

Recommendation Report for Approval of Reserved Matters Following Outline Approval

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

SITE AND SURROUNDINGS

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

development and the other half is next to fields. To the west is North End Road and to the north Ford Lane. To the east is open arable farmland.

CHARACTER OF LOCALITY

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

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

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council

No objection.

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

Ten letters of representation have been submitted and a letter from Arun District Bridleway Group objecting to the proposed development on the following grounds:

- Outline permission was refused because it was contrary to the Neighbourhood Plan;
- Yapton has few shops, only one school, poor transport links and no jobs;
- The loss of countryside to more housing is unacceptable;
- Why do we need thousands of new houses in every village including Yapton, Walberton and BEW?
- Further house building will increase the flooding on Ford Lane and North End Road;
- The site entrance is located on a blind bend;
- North End Road is a busy road;
- The cumulative impact of residential development would increase the number of cars on the road;
- Traffic queues at the level crossing would increase in length if the housing development went ahead;
- There would be an unacceptable and unsustainable increase in noise pollution and air pollution;
- The pavements along North End Road are very narrow forcing people to walk on edge or in the road;
- There should be more pedestrian crossings in Yapton;
- The proposed housing is sited in close proximity to Pippin Cottage and Harptree Cottage;
- The existing mature trees on the site boundary would overshadow the development;
- Solar panels and electric vehicle charging points should be incorporated in the development;
- Recycling should be encouraged and designed in with communal collection areas;
- Sufficient parking should be provided to discourage on road parking;
- Houses and gardens should be provided with sufficient storage space for bicycles;
- Cycle routes and paths across the site need to be planned;
- A number of footpaths have been re-routed, destroyed or closed;
- The section of Footpath FP358 along the site boundary should be upgraded to bridleway status;

- The ditch off Church Lane should be culverted and the surface widened where FP357/358/359 merge;
- There are Great Crested Newts in garden ponds on North End Road.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and issues addressed in the Conclusions section below.

CONSULTATIONS

Conservation Officer
Highways England
WSCC Strategic Planning
Historic England
Environment Agency
Natural England
Sport England South East
Surface Water Drainage Team
Environmental Health
Parks and Landscapes
Arboriculturist
Southern Water Planning
Economic Regeneration
Planning and Housing Strategy
Sussex Police-Community Safety
Engineering Services Manager
Engineers (Drainage)
Archaeology Advisor
NHS Coastal West Sussex CCG
Strategic Projects
Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND:

No comments; await the submission of the discharge of condition application for agreed improvements to the A27 Yapton Lane junction.

LOCAL HIGHWAY AUTHORITY:

Further information requested but not submitted. The width of the access should measure 4.8m; in parts it is between 4.1 and 4.8m wide. Internal roads where footways are proposed should have footways provided on both sides. Access protection barriers are required at the new sections of footway alongside Ford Lane and the pedestrian connection on North End Road. The two openings proposed to North End Road would require access barriers on the highway and in the site. The recreational area in the south-western corner should include shared-use paths. Visitor parking appears to be under-represented throughout. Details of cycle parking for all properties is required.

LOCAL HIGHWAY AUTHORITY - PUBLIC RIGHTS OF WAY TEAM

Further information has been requested but not submitted. At the outline application stage, the Local Highway Authority recommended that as part of any reserved matters application that any PRoW running through the site be considered to provide for shared foot and cycle use. Three Public Rights of Way (PRoW) run through the site - namely FP357, FP358 and FP359. FP357 appears on the plans to measure 2.0m (it should measure a minimum of 3.0m for shared-use) with surfacing, whereas both FP358 and FP359 are not shown measuring more than 1.5m and without surfacing. Bridleway status for these paths would legally permit those on foot, cycle and horse to use the paths, albeit recognising that the paths would need to be upgraded, including connections in-and-out of the site.

NATURAL ENGLAND:

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

ADC ECOLOGICAL ADVISOR:

Object. No protected species surveys have been submitted so it is not possible to establish if protected species are present. Prior to determination, an extended phase one habitat survey is required to determine if there is potential for protected species. If there is potential for protected species then further surveys would be required. These surveys plus any mitigation strategies required would need to be submitted prior to determination. Information on Biodiversity Net Gain needs to be provided prior to determination.

SPORT ENGLAND:

No objection.

ADC HOUSING:

No objection. To meet the requirements of the Council's Affordable Housing policy the applicant will need to provide 30 affordable dwellings - 24 rented and 6 intermediate. The proposed mix should be amended to include more 3 bed dwellings at the expense of 2 bed units.

