Recommendation Report for Planning Permission

REF NO: Y/149/22/PL

LOCATION: Land West of Drove Lane
Main Road
Yapton
BN18 0DZ

PROPOSAL: **Erection of 20 dwellings (including 6 affordable units) with new access, open space, landscaping, sustainable drainage, biodiversity mitigation and associated works. This application is in CIL Zone 3 and is CIL liable as new dwellings and is a Departure from the Development Plan. The proposal may affect the setting of the Main Road/Church Road, Yapton Conservation Area.**

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

It is proposed to develop the site with 20 dwellings consisting of detached, semi-detached, terraces and FOG's (flat over garages). One bungalow is proposed (plot 7) but the rest are all two storeys. The overall mix consists of 3 x 1 bed, 5 x 2 bed, 9 x 3 bed & 3 x 4 bed. Of these, six homes will be affordable (2 x 1 bed, 3 x 2 bed, 1 x 3 bed). The applicant has also agreed to provide 5 of the homes as M4(2) accessible dwellings with 3 being affordable & 2 as market). These 5 homes all have a wheelchair accessible parking space.

Parking provision is in the form of garages and allocated spaces. Cycles will be stored in either garages or small sheds in rear gardens and there are full plans of these. The vehicular access will be from Main Road in the southeast corner. The existing field accesses onto Main Road will be closed.

The access will join the highway close to the Drove Lane junction to the southeast (16m away) and the new access into the Bonhams site to the east (9m away). The access will interfere with the parking layby therefore it is proposed to extend it by 35m at its northern end. It is proposed to add road markings/surface treatment to Main Road to the northwest of the access to reinforce the 30mph speed limit. A 3m wide footway will be provided between the site access and the Drove Lane junction and there will be a new tactile paved crossing point on Main Road to the immediate south of the access. Bins will be collected from the kerbside.

Boundary treatments are indicated by the landscape masterplan to be a mix of 2m high brick walls, 1.8m high timber fences and 1.5m high timber post and rail fencing. The precise materials would need to be secured by condition but

	are indicated to be a mix of red brick, buff brick, render, light & dark timber cladding, hardcore window surrounds and slate roofs. The Landscape masterplan also indicates new trees and other vegetation including street trees. The layout also shows a substation (for which there are no elevations), a fenced drainage pond, drainage swales and a large area of Public Open Space (POS) including a play area at the north-western end.
SITE AREA	1.45 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	13.8 dwellings per hectare.
TOPOGRAPHY	Appears predominantly flat but the site slopes from the Drove Lane (southeast) end (approx. 6m AOD) towards the northwest corner (approx. 3m AOD).
TREES	All trees are to the site boundaries, and none are TPO protected. The application proposes to remove a 9m high Elm on the road boundary in order to facilitate access.
BOUNDARY TREATMENT	Predominantly hedging and small trees.
SITE CHARACTERISTICS	An arable field surrounded by hedged boundaries with two field gates onto Main Road. Part of the site frontage (outside the site area) is occupied by a parking layby. There is a drainage ditch running just outside the north-western boundary.
CHARACTER OF LOCALITY	Predominantly rural albeit there are residential developments being constructed on nearby sites to the south and northeast. Agricultural land adjoins the north-western end and, beyond the line of the former Portsmouth & Arundel canal, to the southwest. The rectangular field to the southeast beyond Drove Lane (known as the Sheep Field) is in the Yapton Main Road Conservation Area. There are four locally listed houses and other dwellings on the opposite side of Main Road.

No relevant site history however it is material that applications to site a sales cabin and advertisements were refused on the land immediately adjoining the south-western boundary (Y/31/21/PL & Y/32/21/A) citing harm to the conservation area and other nearby heritage assets. There was no appeal and a resubmission relocated the cabin and most of the adverts into the development area.

REPRESENTATIONS

Yapton Parish Council provided a 4-page objection letter available to view on the website but in summary, their main points are:

- Loss of agricultural land.
- Residential development in the countryside.
- No housing need for more housing development in Yapton.
- Yapton first needs more infrastructure to support the existing new housing.
- Harm to the character of this edge of settlement rural area by way of location, design & layout.
- Proximity to existing accesses.
- No sustainable transport links proposed.

- Impact on existing surface water flooding events; and
- Harm to the setting of the conservation area and the adjacent former canal.

37 letters of objection raising the following issues:

- Already have enough housing.
- Loss of agricultural land.
- Residential development in the countryside.
- Need a new neighbourhood plan.
- Coalescence of Yapton and Barnham.
- Increased highway congestion and risk of accidents.
- No active travel routes proposed.
- Impact on layby used by residents with no parking facilities.
- Harm to the conservation area and setting of the former canal.
- Yapton is a village but is fast becoming a town albeit with inadequate shops.
- Increased surface water flood events and discharge of sewage.
- Inadequate infrastructure.
- Reduction in local wildlife.
- No environmental assessment.
- Houses will not be affordable.
- The site encroaches on the Scout Hut and will affect the activities occurring there.
- The access does not meet the required legal distance from the entrance into the Drove Lane site; and
- Harm to the character of the village.

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments of the Parish Council and the objectors are noted, and the majority of the issues raised are referred to in the conclusions section with the exception of the following responses:

- The revision of the Yapton Neighbourhood Development Plan (YNDP2) is at regulation 17 stage such that it is necessary to refer to the emerging policies (which propose modifications to the current policies). There is currently a challenge to the Plan which has held up its progress.

- The site is not in a designated strategic (settlement) gap and so the council's policy on settlement coalescence does not apply. There will remain approximately 1km between the edge of the proposed site and the built-up area boundary (BUAB) of Barnham to the northwest.

- It is proposed to remove approximately 30m of the existing layby and extend it to the northwest by 35m. There will be no permanent loss of parking spaces.

- An application of this scale does not attract the need for an Environmental Impact Assessment.

- Should the application be approved then a proportion of the homes would be designated as affordable housing in accordance with the council's policies.

- The site does not border with any part of the scout hut or its land. The line of the former canal is in between and thus the two sites are separated by a distance of 21m.

- WSCC raise no objections to the distance of the new access from nearby existing accesses.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENT AGENCY - no objection subject to a condition to ensure that piled foundations are not used without consent. Also require standard contamination conditions.

NATIONAL HIGHWAYS - no objection subject to a condition to ensure the proposed A27/Yapton Lane junction improvements are completed before any of the dwellings are occupied. State failure to impose this condition will require consultation with the Secretary of State for Transport.

SOUTHERN WATER - no objection subject to a standard condition.

WSCC HIGHWAYS - no objection to the proposal subject to conditions to secure cycle storage, a Construction Environmental Management Plan (CEMP) and a Travel Plan.

WSCC DRAINAGE - object because the FRA & Drainage Strategy is not in accordance with the NPPF, Planning Practice Guidance (Flood risk and coastal change) or local policies. This means that flood risk could increase elsewhere.

WSCC FIRE & RESCUE - request a condition to secure fire hydrants.

WSCC EDUCATION - objection due to it not being possible to expand secondary school provision for pupils arising from the development, and the lack of an allocated or secured site for a new secondary school. Until such time that the new secondary school has been built & opened, would require a contribution towards home to school transport in order to enable pupils to access schools outside the district.

