 - Sections through Infiltration Basin
- Drawing No. 0502 Rev. PL06 - Detailed Play Provision - LAP 1
- Drawing No. 0503 Rev. PL06 - Detailed Play Provision - LAP 2
- Drawing No. 0505 Rev. PL05 - Detailed Play Provision - LEAP

- House Type Brochure, prepared by Geoff Perry Associates Limited
- Landscape Maintenance & Management Specification, prepared by Fabrik, dated November 2019, Rev. PL08.
- Design Response, Ford Lane, Yapton.
- Tree Survey & Arboricultural Impact Assessment: Ford Lane, Yapton V1 (Ref. JSL3292_772), June 2020.
- Ecology Mitigation and Enhancement Strategy, Ford Lane, Yapton, West Sussex (ECO00395) 28th October 2020, prepared by RPS Group.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy D DM1 and Policy D SP1 of the Arun Local Plan.

- 2 No dwelling shall be occupied until the road(s), footways, and parking areas serving it have been constructed, surfaced and drained in accordance with the approved plans and details.

Reason: To secure satisfactory standards of access for the proposed development, in accordance with Policy D DM1 the Arun Local Plan.

- 3 No dwelling shall be occupied until the garage for that dwelling shown on the approved plans has been constructed and provided for the dwelling to which it relates. The garage shall not be used for any purpose other than the parking of vehicles and for domestic storage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in accordance with Policy D DM1 of the Arun Local Plan.

- 4 No dwelling shall be first occupied until covered and secure cycle parking spaces serving that dwelling has been provided.

Reason: To provide alternative travel options to the use of the car in accordance with Policy D DM1 and Policy T DM1 of the Arun Local Plan.

- 5 Prior to commencement of works to footpath 357, details of a non-dig surfacing method to be used for the surface treatment of PRoW Footpath 357 running within the Root Protection Area (RPA) of the Lime Tree, which is a category A tree of potential veteran status, should be submitted for approval in writing by the Local Planning Authority. The approved details should be implemented during the surfacing of PRoW Footpath 357 and as part of any maintenance works on the footpath within the RPA of the Lime Tree.

Reason: To ensure that the roots of the Lime Tree are protected and allows PRow Footpath 357 to be surfaced in robust materials in accordance with Policy D DM1 and Policy ENV DM4 of the Arun Local Plan.

- 6 Prior to the export of any material from site, or within six months of commencement of development, whichever is earlier, a soils management plan shall be submitted for approval in writing by the Local Planning Authority. The soil handling measures and the proposed use of on-site soils as set out in the approved soils management plan will be implemented on site to ensure that the soil resource is preserved.

Reason: To enable the Local Planning Authority to control the development and protect the soil resources on the site, in accordance with Policy SO DM1 of the Local Plan

- 7 Notwithstanding the provisions of Class A, A.1, (g) within Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no rear extensions to the dwelling houses shall be erected within the curtilage of the dwellings hereby permitted unless planning permission is first granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with Policy D DM1 of the Arun Local Plan.

- 8 No development above damp proof course (DPC) level shall take place until an Electric Vehicle Charging Strategy has been submitted and approved in writing by the Local Planning Authority which identifies the nature, form and location of electric charging infrastructure to be provided across the development. The electric vehicle strategy shall then be implemented in accordance with the approved details, prior to first occupation.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with Policy D DM1 and Policy QE DM3 (c) of the Arun Local Plan and the NPPF. It is considered necessary for this to be a pre-commencement condition to ensure that the requisite charging infrastructure is designed into the housing development and it is implemented.

- 9 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved in writing by the Local Planning Authority the detailed Standard Assessment Procedure (SAP) calculations (once detailed construction design has been undertaken) together with a timetable for how the 10% decentralised energy will be achieved on the site.

Reason: In order to seek to achieve high levels of energy efficiency in accordance with the aims of the NPPF and Policy ECC SP2 of the Arun Local Plan.

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.



Neil Crowther
Group Head of Planning

Case Officer: Michael Eastham

Decision Issued: **10th November 2020**

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against this planning application decision, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against this planning application decision, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Otherwise, if you want to appeal against this decision then you must do so within 6 months of the date of this notice.

Appeals must be using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <http://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must send notice to the Local Planning Authority and Planning Inspectorate(inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details can be found at www.GOV.uk

PURCHASE NOTICES

If either the local planning authority or the Secretary of State refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for the Park, or in any other case the district council in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town & Country Planning Act 1990.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on

highway land).

Appendix 4: Church of St Mary List Entry

Heritage Category: Listed Building

Grade: I

List Entry Number: 1237782

Date first listed: 05-Jun-1958

Statutory Address: THE PARISH CHURCH OF ST MARY, CHURCH ROAD

County: West Sussex

District: Arun (District Authority)

Parish: Yapton

National Grid Reference: SU 98170 03535

Details:

SU 90SE YAPTON CHURCH ROAD 15/368 5.6.58 The Parish Church of St Mary

I

Chancel, nave with aisles and tower to the south west of the nave. Nave and tower C12. The nave has lean-to roofs with later dormer windows inserted. The tower has red brick buttresses and a hipped shingled roof. Chancel C13. Very attractive unrestored medieval church.

