

Recommendation Report for Outline Consent

REF NO: Y/20/18/OUT

LOCATION: Land adjacent to Bonhams & Flints
Hoe Lane
Flansham
PO22 8NP

PROPOSAL: Outline application with some matters reserved for the erection of 10 dwellings with access from Hoe Lane, Flansham (resubmission following Y/40/17/OUT). This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The current proposal is in outline and only seeks approval of the principle of the development and the access arrangements. An indicative layout plan has been provided but layout is a reserved matter and would be dealt with by a separate application.

The scheme proposes to retain the existing two dwellings (albeit that the dwelling known as Flints would have a reduced garden curtilage) and then develop the remainder of the site with 10 new dwellings. The mix is indicated as 2 x 3 bedroom semi-detached houses, 5 x 4 bedroom detached houses and 3 x 5 bedroom detached houses. The two semi's are shown to have 2 tandem parking spaces each. The detached houses all have a double garage plus 2 additional parking spaces.

The layout also includes two areas of public open space including a large central space on which a Local Area for Play (LAP) could be provided. The layout also suggests that the protected trees will all be retained. The scheme proposes to use the existing access but will make some minor alterations outside of the site to link the existing pavement footpath (which ends just east of the access) to the pavement leading into the site.

In respect of trees, the tree survey indicates that T24, a Poplar located on the western side of the site, south of the house will need to be felled. The tree survey also suggests that the following trees/tree groups may need to be removed but at the owners discretion:

T12 - 1 Sycamore (located on western boundary close to existing dilapidated buildings);
G13 - 4 Sycamore (located on western boundary close to existing dilapidated buildings); and

G14 - 2 Sycamore (located on western boundary close to existing dilapidated buildings).

However, the plans also indicate the need for the felling and pruning of some additional trees at the site access to facilitate widening and visibility.

SITE AREA

1.15 Hectares.

RESIDENTIAL DEVELOPMENT DENSITY 8.7 dwellings per hectare.

TOPOGRAPHY

The site is predominantly flat but is roughly between 1 and 2m lower than the level of the A259 to the south.

TREES

There is a Tree Preservation Order (TPO/Y/1/18) in place on a group of 3 Field Maples situated in the south-western corner of the site close to the footpath and on a group of 12 trees (6 Beech, 5 Hornbeam, 1 Oak) which together enclose the southern and western boundaries of Bonhams garden.

There are other trees fronting Hoe Lane, bordering the footpath on the western side and dotted throughout the site. There is also an established hedge along the boundary with the A259 Bognor Regis Relief Road (BRRR). An additional TPO (TPO/Y/2/18) was made in respect of a Hornbeam tree which is adjacent to the 12th individual tree forming part of the TPO/Y/1/18 schedule (but which was accidentally omitted from the first Order).

BOUNDARY TREATMENT

These consist of:

- (1) Western boundary is part trees, part hedge and part 1.8m timber fence to Flints;
- (2) Northern boundary is part hedge/trees and part flint/brick wall;
- (3) Brick piers with black metal gates to Hoe Lane; and
- (4) Eastern and southern boundaries consist of ranch style timber fencing (1m high) with the established hedge beyond.

In addition, there are internal boundaries within the site to separate Bonhams from Flints Cottage and from the open areas of the site. These consist of manicured hedges and timber fencing.

It is not possible to view the site from external ground level viewpoints other than at the vehicular entrance, the south western corner where the footpath meets with the A259 Bognor Regis Relief Road (BRRR) and from the buffer areas between the hedge and timber fence (see (4) above) when accessed from the entrance to the public footpath.

SITE CHARACTERISTICS

The application site consists of three separate parts. First, the dwelling Bonhams with its large gardens. Bonhams is end on to Hoe Lane and backs onto the footpath. It comprises a grand two storey dwelling in brick, flint and clay tiles together

with a garage/store outbuilding on the western side. Bonhams has a large well maintained garden on its eastern and southern sides and there are at least two small timber sheds. Bonhams has principal windows in all elevations.

It is understood that Bonhams is a 17th-century house and was remodelled with walls of knapped flint and brick in the early 18th century. Bonham's was delisted in 2013.