COUNCIL's DRAINAGE ENGINEER - objects as at present there is insufficient evidence has been submitted to show that the proposed number of units, the landscaping and layout are implementable without detrimentally impacting surface water drainage for the site. In addition, the Flood Risk Assessment and Drainage Strategy does not meet the design requirements.

COUNCIL's ECOLOGIST - no objection subject to conditions to secure the ecological appraisal recommendations, secure a CEMP, secure a Landscape and Ecological Management Plan (LEMP), secure a biodiversity enhancement strategy and a wildlife sensitive friendly lighting scheme.

COUNCIL's ARCHAEOLOGIST - no objection subject to a standard condition. Agrees with the conclusions of the desk-based assessment study regarding the potential impact of this proposal on deposits of interest.

COUNCIL's ENVIRONMENTAL HEALTH OFFICER - no objection subject to conditions re contamination, construction hours, construction management and lighting. Also requests that the application consider its impact on local air quality.

COUNCIL's TREE OFFICER - following receipt of an amended Tree Report including an Arboricultural Method Statement & Tree Protection Plan, advised that the previous objection can be lifted.

COUNCIL's LANDSCAPE OFFICER - no objection subject to appropriate landscape conditions with the following comments:

- The location of the areas of POS would appear to cater for the existing hedges along the western boundary and for the intermittent trees.

- The Landscape and Visual Impact Assessment (LVIA) concludes that "some adverse visual effects are likely to be felt by receptors (people) in the landscape immediately surrounding the site and that these effects would be limited to a small number of locations where views of the proposals would be possible and that the majority of these would be mitigated by the proposed planting in the medium and long term. That in considering the development as a whole it is clear that the effects are limited and are focussed primarily on a few locations in the public domain immediately adjacent the site and from a few private residences immediately surrounding the site. In the wider context the effects on overall visual amenity are very small."
- There would be a requirement for 1,650m2 as a minimum of well connected, usable, quality POS provision.
- This development will trigger trigger the requirement for play in the form of onsite LAPs provision, which would need to be suitable for location in material choice and play experience offer.
- It is essential that SuDS drainage features do not impact on the usable levels of public open space and should not be included in the 'usable open space calculations'; and
- The potential impact on the location would require that Landscaping be provided as mitigation towards screening and softening of the development.

COUNCIL's CONSERVATION OFFICER - advise that the proposal will result in less than substantial harm to the setting of the Yapton Main Road Conservation Area, the setting of the nearby locally listed buildings and the setting of the former Arundel to Portsmouth canal. Also raises concerns with the design, layout and proposed materials which do not reflect the existing local vernacular.

COUNCIL's ECONOMIC DEVELOPMENT OFFICER - no comment other than to request a condition to secure an Employment and Skills Plan.

COUNCIL's HOUSING STRATEGY & ENABLING MANAGER - no objection subject to a legal agreement to secure the 6 affordable homes comprising of 5 x affordable rented and 1 first home.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted except as discussed below:

WSCC DRAINAGE - A revised Drainage statement was supplied on 24/02/23. No response has been received.

WSCC EDUCATION - This development does not itself generate a need for a new secondary school and there is also no policy requirement for the development to provide a school on the site or to fund the whole cost of one elsewhere. It is material that CIL contributions can be used to fund new school facilities and the developer will be liable for such.

WSCC raised similar concerns in respect of the recent Land South of Barnham Station appeal, but the Inspector dismissed this stating "if allowed, the appeal proposal would be subject to a CIL liability in terms of contributing to wider infrastructure needs such as health and education". It is important to ensure consistency of decision making. It has been agreed with WSCC that ADC will revisit looking at potential secondary school sites, but it is unreasonable to reject this application solely on the absence of a secured school site when an appropriate contribution through CIL will be secured towards its delivery.

WSCC provide a formula to calculate the transport contribution but this relies on the 'child product' to calculate the amount. and this has not been given. Further advice from WSCC stated

"At this time we can only give a formulaic response. The actual figures will be finalised in the agreement based on the actual build out rate of the housing trajectory, which is not yet known. Once we have the

definitive type & tenure of the housing mix and the build out rate it will be calculated based on the s106 calculator. In the interim we can only work on the pupil multiplier of 18 secondary pupils per 100 dwellings (or 3.6 per year of age) which gives an indicative anticipated cost to the developers."

The formula therefore suggests a total contribution of £82,598 (£5,162.40 x 16 years). However, WSCC do not advise whether this can be secured by a s106 legal agreement or through CIL. As such, it is not recommended that this be included as a refusal reason.

COUNCIL's DRAINAGE ENGINEER - A revised Drainage statement was supplied on 24/02/23. This has been reviewed but engineers advise that it has not been amended to take account of their objection (rather that of WSCC), therefore their objections still stand.

POLICY CONTEXT

Designations applicable to site:

- Outside the Built-Up Area Boundary (BUAB).
- Within 20m of the Yapton Main Road Conservation Area.
- Adjacent the former Portsmouth & Arundel Canal.
- Opposite to 4 x locally listed buildings.
- Grades 1 Agricultural Land.
- Currently predominantly Flood Zone 1 but with Zone 2 in the NW corner.
- Area of Advert Special Control; and
- CIL Zone 3.

The site is not within a waste site buffer, a mineral protection area, the Lidsey treatment catchment area or an Archaeological Notification Area.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

AHSP2	AH SP2 Affordable Housing
CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitagation
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
HERDM5	HER DM5 Remnants of the Portsmouth and Arundel Canal
HERSP1	HER SP1 The Historic Environment
HSP1	HSP1 Housing allocation the housing requirement

HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
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
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

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 E3	Protection of natural habitats
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 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 H3	Dwellings appropriate for the needs of older people
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
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan, 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.

Certain Yapton Neighbourhood Development Plan (YNDP) policies are relevant. Yapton are working on a revised Neighbourhood Development Plan (YNDP2) which is currently at the regulation 17 stage such that it is necessary to refer to the emerging policies (which propose modifications to the current policies). However, there is currently a challenge to the Plan which has held up its progress. This serves to reduce the weight to be attributed to the plan.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal conflicts with relevant Development Plan policies in that the site is located in the countryside, on best & most versatile agricultural land, that the design of the houses are inappropriate to the character of the area, that the housing mix is not policy compliant, that there will be harm to heritage assets and that the proposal does not demonstrate an appropriate drainage strategy.

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

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

OTHER MATERIAL CONSIDERATIONS

There are other material considerations to be weighed in the balance with the Development Plan and these are set out in the Conclusions section below.

CONCLUSIONS

PRINCIPLE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the plan unless material considerations indicate otherwise. However, section 38(5) of the Planning and Compulsory Purchase Act 2004 states: "If to any extent a policy contained in a development plan for an area conflict with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Until such time as the YNDP2 is made, any conflict between the current YNDP and the ALP would be resolved in favour of the ALP.

Paragraph 14 of the NPPF currently states where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably outweigh

the benefits if four specific criteria apply:

a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made.
b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.
c) the local planning authority has at least a three-year supply of deliverable housing sites (against its five-year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and
d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.

