

Recommendation Report for Planning Permission

REF NO:	Y/123/21/PL
LOCATION:	Land to the south of Ford Lane and East of North End Road Yapton BN18 0DS
PROPOSAL:	Variation of condition imposed under Y/82/20/RES relating to condition 1 - plans condition.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This is a Section 73 application to vary Condition 1 imposed on Y/82/20/RES which comprises a list of the approved plans. This Section 73 application proposes amendments to the site layout.
SITE AREA	6.7 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	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	There are hawthorn hedgerows and trees growing around the periphery of the site. The applicant has constructed contractor fencing to secure and enclose the site.
SITE CHARACTERISTICS	A construction site between North End Road, Ford Lane and PRoW Footpath FP358. The site was formerly arable farmland with relatively large fields across a relatively flat landform. The developer has constructed 4 show-homes and a sales centre at the northern end of the site, fronting onto Ford Lane; and a temporary access road from North End Road at the western end of the site to enable construction of the affordable apartments. Construction has commenced on the market housing and the affordable housing on the site. The southern western boundary of the site borders the Crayfern Homes development on the former Orchard Business Park and the southern boundary borders 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, to the north is Ford Lane, and to the east is 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, and it as a Grade I Listed Building. 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, located further west on Church Lane.

RELEVANT SITE HISTORY

Y/106/20/PL	Temporary commercial use of 4 previously approved dwellings for use as a sales area and sales office and show homes including access, parking and landscaping. This application affects a Public Right of Way.	ApproveConditionally 26-11-20
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/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/82/20/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	ApproveConditionally 10-11-20

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).

Y/48/21/PL	Construction of temporary vehicular access off North End Road for three years to allow safe access to the affordable units throughout the remaining period of construction within the application site following Y/82/20/RES. This site is in CIL Zones 2 & 3 (Zero Rated) as other development.	ApproveConditionally 15-06-21
Y/9/21/DOC	Approval of details reserved by condition imposed under ref Y/82/20/RES relating to Condition Nos 5 - non-dig surfacing method and 8 - electric vehicle charging strategy.	DOC Part Approved 07-04-21
Y/51/21/DOC	Approval of details reserved by condition imposed under ref Y/82/20/RES relating to Condition No 8 - electric vehicle charging strategy	DOC Refused 20-05-21
Y/50/21/DOC	Approval of details reserved by condition imposed under ref Y/82/20/RES relating to Condition No 8 - electric vehicle charging strategy	DOC Refused 20-05-21
Y/20/21/DOC	Approval of details reserved by condition imposed under ref Y/82/20/RES relating to Condition Nos 6 - Soils Management Plan and 9 - decentralised energy	DOC Approved 12-03-21

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 on 12th May 2020. A subsequent reserved matters application (Y/82/20/RES) was approved on 10th November 2020.

REPRESENTATIONS

YAPTON PARISH COUNCIL

No objection.

- The objection has been withdrawn following the re-location of the LEAP away from the infiltration basin.

- Amended plans have been submitted showing the bund has been extended along the edge of the open space.
- Turning head should have a secure locking gate to prevent unauthorised vehicular access to open space.

2 letters of objection on the following grounds:

- The boundary plan relies on existing trees and hedgerow along the SW boundary of the site.
- No provision to prevent the movement of people and dogs through the gaps in the hedge.
- The wooden fence proposed along western edge of Plot 36 should be extended along edge of open space.
- Turning head creates access to open space; vehicular access must be restricted from open space.

COMMENTS ON REPRESENTATIONS RECEIVED:

Planning related comments noted and issues addressed in the Conclusions section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

LOCAL HIGHWAY AUTHORITY:

No objection.

An amended plan has been submitted showing the turning head located to the west of Public Footpath No. 357 and not obstructing it. The turning head has been reduced in size but still appears to provide sufficient space for a refuse vehicle to be able to undertake a three-point turn.