Second, the smaller dwelling known as Flints Cottage which is located to the south of Bonhams. This is a two storey dwelling which backs on to the footpath and is similarly built from a mix of flint, brick and clay tiles. Flints Cottage has principal windows in all elevations. It has a rectangular garden extending to the east of the dwelling and has outbuildings on both sides.

Flints Cottage and Bonhams both share an access onto Hoe Lane. However, Bonhams has an additional access direct from Hoe Lane to a double garage.

Thirdly, a field to the south which shares access with both dwellings. This is essentially covered in scrub planting and at the time of a site visit in July 2017, there was evidence of log piles and some waste materials. The remains of some old single storey buildings lie alongside the western boundary backing on to the footpath. The south western corner appeared to more overgrown than the rest.

The western boundary of the site is with a public footpath which runs between the A259 Bognor Regis Relief Road (BRRR) and Hoe Lane. Beyond this boundary lies the dwelling known as Jem House which is well screened by trees but does have a first floor bathroom window on the flank which may afford limited views of the Bonhams site.

CHARACTER OF LOCALITY

The site is between Hoe Lane, Flansham and the A259 Bognor Regis Relief Road (BRRR). However, it is considered that the application site most clearly falls within the setting of Hoe Lane.

Hoe Lane is considered to have a historic semi-rural character and is made up of low density development in the form of medium to large sized detached dwellings, farm buildings (there are two farms in the hamlet) and dwellings converted from farm buildings. In total, there are only 50 houses clustered around the single lane (Hoe Lane). There are five Listed properties (two of which are two halves of the same building) within Flansham and also five locally designated Buildings of Character. It is also noted that Bonhams itself was previously a listed building.

The Yapton Neighbourhood Development Plan states at paragraph 11.1 that:

"The hamlet of Flansham, in the south part of the parish, is the oldest settlement in the district. It occupies slightly rising ground, together with Hoe Farmhouse to the northwest; the nearness of brookland suggests that the second element of the name is 'meadow' (hamm) rather than 'settlement' (ham), as also perhaps at Felpham. A late Bronze Age 'founder's hoard' from Hoe Lane possibly indicates occupation and there is evidence for Roman settlement. About 1844 there were 12 dwellings loosely scattered around a junction of three lanes and in 1898 two farms and 14 cottages. Several new houses and bungalows, some large, were built after c. 1910, chiefly at the west end. Though the hamlet's nearness to the Bognor-London road was stressed when Flansham farm was advertised for sale in 1837, by the mid-twentieth century it was notable for its seclusion and rural aspect despite close proximity to the edge of Bognor's built-up area. Elms grew so thickly in the 1940s as to render part of Hoe Lane virtually a tunnel in summer. Two working farms remained in the hamlet in 1992, though some outbuildings had been converted by then to residential use or offices. Flansham is considered to merit designation as a Conservation Area or as an Area of Special Character. Such a designation will be strongly supported."

On the other hand the character of the A259 is completely different being as it is a modern relief road and with the large Site 6 residential development on land to the south. However, the northern edge of the A259 has been landscaped so as to soften the transition into the more rural land to the north.

RELEVANT SITE HISTORY

Y/40/17/OUT	Outline application with some matters reserved (access only) for the erection of 23 No. dwellings with access from Hoe Lane, Flansham. This application is a Departure from the Development Plan.	Refused 09-02-18
Y/19/14/CLE	Application for a Lawful Development Certificate for the Use of the existing cottage as a separate residential dwelling house.	Approve 17-06-14

Application Y/40/17/OUT originally sought permission for 34 dwellings but this was reduced to 23 in response to concerns raised regarding character. However, the application was refused in February 2018 for the following four reasons:

(1) The proposal would constitute an unsatisfactory form of development and an over-intensive use of the site which would adversely affect the existing low density semi-rural, agricultural and historical character of Hoe Lane, Flansham contrary to policy GEN7 of the Arun District Local Plan (2003), policies D DM1 and HER SP1 of the emerging Arun Local Plan (Arun Local Plan 2011-2031 - Consultation on the Main Modifications - January 2018) and paragraphs 17, 58, 60, 61, 64, 123 and 135 of the National Planning Policy Framework.