In January 2023, the council published its Authority Monitoring Report (AMR) for 2021/22 and this shows that the Housing Land Supply (HLS) is currently 2.36 years. On the basis of the current HLS and the age of the YNDP, para 14 of the NPPF does not apply. It is acknowledged that Yapton has significantly contributed to the HLS shortfall however there is still an unmet need across the whole district and this needs to be considered in all locations despite previous contributions.

On the basis of the new AMR, the policies most important for the determination in the ALP (C SP1) have reduced weight as Arun cannot demonstrate an adequate supply of housing land. The policies in the YNDP have even less weight because they relate to out-of-date housing needs, as the policies were based on the 2003 Local Plan and early versions of the then emerging Arun Local Plan.

The Arun Local Plan (ALP):

Policy H SP1 sets out an overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes reference to additional non-strategic allocations being made across the District, through reviews of Neighbourhood Plans and in cases where there is no up-to-date Neighbourhood Plan, through the publication of a "Non-Strategic Site Allocations Development Plan Document". It is no longer planned to prepare this document. Instead, the ALP is to be subject to a formal review, but this is currently on pause. The emerging YNDP2 does not allocate additional housing land (but does amend the BUAB) and instead acknowledges the contribution to housing need made by dwellings which had planning consent as of March 2021.

Policy C SP1 states residential development in the countryside outside the BUAB will not be permitted unless it accords with policies in the Plan which refer to a specific use or type of development. None of these relate to the proposal. Policy SD SP2 states development should be focused in the BUAB. The application therefore conflicts with ALP policies C SP1 and SD SP2.

The Yapton Neighbourhood Development Plan (YNDP):

The YNDP was made in November 2014 on the basis of saved policies in the 2003 Arun District Local Plan and the draft policies in the 2014 publication version of the emerging ALP. The site is outside of the BUAB in the YNDP and policy BB1 states development outside the BUAB will not be permitted unless in accordance with 4 listed criteria. Criteria 1-2 & 4 are not relevant to the proposal, but number 3 is where the development relates to additional allocations for housing land in accordance with policy H1.

Policy H1 allows for a buffer of up to an additional 20% of the ALP housing requirement of 100 dwellings for the Yapton Neighbourhood Plan area. This 20% buffer has been achieved and far exceeded through applications permitted since the YNDP was made. Beyond the 20%, the policy states any further housing development will only be permitted if it has been demonstrated that either the expected child yield would not result in the Yapton CE Primary School exceeding the maximum number of children permitted or that appropriate modifications and/or extensions to the school can be delivered at the developer's expense. Any approval of this development would be subject to a CIL contribution but there is no certainty that

such money would be spent improving the Yapton Primary School. The application conflicts with policy H1.

The emerging YNDP2 proposes to modify the BUAB to take account of the permitted sites as of March 2021 which were previously outside the existing defined area, but this change will not have any bearing on the designation of this site.

The NPPF:

The NPPF is an important material consideration in determining applications. As the council cannot demonstrate a 5-year HLS, para 11(d) of the NPPF and the application of the 'presumption' for sustainable development would be triggered.

This states where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for applications involving the provision of housing where a 5-year HLS cannot be demonstrated), planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

Part (i) does not apply to this determination as the site does not lie in a protected area. The part (ii) test will be applied at the end of this report.

Other Material Considerations:

The council's Action Plan (June 2019) made a series of recommendations to boost housing delivery. It recommended the council consider inviting applications from landowners / developers on 'deliverable' Housing & Economic Land Availability Assessment (HELAA) sites to re-establish the 5-year housing land supply. The site (ref NEWY17) was stated to be 'developable' (not deliverable) in the 2021 HELAA and so would not benefit from support from the Action Plan.

In February 2021, Arun published an Interim Policy Statement for Housing Delivery (IHS). This is not policy but is meant as a guide for developers proposing development on sites outside the BUAB and to inform decisions. The IHS applies to sites adjacent to settlement boundaries and this site meets the criteria as there is BUAB to the immediate southeast and east. The IHS sets out criteria to help speed up determinations of suitable residential developments. The application states the proposal meets all but one of the criteria (the exception being the site is not in the BUAB) and scores highly against the criteria.

In January 2022, the government published Arun's most recent Housing Delivery Test (HDT) results and showed that Arun achieved 65% triggering the application of the presumption in favour of sustainable development (although this is already being applied due to the HLS shortfall). HDT results for 2023 are expected in the near future.

Sustainability:

ALP policy SD SP1 "Sustainable Development" states the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Para 8 of the NPPF states that in order to achieve sustainable development; economic, social, and environmental gains should be sought jointly and simultaneously through the planning system.

The site, despite being outside the BUAB, is adjacent to the defined settlement edge and is in a

sustainable edge of settlement location. Together with proposed footway improvements to the southeast of the access junction, it will be possible to walk from the site, link with footways close to the Drove Lane junction and then cross the road to footway on the opposite side. From there it is possible to walk in a south easterly direction to the centre of Yapton.

It will be possible in the future to walk through the Bonhams field site (being delivered by Seawards), and through the adjoining Stakers Farm site (being delivered by Dandara) to reach North End Road where the primary school and a doctor's surgery are. In addition, once the strategic site off Drove Lane is complete, it will be possible to walk or cycle through it to reach Bilsham Road on the south side of Yapton where there is another doctor's surgery. Presently, the site is a walk of approximately:

- 600m from the Yapton Community Centre/sports pitches.
- 660m from Yapton's Co-op/Butchers/Chip Shop.
- 607m from the Primary School; and
- 440m from the nearest surgery.

There are bus stops a short walk 330m to the southeast (on both Main Road and North End Road). These are served by numbers 66A, 66C and 665 which provide access to Walberton, Bognor Regis and Littlehampton (and stops in between). Although public transport may not be particularly attractive in terms of frequency, it does exist as an alternative. It is also possible to cycle to access nearby facilities.

The applicant has provided a residential travel plan and sustainability statement which together detail the accessibility credentials of the site, improvements to facilitate walking in the vicinity of the site, provision of cycle storage & electric vehicle charge points, promotion of car sharing, and provision of information on walking/cycling/buses/rail to new residents. Whilst the private car could be required for certain journeys, new residents would not need to rely on a car for local journeys.

The application, if permitted, will be required to ensure dwellings comply with the prevailing requirements & standards in respect of energy efficiency, energy performance and reducing water consumption. Electric vehicle charging points, superfast broadband, the new footways, cycle storage and a Travel Plan will help to minimise the need to travel across the entire site and thus reduce travel emissions. There will be some harm to wildlife, but this will be limited given the arable nature of the site whilst the impact can be mitigated by conditions and by biodiversity net gain measures. There will only be limited tree felling.

The whole proposal will provide 6 affordable dwellings and a total of 20 dwellings to contribute to current housing land supply shortfall and help to meet future needs. Five of the homes will be designed to be suitable for older people.

The whole proposal will result in the creation/maintenance of existing construction sector jobs & wages whilst also contributing to the overall long-term prosperity of businesses in the Arun district in perpetuity. The development will result in additional Council Tax revenues & potential new homes bonus payments whilst CIL receipts (in part to be determined at reserved matters stage) could be used to contribute towards local infrastructure.

