

Recommendation Report for Planning Permission

REF NO: Y/18/26/PL

LOCATION: Land adjacent to
35 Roemead Drive and 28 Donovan Way
Yapton

PROPOSAL: Construction of 2 No. residential dwellings - one dwelling adjoining 35 Roemead Drive (originally approved as Plot 32) and the other adjoining Plot 50 which is accessed from Donovan Way. This application is in CIL Zone 3 and is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks permission for 2 no. 2 bedroom, two storey house with garden and landscaping features.
SITE CHARACTERISTICS	The site is on the southwestern boundary of the Stakers Farm residential development, on a piece of land previously used as an access track. This strip of land separates the development and the Bonhams Field development to the southwest, acting as a dividing buffer between them.
CHARACTER OF LOCALITY	The character of the locality is predominantly residential, abutting a more rural setting. The site is surrounded on three sides by residential development to the north-east, south-east and south-west. Further to the south-east is Stakers Farmhouse; a Grade II Listed building with associated barns. The site is within the wider context of Yapton Main Road & Church Road conservation area. Yapton CE Primary School is around 170m to the northeast.

RELEVANT SITE HISTORY

PAA/57/25/	Proposed construction of an attached two-storey dwelling.	Refuse Pre App 22-07-25
Y/124/22/PL	Erection of 9 No dwellings with associated access, car ports, parking and landscaping. This application may affect the setting of a listed building, may affect the character and appearance of the Main Road/Church Road Conservation Area, is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwellings.	ApproveConditionally 11-01-23

Y/10/25/DOC	Approval of details reserved by condition imposed under reference Y/177/21/PL relating to condition number 3 - potential future public footpath.	DOC Approved 14-02-25
Y/6/24/HH	Two storey side extension.	Refused 17-04-24 Appeal: Dismissed 09-01-25
Y/83/23/PL	Proposed 2 bedroom - 2 storey house with garden and landscaping features. This application is in CIL Zone 3 and is CIL liable as a new dwelling.	Refused 10-11-23

Relevant planning history noted.

The site formed part of an access track linking the barns at Stakers Farm with agricultural fields to the north-west. Planning permission Y/124/22/PL included this track within the application site, with the sections of land adjacent to 1 Robinson Close, 35 and 48 Roemead Drive, and 28 Donovan Way incorporated into the residential curtilages of those properties. The permission also approved the provision of a pedestrian link (Y/10/25/DOC) between Bonhams Field and the Seawards development, with the remaining land within the former track allocated as public open space.

An application for a detached two-bedroom house was refused (Y/83/23/PL). The tilted balance (paragraph 11(d)(ii)) was applied to this proposal. There were three reasons for refusal:

The proposal would appear adversely out of character with the established spatial plan of the area and would result in material harm to the character and appearance of the street scene, contrary to Arun Local Plan Policy D DM1 and Yapton Neighbourhood Development Plan 2 Policy H4 .

The proposal would constitute a harmful overdevelopment of a natural buffer purposely left as green open space between developments, contrary to ALP policies D DM1 and ENV SP1, and Policy H4 of the Yapton Neighbourhood Development Plan 2.

The applicant failed to provide sufficient ecological details, mitigation, and enhancement measures to demonstrate that there would be no unacceptable impacts on habitats resulting from the loss of established hedgerow, contrary to Policies ENV DM5 and ENV SP1 of the Arun Local Plan, and Policies E3 and E4 of the Yapton Neighbourhood Development Plan 2.

REPRESENTATIONS

Yapton Parish Council - Objection:

- The proposal is out of keeping with the established spatial pattern of development in the area and would adversely affect the character and appearance of the street scene, contrary to the Yapton Neighbourhood Plan (YNP2).
- The scale, form and massing of the development are excessive and would represent an overdevelopment of the site that would not appear subordinate to the existing dwelling.
- Would result in the loss of a deliberately retained green buffer between developments, harming the character of the area.
- The site is important for maintaining green connectivity between residential areas, in accordance with

YNP2 policies. In particular the impact on a planned pedestrian and cycle link between Bonham's Field and the Dandara estate. The footpath connection is considered vital in providing a safe route for children travelling to Yapton Primary School, reducing reliance on Main Road/North End Road.

- Questions are raised regarding the impact of the proposal on drainage and whether adequate sustainable surface water drainage can be achieved.
- It is asserted that the land forms part of the open space provision calculated and approved as part of the original Dandara development and should remain open space.