(2) In the absence of a signed Section 106 legal agreement, the proposed development makes no contribution towards affordable housing provision and is thereby contrary to the aims and objectives of policy EV17 of the Arun Local Plan and policy H SP2 of the emerging Arun Local Plan (Arun Local Plan 2011-2031: Consultation on the Main Modifications - January 2018).

(3) In the absence of a signed Section 106 legal agreement, the proposed development makes no contribution towards the maintenance of on-site public open space or the provision of children's play equipment and is thereby contrary to the aims and objectives of policy GEN20 of the Arun District Local Plan, the related Supplementary Planning Guidance and policy OSR DM1 of the emerging Arun Local Plan (Arun Local Plan 2011-2031: Consultation on the Main Modifications - January 2018).

(4) In the absence of a signed Section 106 legal agreement, the proposed development makes no contribution towards local infrastructure (education, libraries, fire & rescue) and is thereby contrary to policy GEN8 of the Arun District Local Plan, policy H1 of the Yapton Neighbourhood Development Plan, policy INF SP1 of the emerging Arun Local Plan (Arun Local Plan 2011-2031: Consultation on the Main Modifications - January 2018 and the National Planning Policy Framework.

Due to the current application now proposing only 10 dwellings, refusal reasons 2 and 3 would no longer be applicable. The applicant has also entered into a Section 106 Agreement relating to the local infrastructure contributions therefore, refusal reason 4 has been overcome.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council

"Yapton Parish Council have given further consideration to the above proposal and whilst recognising that it has addressed some of the issues raised in the applicant's earlier application Y/40/17/OUT, namely that of density. YPC continue to object on the grounds outlined in their original response dated 1st August 2017. In summary the key issues of being outside the BUAB and not being a designated site for development in either the emerging ADC LP or indeed the YNP remain. Residents of Hoe Lane continue to express deep concern with regards to Highways and the close proximity of the access way to the congested roundabout at Hoe Lane/A259 and its potential impact on queuing at Hoe Lane."

In addition, the Council has received 43 letters of objection raising the following issues:

- (1) Previous objections still apply;
- (2) Site unsuitable for any development;
- (3) Site lies outside of the settlement boundary;
- (4) ADC gone against previous policy on no development north of A259;
- (5) After Brexit there will be many empty houses so no demand for new homes;
- (6) Creation of a precedent for further housing north of the A259;
- (7) No local demand for 3-5 bedroom houses;

- (8) Unacceptably high density;
- (9) Out of scale with existing houses;
- (10) Harm to character of historic Flansham;
- (11) Development here should reflect the character & scale of Bonhams, Flints, Jem House, Chessels, The Fieldings etc - and only three of the proposed would do so;
- (13) Only comparable with Site 6;
- (14) Still plenty of capacity within Site 6 (Felpham & Bersted);
- (15) Overdevelopment;
- (16) One new dwelling would likely be acceptable;
- (17) Submitted Heritage Statement makes no reference to traffic increase;
- (18) Flansham have requested Conservation Area status but this has not yet been considered;
- (19) Safety of access onto Hoe Lane for cars, cyclists, pedestrians;
- (20) Increased congestion at Hoe Lane/A259 junction;
- (21) No contribution to sustainable transport measures;
- (22) No reference in plans to existing footpaths around southern edge of the site;
- (23) Previous refusal Y/44/17/OUT must count for something;
- (24) Inadequate foul drainage;
- (25) Impact on infrastructure (schools, transport, dentists, doctors, hospitals);
- (26) Loss of water drainage from this paddock plus flooding to Hoe Lane;
- (27) Application seeks to avoid S106/CIL responsibilities;
- (28) Loss of trees to ensure visibility;
- (29) Unacceptable noise impact from A259 on proposed new dwellings; and
- (30) Letters of support not from Flansham residents.

However, there are also 10 letters of support (including from the site owner) on the grounds of:

- (1) Application in character with Hoe Lane;
- (2) Minimal impact on Hoe Lane ;
- (3) Lower density than before;
- (4) Development elsewhere in Flansham has improved the character of the area;
- (5) Provides important housing and employment;
- (6) Not visible from Hoe Lane;
- (7) No impact on existing dwelling, Bonhams;
- (8) No harm to existing residential amenity;
- (9) Site has good access to cycle route and bus routes;
- (10) Access agreed by WSCC Highways;
- (11) Development would enhance pedestrian/cyclist safety;
- (12) The development will have a positive impact on the value of "Chessels";
- (13) Several new buildings added to Flansham since the 1960's which have breathed new life to the settlement character; and
- (14) Only negative addition was the conversion by one of the objectors of Chessels farm buildings to business uses.