WSCC PUBLIC RIGHTS OF WAY:

No consultation response was submitted.

ADC DRAINAGE:

No comment to make on this application.

ENVIRONMENTAL HEALTH:

No comment to make on this application.

ADC ECOLOGY:

No objection.

The Landscape Plan appears to be in accordance with the Ecological Mitigation and Enhancement Strategy agreed under Y/82/20/RES.

ADC ARCHAEOLOGY:

No objection.

The archaeological investigation secured by condition on Y/80/16/OUT has been satisfactorily completed and no further intervention is warranted.

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. A Heritage Statement was submitted as part of the previous application which has been supplemented with comments from their heritage advisor who assessed 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. You will also need to take into account the contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

ADC GREENSPACE:

No objection.

The LEAP has been re-positioned in the south western part of the site, west of the footpath and connected to the surrounding open space as shown on Drawing No. D2831-FAB-00-GL-DR-L-0100 Rev. PL16 - Coloured Masterplan. This is a well thought out and well detailed landscape setting for this development. Thought has gone into providing usable public open spaces, with integrated and well-chosen play equipment and good connectivity.

ADC ARBORICULTURE:

No consultation response was submitted.

COMMENTS ON CONSULTATION RESPONSES:

Planning related comments noted and issues addressed in the Conclusions section of this report.

POLICY CONTEXT

Designation applicable to site:

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

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ENVDM4	ENV DM4 Protection of trees
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
INFSP1	INF SP1 Infrastructure provision and implementation
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
SDSP2	SD SP2 Built-up Area Boundary
ENVDM5	ENV DM5 Development and biodiversity
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM6	HER DM6 Sites of Archaeological Interest
LANDM1	LAN DM1 Protection of landscape character
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
TDM1	T DM1 Sustainable Travel and Public Rights of Way

[Yapton neighbourhood plan 2014 Policy BB1](#)

Built-up Area Boundary

Yapton neighbourhood plan 2014 Policy E8

Conservation Areas

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

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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."

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

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

The residential 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 was established with the granting of Y/80/16/OUT for up to 100 dwellings which was allowed on appeal on 15th January 2018 and the reserved matters (Y/82/20/RES) were approved on 20th November 2020. This Section 73 application proposes amendments to the detailed design of the scheme in terms of the site layout specifically in the southern part of the site focussed on the public open space, the approved pumping station and the associated vehicular turning head, the location of the infiltration basin, the re-siting of the houses on Plots 29-30 and 40-41, and proposed changes to the house types on Plots 34, 35 and 36.

VARIATION OF CONDITION 1

The current Section 73 application is to vary Condition 1, which was imposed on Y/82/20/RES and lists all of the approved plans, including the layout plans. This application proposes to substitute the approved plans and documents with the set of plans and documents listed below:

- Drawing No. 958 02 - Site Location Plan.
- Drawing No. A958 01 Rev. F - Planning Layout & Coloured Planning Layout.
- Drawing No. A958 03 Rev. C - Affordable Housing Plan.
- Drawing No. A958 04 Rev. C - Enclosures Plan.
- Drawing No. A958 05 Rev. E - Materials Plan.
- Drawing No. A958 06 Rev. C - Occupancy Plan.
- Drawing No. A958 07 Rev. C - Massing Plan.
- Drawing No. A958 08 Rev. C - Hard Surfacing Plan.
- Drawing No. A958 09 Rev. C - Parking Plan.
- Drawing No. A958 10 Rev. C - Refuse Plan.
- Drawing No. 36 - Hampstead Floor Plans
- Drawing No. 37 - Hampstead Elevations
- 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. D2831-FAB-00-GL-DR-L-0100 Rev. PL16 - Coloured Masterplan.
- Drawing No. D2831-FAB-00-GL-DR-L-0305 Rev. PL15 - Detailed Planting Plan Sheet 5 of 8.
- Drawing No. D2831-FAB-00-GL-DR-L-0306 Rev. PL14 - Detailed Planting Plan Sheet 6 of 8.
- Drawing No. D2831-FAB-00-GL-DR-L-0307 Rev. PL12 - Detailed Planting Plan Sheet 7 of 8.
- Drawing No. D2831-FAB-00-GL-DR-L-0308 Rev. PL09 - Detailed Planting Plan Sheet 8 of 8.
- Drawing No. D2831-FAB-00-GL-DR-L-0309 Rev. PL15 - Plant Schedule and Maintenance Specification.
- Drawing No. D2831-FAB-00-GL-DR-L-0401 Rev. PL05 - Section through Infiltration Basin.
- Drawing No. D2831-FAB-00-GL-DR-L-0402 Rev. PL06 - Sections through public right of way footpath 357.
- Drawing No. D2831-FAB-00-GL-DR-L-0403 Rev. PL06 - Sections through public right of way footpath 358 & 359.
- Drawing No. D2831-FAB-00-GL-DR-L-0501 Rev. PL15 - Boundary Treatment Plan.
- Drawing No. D2831-FAB-00-XX-DR-L-0502 Rev. PL12 - Detailed Play Provision LAP 1.
- Drawing No. D2831-FAB-00-XX-DR-L-0503 Rev. PL12 - Detailed Play Provision LAP 2.
- Drawing No. D2831-FAB-00-GL-DR-L-0605 Rev. PL15 - Tree Setting Out Plan 5 of 8.
- Drawing No. D2831-FAB-00-GL-DR-L-0606 Rev. PL14 - Tree Setting Out Plan 6 of 8.
- Drawing No. D2831-FAB-00-XX-DR-L-0505 Rev. PL12 - Detailed Plan Provision - LEAP.
- Drawing No. D2831-FAB-00-GL-DR-L-0607 Rev. PL11 - Tree Setting Out Plan 7 of 8.

- Drawing No. D2831-FAB-00-GL-DR-L-0608 Rev. PL09 - Tree Setting Out Plan 8 of 8.
- House Type Brochure, prepared by Geoff Perry Associates Limited.
- Drainage Statement, prepared by Gyoury Self Consultant Engineers.
- Landscape Maintenance and Management Specification (Rev. PL13), November 2021, prepared by Fabrik.
- GSP Management & Maintenance Manual Addendum
- Tree Survey Report and Arboricultural Impact Assessment (Ref. JSL3292_733).
- Planning Statement Addendum (prepared by Pegasus Group), 21.08.21.
- Ford Lane, Yapton: Design Response Dated 18.08.21.

SITE LAYOUT

An assessment of the proposed amendments to the site layout is set out below.

Layout of Foul Water Drainage and Surface Water Drainage Features

The on-site foul drainage network has been revised to work via gravity flow and as a result of this the foul water pumping station approved under Y/82/20/RES is proposed to be removed from the site. The pumping station was approved on land in the south western part of the site adjoining Plots 34-36. The removal of the pumping station would enable the infiltration basin to be re-located to the south eastern part of the site and between two public rights of way that cross the site. The surface water drainage features shown on the proposed layout plan (Drawing No. A958 01 Rev. F) include an infiltration basin incorporating a 3.0m wide maintenance strip, and a large swale (a rill) running along part of the eastern boundary. ADC Drainage Engineers have submitted no comments on the surface water drainage. The removal of the pumping station and the associated fencing would open up views for the residents of Plots 34, 35 and 36 across the public open space, which would enhance their residential amenity; and it would enhance the appearance of the public open space by removing the fencing and hard-standing that would have served the underground pumping station.