Notwithstanding the loss of the agricultural land (which has an economic cost), the proposal as a whole meets the economic, social, and environmental aspects of sustainable development and the presumption in favour of sustainable development is engaged.

Conclusion on Matters of Principle:

The principle of the proposal conflicts with the ALP and with the current & emerging YNDP. It is material that the council cannot demonstrate an appropriate HLS and that it has invited applications on sites

adjacent to settlements in sustainable locations. Due to the HLS position, the application falls to be determined by the NPPF presumption in favour of sustainable development.

AGRICULTURAL LAND:

The application is accompanied by a Soil Resource Survey. This states that the on-site soils are predominantly Silty Clay Loam which are unlikely to perform well in residential back gardens or as landscaping as they will be prone to compaction, at higher risk of waterlogging, surface water ponding and poor grass growth. Measures are recommended to make the soils more suitable for such purposes and the report states that a soil resource plan would need to be prepared (through a condition) to secure the protection and mitigation of the soils.

The report does not identify the grading of the on-site soils but as per the map at Appendix 4 of the YNDP, these are likely to be classified as grade 1 agricultural land (best and most versatile). The YNDP map is based on data provided by the national Provisional Agricultural Land Classification Grading system (ALC). It is not based on site specific surveys but instead is assessed using various criteria including temperature, rainfall, aspect, exposure, frost risk, gradient, micro-relief, flood risk, soil depth, soil structure, soil texture, ground-based chemicals, and stoniness. The ALC uses a grading system to assess and compare the quality of agricultural land at national, regional, and local levels. It assesses the potential for land to support different agricultural uses, such as growing crops for food but it does not consider the land's current use or intensity of use.

The land clearly is currently used for arable crop purposes (wheat) and is a large field which is bordered by additional agricultural land to the northwest and southwest. It has the benefit of an existing access from the road and a secondary access into the adjacent (much larger) field.

ALP policy SO DM1 states unless land is allocated, then the use of Grades 1, 2 and 3a (Best & Most Versatile Land or BMV) of the ALC for development not associated with agriculture, horticulture or forestry will not be permitted unless the need for the development outweighs the need to protect such land in the long term.

YNDP policy E1 states "Planning permission will be refused for development on grade 1 and grade 2 agricultural land unless: it involves the granting of planning permission for the development of the identified housing allocations or for any additional housing sites required by Policy H1." The proposals clearly conflict with this policy.

In allowing an appeal at Clays Farm (also Yapton) relating to a refusal on loss of grade 2 agricultural land (Y/62/18/OUT), the Inspector noted the site was not being used for agriculture and that there was no evidence that the site would be so used in the future. The Inspector stated whilst this does not in itself justify the loss of agricultural land, it does act to reduce the level of environmental and economic harm caused by its development. The Inspector considered the loss of the grade 2 agricultural land represented only moderate harm and that the benefits of 33 new homes outweighed this harm.

Although this site is used for crops, the council's housing land supply shortfall is significant and agricultural land will need to be built on to meet the shortfall. Most of the countryside surrounding the main coastal towns in Arun is characterised as BMV land. It is difficult to avoid new development on the edge of such settlements without the loss of some BMV land. Sites that are close to existing settlement boundaries such as this would be preferred to meet the housing need. On balance, the housing land supply need does serve to outweigh the loss of the agricultural land.

Policy SO DM1 makes it clear that in order to fully justify the loss of the agricultural land, the policy criteria (a) to (b) and (d) to (g) should be met. These require assessment of the land's economic status,

the land's environmental & other benefits and mitigation measures. The applicant has not responded to these criteria and has not provided a Soil Resource Plan (although this can be secured by a condition). Whilst the need for the whole development is accepted, there is conflict with the other parts of the policy.

FLOOD RISK:

The site is predominantly in Flood Zone 1 (FZ) which is low risk, but the north-western boundary and north-eastern corner are noted as being within FZ2. These areas lie close to an existing watercourse. Climate change predictions suggest this area will not enlarge in future years.

ALP policy W DM2 refers to the sequential and exceptions tests, need for a Flood Risk Assessment (FRA) and mitigation. Policy ECC SP1 states development must be located & appropriately designed to adapt to impacts arising from climate change such as the increased probability of tidal and fluvial flooding. Government guidance requires the submission of a sequential site assessment where a site is at substantial risk of current or future flooding. YNDP Policy E11 requires developments be designed and constructed to minimise the overall level of flood risk in the parish.

It is material that the extent of FZ2 does not affect any of the housing and instead affects areas shown as public open space and for biodiversity net gain. No home will be at risk of flooding and there is high ground for people to escape to should there be a rapid flood event whilst they are using the open space. There will be no harm to the safety of future occupiers and there is no need for a sequential assessment or the exceptions test. The Environment Agency have reviewed the Flood Risk Assessment (FRA) and raise no objections. There are no conflicts with the relevant development plan policies.

TRAFFIC & ROAD SAFETY:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking. Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes.

Para 110 of the NPPF states: "In assessing ... specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para 111 states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The application proposes a new access onto Main Road with the existing accesses then closed. The access will join the highway close to the existing Drove Lane junction to the southeast (16m) and the new access into the Bonhams site to the east (9m). The access will interfere with the existing parking layby therefore it is proposed to extend it by 35m at its northern end.

Pedestrians will be able to exit the site to the south then cross the road to reach continuous footway heading into Yapton on the opposite side. They (and cyclists) will also be able to access the adjacent strategic site without needing to cross any roads and from there use the new cycleway to reach Bilsham Road and from there, the cycleway along the A259 between Littlehampton and Bognor Regis. There is also to be footpath access through the Bonhams site opposite and then through a further site to reach the primary school as an alternative to Main Road/North End Road.

Neither National Highways nor WSCC Highways raise any objections (subject to conditions). A Road

Safety Audit has been provided and agreed by WSCC. All of the recommendations of this would be achieved through the separate s278 agreement. The proposed footway improvements and new crossing gain support from ALP policies T SP1 & T DM1 which require development to reduce the need to travel by car and give priority to pedestrian and cycle movements. No concerns are raised in respect of safety given the position of the nearby accesses or the anticipated increase in traffic in the village.

The extension of the layby will ensure no loss of existing parking for residents whilst securing necessary visibility splays for the new access. The council's Parking Standards SPD sets out a need for 43 allocated spaces and 4 visitor spaces (47). The layout shows 35 allocated spaces, 17 garages (of the correct dimensions) and 4 visitor spaces. This equates to a total provision of 48.5 spaces (as garages are treated as providing half a space each) which exceeds the requirement. YNDP policy PK1 sets out the same standards as in the SPD and there is no conflict with this policy. The applicant has also agreed to provide 5 wheelchair suitable spaces within the layout which meets the guidance in the SPD and the Arun Design Guide. The submitted plans show that cycles will be stored in either garages or small sheds in rear gardens which is acceptable. The SPD requires a single cycle space for 1/2-bedroom houses and 2 spaces for 3+bed houses.