21 letters of objection received:

- It's not viable to squeeze two other properties in. This will mean further disruption with more construction vehicles/cars.
- Its construction would result in more noise, disruption and dust in the area.
- The developer would have built the properties there if it was feasible.
- The foul drains are already operating above capacity, and this property may exacerbate this.
- The properties will stick out and not be in line with the original planning and design of the development.
- This will devalue the surrounding houses.
- This application for new houses/extensions on site has already been refused numerous times.
- There would be impact to wildlife and biodiversity.
- Overdevelopment and an attempt to prioritise maximising the number of units rather than maintaining appropriate residential amenity and adequate open space.
- The area suffers with surface water flooding, this will exacerbate the issue.
- Will block out sun from neighbouring gardens and result in overlooking.
- There may be a water main beneath the dwellings, this would need to be relocated.
- Inaccuracies found in plans.
- Doesn't appear to be sufficient space, have the plans been checked. There is a levels difference between Armitage Close and Donovan Way which isn't accurately depicted.
- Concern about structural damage to existing dwellings.
- Will the new houses contribute to the financial obligations of maintaining the site as a whole.
- The area was meant to be part of the open
- There are conditions relating to this piece of land which require it to remain as open green space.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. There was no specific condition attached to planning permission Y/124/22/PL restricting or controlling the use of the land. Any devaluation of neighbouring properties is not a material planning consideration.

The inaccuracies referred to are contained within the Design and Access Statement, where the proposed development is described both as attached dwellings and as one attached and one detached dwelling. However, the submitted plans clearly indicate that the proposal comprises one attached dwelling (attached to No. 35 Roemead Drive) and one detached dwelling (located to the rear/end of No. 28 Donovan Way). The inconsistency within the Design and Access Statement is a drafting error and does not create any ambiguity regarding the form of development proposed.

Other matters will be discussed below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC Tree Officer - Objection

- Application form incorrectly states there are no trees or hedgerows on or adjacent to the site that could influence the development. The site contains a southern boundary hedgerow and established hawthorn trees, which contribute to screening, landscape character, and wildlife connectivity.
- No arboricultural information has been submitted, contrary to BS5837:2012 recommendations. In the absence of an Arboricultural Impact Assessment and Tree Retention/Removal Plan, the impact of the proposal on trees and hedgerow cannot be properly assessed.
- No Construction Management Plan has been provided, making it unclear how construction activities would avoid damage to retained trees and hedgerow. Construction works present a risk of soil compaction, contamination, direct physical damage, or removal of retained trees.
- Proposed drainage features and permeable paving may conflict with existing hawthorn trees and their root protection areas. Root protection areas and future tree growth should be considered when locating drainage infrastructure, soakaways, and utilities.
- The absence of arboricultural evidence prevents the Local Planning Authority from adequately assessing the proposal and has resulted in an objection. There is a risk of harm to established trees and hedgerow, and a corresponding loss of amenity, if the scheme proceeds in its current form.
The principle of development may be acceptable, but this has not yet been demonstrated through the necessary arboricultural assessments.
- A tree survey, Arboricultural Impact Assessment, Root Protection Area Schedule, and Tree Retention/Removal Plan are required. Where development encroaches into root protection areas of retained trees, an Arboricultural Method Statement and Tree Protection Plan will also be required.

ADC Ecology (13/07/2026) - No further comments to make.

ADC Ecology (8/05/2026) - No objection subject to conditions.

- The Biodiversity Net Gain (BNG) Metric identifies a 28% loss in habitat units, requiring the provision of off-site biodiversity units to achieve the statutory BNG requirement.
- The scheme delivers a 79.22% increase in hedgerow units, significantly exceeding the mandatory 10% biodiversity net gain target.
- Ecological enhancements are proposed within the Biodiversity Net Gain and Ecological Enhancement Report (Ecosupport, 17 March 2026). These enhancements include the installation of one integral bat brick and one integral swift brick.

Southern Water - Advice

ADC Engineers (11/6/2026) - Objection

- Objection to standards 1 and 3 of the National Standards for SuDS.
- Surface water is proposed to drain to the ground via permeable paving and shallow soakaways.
- Infiltration testing from a previous adjacent development has been submitted, but it is unclear whether the testing was undertaken at comparable depths and ground levels to the proposed drainage features.
- Further information is requested, including a comparison of ground levels and the full ground investigation for the adjacent site. No groundwater monitoring data has been provided, and any relevant monitoring information from the adjacent site should be submitted to support the drainage strategy.
- Drainage calculations for the design storm have been provided and indicate no flooding would occur.
- A topographical survey and proposed surface levels should be submitted to confirm the drainage system can operate effectively without causing flooding of lower-lying areas.
- The drainage layout should clearly identify the base levels of the proposed soakaways and permeable paving.
- Continuity errors have been identified within the hydraulic simulation results and require clarification or correction.