New Turning Head Layout

Following the removal of the pumping station and its vehicular turning head, a new turning head is required to enable refuse vehicles to reverse after collecting waste from Plots 34-36 (refer to the Refuse Plan: Drawing No. A958 10 Rev. C - Refuse Plan), located to the west of the footway/cycleway (i.e. PRoW FP357) next to Plot 34. The turning head has been reduced in size by 3.0m, which is acceptable as it would take up less space than the previously approved turning head. The Parish Council requested the provision of a secure locking gate on the turning head to deter unauthorised vehicular access to the public open space in the southern part of the site. A landscape bund is proposed along the northern boundary of the public open space. The construction of a landscaped bund in this location would reduce the opportunities for vehicular access onto the public open space. Provision has also been made for estate railings to be installed around the turning head which would negate the need for the provision of a secure locking gate.

Amendments to House-types

The house-types at Plots 34-36 have been amended following the removal of the foul water pumping station and the re-location of the turning head. The house type on Plot 34 is proposed to be changed from a Henley to a Sunningdale; the house type on Plot 35 is proposed to be changed from a Harrogate to a Henley; and the house type on Plot 36 is proposed to be changed from a Canterbury to a Hampstead. All 3 plots still comprise 4-bedroom detached houses as set out on the Occupancy Plan (Drawing No. A958 06 Rev. C). The proposed layout of the dwellings on Plots 34-36 is acceptable; the houses are located to face the public open space and the LEAP in the south western part of the site.

Residential Layout

The proposed layout plan (Drawing No. A958 01 Rev. F) shows the majority of houses on the site fronting onto areas of public open space and it ensures that the houses and apartments are located on

the footprint for residential development identified on the 'Indicative Layout/open space proposals' (Drawing 201 Rev. C) which was approved under Y/80/16/OUT. The residential amenity of the occupants of Plots 34, 35 and 36 would be enhanced by the removal of the pumping station; and the re-siting of the houses on Plots 29-30 and 40-41 would increase the space between the houses and would improve the quality of life of the residents as there would be more space between each house.

Layout of Public Open Space and Play Areas

The proposed layout plan (Drawing No. A958 01 Rev. F) retains the 32m wide open space buffer along the eastern boundary and the 85m wide buffer along the southern boundary, together with the provision of 1.1 hectares of ancillary public open space and strategic landscaping and 2.2 hectares of public parkland and green corridors, in accordance with the indicative layout plan submitted with Y/80/16/OUT and the approved layout plan for Y/82/20/RES, and the proposed amendments to the public open space and play areas are acceptable as there would be a clear area of separation between the LEAP and the infiltration basin.

The Locally Equipped Area of Play (LEAP) will be retained in the south western part of the site; to the west of PRoW FP357, following requests from the Parish Council and ADC Greenspace that the LEAP be retained in this location, away from the infiltration basin. The infiltration basin, measuring up to 1.8m deep, is proposed to be re-located to the south eastern part of the site away from the LEAP, for safety reasons. Careful consideration has been given to the siting of the play equipment ensuring they are safe and provide a range of play experiences for children and young people.

Landscape Layout

A revised Landscape Maintenance and Management Specification, dated November 2021 has been submitted with Y/123/21/PL, together with detailed planting plans identifying the trees and shrubs in the vicinity of the LEAP, the re-located infiltration basin and Plots 29-30, 34-36 and 40-41, which retain the strategic landscaping along the southern, western and eastern boundaries of the site which would help to screen views of the proposed housing when viewed from Church Farm and St Mary's Church.

The approved landscaping plans included the provision of 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 serving the terraced houses (town houses) on Plots 47-50; 51-54; 79-82; 86-90; 96-99, and this has been duplicated on the Coloured Masterplan (Drawing No. D2831-FAB-00-GL-DR-L-0100 Rev. PL16) which has been submitted with Y/123/21/PL. The development includes the planting of 214 trees, together with hedging and shrubs; the tree planting would break up the visual impact of the parking spaces, and enhance the appearance of the parking areas.

A local resident has objected that no provision has been made to prevent the movement of people and dogs through the gaps in the hedge along the south western boundary of the site; and has requested that the 1.8m high wooden fence proposed along the western edge of Plot 36 should be extended along edge of the public open space. The provision of 1.8m high post and rail fencing along the edge of the public open space would detract visually from the parkland setting that is being created in the southern part of the site; and it is the responsibility of individual homeowners along Church Lane to secure the rear boundaries of their properties.