No sustainable/active transport links are proposed with the only pedestrian access being on to Main Road. The location of the site does not really lend itself to links with adjoining land. Whilst a more direct route through the south-eastern boundary to the proposed cycleway could be feasible, the proposal to link to this by way of new pavement on the south-eastern side of the access point is more practical and avoids the need to remove trees/hedging and to clear wildlife habitat. To achieve a link to the footpath to the west would require a new footpath to be laid across the line of the historic canal which could be harmful to this heritage asset.

The proposal is compliant with relevant development plan policies and the guidance on highway safety within the NPPF.

HERITAGE:

The south-eastern boundary of the site is adjacent to the Yapton Main Road/Church Road Conservation Area (approximately 20m from the edge of this). The site is also around 70m from a Grade II Listed Building with further such buildings beyond this to the southeast. There are four locally listed buildings directly opposite the road frontage. For the purpose of the NPPF, these are classed as Non-Designated Heritage Assets (NDHA). Finally, both the former canal (to the west) and Drove Lane to the southeast are also NDHA. The latter was established as such in the determination of the adjacent strategic site.

Relevant Arun Local Plan (ALP) policies are HER SP1 (The Historic Environment), HER DM1 (Listed Buildings), HER DM3 (Conservation Areas) and HER DM5 (Remnants of the Portsmouth and Arundel Canal). HER SP1 states that development likely to prejudice heritage assets (including NDHA) and their settings will be refused. Policy HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings. HER DM3 lists criteria for proposals affecting the setting of a Conservation Area and those relevant are:

(a) New buildings and structures should acknowledge the character of their special environment in their layout, form, scale, detailing, use of materials, enclosure and the spaces created between buildings; and
(f) It does not harm important views into, out of or within the Conservation Area.

HER DM5 states development will not be permitted where it would adversely affect the line and configuration of the remaining sections of the canal. The proposal is simply adjacent to the line of the canal and does not physically affect it. YNDP policy E8 states that development proposals will be required to preserve or enhance the character of conservation areas.

It is necessary to consider the guidance in the NPPF which sets out steps that must be followed when considering impact on heritage assets. Para 194 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 195 then requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that is affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal and decide whether there is no harm, 'less than substantial harm' or 'substantial harm'. Where 'less than substantial harm' is identified then this must be balanced against the level of public benefits associated with the proposal (as set out in para 202). Separately, in respect of NDHA, para 203 states 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 harm or loss and the significance of the heritage asset.

The submission includes a heritage statement which does describe the significance of the heritage assets and the council's conservation officer raises no objection to this although there are differences in opinion regarding the impacts. The conservation officer advises the following:

- On balance, with the mitigation measures (landscaping) in place, the proposed development would have a neutral impact upon the settings of the listed buildings to the south-east.
- The special interest of the listed windmill to the north-west would not be harmed by the proposal.
- There would be less than substantial harm (on the lower end of the spectrum) from the introduction of development to previously undeveloped agricultural land within the conservation area's immediate setting.
- Despite the proposed mitigation measures (set back of buildings & landscaping), a low degree of harm would take place to the significance of the locally listed buildings arising from the introduction of new development on previously undeveloped agricultural land within their immediate settings; and
- There is potential that based on the height of the proposed buildings, they would be seen from both Drove Lane and the canal which would influence their current character and reduce the sense of rurality within their immediate surroundings.

Given the less than substantial harm to the conservation area, it is necessary to weigh this harm against the public benefits that the development may achieve. The applicant identifies these as being:

- Sustainable Development
- Boost Housing Supply
- Biodiversity enhancements that would otherwise not be achieved
- Economic benefit from construction
- Supports the Council's declared Climate Emergency - goes above current standards in this regard

These are agreed with the exception of the last one as, notwithstanding the green credentials of the houses, the proposal is to urbanise an existing field. In addition, it is clear that the proposal will result in an increase in Council Tax receipts and potential 'New Homes Bonus' payments from the Government*, a new tactile paved crossing point, new road markings to reinforce the 30mph speed limit, financial contributions arising from any CIL payments towards local infrastructure and additional spending by new residents on goods & services (albeit not necessarily in the local area).

* the New Homes Bonus is a local finance consideration and as noted in the Development Plan Background section above, section 70(2) of Town and Country Planning Act 1990 (as amended) provides that local planning authorities should have regard to any local finance considerations, so far as material to the application.

Given the low degree of 'less than substantial' harm to the conservation area, this is capable of being

outweighed by the scheme benefits and so NPPF paragraph 202 could be satisfied. There remains some harm and this is particularly the case due to the inappropriate design of the homes as discussed elsewhere. Whilst harm to the setting of the locally listed buildings and the other NDHA is low, there remains harm and this is as a result of the design and appearance of the homes.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ... 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." Section 72 states: "In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area." It was accepted in Jones v Mordue EWCA Civ 1243, 1 W.L.R. 2682 that if the approach in the NPPF paragraphs is followed, then the section 66(1) duty is likely to have been properly performed.

Although the public benefits and mitigation measures are such that a balancing exercise could find in favour of the development, there remains some harm and this is linked with the council's concerns with design and character as discussed below. As such, it is not possible to determine that the impact on heritage assets is acceptable.

LANDSCAPE, CHARACTER, DESIGN & DENSITY:

ALP policies D SP1 and D DM1 require development to make the best possible use of land by reflecting or improving on the character of the site/surrounding area. Policy LAN DM1 states development should respect the particular characteristics & natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas. Policy AH SP2 seeks to ensure affordable housing is visually indistinguishable from market housing and that layouts avoid large clusters.

YNDP policy H1 refers to encouraging small-scale residential developments that are sympathetic to their surroundings and providing well-designed dwellings that are sympathetic to the character of the village. Emerging YNDP2 policy H4 encourages high quality & sympathetic design, appropriate density, and sufficient outdoor space. YNDP2 policy E1 (soils) proposes to include a requirement that development must protect and enhance the character and quality of the Yapton landscape character area.

Section G of the Arun Design Guide (ADG) suggests a density for village locations of 15-25 for detached/semi-detached houses, 20-30 for terraced houses and 30-50 for flats. The density should be appropriate to the location, balancing the need for efficient use of land with a design that responds to and enhances the existing character. The gross density of the whole site is 13.8 dwellings per hectare. The density of the adjacent strategic development is higher than this at 22.9 dwellings per hectare whilst the Bonhams site opposite is 17.5. It is appropriate for density to decrease away from the settlement centre or on sites outside of the defined settlement area and so there are no concerns with this density.

Section J refers to building design and states new development must ensure the existing character and sense of place of an area is respected and enhanced. This can allow for new design forms but only where these take cues from well-designed elements of the area. New development should generally reflect the scale of existing buildings and should not detract from the character and appearance of the building and local area.

There are no concerns with the layout which is appropriate to the shape and size of the site. The layout incorporates an area of Public Open Space (POS) that is in excess of the requirements. Whilst this is situated entirely at one end of the site and is in conflict with the ADG which makes clear that open

spaces should be clearly integrated in the scheme, it is material that the POS is situated in the area of the site in the flood risk zone. This is a relatively small site and so the POS can be easily accessed from all proposed dwellings. It is also overlooked by a mix of principal and secondary windows on the flanks of plots 17/18 and the rear of plot 20.