SOUTHERN WATER:

No objection. Recognises its obligations under the new charging regime to provide capacity in the existing sewerage system to accommodate the needs of the development. Southern Water and the developer will need to work together to review if delivery of the network reinforcement aligns with proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

ADC DRAINAGE:

Object. There is insufficient detail submitted to determine the viability of the drainage scheme. Winter groundwater monitoring (October to March) will be required and further winter infiltration testing carried out at agreed locations / depths. Infiltration is expected to be viable in some form. The layout presents significant open spaces to accommodate drainage features and these should be open features where possible. Permeable paving will need to be extended for use in all private driveways. The ditch on the eastern boundary is likely to require maintenance works to it.

ENVIRONMENTAL HEALTH:

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

HISTORIC ENGLAND

No comments to make.

ADC ARCHAEOLOGICAL ADVISOR

No comments to make on this reserved matters application.

ADC CONSERVATION OFFICER:

The site is located in the vicinity of St Mary's Church (Grade I), Church House (Grade II), Park Lodge (Grade II) and The Old Cottage (Grade II); the following Locally Listed Buildings: 1 & 2 Church Cottages, Little Orchard and Yapton Lodge; and Church Lane Conservation Area. A heritage statement has been submitted assessing the significance of the heritage assets and the potential impact of the development upon them. The location of the site is in close proximity to St Marys Church, which is a Grade I Listed Building is a very attractive, unrestored medieval church and to the Church Lane Conservation Area. On balance, the development would have a neutral impact upon the various heritage assets and their settings. This is in part due to the location of the area of open space in the southern section of the site, along with a more considered design of the properties. The application is considered to not cause harm to the significance of the heritage asset or their setting.

ADC GREENSPACE:

No objection. The layout includes 1.1ha of land for public open space and strategic landscaping and 2.2ha of public open space and green corridors is supported. The plans propose a super scheme regarding the play offer to be provided in the form of local areas of play (LAPs) and a local equipped area of play (LEAP). Landscape proposals provide a good mix of native and ornamental trees/shrubs. The large, well-located areas of public open space form a pleasant setting.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and issues addressed in the Conclusions section below.

POLICY CONTEXT

Designation applicable to site:

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

DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
HERDM6	HER DM6 Sites of Archaeological Interest

LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TELSP1	TEL SP1 Strategic delivery of telecomms infrastructure
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

Yapton neighbourhood plan 2014 Policy BB1

Yapton neighbourhood plan 2014 Policy E1	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E11	Protection of high value agricultural land
Yapton neighbourhood plan 2014 Policy E4	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy E5	Minimising the environmental impact of development
Yapton neighbourhood plan 2014 Policy E6	Enhancement of biodiversity
Yapton neighbourhood plan 2014 Policy H1	Green infrastructure and development
Yapton neighbourhood plan 2014 Policy H2	Housing requirement
Yapton neighbourhood plan 2014 Policy PK1	Dwelling size
	Parking standards for new residential development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

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

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

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

considerations indicate otherwise."

The proposal does not comply with the Development Plan due to the layout of the development, the negative impact on the existing trees on the site; the large groupings of affordable units clustered in the western most part of the site, rather than in small clusters throughout the development; the lack of surface water drainage information to inform the layout of the site; and no justification has been provided regarding proposed design of the residential development on the site. This would result in a development of unacceptable quality causing harm to the amenities of the occupiers of the development and other material interests.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The principle of residential development on the site was established when Y/80/16/OUT was allowed on appeal on 15-01-2018 for up to 100 dwellings, including up to 30 affordable dwellings.

ASSESSMENT

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

DESIGN AND FORM OF BUILDINGS

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

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

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

The Arun Design Guide is a draft with consultation undertaken in early 2020 with adoption expected later in the year. The guide promotes good design through setting out key design objectives. It encourages creating a network of streets (F.01), appropriate open spaces (H.03), appropriate external space standards (H.04) and appropriate building design (J.01). Section D.01: (Site Appraisal) of the Arun Design Guide states: "the first step in the design process should be to carry out a detailed appraisal of the development plot and its surrounding context in order to ensure a clear understanding of the site and its wider setting. The appraisal should identify the constraints and opportunities presented by various aspects of the site and its surrounds, which will inform the upcoming development proposal. Major housing and masterplanning projects should approach site appraisal strategically, considering aspects

such as surrounding settlements or landscapes, drainage patterns and transport networks." Section D.02 (Developing a Design Rationale) of the District Design Guide states: "the design rationale should draw upon the results of the site appraisal in order to justify the reasoning behind key design decisions for the proposed development."

A planning statement has been submitted but no Design and Access Statement or document has been submitted demonstrating how the development accords with the 10 characteristics set out in the National Design Guide and the draft Arun Design Guide Supplementary Planning Document (SPD), which promotes good design in new development through setting out key design objectives including the development of a design rationale which should draw upon the results of a site appraisal in order to justify the reasoning behind key design decisions for the proposed development. The development is contrary to Policy D SP1 of the Arun Local Plan, the National Design Guide and the emerging Arun Design Guide SPD.