Layout of Footways / Cycleways

The upgrade of the existing PRoW FP357 running north-south has been approved by Y/131/20/DOC and is shown on the amended layout plan that has been submitted with Y/123/21/PL. Approval has been given under Y/131/20/DOC for all public footpaths to be widened to measure a minimum of 3.0m wide for shared pedestrian and cycle use and to be suitably surfaced in accordance with Condition 8 of Y/80/16/OUT; dropped kerbs are required at crossing points / raised platforms on the section of roadway to indicate the presence of the PRoW and pedestrians. 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 agreed under Y/131/20/DOC. The proposed amendments to the site layout which are set out on Drawing No. A958 01 Rev. F include an increase in the width of the footways and cycleways to 3.0 metres wide in accordance with Y/131/20/DOC. Provision has been made on the layout plan (Drawing No. A958 01 Rev. F) 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 as approved by Y/131/20/DOC; and these amendments are acceptable as they would improve the surfacing and increase the width of the existing rights of way within the site. The Movement Plan (Drawing No. 80) in the amended Design Response 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 approved 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 was approved by Y/131/20/DOC. The layout retains footway and cycleway links to the surrounding area; it is acceptable and it complies with Y/131/20/DOC and it accords with Policy D DM1(10), Policy T SP1 and Policy T DM1 of the Local Plan and the Arun Design Guide.

Root Protection Areas of Trees

The layout plan (Drawing No. A958 01 Rev. F) that has been submitted with Y/123/21/PL picks up on all of the improvements to the rights of way network on the site that have been approved under recent discharge of condition applications. The layout plan retains the re-configured road and footway/cycleway in the vicinity of the retained Lime tree, which is a category A tree of potential veteran status, in the middle of the public open space. A non-dig surfacing method is to be used on PRow Footpath 357 running within the RPA of the Lime Tree as approved by Y/9/21/DOC. The PRow Footpath 358 which runs through the RPA of numerous trees growing near the eastern boundary of the site and the width of this footpath has been increased as part of Y/131/20/DOC 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 assessed within the Arboricultural Impact Assessment which describes the footpath as "highly unlikely to harm live roots". The approved swale will run north-south through the eastern part of the site. The 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; and the impact of the footpaths on the RPAs of the trees is acceptable.

Parking Layout and Provision

The parking spaces serving Plots 79-82 are proposed to be re-located under Y/123/21/PL to ensure the provision of electric vehicle (EV) charging points, which is acceptable. The layout plan (Drawing No. A958 01 Rev. F) submitted with Y/123/21/PL does not include provision of garden sheds in rear gardens for the storage of bicycles; only the provision of garages. The condition imposed on Y/82/20/RES requiring the submission of details for the storage of bicycles should be re-imposed.

DENSITY

The proposed amendments to the layout do not affect the net density of the site which is 29 dwellings per hectare, and this 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.

APPEARANCE

The approved residential development and the proposed amended house-types on Plots 34-36 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 including the amended house-types on Plots 34,

35 and 36.

Amendments to Materials

The approved non-material amendment (Y/81/21/NMA) to change the Capital Multi brick to New Cavendish brick and change the Thakeham Reds to Weston Reds on Plots 8-14 & 24-28 is now being proposed for all dwellings across the site, due to issues with the supplier and the lack of available construction materials. The materials palette for the houses on Plots 34-36 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 side gardens of the houses on Plots 33, 34, 41 and 42 on either side of PRow FP357 would be enclosed by brick walls. This proposed amendment to the bricks on all of the dwellings is acceptable as it would ensure that there is a consistency in appearance across the site. The appearance of the houses that have been approved on the site together with the proposed alterations to the house-types on Plots 34, 35 and 36 would enhance the built environment at the northern end of the village of Yapton and provide the design benchmark for the Redrow development on land to the west of North End Road site which is directly opposite the site.