ADC Engineers (07/08/2026) - Objection

- No meaningful new information has been provided for review, comments remain as previous.

ADC Greenspaces
No response.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Arboricultural information was requested at the validation stage, however the agent didn't believe it was necessary. A request was to the agent for the additional drainage information and a topographical survey, unfortunately no additional details were forthcoming within the stipulated timeframe. The agent confirmed they do not hold the topographical information.

POLICY CONTEXT

Built Up Area Boundary
Area of Special Control (Adverts)
Lidsey Treatment Catchment Area
Current/Future Flood Zone 1
CIL Charging Zone 3

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

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 mitigation
ENVDM5	ENV DM5 Development and biodiversity
ENVDM4	ENV DM4 Protection of trees
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
WSP1	W SP1 Water
WDM3	W DM3 Sustainable Urban Drainage Systems
TSP1	T SP1 Transport and Development

Yapton Neighbourhood Development Plan 2011-2031 Policy BB1

	Built-up Area Boundary
Yapton Neighbourhood Development Plan 2011-2031 Policy E11	Minimising the impact of flooding from development
Yapton Neighbourhood Development Plan 2011-2031 Policy E3	Protection of natural habitats
Yapton Neighbourhood Development Plan 2011-2031 Policy E4	Minimising the environmental impact of development

Yapton Neighbourhood Development Plan 2011-2031 Policy E5	Retention and enhancement of biodiversity
Yapton Neighbourhood Development Plan 2011-2031 Policy E6	Green infrastructure and development
Yapton Neighbourhood Development Plan 2011-2031 Policy E8	Conservation Areas and Areas of Character
Yapton Neighbourhood Development Plan 2011-2031 Policy E9	Buildings or Structures of Character
Yapton Neighbourhood Development Plan 2011-2031 Policy H4	Quality and Design
Yapton Neighbourhood Development Plan 2011-2031 Policy H5	Energy Efficiency/Environmental Sustainability
Yapton Neighbourhood Development Plan 2011-2031 Policy PK1	Parking standards for new residential development

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to conflict the relevant Development Plan policies in that it will have adverse harm to the established spatial character of the locality, result in the loss of hedgerow without ecological justification, and appear as an overdevelopment of a green buffer between developments and has not been demonstrated to adequately deal with surface water.

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.

Application for an extension Y/6/24/HH was refused and dismissed at appeal. The Inspector cited the following reasons:

The proposal would cause significant harm to the character and appearance of the surrounding area, contrary to Policies D DM1 and D DM4 of the Arun Local Plan, and Policy H4 of the Yapton Neighbourhood Plan.

While the proposal would make efficient use of land as supported by Arun Local Plan (ALP) Policy D SP1, it would not comprise good design, which is a fundamental tenet of the NPPF. The proposal was found to be contrary to the development plan as a whole.

The householder application was essentially the same as the previous planning application (Y/83/23/PL), although it consisted of a large extension to the dwelling rather than a new dwelling. Another important factor is that the scheme considered at appeal was amended, reducing the height of the proposal by approximately 1m and the footprint length by approximately 500mm.

In the current instance, the proposal is for a similar development. The size and scale match those of the previous applications (as originally submitted, and larger than the appealed scheme). Amendments have been made to the roof configuration: instead of following the host dwelling's front-to-back pitch, a front/rear gable end is proposed. The agent states this will 'bookend' the row of terraced dwellings in a manner similar to other nearby terraces. The agent notes that, as a residential garden, the site benefits from Permitted Development Rights (PDR) associated with households.

Key aspects highlighted by the Inspector in the appeal decision include:

- The side extension would not be subservient to the host dwelling, being of similar width. Its overall scale, massing, and siting would not form a sympathetic addition to No. 35.
- The front elevation fenestration would include three small ground floor windows one more than the adjoining frontage. While reflective of the existing, this would further draw attention to and accentuate the non-subservient form.
- The higher ground level, uniform side building line, and the proposal's width and bulk would form a prominent addition that would disrupt the regimented building line along the estate edge, thereby failing to contribute positively to the townscape. The proposed materials and roof shape did not mitigate this.
- While it was agreed that the host dwelling benefits from PDR, PDR does not allow for two-storey side extensions. - The fallback position does not justify approval.
- The proposal was contrary to ALP policies D DM1 and D DM4 of the , YNDP2 Policy H4, and the Arun Design Guide.
- Although the scheme would make efficient use of land as supported by ALP Policy D SP1, it would not comprise good design, a fundamental tenet of the NPPF.
- As the proposal was an extension to a dwelling, the tilted balance was not considered.