Although five of the proposed affordable dwellings are adjacent to each other, in practice they are accessed from separate locations. The 6th dwelling is also in a different place. There is no clustering of the affordable housing. It is acknowledged that the only proposed terrace is to be occupied by affordable housing however there is no difference in design quality between the market and affordable homes. As such, there is no conflict with AH SP2.

There are no concerns with the scale of development. The addition of a bungalow is positive and although it appears a little out of place alongside two storey dwellings in the main streetscene, in practice it will be hidden by existing boundary treatment along the road frontage with only glimpsed/passing views from outside the access. The council's landscape officer raises no concerns in respect of landscape impact and subject to a landscaping condition, there would be no conflict with ALP policy LAN DM1.

However, there are concerns with the design and appearance (including materials) of the houses. These aspects of the proposal are out of character with the local vernacular and inappropriate in an edge of settlement location. The immediate area of the site is characterised by fairly traditional houses in brick, flint, hanging tiles and with some rendered elements. They have chimneys, predominantly hipped roofs (with no instances of front gables) and no obvious windows in the roofs above first floor level.

In particular, the locally listed buildings opposite use a simple palette of traditional materials, have a variety of window styles/sizes, a varied height which gives a pleasing appearance, a ridge line parallel to the road and the presence of a pitched roof enclosed porch. Even the more modern new houses currently being built have been designed to respect the existing heritage assets. The dwelling on the front of the Seawards site immediately opposite the proposed access is in brick and flint with brick course surrounds, eaves level first floor windows, a hipped roof and chimney. Those dwellings in the strategic site to the south are also of a more traditional design.

In stark contrast, the proposed dwellings are very modern in appearance, utilising modern material choices and a mix of colours that does not respect the local vernacular. In particular the frontage streetscene shows the majority of visible homes will have front gable roofs, be in a mix of deep red and grey colours, include modern flat roof porches, non-traditional windows, non-traditional bays/projecting windows and include velux windows in some roofs. This design and appearance may be appropriate within a modern settlement or tucked away within a much larger site (although this style is not apparent in the 300-home strategic site) but is not appropriate to this edge of settlement location which has a distinctly traditional and rural character and is close to several heritage assets.

In addition to commenting on heritage, the council's conservation officer has also commented on the design aspects of the scheme stating that:

- The submission states the proposal does not seek to respect the local vernacular but instead is proposed to be a 'bespoke collection of contemporary agricultural barns and groups of buildings".
- It continues stating the aim is to create something unique which draws on the history of spacious historic farmsteads at the edges of the village and not to create something that is pastiche or urbanised.
- However, given the predominantly detached nature of the houses and the layout, the scheme does not resemble a farmstead and so does not fit the proposed narrative.
- It is unclear how the designs, elevation treatments and materials have been identified based on an assessment of the area.
- The locally listed buildings opposite are good examples of the local vernacular, and these could have

been used to inform the design of the proposed houses.
- These have fairly simple characteristics which are features of the local area and should inform any new development.
- Whilst the neighbouring housing estates are not the best examples of new development, they at least 'attempt' to reflect some of the building features/materials of the locality.
- It is therefore a shame to see that the houses proposed as part of this application fail to do this, even if in a more modern way.
- The use of materials generally is problematical, and it is not clear why buff brick has also been proposed, when it is not a prominent material in the conservation area.
- The use of Cedral cladding is also not appropriate for such a location and is out of character with the local vernacular houses.
- It has to be remembered that traditional vernacular can be used based on an assessment of the local area but treated in a modern way so as to create a unique area with its own identity, whilst avoiding the need to resort to pastiche; and
- At the present time, the proposed development does not achieve a positive impact upon the site or the immediate area and is therefore out of character.

The local planning authority concurs with these views which support those expressed above. The proposal by virtue of design and appearance (including materials) is in conflict with policies D DM1, D SP1 and the Arun Design Guide. In addition, as it is the design and appearance of the development that generates harm to the nearby designated and non-designated heritage assets, this results in additional policy conflicts as set out above.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The ADG sets out guidance on interface distances between houses:

- Back-to-Back: min. 21m between habitable rooms of properties or to existing buildings.
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property.
- Front to Front: min. 16m between habitable rooms of properties facing each other.
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.
- There are no standards for either side to side or front to back.

The layout has been assessed using the Design Guide standards and there are no shortfalls versus the standards in respect of the relationships between houses and to nearby houses. The new access and use of the site as a whole will result in an increase in activity levels on this part of Bilsham Road but existing residents here are already adjacent to a main road where traffic and activity is to be expected. Increased activity levels will contribute to a change in character but this will not be detrimental to the amenities of existing residents. There is no conflict with relevant development plan policies.

QUALITY OF ACCOMMODATION:

ALP policy D DM2 states that internal spaces should be of an appropriate size and that the Nationally Described Space Standards provide guidance. The full application demonstrates all dwellings meet or exceed the required standards.

The ADG requires rear gardens to be a minimum of 10.5m deep and front gardens at least 2m. The layout has been checked and all residential gardens are at least 10.5m deep with the exception of plot 20 at 10.3m. All front gardens meet the requirement except for plots 3-6 which front straight onto a shared

surface courtyard. Whilst not all of these standards have been met, the ADG is guidance not policy and so allows for a degree of flexibility.

HOUSING MIX:

ALP policy HDM1 seeks a mix of dwelling types and sizes to address the nature of local housing needs and market demand. The policy preamble (12.2.4) acknowledges that the final mix will be negotiated on a site-by-site basis, having regard to the most up to date Strategic Housing Market Assessment (SHMA).

Paragraph 63 of the "Updated Housing Needs Evidence" (September 2016) stated the evidence highlights a direction towards the provision of 2 and 3 bed units for market units and smaller affordable units. Paragraph 6.10 then states 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 of market housing by size for the District:

- 1-bed dwellings: 5-10% of all dwellings.
- 2-bed dwellings: 40-45% of all dwelling.
- 3-bed dwellings: 35-40% of all dwellings; and
- 4+ bed dwellings: 10-15% of all dwellings.

Separate ratios are given for affordable rented and intermediate/starter homes however this element of the mix would be separately agreed through the s106 legal agreement and reflect the advice of the Housing Strategy Manager. YNDP policy H2 (which is not proposed to be amended) requires the following mix for developments of fifteen or more dwellings:

- 1-bed dwellings: 10-15% of all dwellings.
- 2-bed dwellings: 25-35% of all dwellings.
- 3-bed dwellings: 45-55% of all dwellings; and
- 4+ bed dwellings: 5-10% of all dwellings.

The proposed development comprises the following mix (expressed as the number and % of market only units (14) and the number and % of market & affordable combined (20) in order to show compliance with both of the above housing mix ranges):

- 1 / 3 x 1 bed dwellings (7% / 15%).
- 2 / 5 x 2-bed dwellings (14% / 25%).
- 8 / 9 x 3-bed dwellings (57% / 45%); and
- 3 / 3 x 4-bed dwellings (21% / 15%).

In respect of the Updated Housing Needs Evidence mix, the scheme conflicts in terms of the 2, 3 & 4 bed proportions. Against YNDP policy H2, the mix conflicts only in respect of the 4-bed proportion.