COMMENTS ON REPRESENTATIONS RECEIVED:

PARISH COUNCIL:

All of the Parish Council points are discussed in the conclusions section:

OBJECTORS:

Items (3), (9), (10), (11), (13), (15), (19), (20), (24), (25), (26), (28) & (29) will be discussed in the

conclusions section of this report. The other points are considered below:

- (1) Noted however, any previous objections must be made again - the Council can only take into account those comments made on this application;
- (2) This point is not substantiated although it is accepted that it relates to other points made;
- (4) ADC has not gone against any previous statements - we have to determine applications made by applicants;
- (5) There is no proof that that will be the case. It is also unlikely that there will be enough empty housing to meet the Council's ongoing housing needs;
- (6) It is accepted that this development could set a precedent and could as a result lead to more houses on farmland between the southern edge of Flansham and the A259;
- (7) There is no evidence to support this. Furthermore, YNDP policy H2 sets out a requirement for a mix of dwelling sizes including 2 and 4 bed dwellings;
- (8) It should be noted that the site density is now only 8.5 dwellings per hectare which is not considered to be excessive;
- (14) The two Site 6 developments represent a contribution to the housing land supply of the previous Local Plan period. Under the current Local Plan period, there is a requirement for further housing to meet current & future demand;
- (16) Noted;
- (17) The increase in traffic associated with 10 new dwellings is not considered to be so significant as to have an impact on heritage assets;
- (18) Noted. As of the current time, the area does not benefit from Conservation Area status and so this cannot be considered;
- (21) WSCC Highways have not requested any contributions to sustainable transport measures;
- (22) The application site area excludes the footpath on the western side and also the sections of tarmac path on the southern edge of the site. These are therefore not affected;
- (23) The previous refusal is a material consideration but it was determined with regard to the now superseded Arun Local Plan and the previous version of the NPPF;
- (27) As the application is for 10 units, it does not fall within the threshold for affordable housing, NHS, off-site children's play or local education contributions; and
- (30) Agreed. However, these letters do all raise material considerations and must therefore given the same weight as those from objectors.

SUPPORTERS:

With the exception of the comment about the value of "Chessels" (point 12), all of the comments made by the supporters are considered to be valid material considerations and will therefore need to be considered in this determination.

CONSULTATIONS

Engineering Services Manager
 Engineers (Drainage)
 Southern Water Planning
 Arboriculturist
 Environmental Health
 Parks and Landscapes
 Highways England
 WSCC Strategic Planning

Surface Water Drainage Team
Sussex Police-Community Safety
Ecology Advisor
NHS Coastal West Sussex CCG
Conservation Officer

CONSULTATION RESPONSES RECEIVED:

NHS: No response received.

HIGHWAYS ENGLAND: Raise no objection.

SOUTHERN WATER: Note a public foul sewer crossing the site which will need to either be protected or diverted. Request that a condition be imposed to agree the means of foul & surface water drainage.

SUSSEX POLICE: Raise no objection but offer detailed advice on the proposed indicative layout including in respect of natural surveillance, boundary treatments, lighting and cycle storage. Advises that a play area should be provided to deter children from crossing the A259 to access play areas within the Site 6 development.

WSCC HIGHWAYS: Raise no objections. State that no objections were raised to the previous Y/40/17/OUT proposals from the highway point of view and that in principle the comments and recommendations from before have not changed. Highways have assessed the new plans showing visibility splays, proposed cycle path signs and vehicle tracking but find no concerns with any of these. Request conditions as per the Y/40/7/OUT comments.

WSCC INFRASTRUCTURE: Request that a formulaic approach be used within the S.106 legal agreement to secure financial contributions in respect of:

- * Additional equipment at Bishop Tufnell CofE Primary School;
- * Additional equipment at Felpham Community College; and
- * Additional equipment at Felpham Community College Sixth Form.