The Inspector highlighted that permitted development rights would not justify approval of the appealed scheme; therefore, this will not be factored into the decision.

The substantive difference between this submission and the previous ones is the amendment to the roof design, with a ridge now equal to that of 35 Roemead Drive, the scale of the proposed footprint is also larger at 200mm wider and 600mm deeper.

CONCLUSIONS

PRINCIPLE

Yapton Neighbourhood Development Plan 2 (YNDNP2), adopted on 8 November 2023, is the most recent part of the development plan. It supersedes the earlier Yapton Neighbourhood Plan and parts of the Arun Local Plan (ALP) where conflicts arise.

The key change in YNDNP2 is the revision of the Built-Up Area Boundary (BUAB), which now includes the application site. This contrasts with the ALP, where the site was previously outside the BUAB and subject to restrictive countryside policies (C SP1), which would have prohibited the development.

YNDNP2's Policy BB1 supports development within the updated BUAB, provided it aligns with ALP Policy SD SP2. Since the site now falls within the BUAB under YNDNP2, the proposal is considered compliant with the most up-to-date planning framework.

The National Planning Policy Framework (NPPF) (2026) is an important material consideration in the determination of planning applications. Policy S3 of the NPPF establishes a presumption in favour of sustainable development and directs decision-makers to Policy S4 where a site is within a Built-Up Area Boundary (BUAB).

Policy S4(1) states that development proposals within a BUAB should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects when assessed against the Framework. Policy S4(2) sets out a number of adverse effects that may be taken into account, although the list is not exhaustive. For the purposes of this application, Policy S4(2)(c) is of particular relevance and will be considered within the planning balance later in this report.

Policy S6 of the NPPF addresses the weight to be afforded to neighbourhood plans. Policy S6 states that, in cases involving the provision of housing, the adverse effects of granting permission are likely to substantially outweigh the benefits where a proposal would conflict with a neighbourhood plan, provided that:

the neighbourhood plan became part of the development plan five years or less before the decision is made; and

the neighbourhood plan contains policies and allocations to meet its identified housing requirement.

The Yapton Neighbourhood Development Plan 2 (YNDP2) was made less than five years ago and includes housing allocations to meet its identified housing requirement. Accordingly, Policy S6 is engaged and significant weight should be afforded to the policies of the neighbourhood plan.

Conclusion on Matters of Principle:

The principle of development is not supported by the Arun Local Plan but is supported by Policy BB1 of the YNDP2. It is material that the site is located within the BUAB.

The application falls to be determined having regard to the presumption in favour of sustainable development set out in Policy S3 and applied through Policy S4 of the NPPF. As the YNDP2 is less than five years old and contains allocations to meet its identified housing requirement, Policy S6 is engaged. In these circumstances, any conflict with the policies of the neighbourhood plan is likely to substantially

outweigh the benefits of the proposal. The extent of any such conflict is assessed in the sections that follow.

CHARACTER, DESIGN AND VISUAL AMENITY

The proposal seeks two, two-storey dwellings. One would form an attached dwelling to the south-west of No. 35 Roemead Drive, whilst the other would comprise a detached dwelling to the south-west of No. 26 Donovan Drive. These dwellings would be situated on a strip of land between two separate housing developments.

Both dwellings measure approximately 4.8m in width and 9m in depth and would feature dual-pitched gable roofs running from front to rear. Their heights would be comparable to other properties within their respective street scenes, measuring approximately 8.5m high and 5m at the eaves. They would be faced in red brick with brown roof tiles to match No. 35 Roemead Drive and would be of a simple design reflecting the style of the neighbouring row of properties. As such, the design of the proposal would be in keeping with its locality.

The location of the dwellings is of concern. The site falls within a strip of land which serves as a natural buffer between adjoining development sites. This land was included within proposals recently approved under application Y/124/22/PL, where it was allocated and developed as a mix of open space and private garden areas. The approval of dwellings on this land would erode this natural buffer and appear as harmful overdevelopment, bringing the two developments closer together. The strip of land acts as a form of natural relief between the two built environments, and its retention should be prioritised to ensure this buffer is not lost to further development.