SCALE AND BUILDING HEIGHTS

The development of two storey dwellings on Plots 34, 35 and 36 is in keeping with the character of the approved residential development and with the existing development including the two storey houses facing outwards towards Ford Lane to the north and with the 2.5 storey apartment buildings facing out towards North End Road which ensures that the development reflects the built form and massing, in this part of Yapton. The development complies with Policy D DM1 of the Local Plan and the Arun Design Guide in terms of scale and building heights.

RESIDENTIAL AMENITY

The re-siting of the houses on Plots 29-30 and 40-41 and the change in house-types on Plots 34-36 would ensure that there would be no materially adverse overlooking or overbearing impacts on existing houses on Church Lane or on the adjacent Crayfern Homes development. 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 with Church Lane; and there would be no materially adverse overlooking or overbearing impacts on the adjacent Crayfern Homes development due to the siting of the house on Plot 36. The proposed development complies with Policy D DM1(3) of the Local Plan in terms of impact on neighbouring residential amenity along Church Lane and on the adjacent Crayfern Home development.

EXTERNAL SPACE STANDARDS

The layout plan (Drawing No. A958 01 Rev. F) shows Plots 29-30 and Plots 40-41 have been moved to the south slightly to allow for the necessary clearance to a private drain, but all 4 Plots retain their 10.5m long gardens. The amended house types on Plots 34-36 have 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 site layout includes 20 metre back to back stand-off distances and 11 metre side-on-back distances, which are acceptable and in accordance with the Arun Design Guide..

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 the houses on Plots 29-30, 34-36 and 40-41 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 the houses comply with Policy D DM2 and meet the NDSS requirements.

AFFORDABLE HOUSING

Plots 29-30, 34-36 and 40-41 are not affordable dwellings and the proposed amendments to these Plots would not affect the number or delivery of affordable housing on the site.

TREES

Two Tree Setting Out Plans (Drawing No. D2831-FAB-00-GL-DR-L-0605 Rev. PL15 and Drawing No. D2831-FAB-00-GL-DR-L-0606 Rev. PL14) have been submitted with Y/123/21/PL which identify where trees are going to be planted in the south western and south eastern parts of the site. The planting of additional trees in the southern part of the site is acceptable as it would enhance the appearance of the open space by the further softening of the built environment, in compliance with Policy D DM1 of the Local Plan and the Arun Design Guide.

BIODIVERSITY

Details relating to ecological mitigation and enhancements have been discharged under Y/131/20/DOC which included the planting of native species, enhanced biodiversity and the creation of wildlife corridors on the site. The amendments proposed in Y/123/21/PL have no impact on the measures set out in the Ecological Mitigation and Enhancement Strategy approved under Y/82/20/RES.

HERITAGE ASSETS

Paragraph 195 of the NPPF (2021) 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 202 of the NPPF (2021). Paragraph 202 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 which was submitted with the previous application which has been supplemented by the heritage advisor. 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.

Plots 34-36, the infiltration basin and the turning head would be set back from the Church Lane Conservation Area and the associated heritage assets through the creation of the public 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 houses 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 provision of public open spaces across the site would have a positive impact upon its character, which would 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 to the principles established under Y/80/16/OUT and Y/82/20/RES and the location of the Conservation Area, and the design of the buildings and their proximity; the development would continue to have no harm to the significance of the designated heritage assets, in accordance with paragraph 202 of the NPPF, 2021. The proposal to remove the pumping station and its associated hardstanding would continue to have no harm to the significance of the heritage assets; and the amendment to the house-types on 3 plots and the re0sting of plots by several metres is minor and would not harm the Conservation Area of the Listed Buildings.

The proposed amendments to the approved development are minor in scale and they are acceptable and comply 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 Church Lane 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.