WSCC FLOOD RISK MANAGEMENT: The majority of the site is at a low risk from surface water flooding but some higher risk exists at the south of the site. Any existing surface water flow paths across the site must be maintained. The proposed development site is shown to be at high risk from groundwater flooding. This risk and appropriate mitigation should be considered in any future designs especially with regard to underground structures and utilities. No development should take place within 3m of any ordinary watercourse and access of future maintenance must be considered during planning.

COUNCIL'S ECOLOGIST: Note that an on-site Beech Tree (coded T47) supports a common pipistrelle bat roost. As detailed within the Bat Survey Report August 2017 the tree must be retained and a no light zone created around it where no light will be directed towards this tree or within a 10m radius of it. A buffer should be created around this tree and fencing used during the construction period to ensure this area remains undisturbed. Raise no issues with the submitted reptile and Great Crested Newt (GCN) surveys. Recommend conditions in respect of reptile mitigation, a GCN ecological watching brief, no works during bird breeding season and a wildlife enhancement scheme.

COUNCIL'S ARCHAEOLOGY OFFICER: Not consulted but stated in response to the previous application, Y/40/17/OUT that the archaeological potential of this site needs to be investigated further and that this process would be most appropriately secured through the implementation of a standard

planning condition.

ADC CONSERVATION OFFICER: Raise an objection. States that whilst Bonhams is no longer a statutory listed building, it is still of local importance, and therefore worthy of identification as a heritage asset in accordance with the NPPF. The retention in full of Bonhams and its garden is welcomed, as is the retention of Flints. States that the appearance & character of these properties should, along with the established character of the hamlet of Flansham inform the development proposals for this site but that it is not clear if this is the case or not.

Notes that Flansham has a very distinctive character which maintains the feeling of entering a country lane and that the proposed development is situated within an area which has a special character that is in strict contrast with the surrounding, more suburban development. Considers that development in this location would potentially affect the established character of the hamlet and would remove (a) the sense of transition from urban/semi urban area to hamlet when travelling westwards, and (b) the effect of gradually moving away from the hamlet when travelling Eastwards.

The removal of any mature trees, necessary hard landscaping, parking provision, lighting and other measures would intrude on this 'edgeland' setting. It is therefore considered that development in this location would not be in accordance with the character and form of the existing hamlet, and is problematic.

ADC LANDSCAPE OFFICER: Note that the reduction of units in this application to 10 in this setting down from the previously proposed within application Y/40/17/OUT is much more fitting for the site given that the TPO trees are retained and that Public Open Space (POS) is provided within the layout. There is no requirement for off-site play contributions but a Local Area of Play (natural play experience in the form of mounds/boulders/logs etc.) will be required within the main POS. Would require full details of landscaping at the reserved matters stage.

ADC TREE OFFICER: Note that the application is accompanied by an arboricultural assessment which includes a Tree Survey & Root Protection Schedule and a Tree Constraints Plan all of which complies with the principles of BS5837:2012. Note that the area around the existing houses where the main TPO trees are has now been excluded from the red line boundary. Raise no objection subject to the receipt of an Arboricultural Method Statement report including a Tree Retentions & Removals Plan and a Tree Protection Plan at the reserved matters application stage.

ADC DRAINAGE ENGINEER: State that due to the nature of ground conditions on the site, the surface water drainage system is likely to take the form of a hybrid arrangement, utilising shallow infiltration (if proven to be feasible) and a restricted discharge to watercourses. Watercourses on boundaries need to be investigated. No objection subject to the imposition of standard conditions. SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. Request standard conditions.

COMMENTS ON CONSULTATION RESPONSES:

The Beech tree with the bat roost in is proposed to be retained and as per the indicative layout plan, there is 10m clearance around it.

All other comments noted.

The applicant has written in response to the Conservation Officer comments to say that:

- The application is in outline with all matters bar access reserved;

- The design of the houses will be sympathetic to the character of Hoe Lane and the existing dwellings;
- The design will feature high quality materials including the use of flint / brick facings, plain clay tile roofs, Georgian style lantern lamp columns;
- No mature trees will be felled; and
- Comments about the loss of the visual transition from the hamlet to the semi-urban area are not substantiated and contradict the conclusions of the submitted LVIA.