The Inspector, when considering Y/6/24/HH for a two-storey side extension to 35 Roemead Drive, similar in appearance and scale to the existing attached dwelling, stated that the estate is characterised by a uniform building line which is particularly evident when viewed from the Donovan Way cul-de-sac. They concluded the two-storey extension, due to its width and bulk, would appear as a prominent addition that would interrupt this consistent pattern of development, resulting in harm to the character of the street scene and failing to make a positive contribution to the townscape.

Similarly, the projection beyond the established building line would be prominent when viewed from Roemead Drive. The first-floor element would also be clearly visible from Russell Close and the connecting footpath between developments.

Alongside the erosion of the buffer, the addition of a detached dwelling and an attached dwelling at the ends of existing terraces would appear out of character with the established spatial pattern of the area. The street scene is characterised by terraced housing. Within each street scene, the established spatial pattern comprises six dwellings arranged as two terraces of three dwellings. Both rows, and each existing terrace of three dwellings, display a balanced and consistent form of development. The addition of a dwelling to the end of each row would therefore appear unduly out of place within the layout of the site and subsequently harmful to the character of the street scene.

This harm to character is further emphasised by the design of the roofs. The Design and Access Statement indicates the design of the dwellings would act as a 'bookend'; however, it is considered that the introduction of two additional dwellings, one at the end of each block, would have the opposite effect. This would emphasise the dwellings appearing incongruous within the established layout and would result in harm to visual amenity. This harm to the character of the street scene and the established spatial pattern of the area would conflict with Policy D DM1 of the Arun Local Plan. The loss of the natural buffer would also impact upon the legibility of the layout of the site (criterion 11 of Policy D DM1), impeding a clear boundary which positively separates and distinguishes it from the neighbouring developments.

YNDP Policy H4 requires developments to deliver a density which is appropriate to their location and relationship with existing properties in the immediate locality. Development should contribute positively to the environment. Part G of the Arun Design Guide (ADG) indicates that terraced development in village locations should range between 20 and 30 dph. Application Y/72/20/RES approved a density of 26.4 dph, application Y/124/22/PL approved a density of 26.5 dph, and application Y/63/19/RES approved a density of 17.5 dph (Bonham's Field, the neighbouring site immediately to the south and east). The proposal would create a density of 33.3 dph, which exceeds both the recommended guidance and the densities achieved on neighbouring developments. The proposal conflicts with Policy H4 in that its density would represent an overdevelopment of an important natural buffer. Its relationship with existing properties would appear out of place and would undermine the established spatial pattern of the estate.

The proposal would appear out of character with the established spatial pattern of the area and result in harm to the character and appearance of the area. It would represent the overdevelopment of a natural buffer which has been purposely retained as open green space between developments and provides important visual relief between areas of built form. As such, the proposal conflicts with ALP Policy D DM1, YNDP2 Policy H4, and the ADG.

RESIDENTIAL AMENITY

ALP Policy QE SP1 requires development to ensure that it does not have a significantly negative impact on residential amenity and produce high quality environments. ALP Policy D DM1 requires development to have a minimal impact on the users and occupiers of nearby property and land.

The side elevation of the attached dwelling would be approximately 2m from the south-eastern boundary, whilst the detached dwelling would have a separation distance of approximately 750mm from the boundary. Separation distances to neighbouring dwellings would be approximately 13.5m to 14 Russell Close and 11.5m to the rear elevation of 11 Armitage Close when measured from the nearest proposed dwelling.

Whilst there would be no significant overbearing effects arising from the attached dwelling, the detached dwelling would result in a very close relationship between its side elevation and the rear elevation of No. 11 Armitage Close.

The dwellings would include openings within their front and rear elevations; however, these would not directly overlook neighbouring properties and would therefore have a limited impact in terms of privacy and residential amenity. There would also be no unacceptable overlooking between the proposed dwellings, as a separation distance of approximately 21.5m between opposing rear elevations is proposed.

The ADG includes guidance on a number of relevant matters, including separation distances between dwellings, private garden provision, defensible space, the avoidance of overbearing and overshadowing effects, and the provision of good levels of sunlight and daylight. Section 2, Part J states that new development should generally reflect the scale of existing buildings and avoid overshadowing neighbouring properties. The ADG sets out the following guidance in respect of interface distances between dwellings:

- Back-to-back: minimum 21m between habitable room windows of opposing properties.
- Back/front-to-side: minimum 14m between habitable room windows and the side gable of an adjacent property.
- Front-to-front: minimum 16m between habitable room windows of opposing properties.
- Rear gardens should be at least 10.5m deep and front gardens at least 2m deep.