Listing NGR: SU9816703535

Legacy System number: 414766

Legacy System: LBS



Appendix 5: Church House List Entry

Heritage Category: Listed Building

Grade: II

List Entry Number: 1222545

Date first listed: 20-Sep-1984

County: West Sussex

District: Arun (District Authority)

Parish: Yapton

National Grid Reference: SU 98074 03557

Details:

SU 90SE YAPTON CHURCH LANE 15/364 Church House

II

Early C19. Two storeys. Five windows. Stuccoed. Eaves cornice. Hipped slate roof. Windows with Venetian shutters and glazing bars intact on first floor only. Doorway with flat hood on brackets and door of six fielded panels.

Listing NGR: SU9807203555

Legacy System number: 414761

Legacy System: LBS



Appendix 6: Park Lodge List Entry

Heritage Category: Listed Building

Grade: II

List Entry Number: 1237777

Date first listed: 20-Sep-1984

Statutory Address: PARK LODGE, CHURCH LANE

County: West Sussex

District: Arun (District Authority)

Parish: Yapton

National Grid Reference: SU 97994 03570

Details:

SU 90SE YAPTON CHURCH LANE 15/365 Park Lodge

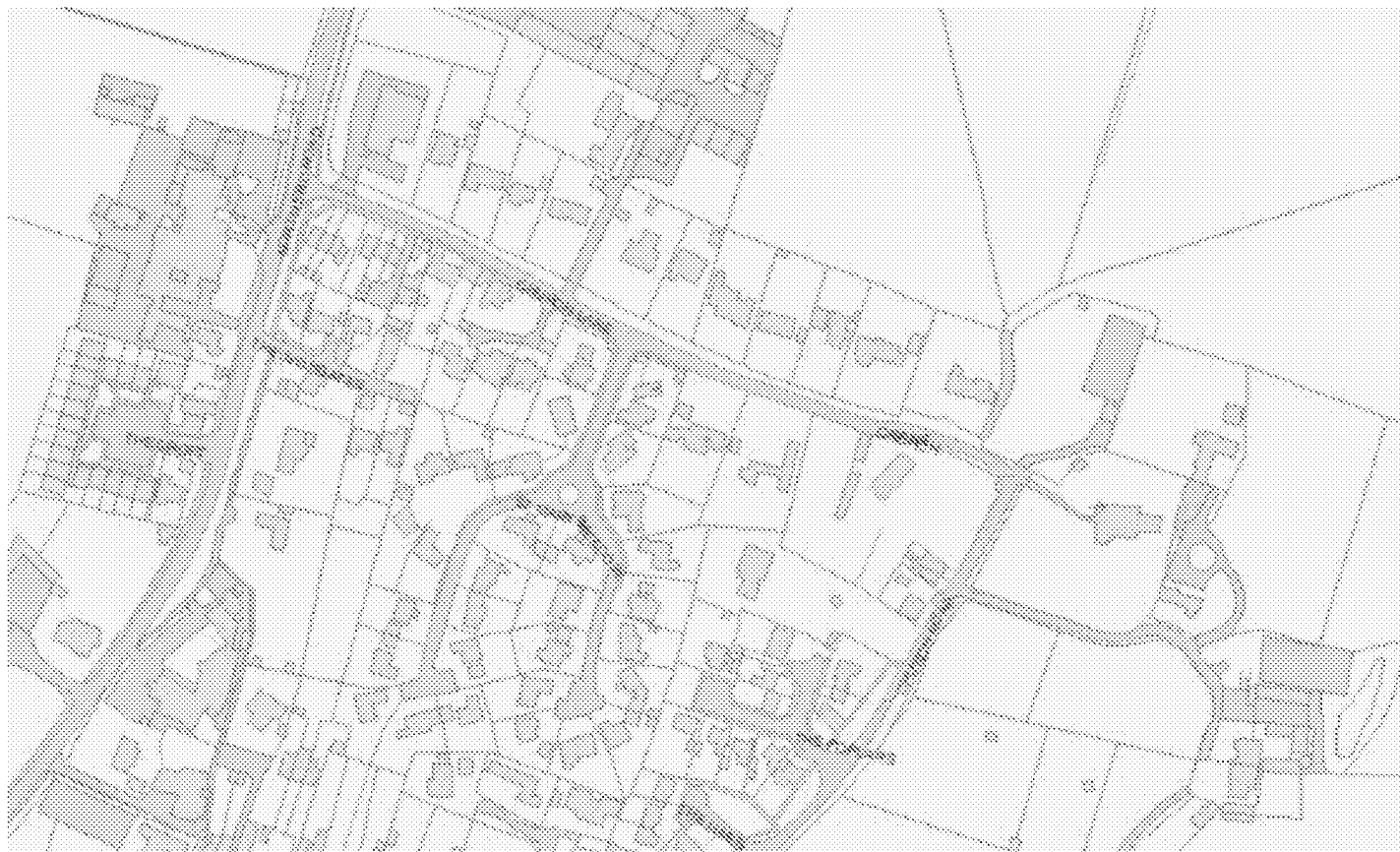
II

Early C19. Two storeys. Four windows. Stuccoed. Slate roof. Two C19 bays three windows each on ground floor. Glazing bars intact in the other windows. Doric porch between the bays.