POLICY CONTEXT

Designations applicable to site:

Outside Built Up Area Boundary;
 EA Flood Zone 1;
 ADC Ground Water Flood Risk Area;
 Archaeological Notification Area;
 Agricultural Land (Grades 1 & 2);
 Area of Special Control for Advertisements;
 No Public Sewer; and
 Tree Preservation Orders ref TPO/Y/1/18 & TPO/Y/2/18.

DEVELOPMENT PLAN POLICES

[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
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HDM1	H DM1 Housing mix
HERSP1	HER SP1 The Historic Environment
HSP1	HSP1 Housing allocation the housing requirement
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems

WMDM1 WM DM1 Waste Management
WSP1 W SP1 Water

[Yapton neighbourhood plan 2014 Policy BB1](#)

Yapton neighbourhood plan 2014 Policy E1	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E3	Protection of high value agricultural land
Yapton neighbourhood plan 2014 Policy E4	Protection of natural habitats
Yapton neighbourhood plan 2014 Policy E5	Minimising the environmental impact of development
Yapton neighbourhood plan 2014 Policy E11	Enhancement of biodiversity
Yapton neighbourhood plan 2014 Policy BE2	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy H1	High speed broadband
Yapton neighbourhood plan 2014 Policy H2	Housing requirement
Yapton neighbourhood plan 2014 Policy H3	Dwelling size
Yapton neighbourhood plan 2014 Policy PK1	Dwellings appropriate for the needs of older people
	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, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

The relevant policies within the Yapton Neighbourhood Development Plan have been considered in the preparation of this report.

It should be noted that section 38 (5) of the Planning and Compulsory Purchase Act 2004, states that: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Therefore, any conflict between the Yapton Neighbourhood Development Plan and the Arun Local Plan 2011-31, should be resolved in favour of the latter.

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 be in conflict with the relevant development plan policies in that it would result in new development within the countryside outside of the nearest settlement boundary, would result in harm to the agricultural and historical character of Flansham and would also result in a loss of high grade agricultural land.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations in respect of arguments concerning the principle of development to weigh against a decision in accordance with the Development Plan and/or legislative background as detailed in the Conclusion section.

- * The National Planning Policy Framework (NPPF) and associated guidance particularly in respect of Sustainable Development; and
- * The Local Plan Sub-Committee decision in December 2016, followed by the Full Council decision that the Council would invite planning applications on sites identified as being 'deliverable' by the HELAA where they are considered sustainable and would not prejudice the (then) emerging local plan (now the Arun Local Plan) and/or infrastructure delivery.

CONCLUSIONS

PRINCIPLE:

The development plan for the Arun District currently comprises the Arun Local Plan 2011-2031, the Yapton Neighbourhood Development Plan (November 2014) and the West Sussex Waste and Minerals Plans.

Arun Local Plan:

The key policy considerations in the determination of this application are considered to be H SP1, SD SP1, SD SP2 and C SP1 of the Arun Local Plan (ALP) 2011 - 2031.

Policy H SP1 "The Housing Requirement" sets out an overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes a reference to additional non-strategic allocations being made across the District through reviews of Neighbourhood Plans and through the publication of a "Non-Strategic Site Allocations Development Plan Document (DPD).

Policy SD SP1 states that the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). It will work to secure development that will contribute to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland).

Policy SD SP2 "Built up Area Boundary" states that outside the BUAB, apart from strategic, site specific and other broad allocations, development will not be permitted unless consistent with other plan policies. In addition, policy C SP1 "Countryside" states that residential development in the countryside outside of the BUAB will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development.

As the proposed site does not form part of a proposed allocation and is not in accordance with another policy within the ALP, the exception under C SP1 would not apply and the proposal would be contrary to ALP policies SD SP2 and C SP1.

Yapton Neighbourhood Development Plan:

The Yapton Neighbourhood Plan (YNDP) was made (adopted) in November 2014 on the basis of the saved policies in the 2003 Arun Local Plan and the draft policies in the 2014 publication version of the then emerging Arun Local Plan.