Whilst the attached dwelling would accord with the relevant guidance, the detached dwelling would not. Between the rear elevation of No. 11 Armitage Close and the side elevation of the detached dwelling there would be a separation distance of only approximately 12.5m. Given the scale and proximity of the proposed dwelling, this relationship would result in a significantly harmful overbearing and enclosing effect on the occupiers of 11 Armitage Close. When viewed alongside the proposed garage, development would effectively enclose two of the three boundaries serving the majority of the rear private amenity space, creating a constrained and oppressive environment.

With respect to residential amenity, the proposal would not result in any significant loss of privacy. However, the detached dwelling would have a significantly harmful overbearing and enclosing impact upon the rear garden and outlook of 11 Armitage Close. The proposal conflicts with ALP Policy D DM1 and fails to create a high-quality environment for existing occupiers, contrary to ALP Policy QE SP1 and the guidance contained within the ADG.

SPACE STANDARDS

ALP Policy D DM2 requires internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs. ADG Section J.08 ADG re-iterates the need to comply with the national internal space standards (NDSS).

ADG Paragraph H.04 advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. It states rear gardens should have a minimum depth of 10.5m and buildings should be set back by 2m from the plot boundary to mark defensible space.

YNDP2 Policy H4 requires new developments incorporate an outdoor amenity space of adequate size and quality, either as a private garden or balconies and shared amenity area.

The gross internal area (GIA) of the attached dwelling is 69sqm and the detached dwelling is 72sqm. Dwellings of this size would be suitable as 2 bed, 3 -person dwellings which require a GIA of 70sqm. The second bedroom of each dwelling shows a 1 person room, however its area are that which could suit a twin/double room at 12sqm.

The rear gardens will measure over 10.5m deep, and a defensible space between the parking provision and the front of the house is provided for each dwelling. This accords with the ADG and would provide sufficient external amenity space for the residents of the property.

Whilst the proposal does not meet the NDSS for a two storey two bedroom dwelling, the slight shortfall from the required internal floor area is minimal. It should also be noted that the proposal is almost identical in scale to the neighbouring properties already approved, and therefore refusal on the grounds of conflict with D DM2 would be unjustified. As such, the internal and external spaces provided by the property are deemed acceptable under ALP Policy D DM2, the ADG and YNDP2 Policy H4.

HERITAGE

ALP Policy HER DM1 set out criteria for which proposals must meet in order to be acceptable. These include preservation or enhancement of the building, protecting its architectural and historical integrity, as well as its special interest. Additionally, because the listed building is a significant heritage asset, proposals should protect the setting of these buildings. Policy HER DM3 which regards conservation areas must also be complied with.

The proposal is located near to the Yapton Main Road and Church Road Conservation Area and Stakers Farm, a grade II listed building. The proposal will have no adverse impact on the setting of these, given it falls within a wider number of housing estates which have already altered the setting of these heritage assets. The addition of one further dwelling within these developments would have no impact on their

significance, given there would be no inter-visibility between the property and the heritage assets.

Whilst in the wider context of the heritage assets, the proposal will have no direct harm on their significance, and assessments of NPPF Policy HE5 are not required.

Section 72 of the Listed Buildings and Conservation Areas Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The proposal in this case will have no harm on the special architectural and historic character of the conservation areas and will preserve their settings.

The proposal would have no harm to the significance of the heritage assets and as is in accordance with ALP policies HER DM1 and HER SP1, EH8 and EH9 of the YNDP2, the NPPF, and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

PARKING, TRAFFIC AND ROAD SAFETY

ALP Policy T SP1 seeks to ensure that development provides safe access onto 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 served by high-quality public transport facilities; create safe and secure layouts for traffic, cyclists and pedestrians; and provide appropriate levels of parking.

The only relevant YNDP2 policy is PK1, which relates to parking.

The proposal provides two parking spaces per dwelling, accessed via new accesses extending from the existing highway. The provision of two parking spaces per dwelling accords with the Arun Parking Standards (APS) SPD and is acceptable. The development will not have an unacceptable impact on highway safety or the operation of the highway network, given that the accesses will be taken from the highway and the increase in vehicle movements associated with two dwellings would be limited.

The APS and Policy T SP1 require new dwellings to provide electric vehicle charging points where driveways or garages are provided. The provision of EV charging points has not been detailed within the application and, as such, a condition is required to secure this provision. The SPD requires the provision of one cycle parking space for each one and two-bed dwelling. Cycle parking has not been included in the proposal and would need to be secured by condition to comply with the SPD.

The proposal complies with ALP Policy T SP1, YNDP2 Policy PK1 .

TREES

ALP Policy ENV DM4 requires the protection of trees development should take a comprehensive approach early on in the design process.