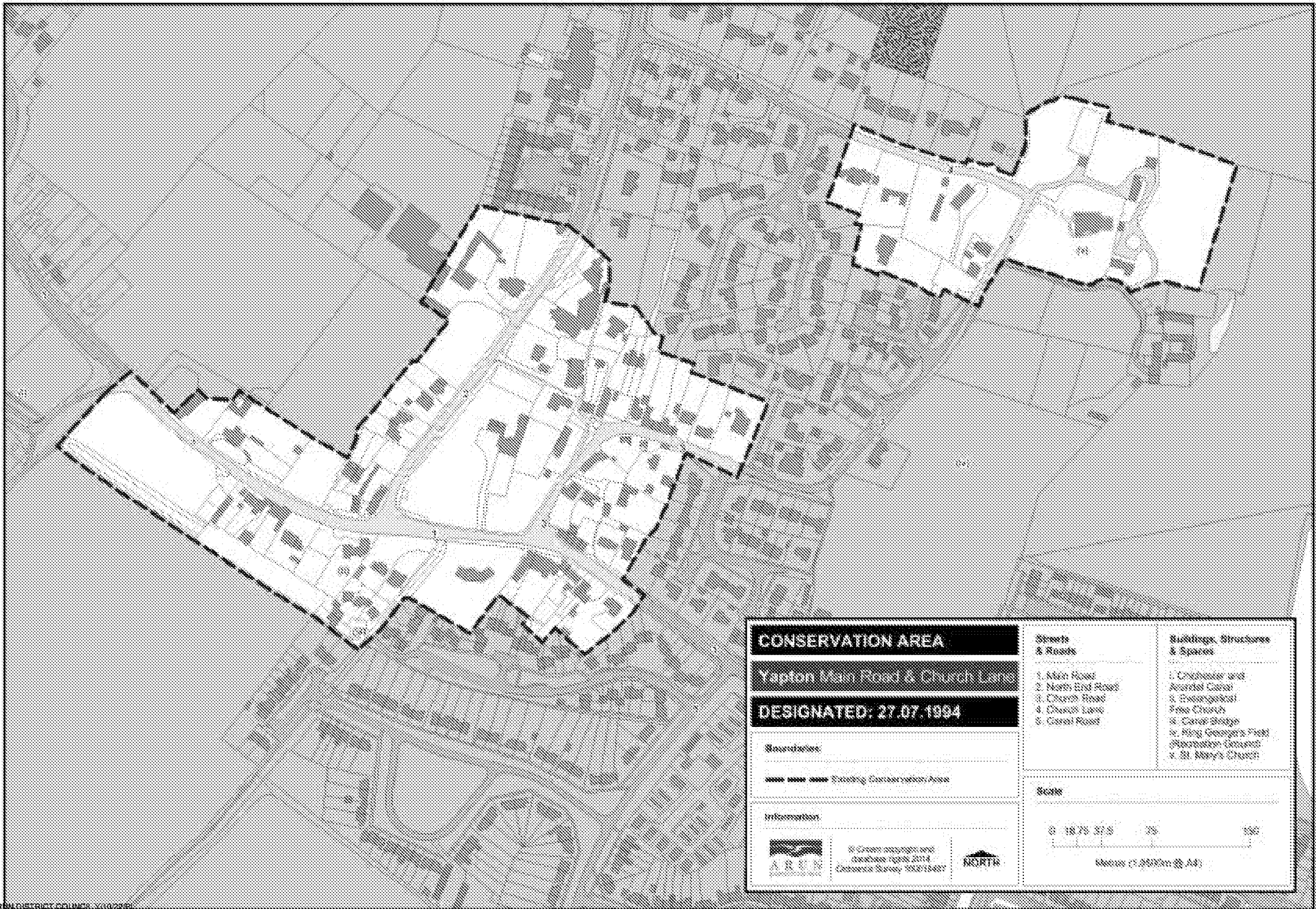
Listing NGR: SU9799403570

Legacy System number: 414762

Legacy System: LBS



Appendix 7: Conservation Area Map



CONSERVATION AREA

Yapton Main Road & Church Lane

DESIGNATED: 27.07.1994

Boundaries:

----- Extending Conservation Area

Information:



St Green assigned and
database rights 2014
Cotswold Survey 1982/1987



Streets
& Roads

1. Main Road
2. North End Road
3. Church Road
4. Church Lane
5. Canal Road

Buildings, Structures
& Spaces

- i. Chichester and
Ardel Canal
- ii. Chichester
Free Church
- iii. Canal Bridge
- iv. King George's Field
(Recreation Ground)
- v. St. Mary's Church

Scale

0 10 20 30 40 50

Meters (1:5000 @ A4)



DESIGN



ENVIRONMENT



PLANNING



ECONOMICS



HERITAGE



RIBA
Royal Institute of
British Architects

URBAN
DESIGN
GROUP