DENSITY

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

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

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

SITE LAYOUT, APPEARANCE AND CHARACTER

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

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

Site Access Layout

The layout plan (Drawing No. 042 Rev. D) is based on and accords with the Site Access Drawing Number 130431-10 Rev. A, which is listed in Condition 3 imposed on the outline permission (Inspector's Decision letter (APP/C3810/W/17/3170059). Drawing Number 130431-10 Rev. A includes approved visibility splays along Ford Lane, i.e. 4.5m x 63m to the west and 4.5m x 160m to the east.

The proposed layout plan (Drawing No. 042 Rev. D) does not include the provision of emergency access into the site from North End Road. The ideal location for an emergency access into the site from North End Road would be next to Plot 63.

The access road serving Plots 6, 7, 15-18, 36-45 and 54-58 should measure 4.8m; the access road serving these plots currently measures between 4.1 and 4.8m wide. Internal roads where footways are

proposed should ideally have footways provided on both sides. The proposed internal road hierarchy is not acceptable as it does not measure 4.8m in width and it is contrary to T SP1 of the Local Plan.

Layout of Public Open Space and Play Areas

Layout plan (Drawing No. 042 Rev. D) includes the provision of 1.1 ha of ancillary public open space and strategic landscaping and 2.2 ha of public parkland and green corridors, which is acceptable as it accords with Proposed Indicative Layout/open space proposals Drg: 201 Rev. C listed in Condition 4 imposed on Y/80/16/OUT.

Condition 16 imposed on Y/80/16/OUT required the submission of details of the laying out of a minimum 400 square metres area designated as a Local Equipped Area of Play (LEAP) and three Local Areas of Play (LAP), each of at least 100 square metres, and all other amenity areas (other than private gardens) to be provided together with their defined boundaries, means of enclosure, proposed use and items of equipment and other structures to be installed.

Layout plan (Drawing No. 042 Rev. D) and the Detailed Play Provision Plans include the location of the LEAP and the three LAPs; together with the details of the play equipment proposed to be provided in the LEAP and LAPs. The LEAP is located in the large area of green space in the southern part of the site. Information has been submitted on the defined boundaries and means of enclosure of the LEAP and the three LAPs, and it consequently complies with Condition 16. Careful consideration has been given to the siting of the play features ensuring they are safe and appropriately located and that the play equipment provides a range of play experiences for children and young people.

The outline application Proposed Indicative Layout & Open Space Proposals Plan (Drawing No. 201C) identified a 32m wide open space buffer along the east boundary and an 85m wide buffer along the south boundary, adjacent to rear gardens of houses on Church Lane. Layout plan (Drawing No. 042 Rev. D) includes a 32m wide open space buffer along the east boundary and an 85m wide buffer along the south boundary. Part of the 32m wide open space buffer along the east boundary accommodates the site access road, but this is considered to be acceptable.

Layout plan (Drawing No. 042 Rev. D) shows a good amount of public open space along the east periphery of the development, which would allow the retention of significant trees along this boundary; together with the provision of a central area of public open space (i.e. Green Corridor). Provision has been made on the layout plan (Drawing No. 042 Rev. D) for connecting pathways in the public open space in the south and east parts of the site for internal movement which would link into the existing footpath network beyond, providing good access for pedestrians and cyclists.

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

The layout plan (Drawing No. 042 Rev. D) shows the majority of houses fronting onto areas of public open space. However, the proposed layout of the dwellings on plots 32, 35, 40 and 41 is unacceptable as the Green Corridor at this point is cut-off by the roads crossing it; and the road bisects the line of the footpath, as this would impair the flow of movement by cyclists and walkers by the siting of the houses too close to the footpath; and the siting of the houses would impinge in visual terms on the Green Corridor, creating a visual pinchpoint.

Landscape Layout

The Illustrative Strategic Landscape & Open Space Proposals (Drawing No. 202 Rev B), which was

listed in Condition 3 of the outline permission sets out the indicative framework for the location of the strategic landscaping on the site. The Illustrative Strategic Landscape & Open Space Proposals (Drawing No. 202 Rev. B) included the planting of strategic landscaping along the boundary of the site with Orchard Business Park, and along the eastern boundary of the development, which would help to screen views of the proposed housing when viewed from Church Farm and St Mary's Church.

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

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

Layout of Houses and Apartments

Layout plan (Drawing No. 042 Rev. D) ensures the houses and apartments are located in the areas identified for residential development on the Indicative Layout/open space proposals Drawing 201 Rev. C which was listed in Condition 4 which was imposed on Y/80/16/OUT.