The YNDP policy is now old and although, as per section 38(5) of the Planning and Compulsory Purchase Act 2004, the ALP takes precedence, the Housing Needs evidence predates the adoption of the ALP. The application makes no attempt to justify the mix but due to the age of the policy/guidance and the relatively small-scale nature of the site, it would not be sustainable to refuse on this basis.

HOMES FOR OLDER PEOPLE:

YNDP Policy H3 requires that a minimum of 25% of the 1, 2 and 3 bed dwellings are delivered to Lifetime Home Standards. The emerging YNDP2 proposes to retain this policy with no amendments. The lifetime

homes standard was replaced by the M4(2) standard in the Building Regulations. In order to comply with the YNDP policy, the full application should provide 4.25 no. M4(2) homes. The application has been amended to show this provision with 5 dwellings split between the affordable and market tenures.

Arun has an agreed internal policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). This is not adopted policy or a supplementary planning document but is considered to have some weight as a material planning consideration and is supported by references in ALP policies D DM1 & D DM2. This would require 7 M4(2) homes. However, in this case, it is outweighed by the YNDP policy, and it would be difficult to justify an objection given that the YNDP requirement has been exceeded.

SURFACE WATER DRAINAGE:

ALP policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS) as appropriate to the size of development. YNDP Policy E11 requires developments be designed and constructed to minimise the overall level of flood risk in the parish; and provide surface water drainage.

A drainage strategy forms part of the submitted FRA and has been reviewed by the council's drainage engineers and by the Lead Local Flood Authority (LLFA). This proposes permeable paving with an under-drain system to take water either to the ditch along the north-western boundary or to swales situated along the north-eastern boundary. Prior to outfall into the ditch, water will be fed through a proposed pond (which will also take excess from the swales). Both the swales and the pond will also provide biodiversity benefits. The pond is situated outside of the FZ2 area.

The council's drainage engineers raise an objection stating that there is presently insufficient evidence to show that the proposed number of units, the landscaping and layout are implementable without detrimentally impacting surface water drainage for the site. They also advise that the drainage strategy does not meet their design criteria. In particular they argue that infiltration to ground cannot be ruled out without test results, and this should always be considered first before moving to other options (as per ALP policy W DM3). This objection was put to the applicant, but they have not responded. As such, there is currently an unresolved conflict with policy W DM3.

FOUL DRAINAGE:

ALP policy W DM1 states all major developments must demonstrate, that adequate drainage capacity exists or can be provided as part of the development. Where adequate capacity does not exist, there will be a requirement that facilities are adequately upgraded prior to the completion and occupation of development. There is no requirement for a full Drainage Impact Assessment as the site does not lie within the Lidsey Treatment Catchment designation.

The FRA states there is an existing 350mm public foul sewer running along the north-eastern boundary of the site within the B2233 (Main Road). It is proposed to connect to this with a 150mm gravity fed pipe.

Whilst the concerns of residents are acknowledged, there is no objection from Southern Water and it is material that, as per Ofwat rules, where a development can communicate directly to an existing public sewer system at no more than the existing pipe diameter, there is no requirement to undertake a capacity survey and the new connection would be subject to standard infrastructure charges. There is no conflict with policy W DM1.

POLLUTION IMPACTS:

ALP Policy QE DM3 requires that major developments are in easy reach of established public transport services, maximise provision for cycling & pedestrian facilities, include electric car charging points and contribute towards the improvement of the highway network. An Air Quality Assessment has not been provided but there is a Sustainability Assessment and Travel Plan which together include measures to reduce the need to travel by car. They also propose the provision of electric vehicle charge points and built sustainability measures.

The off-site footway improvements will allow people to safely walk out of the site and then cross the road to reach continuous footway heading into Yapton on the opposite side. They (and cyclists) will be able to access the adjacent strategic site without needing to cross any roads and from there use the new cycleway to reach Bilsham Road and from there, the cycleway along the A259 between Littlehampton and Bognor Regis. There is to be footpath access through the Bonhams site opposite and then through a further site to reach the primary school as an alternative to Main Road/North End Road.

Policy QE DM1 states residential development likely to experience road noise must (a) be supported by a noise exposure category assessment and designed to ensure that residents will not be adversely affected by noise; and (b) consider both the likely level of exposure at the time of application and any increase that might be reasonably expected in the near future. The council's environmental health officer (EHO) has not advised any concerns due to road noise and recommends no conditions. Main Road is a B road and is subject to a 30mph speed limit in this location such that it does not experience fast speed (and therefore noisy) vehicle movements.

ALP policy QE DM2 states outdoor lighting should not have an adverse impact on neighbouring uses or the wider landscape, particularly with regard to the South Downs International Dark Sky Reserve designation. Schemes proposing outdoor lighting should be accompanied by an assessment. No assessment has been provided but it would be standard practice to control this by a condition to require the submission of full lighting details. The EHO and the council's ecologist recommend a condition to control lighting.

CONTAMINATION:

ALP Policy QE DM4 states development will be permitted on land that is contaminated as long as remediation is provided. The submitted Land Quality Statement advises that contamination risk is very low, but that further exploration is required. Typical contaminates likely relate to the land's agricultural use or potentially hazardous gases generated by the former canal adjacent to the south of the site, understood to have been infilled using inert materials. This intrudes very slightly into the site on the south-western side. The council's EHO has requested a contamination condition. Subject to this being agreed and discharged, there would be no conflict with policy as remediation can be secured.

TREES:

ALP policy ENV DM4 states TPO protected trees, Ancient Woodland, those in a Conservation Area or trees that contribute to local amenity must not be damaged or felled unless the development meets certain criteria including that the benefits outweigh the loss of trees or woodland. YNDP policy E4 states development sites should retain well-established features of the landscape, including mature trees and species-rich hedgerows. New tree planting will be required to mitigate any significant loss. Emerging YNDP2 policy E4 requires that native tree species be used.

The application proposes the removal of only 1 tree - a 9m Elm tree categorised as unsuitable for retention - together with 13m of associated hedgerow. This is required to create the access. The council's tree officer has raised no concerns with this and has no objections to the other parts of the proposal. On this basis, there is no conflict with the relevant policies. A landscaping condition could be

imposed to secure replacement planting.

BIODIVERSITY:

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. YNDP policy E3 seeks to prevent loss of natural habitat except where mitigation measures ensure the integrity of the habitat or where the habitat is relocated to a site within 500m of the existing. Emerging YNDP2 policy E5 sets out a requirement for biodiversity net gain.

The application is accompanied by an Ecological Impact Assessment (EIA) which identifies that the most important wildlife habitats (hedges) are to the site boundaries, and these are largely retained aside from the section to be removed to create the access. The EIA states that the impact of this is not significant. Much of the site is an arable field and has low wildlife habitat value.

The council's ecologist has reviewed the submission and finds no concerns concluding that subject to conditions, the impacts will be minimised such that the proposal is acceptable. The applicant has also submitted a Biodiversity Net Gain (BNG) Assessment. This states the proposals will convert an arable field of low ecological value to a residential area with open space, wildflower areas, an attenuation pond, and a biodiversity improvement area all of which will deliver BNG. This equates to a 16.1% increase in habitat units and a 23.5% increase in hedgerow units (arising from new and enhanced hedgerows). The council's ecologist is happy with this subject to a Landscape and Ecological Management Plan (LEMP) being secured by a condition.