OTHER CONDITIONS IMPOSED ON Y/82/20/RES

This application includes a layout plan that takes account of all of the change to the public rights of way network within the site that have been approved as part of DOC applications. The non-dig method to be used for the surface treatment of PRoW Footpath 357 required by Condition 5 was approved and discharged under Y/9/21/DOC on 7th April 2021. The soils management plan required by Condition 6 was approved and discharged under Y/20/21/DOC on 12th March 2021. The Electric Vehicle Charging Strategy required by Condition 8 was refused under Y/50/21/DOC and Y/51/21/DOC on 20th May 2021 and the to appeals have been dismissed and this condition should be re-imposed. The detailed Standard Assessment Procedures (SAP) calculations required by Condition 9 have been approved and discharged under discharge of condition application Y/20/21/DOC on 12th March 2021.

RECOMMENDATION

It is therefore recommended that this Section 73 application is approved and that Condition 1 of Y/82/20/RES be varied. It is recommended that Conditions 5, 6 and 9 which were imposed on Y/82/20/RES be re-drafted as compliance conditions.

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. 958 02 - Site Location Plan.
 - Drawing No. A958 01 Rev. F - Planning Layout & Coloured Planning Layout.
 - Drawing No. A958 03 Rev. C - Affordable Housing Plan.
 - Drawing No. A958 04 Rev. C - Enclosures Plan.
 - Drawing No. A958 05 Rev. E - Materials Plan.
 - Drawing No. A958 06 Rev. C - Occupancy Plan.
 - Drawing No. A958 07 Rev. C - Massing Plan.
 - Drawing No. A958 08 Rev. C - Hard Surfacing Plan.
 - Drawing No. A958 09 Rev. C - Parking Plan.
 - Drawing No. A958 10 Rev. C - Refuse Plan.
 - 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. 36 - Hampstead Floor Plans
- Drawing No. 37 - Hampstead Elevations
- 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. D2831-FAB-00-GL-DR-L-0100 Rev. PL16 - Coloured Masterplan.
- Drawing No. D2831-FAB-00-GL-DR-L-0301 Rev. PL07 - Detailed Planting Plan Sheet 1 of 8.
- Drawing No. D2831-FAB-00-GL-DR-L-0302 Rev. PL09 - Detailed Planting Plan Sheet 2 of 8.
- Drawing No. D2831-FAB-00-GL-DR-L-0303 Rev. PL09 - Detailed Planting Plan Sheet 3 of 8.
- Drawing No. D2831-FAB-00-GL-DR-L-0304 Rev. PL09 - Detailed Planting Plan Sheet 4 of 8.
- Drawing No. D2831-FAB-00-GL-DR-L-0305 Rev. PL15 - Detailed Planting Plan Sheet 5 of 8.
- Drawing No. D2831-FAB-00-GL-DR-L-0306 Rev. PL14 - Detailed Planting Plan Sheet 6 of 8.
- Drawing No. D2831-FAB-00-GL-DR-L-0307 Rev. PL12 - Detailed Planting Plan Sheet 7 of 8.
- Drawing No. D2831-FAB-00-GL-DR-L-0308 Rev. PL09 - Detailed Planting Plan Sheet 8 of 8.
- Drawing No. D2831-FAB-00-GL-DR-L-0309 Rev. PL15 - Plant Schedule and Maintenance Specification.
- Drawing No. D2831-FAB-00-GL-DR-L-0401 Rev. PL05 - Section through Infiltration Basin.
- Drawing No. D2831-FAB-00-GL-DR-L-0402 Rev. PL06 - Sections through public right of way footpath 357.
- Drawing No. D2831-FAB-00-GL-DR-L-0403 Rev. PL06 - Sections through public right of way footpath 358 & 359.
- Drawing No. D2831-FAB-00-GL-DR-L-0501 Rev. PL15 - Boundary Treatment Plan.
- Drawing No. D2831-FAB-00-XX-DR-L-0502 Rev. PL12 - Detailed Play Provision LAP 1.
- Drawing No. D2831-FAB-00-XX-DR-L-0503 Rev. PL12 - Detailed Play Provision LAP 2.
- Drawing No. D2831-FAB-00-XX-DR-L-0505 Rev. PL12 - Detailed Plan Provision - LEAP.
- Drawing No. D2831-FAB-1-GL-DR-L-0601 Rev. PL07 - Tree Setting Out Plan 1 of 8.
- Drawing No. D2831-FAB-1-GL-DR-L-0602 Rev. PL09 - Tree Setting Out Plan 2 of 8.
- Drawing No. D2831-FAB-1-GL-DR-L-0603 Rev. PL09 - Tree Setting Out Plan 3 of 8.
- Drawing No. D2831-FAB-1-GL-DR-L-0604 Rev. PL09 - Tree Setting Out Plan 4 of 5.
- Drawing No. D2831-FAB-00-GL-DR-L-0605 Rev. PL15 - Tree Setting Out Plan 5 of 8.