However, the layout appears to focus the higher density developments on the west part of the site, towards North End Road; with the lower densities comprising detached houses focussed towards the south and east of the site. The concentration of higher density developments on the west part of the site, towards North End Road is unacceptable as existing residential development along North End Road is not high density and the development would be out of character with the existing density of housing in the immediate area. The current layout has led to a cramped layout on the west part of the site. The layout is unacceptable.

The run of large 4-bed houses from plots 24 to 32 inclusive appear regimented. If the number of 4 bed houses were reduced across the site, it would ensure a range of house types could be accommodated on the part of the site that fronts onto the open space that bounds the south and east parts of the site and towards the adjacent farmland.

Houses on plots 15, 16, 17 and 18 do not form an inherent part of the block of housing comprising plots 1 to 14 inclusive; and there is no vehicular and pedestrian access around the whole block which is unacceptable in terms of permeability

Layout plan (Drawing No. 042 Rev. D) turns its back on residential development currently under construction on the Crayfern development of 10 houses on Orchard Business Park to the south and west of the site. No connectivity is shown between the site and the housing on Orchard Business Park. The road on the Crayfern site immediately south of the site provides an opportunity to create a connection between the two developments and this should be explored. The row of Leylandii Cypress along the south west part of the site has the potential for shading and could cause high hedge issues with the proposed layout.

Layout plan (Drawing No. 042 Rev. D) includes apartment buildings on the west boundary, adjacent to North End Road. The two apartment buildings (plots 64 to 71 and plots 72 to 79) form gateway features for anyone accessing the site on foot or cycling from North End Road. The two apartment buildings need to include active frontages along the western elevation facing North End Road and on the eastern elevation facing the main part of the site. The apartment buildings are located in a prominent gateway position, visible from North End Road and the western elevations of both apartment buildings need active frontages facing out onto North End Road and gables incorporating architectural features that enhance the appearance of the buildings, due to the large scale of the apartment buildings; and avoid blank elevations on the northern and southern elevations.

Layout plan (Drawing No. 042 Rev. D) includes details of refuse collection points for each house and the two apartment buildings, together with details of the refuse vehicle tracking within the site, which are also considered to be acceptable. The apartment buildings (plots 64 to 71 and plots 72 to 79) are provided with bin and cycle stores that are attached to the apartment buildings.

Since the outline permission was granted, the LPA has adopted guidance on the provision of electric vehicle charging points. As such, if reserved matters are approved, a condition is requested for the provision of Electric Vehicle (EV) charging points within the site.

Root Protection Areas of Trees

All of the trees on the site that are protected by a Tree Preservation Order (TPO/Y/2/17), with the exception of one lime tree, have been incorporated into open space or landscape buffer zones on the proposed layout plan (Drawing No. 042 Rev. D). The lime tree is a category A tree of potential veteran status and so it is unacceptable to see it confined within the development. As a general principle of design, careful consideration should be given to the layout of the proposed development beneath the canopies of the established trees and the potential for further tree growth. With such a large and open site, greater emphasis is required in terms of site layout on removing future 'pressure to prune the retained trees. The houses on plots 95-100 incur into the root protection area (RPA) of the lime tree.

There is a considerable amount of trees and hedgerow about the perimeter of the site, including substantial linear groups of Leyland cypress which provide valuable screening. Any trees in particular along the boundaries, which adjoin neighbouring land could provide potential valuable screening and should be retained. Their future growth and influence over any adjacent residential property should be a major consideration in respect of shading and ongoing maintenance requirements. The established Leylandii hedge in the south west part of the site adjoining Orchards Business Park has the potential for shading and could in time cause high hedge issues with the location of the housing shown on Drawing No. 042 Rev. D. Any trees that are removed should be replaced with native species for biodiversity purposes and to ensure that the site fits into the semi-rural setting.

Layout of Surface Water Drainage Features

Surface water drainage information has been submitted in a Drainage Statement, a Surface Water Catchment Plan and an Overland Flow Routes Plan. Surface water drainage features include an attenuation basin in the southern part of the site and a large swale running along part of the eastern boundary, shown on Drawing No. 042 Rev. D; together with details of underground storage crates. Surface water drainage features do not comprise useable open space.

The surface water drainage for the site has not been agreed in advance of the submission of this application. ADC Drainage Engineers state there is insufficient detail submitted with the application to fully determine the viability of the drainage scheme proposed which is incorporated into the proposed layout plan. Winter groundwater monitoring (October to March) will be required and then further winter infiltration testing carried out at agreed locations / depths. Infiltration is expected to be viable in some

form. Consequently, the development is contrary to Policy W DM3 of the Local Plan and Policy E11 of the Yapton Neighbourhood Plan and the National Planning Policy Framework.