The application documents declare no tree or hedges can be found on site, however, there was length of hedgerow on the southern boundary (since removed) along with a hawthorn tree. No details have been submitted giving accurately identifying the location on site or appraising the quality of the tree. A request was made to the agent during validation for a tree survey, they stated they were aware of the tree but as no survey had been requested previously they did not feel one should be required in this instance.

The presence of the tree has only come to light due to the submitted biodiversity information, such that a request for an arboriculture survey is acceptable. The approximate location of the tree is at the very edge of the site, and may not have been encompassed within the red line area for previous applications.

The Tree Officer stated the tree and hedgerow provide screening and connectivity between areas of

greenspace, useful as wildlife corridors among the newly formed estates. As a result of not being able to properly review the proposal due to a lack of information they have objected to the proposal.

The loss of this tree, and other less mature trees planted as ecological compensation for Y/124/22/PL would further erode the green buffer between sites. This loss would be harmful to the green and verdant character of the land. Without further information it is not possible to fully assess the impact the loss of these features will have, this is contrary to ALP Policy ENV DM4.

BIODIVERSITY

ALP Policy ENV DM5 requires development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. They shall incorporate elements of biodiversity including green walls, roofs, bat, and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not).

YNDP2 Policy E3 concerns protection of habitats. It states that development proposals that would result in either the loss of or unacceptable harm to an existing area of natural habitat will not be permitted unless:

- proposed mitigation measures would result in an effective solution to ensure that the integrity of the habitat continues after the implementation of the development; or
- the development concerned identifies appropriate measures for the relocation of the existing habitat to an appropriate area within 500 metres of the existing habitat and secures appropriate management arrangements both for the relocation and subsequent monitoring and aftercare.

YNDP2 Policy E4 concerns minimising the environmental impact of development, with development expected to retain well-established features of the landscape, including mature trees, species-rich hedgerows, and ponds. YNDP2 Policy E5 concerns the retention and enhancement of biodiversity and requires all development proposals must demonstrate a biodiversity 'net gain' for the Parish.

The dwellings are proposed on a green buffer between the Stakers Farm and Bonhams Field. This buffer consisted of an established hedgerow (1.5m in height), which ran along the boundary between the two sites. It is proposed to re-instate this hedgerow. An increase of 44.3% hedgerow units will be achieved on site.

The proposal includes planting, including two new trees, scrub, shrub, and hedgerow mix which would all help to promote biodiversity on site. There will be an overall loss of habitat of site, -29.6%. This shortfall would have to be made up by purchasing off-site credits.

The applicant has stated in the application form that the development would affect protected and priority species. Bat and sparrow bricks are proposed to one dwellings, however it is believed that this could be extended to both dwellings. Ecological mitigation can be secured via condition.

This accords with ALP Policy ENV DM5, and YNDP2 E5 .

CLIMATE CHANGE

ALP Policy ECC SP1 requires residential development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. ALP ECC SP2 requires that new development be designed to adapt to impacts arising from climate change.

YNDP2 Policy H5 states that developments which meet the highest possible standards of environmental and energy efficiency will be supported provided they are consistent with other development plan policies.

No details addressing policies ECC SP1 and ECC SP2 have been submitted, and it appears the proposal will not incorporate any renewable or low carbon energy supply systems. A condition would be necessary to secure compliance with both policies.

WATER, FLOODING & SURFACE WATER DRAINAGE:

The site is not currently affected by flooding from rivers or the sea and is within Flood Zone 1.

The Council's climate change mapping indicates that the site would not be affected by flooding, taking account of future projections to 2111. As such, it is not necessary to require a sequential site assessment in this instance, and the site remains within Flood Zone 1.

ALP Policy W DM3 requires the use of Sustainable Drainage Systems (SuDS) appropriate to the scale of development and provides associated guidance. Similarly, Arun Local Plan Policy W SP1 encourages the integration of SuDS, particularly where this helps to mitigate flood risk. TF7 (Flood Prevention), F8 (Sustainable Drainage), N2(e) (Blue-Green Infrastructure) and CC3(c) (Climate Adaptation) all support the incorporation of sustainable surface water management measures and the reduction of flood risk.

NPPF Policy F8(2) states that SuDS should be designed in accordance with the National Standards for Sustainable Drainage Systems (NSfS) and its seven design standards. Arun District Council's Drainage Engineers have objected to the proposal, as it does not accord with Standards 1 and 3 of the NSfS.

YNDP2 Policy E11 states that development should be designed to minimise the overall level of flood risk and provide appropriate surface water drainage.