- Drawing No. D2831-FAB-00-GL-DR-L-0606 Rev. PL14 - Tree Setting Out Plan 6 of 8.
- Drawing No. D2831-FAB-00-GL-DR-L-0607 Rev. PL11 - Tree Setting Out Plan 7 of 8.
- Drawing No. D2831-FAB-00-GL-DR-L-0608 Rev. PL09 - Tree Setting Out Plan 8 of 8.
- Drawing No. 0402 Rev. PL02 - Section through public right of way 357.
- Drawing No. 0403 Rev. PL02 - Section through public rights of way 358 & 359.
- Cover letter from Redrow re. Soil Resource Survey, dated 17th February 2021.
- Ford Lane, Yapton, West Sussex: Soil Resource Survey (Ref. TOHA/21/6563/ML) Issue 1, prepared by Tim O'Hare Associates, dated: 13/01/2021.
- Ford Lane, Yapton, West Sussex: Soil Management Plan (Ref. TOHA/21/6563/2/ML) Issue 1, prepared by Tim O'Hare Associates, dated: 10/02/2021.
- Energy Statement, Ford Lane, Yapton, prepared by JSP Sustainability Ltd, November 2020.
- Drawing No. 7500-PV-001 - PV Location Plan.
- House Type Brochure Ford Lane, Yapton Rev. A, prepared by Geoff Perry Associates Limited.
- Drainage Statement, prepared by Gyoury Self Consultant Engineers.
- Landscape Maintenance and Management Specification (Rev. PL13), November 2021, prepared by Fabrik.
- GSP Management & Maintenance Manual Addendum
- Tree Survey Report and Arboricultural Impact Assessment (Ref. JSL3292_733).
- Planning Statement Addendum (prepared by Pegasus Group), 21.08.21.
- Ford Lane, Yapton: Design Response Dated 18.08.21.

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 The approved details of the 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 set out on Drawing No. 0402 Rev. PL02 - Section through public right of way 357 and Drawing No. 0403 Rev. PL02 - Section through public rights of way 358 & 359 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 The soil handling measures and the use of on-site soils as set out in the approved cover letter from Redrow re. Soil Resource Survey, dated 17th February 2021, Ford Lane, Yapton, West Sussex: Soil Resource Survey (Ref. TOHA/21/6563/ML) Issue 1, prepared by Tim O'Hare Associates, dated: 13/01/2021 and Ford Lane, Yapton, West Sussex: Soil Management Plan (Ref. TOHA/21/6563/2/ML) Issue 1, prepared by Tim O'Hare Associates, dated: 10/02/2021 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 Each dwelling shall be constructed in accordance with the approved detailed Standard Assessment Procedure (SAP) calculations and, where necessary, incorporate decentralised energy generation as set out in the approved Energy Statement, Ford Lane, Yapton, prepared by JSP Sustainability Ltd, November 2020 and Drawing No. 7500-PV-001 - PV Location Plan.

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.