Pumping Station Layout

Layout plan (Drawing No. 042 Rev. D) includes the provision of a pumping station in the south west part of the site adjoining Orchards Business Park. No elevational details of the pumping station or the associated boundary treatment have been submitted with this application. However, it is considered that the details of the pumping station, including its boundary treatment could be conditioned.

Layout of Footways / Cycleways

Three Public Rights of Way (FP357, FP358 and FP359) run through the site. Layout plan (Drawing No. 042 Rev. D) includes a green corridor which runs diagonally across the site from north west to south east, following the line of one of the public footpaths. A further path running NE-SW across the central green/play area is required to provide a path on a desire-line for pedestrians and should be incorporated into the layout of the development; and the LEAP in the southern part of the site should include shared-use paths for a choice of users.

Condition 8 of Y/80/16/OUT requires details to be submitted and approved prior to the commencement of development for the retention and improvement of PROW FP357, FP358 and FP359. All public footpaths should be widened to measure a minimum of 3.0m wide for shared foot and cycle use and be surfaced; and this will be achieved through the submission of a discharge of condition application.

The Local Highway Authority is requesting access protection barriers both in the application site and on the public highway at the new sections of footway alongside Ford Lane and the pedestrian connection on North End Road which, in turn, leads to off-site footway improvements along this road; to protect users and be designed to cater for those who are mobility impaired and those with pushchairs. The two openings proposed to North End Road require access protection barriers on the highway and in the site. The details and provision of access protection barriers could be conditioned.

Parking Layout and Provision

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

The rows of car parking spaces in the west part of the development shown on Drawing No. 042 Rev. D, serving plots 46-49; 54-57; 59-63; 84-90 and the two parking courts serving the apartment buildings comprising plots 64-71 and 72-79 (inclusive) lack tree planting to break up the negative visual impact of the parking spaces, which is visually unacceptable.

Drawing No. 042 Rev. D shows 2 car parking spaces per dwelling. In addition to the 2 on-plot parking spaces per dwelling, there are 59 garages in the development - 31 detached garages and 28 integral garages. The Arun District Parking Standards SPD, January 2020 counts garages as half a space. Consequently, the quantum of car parking proposed on the layout plan is in line with the recommendations in Table 3.1 of the SPD. The dimensions of the garages measure 6.0m by 3.0m, and the size of the garages is therefore considered to be acceptable.

Visitor parking appears to be under-represented in the layout. Visitor parking is in the form of 7 lay-by spaces located in the eastern part of the development. The number of visitor spaces required on site are recommended in paragraph 3.3 of the Arun District Parking Standards SPD which states "visitor parking will be required to be provided at a ratio of 20% of the total number of residential units. For example, if there were 100 dwellings proposed, in addition to the allocated residents parking, 20 visitor spaces should be provided". The quantum of visitor parking spaces is unacceptably low and contrary to Arun District Parking Standards SPD, January 2020.

Cycle parking is provided for the two apartment buildings in secure cycle stores which would be located in single storey buildings attached to the apartments. Drawing No. 042 Rev. D does not include provision of garden sheds in rear gardens for the storage of bicycles; only the provision of garages. The proposed levels of cycle parking for properties is unacceptable. The submission of details regarding the provision/appearance of garden sheds for the storage of bicycles could be conditioned.

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

SCALE AND BUILDING HEIGHTS

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

The predominance of two storey dwellings is in keeping with the character of existing development including the two storey houses along North End Road and ensures that the development reflects the built form and massing, in this part of Yapton. The two apartment buildings on the western boundary of the site are 3 storeys high on the western wings. Three storey elements of the apartment buildings enhance the visual appearance of the western part of the development, and provide prominent buildings that function as gateway buildings into the site from North End Road; as the two buildings would have sufficient scale and height next to the highway.

Consequently the proposed residential development complies with Policy D DM1 of the Local Plan.

RESIDENTIAL AMENITY

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

The siting of the houses and apartments would ensure that there would be no materially adverse overlooking or overbearing impacts on existing houses along North End Road.

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

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

AFFORDABLE HOUSING

The provision of affordable housing is not set out in the S106 Unilateral Undertaking which accompanied the Y/80/16/OUT. It was recommended at the time that the outline planning application was presented to the Development Control Committee that the provision of affordable housing should be dealt with by means of a condition, rather than in a S106 Agreement.

It is proposed that thirty dwellings would be affordable (i.e. 30% affordable provision), which equates to 24 rented and 6 intermediate (shared ownership), which would be in compliance with Policy AH SP2 of the Local Plan).

The affordable dwelling mix in Policy AH SP2 of the Local Plan is:

1 bedroom: 35 - 40%
2 bedroom: 35 - 40 %
3 bedroom: 15 - 20%
4+ bedroom: 5 -10%

Condition 6 imposed on the outline permission required not less than 30% of the total number of dwellings approved at reserved matters stage be affordable; 80% of the affordable dwellings shall be social rented and 20% intermediate (shared ownership) housing.