The proposal is in accordance with the relevant development plan policies.

TELECOMMUNICATIONS:

ALP policy TEL SP1 and YNDP policy BE2 state all proposals for new residential, employment and commercial development must be designed to be connected to high quality communications infrastructure. This policy would be complied with through a suitable condition.

CLIMATE CHANGE:

ALP policy ECC SP2 requires new residential and commercial development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. Policy ECC SP1 requires new development be designed to adapt to impacts arising from climate change and all major developments must produce 10% of total predicted energy requirements from renewables unless unviable. Emerging YNDP2 policy H5 supports development which meets the highest possible standards of environmental and energy efficiency.

The application includes a sustainability statement which analyses the proposal versus these two policies and in relation to the ADG. It discusses water sustainability, shade/cooling/ventilation/solar gain, access to green infrastructure, use of weather resilient materials and energy efficiency/renewable energy. In respect of the latter, it states:

- Solar panels to be added to 75% of the proposed dwellings.
- Homes built from 2025 will produce 75-80% less carbon emissions than developments under current regulations.
- Changes to the Building Regulations in the coming year (2022) are foreseen to produce 31% less carbon compared to the current regulations; and
- Use of high spec glazing, thick external walls & recovery of heat through Mechanical Ventilation Heat Recovery.

A condition would be imposed to seek the detail of these measures. Conditions will also be included to require electric vehicle charge points. It is proposed to achieve the optional water efficiency target of less than 110 litres per person per day and this would also require a condition. On this basis, there is no conflict with the relevant policies.

AFFORDABLE HOUSING:

Developments over 11 residential units require a minimum provision of 30% affordable housing on site as per ALP policy AH SP2. The council recently adopted an interim affordable housing policy which sets out the need to secure first homes as part of the affordable housing mix. As at March 2022, there were 1299 households in housing need on the council's housing register. The Housing Strategy and Enabling Officer states the application should provide six affordable dwellings consisting of five affordable rented and one First Home. The applicant has met these requirements however as no s106 agreement has been agreed due to the Council recommending refusal, there is conflict with the policy.

PUBLIC OPEN SPACE & PLAY:

ALP policy OSR DM1 requires housing developments provide sufficient public open space, playing pitch provision and indoor sport & leisure provision. In addition, policy HWB SP1 seeks to ensure that new development is designed to maximise the impact it can make to promoting healthy communities and reducing health inequalities.

The Councils SPD "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out a requirement for 1650m2 of POS to include 242m2 for children's play. The layout exceeds this by providing 1,750m2 of POS with only 240m2 of this taken up by the pond. The layout includes a play area. It is the council's approach to secure the on-site POS & play requirements by conditions and so this is not dependent on the agreement of a s106. As it is not possible to secure any off-site contributions through a s106 agreement due to CIL, contributions to off-site leisure & sports facilities would need to be funded by CIL instead. There would be no conflict with ALP policy OSR DM1.

SUPPORTING INFRASTRUCTURE:

ALP policy INF SP1 requires development proposals provide or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and existing community. This development would be liable for CIL, but the amount has not yet been calculated. Infrastructure providers such as WSCC and the NHS would be able to bid for a portion of the CIL payments collected to spend on their own projects. The Parish Council will also be provided with a percentage of the CIL receipts (25%) to spend on their own projects. These payments go towards providing the infrastructure that the district needs to support existing and future development.

Objectors are concerned that there is insufficient infrastructure (including limited shops) within Yapton to support the new housing. However, there can be no conflict with policy INF SP1 if the development provides a CIL contribution. It is then the responsibility of external bodies to implement the necessary infrastructure. However, it would not be possible to provide for new shops through CIL receipts. In practice the creation of new housing is likely to create additional demand and this itself may then generate interest from new shops or other similar businesses.

The proposal generates no conflict with policy INF SP1 in terms of infrastructure however in the absence of a signed s106 agreement, the development makes no provision for the future monitoring of the required Travel Plan contrary to the requirements of policies T DM1 and T SP1 of the Arun Local Plan.

SUMMARY & TILTED BALANCE:

The NPPF is an important material consideration in determining applications. As the Council cannot demonstrate a 5-year HLS (currently 2.36-years), para 11(d) of the NPPF and the application of the 'presumption' for sustainable development is triggered.

This states where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for applications involving the provision of housing where a 5-year HLS cannot be demonstrated), planning permission should be granted unless (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

In respect of the part (ii) test, the report identifies that the proposal is in conflict with (and/or causes harm to) the council's policies in respect of:

- Loss of Agricultural Land.
- Housing mix.
- Heritage.
- Design/Character; and
- Drainage.

Whilst they remain as impacts and generate some harm, the report analysis above has identified reasons why agricultural land and housing mix should not be pursued as refusal reasons.

The site is agreed to be sustainable with limited harm to the natural environment and the development will help to support the local community/economy/environment by providing 20 new homes to boost the Councils HLS shortfall, provide new affordable homes, help to maintain construction jobs, support local shops/services, contribute to infrastructure improvements across the district, provide biodiversity enhancements, and improve local highway safety.

The weight to be applied to the contribution of housing development to the HLS was discussed in a recent appeal hearing concerning a site in Pagham for up to 106 homes (APP/C3810/W/22/3302023). The appellants presented an analysis of recent appeal decisions. Whilst there were no cases comparable in number to this application, the evidence suggested more than 30 dwellings should be considered substantial/significant and given the worsening HLS, even smaller developments should weigh heavily in favour. Accordingly, it would be appropriate to allocate moderate to significant weight to the contribution. The Inspector afforded significant weight to the delivery of affordable housing and moderate weight to the economic benefits and BNG. Given the much smaller scale of this application, these other benefits should be scaled down in weight.

Despite the benefits of the application, their weight and acknowledging the level of the Councils current HLS shortfall, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. It is therefore recommended that the application be refused for the following reasons.

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (Right to respect private and family life), Article 1 of

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

REFUSE

1 The proposed houses, by reason of design, appearance and materials are inappropriate in this edge of settlement location and will be harmful to the character and vernacular of the immediate area and by association with the setting of the Main Road/Church Road Conservation Area, the setting of the locally listed buildings to the north and the setting of the former Portsmouth and Arundel Canal to the south in conflict with policies D DM1, D SP1, HER SP1 and HER DM3 of the Arun Local Plan, the Arun Design Guide and the NPPF.

2 Insufficient information has been submitted to show that the proposed number of units, the landscaping and layout are implementable without detrimentally impacting surface water drainage for the site. The submitted Flood Risk Assessment and Drainage Strategy does not meet the stated design requirements. The proposal conflicts with Arun Local Plan policy W DM3, West Sussex surface water design guidance and the NPPF.

3 In the absence of a signed Section 106 agreement, the development fails to make any affordable housing provision contrary to the aims and objectives of the NPPF (in particular paragraphs 63-65) and policy AH SP2 of the Arun Local Plan.

4 In the absence of a signed Section 106 agreement, the development makes no provision for the future monitoring of a Travel Plan contrary to the requirements of policies T DM1 and T SP1 of the Arun Local Plan and para 110 of 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 determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.