It is proposed that surface water would drain to the ground via permeable paving and shallow soakaways. Infiltration testing undertaken for the larger development site has been submitted; however, the Council's Drainage Engineers are uncertain at what depth the testing was undertaken or whether the soil composition at the application site is comparable to that of the previously tested area. Groundwater monitoring information has also not been provided. Without this information, it has not been demonstrated that infiltration to ground is a viable drainage solution. The scale and layout of the development cannot be confirmed as acceptable.

It has not been demonstrated the development would not result in flooding on the site or elsewhere, as Standard 3 has not been satisfied. This is due to a number of outstanding concerns, including the absence of evidence demonstrating a suitable discharge location and at least 1m of unsaturated ground, the lack of topographical information to confirm that the proposed infiltration features can operate effectively without causing flooding in lower-lying areas, and errors identified within the submitted drainage modelling results.

The agent was requested to provide additional information in response to these objections; however, no further details were submitted.

The proposal fails to comply with ALP Policies W DM1 and W DM3 and YNDP2 Policy E11. It has not been demonstrated that the scale and layout of the development are acceptable, nor that the proposal would not increase the risk of flooding on the site or elsewhere. As the proposal does not accord with Standards 1 and 3 of the NSfS, it consequently fails to comply with Policies F7 and F8 of the NPPF.

SUMMARY

The site is within the BUAB, as identified in YNDP2, and is acceptable in principle. NPPF Policy S4 is applied. It is acknowledged the Council cannot currently demonstrate a five-year housing land supply, and weight should be afforded to the fact that the proposed development would make a limited contribution to the Council's identified housing need.

Nevertheless, the development conflicts with YNDP2 Policies H4 and E11, and the benefits of approving the development are likely to be substantially outweighed by the adverse effects arising from it under NPPF Policy S6.

Furthermore, the development conflicts with a number of ALP policies, including D DM1, QE SP1, ENV DM4, W DM3 and W DM1, resulting in a loss of support from Policy SD SP2 and the principle of development within the BUAB.

The proposal fails to comply with one of the national policies which state that development proposals should be refused in specific circumstances namely, F7(2) and DP3(3).

Given the harm identified to the character of the area, the overdevelopment of the site, harm to the amenities of neighbouring occupiers, the potential harm to existing trees, and the increased risk of flooding, the identified benefit of providing two dwellings is substantially outweighed by the adverse effects and conflicts with at least one of the national decision-making policies. It also fails to accord with the Development Plan and relevant design guidance.

Therefore, this application is recommended for refusal 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.

CIL DETAILS

This application is CIL liable, therefore, had permission been granted, developer contributions towards infrastructure would have been required (dependent on any exemptions or relief that may apply).

RECOMMENDATION

REFUSE

- 1 The proposal will appear adversely out of character with the established spatial plan of the area, and would result in material harm to the character and appearance of the street scene, in conflict with Arun Local Plan Policy D DM1, and Yapton Neighbourhood Development Plan 2 Policy H4 and the relevant sections of the NPPF.
- 2 The proposal will appear as a harmful overdevelopment of a natural buffer purposely left as green corridor between developments, in conflict with Arun Local Plan Policy D DM1, Yapton Neighbourhood Development Plan 2 Policy H4, Arun Design Guide Part G and relevant sections of the NPPF.
- 3 The southern most dwelling (that adjacent to 28 Donovan Way) by virtue of its form, scale and massing, would present a harmful overbearing effect on 11 Armitage Close. This would have substantial adverse effect on the amenity of the existing occupants and users of this dwelling. This is in conflict with Arun Local Plan Policies D DM1 and QE SP1, Arun Design Guide Parts G and H and the relevant sections of the NPPF.
- 4 The applicant has failed to provide sufficient information to determine that the development can sustainably drain surface water. It has not been demonstrated that the development can be adequately drained, and would not increase flood risk elsewhere in conflict with Arun Local Plan Policy W DM3, it does not gain the support of Arun Local Plan Policy W SP1, Yapton Neighbourhood Development Plan 2 Policy E11 and relevant parts of the NPPF and NPPG.
- 5 The application is supported by insufficient information to assess the impacts of the development on the existing tree within the site, which makes a significant contribution to the ecological connectivity and green corridor between surrounding residential areas. In the absence of an arboricultural assessment and adequate justification for any loss of, or harm to, the tree, the Local Planning Authority cannot be satisfied that the development would not have a negative impact on the tree. The proposal is contrary to Arun Local Plan Policy ENV DM4.
- 6 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to agree a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.