The proposed affordable dwelling mix comprises:

12 x 1 bed flats;
4 x 2 bed flats;
8 x 2 bed houses;
4 x 3 bed houses; and
2 x 4 bed houses.

The ADC Housing Officer has requested an amended mix to include more 3 bed dwellings at the expense of 2 bed, as follows:

Affordable Rented (80%)

12 x 1 bed flat
4 x 2 bed flat
4 x 2 bed house
4 x 3 bed house

Intermediate: shared ownership (20%)

4 x 2 bed house
2 x 4 bed house

The amended mix would enable improved pepper potting of affordable dwellings through the site; which could be achieved by converting dwellings 46-49 to rented and dwellings 80-83 to intermediate (shared ownership).

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

Policy AH SP2 says: "affordable housing must be visually indistinguishable from market housing with large groupings of single tenure dwellings or property types avoided. Affordable housing units shall be permitted in small clusters throughout development schemes."

The development needs to comply with Policy AH SP2 of the Local Plan in terms of clustering. The proposed layout includes large groupings of affordable housing clustered in the apartment buildings (plots 64-71 and 72-79), the terraced properties (plots 80-83 and 54-57) in the western most part of the site. The affordable units need to be broken up into smaller clusters that are pepper potted throughout the development; and this is linked to the issue with the layout of the site.

The layout is unacceptable due to large groupings of affordable units clustered in the west of the site. Consequently, the development is contrary to Policy AH SP2 of the Local Plan and the NPPF, which require affordable housing units to be provided in small clusters throughout the development.

HOUSING MIX

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

The 2012 SHMA was the subject of an update in 2016 in which paragraph 6.3 stated that the evidence highlighted a direction towards the provision of 2 and 3 bed units for market units and smaller affordable units. The GL Hearn 2016 update acknowledges at paragraph 6.10 that the analysis clearly shows the different profiles in the different broad tenures with affordable (rented) need being more heavily skewed towards smaller dwellings and market housing predominantly homes with three or more dwellings. Table 29 identifies a suggested broad mix housing by size and tenure for the District.

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

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

Policy H2 of the Yapton NP says: "developments of fifteen or more dwellings must provide a mix of dwelling sizes (market and affordable) that fall within the following ranges:

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

The number of 1-bed dwellings (12%) complies with Policy H2 of the Yapton NP; however, the number of 2-bed dwellings (16%) is less than the percentage quota for 2-bed dwellings in Policy H2; the number of 3-bed dwellings (32%) is less than the percentage quota for 3-bed dwellings in Policy H2; and the number of 4 bed dwellings (40%) is considerably higher than percentage quota for 4+ dwellings in Policy H2.

The number of 2-bed and 3-bed dwellings needs to be increased to comply with Policy H2 of the NP; and the number of 4-bed dwellings needs to be reduced considerably.

The applicant has provided an interesting appeal decision (APP/Z1510/W/19/3222599 - Land adjacent to Colne House, Station Road, Earls Colne, CO6 2LJ) in Appendix 4 of the planning statement to justify why the housing mix should be developed in non-compliance with Policy H2 of the NP. The Inspector found:

"6. When this appeal was lodged it is evident that there was a dispute between the parties about whether or not the mix of houses (i.e. the number of houses of different sized) could be determined as part of the reserved matter. However, it is apparent from evidence submitted with the appeal that matters to be determined in respect of this appeal relating to scale and appearance cannot be considered to be synonymous with housing mix".

"7. Furthermore, the parties agreed that there is no planning condition or legal obligation attached to the varied outline permission which could manage the mix of market homes. Evidence that refers to other appeal decisions or legal opinions provided by the appellant confirms that in order to manage housing mix it would have been necessary for the Council to impose a specific condition on the outline planning permission. The mix of housing to be provided is therefore not a matter that I need to address in the context of this appeal".

The LPA is not aware whether this Inspector's Decision has been challenged. The LPA considers that the lack of a condition on the housing mix at the outline stage (Y/80/16/OUT) could have been an oversight on the part of the Inspector; and it is unreasonable for the applicant to include this 'exceptional' appeal decision in an attempt to waive this issue of SHMA compliancy.

The development comprises detached, semi-detached and terraced houses and 2 apartment buildings which provide for variety not only in housing size but type. The overall market and affordable mix provides for a range of dwelling sizes from 1, 2, 3 and 4 bed flats and houses. The proposed development delivers just under half of the overall scheme as 2 and 3 bed dwellings (i.e. 48 dwelling). This is consistent with the objectives of the SHMA in providing a focus on family housing across a range of housing sizes and types whilst also providing a proportion of smaller 1 bed units overall. Notwithstanding the Inspector's decision referred to above (Appeal Ref. APP/Z1510/W/19/3222599 - Land adjacent to Colne House, Station Road, Earls Colne, CO6 2LJ), the current proposal includes 40% 4 bed units compared to the recommended proportion of 10-15% in the SHMA update; and the number of 4 bed units needs to be reduced considerably so as to comply with the SHMA update.

Regardless of the Inspector's decision, the proposed housing mix does not accord with Policy H DM1 of the Local Plan, Policy H2 of the NP or the SHMA due to the high number of 4 bed units.

HERITAGE ASSETS

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

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

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

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

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

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

1) St Mary's Church (Grade I), Church House (Grade II), Park Lodge (Grade II) and The Old Cottage (Grade II) Listed Buildings;

- 2): 1 & 2 Church Cottages, Little Orchard and Yapton Lodge Locally Listed Buildings; and
3) Church Lane Conservation Area.

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

The new houses would be set back from Church Lane and the associated heritage assets through the creation of a new area of open space. The open space continues into the site following the route of one of the existing footpaths so as to make a feature of it. Such a proposal would have the benefit of moving the housing further away from the conservation area, whilst also forming a pleasant transition area between it and the main part of the development. It also allows for the church tower to remain a feature of views from within the site, whilst not harming the setting of the church which is contained more within the churchyard and surrounding Conservation Area. The intention to include a number of areas of open space within the development will have a positive impact upon its character, which will better attempt to reflect this part of the village. The design of houses closest to the Conservation Area and the church appear to be based on the designs of properties constructed in the early to mid C20. At present, the development along the northern side of Church Lane are of a similar age in terms of their construction date, so this approach would appear to be acceptable. The designs are somewhat suitable for the character of the wider village.

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

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

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

BIODIVERSITY

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

Policy E5 of the Yapton NP says: "in order to retain and encourage biodiversity, flood attenuation ponds should, where possible, be included in the design of development proposals and these should

incorporate links and corridors for wildlife. If this is not possible, then other forms of Sustainable Urban Drainage Systems (SuDS) should be provided."

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

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

The Council's Ecological Advisor objected as no protected species surveys have been submitted with the reserved matters application. However, the ecological information will be submitted in a discharge of condition application.

NOISE POLLUTION

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

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

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

EXTERNAL SPACE STANDARDS

Drawing No. 042 Rev. D) shows all houses with rear gardens that measure at least 10m in length, which is acceptable to ensure adequate amenity space is provided. The two apartment buildings are not provided with sufficient private amenity space on Drawing No. 042 Rev. D, which is unacceptable in terms of residential amenity.

The site layout includes 20m back to back stand-off distances and 11m side on back distances, which are considered to be acceptable.

INTERNAL SPACE STANDARDS

Policy D DM2 of the Local Plan sets out that the LPA will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance.

The floor plans of each dwelling / apartments where it specifies the number of bedrooms, the occupancy and the square metres of floor space have been cross referenced with the Nationally Described Space Standard (NDSS) table (Table 1). The minimum gross internal floor areas of all of the houses and the apartment buildings on the application site comply with Policy D DM2 and meet the NDSS requirements.

CLIMATE CHANGE

Policy ECC SP1 of the Local Plan says: "The Council will support development which is located and appropriately designed to adapt to impacts arising from climate change such as the increased probability of tidal and fluvial flooding; water stress; health impacts as a result of extreme temperatures and a decline in the quality of habitats and richness in biodiversity". Policy ECC SP2 of the Local Plan says: "All major developments must produce 10% of the total predicted energy requirements from renewable or low carbon energy generation on site, unless it can be demonstrated that this is unviable".

The proposed east/west orientation of houses on Plots 8, 16-18, 24-29, 36-39, 80-83 and 92-100 inclusive would ensure maximum solar gain and would comply with Policy ECC SP1 of the Local Plan. The north/south orientation of the remaining houses and the two apartment buildings on the site would not ensure maximum solar gain and would not comply with Policy ECC SP1 of the Local Plan.

The layout of the houses and apartments on the application site was predicated on the indicative framework which was set out in Condition 3 which was imposed on Y/80/16/OUT and comprised the Proposed Indicative Layout & Open Space Proposals (Drawing No. 201C) and Illustrative Strategic Landscape & Open Space Proposals (Drawing No. 202B). The majority of dwellings are orientated north/south and therefore, on balance the layout makes all reasonable endeavours to achieve maximum solar gain.

SUMMARY

This reserved matters application seeking approval for appearance, scale, layout and landscaping is considered to be unacceptable for the following reasons.

The proposed development is architecturally acceptable. However, the applicant has failed to submit information to demonstrate how the development accords with the draft Arun Design Guide Supplementary Planning Document (SPD) which promotes good design in new development through setting out key design objectives including the development of a design rationale which should draw upon the results of a site appraisal in order to justify the reasoning behind key design decisions for the proposed development. Consequently, the development is contrary to Policy D SP1 of the Arun Local Plan, the National Design Guide and the emerging Arun Design Guide SPD by failing to adequately address and achieve good design.

The proposed layout concentrates higher density development in the western part of the site which appears cramped which is unacceptable in terms of visual appearance and would harm the residential amenity. The housing mix should be SHMA compliant. The siting of the houses would impinge on the Green Corridor. Dwellings are located within the Root Protection Area (RPA) of the lime tree, which is unacceptable in tree protection terms. The rows of car parking lack any tree planting to break up the negative visual impact of the parking spaces, which is visually unacceptable. The apartment buildings are not provided with sufficient private amenity space. The quantum of visitor parking spaces is unacceptably low. The proposed layout and design of the development is unacceptable in terms of residential amenity and visual appearance and lack of permeability and it is contrary to Policy D DM1, Policy OSR DM1, Policy ENV DM4 and Policy T SP1 of the Arun Local Plan, Arun District Parking Standards Supplementary Planning Document, January 2020, and the National Planning Policy Framework.

There is insufficient surface water drainage detail submitted to fully determine the viability of the drainage scheme proposed, which is incorporated into the proposed layout plan (Drawing No. 042 Rev. D). Winter groundwater monitoring (October to March) will be required and then further winter infiltration testing carried out at agreed locations / depths. Infiltration is expected to be viable in some form. Consequently the proposed development is contrary to Policy W DM3 of the Local Plan and Policy E11 of the Yapton Neighbourhood Plan and the NPPF.

The layout is unacceptable as it includes large groupings of affordable units clustered in the apartment buildings (plots 64-71 and 72-79), and the terraced houses (plots 80-83 and 54-57) in the western most part of the site, which is contrary to Policy AH SP2 of the Local Plan and the NPPF which require affordable housing units to be provided in small clusters throughout the development.

It is therefore recommended that this reserved matters application is refused.

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.

SECTION 106 DETAILS

There were two Unilateral Undertakings imposed at the outline planning stage.

The first Unilateral Undertaking dated 22nd December 2016 contains planning obligations regarding fire hydrants, highways contribution, a library contribution, primary education contribution, sports hall contribution, swimming pool contribution and a contribution to artificial pitches.

The second Unilateral Undertaking dated 14th December 2017 contains planning obligations regarding a fire and rescue contribution, secondary education contribution and further education contribution.

RECOMMENDATION

REFUSE

- 1 The applicant has failed to submit information to demonstrate how the development accords with the draft Arun Design Guide Supplementary Planning Document (SPD) which promotes good design in new development through setting out key design objectives including the development of a design rationale which should draw upon the results of a site appraisal in order to justify the reasoning behind key design decisions for the proposed development.

Consequently, the development is contrary to Policy D SP1 of the Arun Local Plan, the National Design Guide and the emerging Arun Design Guide SPD by failing to adequately address and achieve good design.

- 2 The proposed layout concentrates higher density development in the western part of the site which appears cramped which is unacceptable in terms of visual appearance and would harm the residential amenity. The housing mix should be SHMA compliant. The siting of the houses would impinge on the Green Corridor. Dwellings are located within the Root Protection Area (RPA) of the lime tree, which is unacceptable in tree protection terms. The rows of car parking lack any tree planting to break up the negative visual impact of the parking spaces, which is visually unacceptable. The apartment buildings are not provided with sufficient private amenity space. The quantum of visitor parking spaces is unacceptably low. The proposed layout and design of the development is unacceptable in terms of residential amenity and visual appearance and lack of permeability and it is contrary to Policy D DM1, Policy OSR DM1, Policy ENV DM4 and Policy T SP1 of the Arun Local Plan, Arun District Parking Standards Supplementary Planning Document, January 2020, and the National Planning Policy Framework.
- 3 Insufficient surface water drainage details have been submitted to fully determine the viability of the proposed surface water drainage scheme, which is incorporated into the proposed layout plan (Drawing No. 042 Rev. D). The development is contrary to Policy W DM3 of the Local Plan and Policy E11 of the Yapton Neighbourhood Plan and the National Planning Policy Framework, as the layout as proposed could lead to flooding on the site and the surrounding area, which would be unacceptable.
- 4 The layout is unacceptable as it includes large groupings of affordable units clustered in the apartment buildings (plots 64-71 and 72-79), and the terraced houses (plots 80-83 and 54-57) in the western most part of the site, which is contrary to Policy AH SP2 of the Local Plan and the National Planning Policy Framework, which require affordable housing units to be provided in small clusters throughout the development, rather than being over-concentrated in one part of the site, constituting ghettoization.
- 5 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.