Figure 4.1 on page 13 of the YNDP includes a BUAB drawn around the edge of the settlement of Yapton which, save for the proposed allocations within the YNDP, broadly compares with that provided by the ALP. The application site lies some distance outside of this BUAB and indeed, is more closely related with the nearby settlement boundary of Felpham (which forms a part of the wider Bognor Regis settlement boundary). Therefore, the site and indeed the whole of Flansham is clearly classified as countryside.

Policy BB1 states that development outside of the BUAB will not be permitted unless in accordance with 4 listed criteria. The third of these is where the development relates to additional allocations for housing land in accordance with policy H1.

Policy H1 requires that any housing development that would exceed the levels set out in the Local Plan will only be permitted if it can be demonstrated that either the expected child yield would not result in the Yapton CE Primary School exceeding the maximum number of children permitted or that appropriate modifications and/or extensions to the School can be delivered at the developer's expense.

West Sussex County Council had requested that a contribution be sought from the developer towards small scale improvements at the primary school in Felpham which is closer than the one in Yapton. However, due to conflict with the guidance on the use of tariff based planning obligations for schemes of 10 or less dwellings, it is not possible to justify this request and so the scheme does not gain any support from policy H1.

Planning Balance:

For the reasons given above, the application would conflict with policies SD SP2 & C SP1 of the Arun Local Plan but is in accordance with YNDP policy BB1 by virtue of the exception contained in H1. However, as noted elsewhere in this report, where there is conflict between policies, the conflict must be resolved in favour of the policy which is contained in the most recent document. Therefore, compliance with the YNDP is outweighed by the conflict with the ALP.

The following sets out whether there are any material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

Firstly, it should be noted that in order to boost housing land supply in advance of the adoption of the current Local Plan, the Council previously (early 2017) resolved to invite planning applications on sites identified as being 'deliverable' by the HELAA where they were considered to be sustainable and would not prejudice the emerging local plan and/or infrastructure delivery.

The 2017 HELAA report assesses the application site (Ref NEWY22) as being deliverable with a total yield of 39 dwellings but also being currently unsuitable for development due to the attractive older property located within one corner, the site's location outside of the BUAB, and development on the site contravening development plan policy. The report also stated that: "the site is considered suitable in principle for future housing potential, because of its accessibility to facilities, job opportunities and public transport, and because there are no insurmountable constraints. The site could contribute to the creation of a sustainable, mixed community."

Conclusion on Matters of Principle:

Overall, the principle of development on this site is contrary to the development plan. However, it should be noted that the Council's current 5.3 year housing land supply (as set out in the ALP) includes a provision of at least 1,250 homes to be identified through both the review of Neighbourhood Plans and through a Non-Strategic Site Allocations Development Plan Document (DPD). It is likely that those sites identified through the previous HELAA but remaining undeveloped/without planning permission (i.e. such as this site) would form the starting point for sites being considered by either that document or a review of the YNDP.

The site lies outside the built up area boundary and the material considerations identified above do not outweigh the harm to the countryside particularly in respect of the harm to local character identified elsewhere in this report.

AGRICULTURAL LAND:

As per the plan at Figure 2 of the YNDP, the site is classified as Grade 1 agricultural land. Policy E1 of the YNDP states that:

"Planning permission will be refused for development on grade 1 and grade 2 agricultural land unless: (1) it involves the granting of planning permission for the development of the housing allocations identified in this Plan (Policy SA1 and Policy SA2); or (2) it involves the granting of planning permission for any additional housing sites required by Policy H1 to meet objectively assessed housing needs in the Plan area."

YNDP Policy H1 is an out of date policy with reduced weight. However, it was amended by the YNP examiner to make explicit that it was an overarching policy to provide flexibility and choice for the provision of additional housing. As addressed in the principle section above there are material considerations for accepting additional residential development in this location. One such consideration is that there is a need for additional housing development within the district over the plan period beyond that proposed by the strategic allocations and this is a specific exception within policy E1.

Arun Local Plan policy SO DM1 also considers soils and states that: "Unless designated by this Plan or a Neighbourhood Development Plan, the use of Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless need for the development outweighs the need to protect such land in the long term.

The applicant has not supplied any information to justify the proposal against the requirements of this policy. The site is shown to be a mix of grades 1 & 2 agricultural land as per the Figure 2 plan within Appendix 4 of the YNDP. It could therefore support the growing of crops.

It is noted that the size of the vacant parts of the site is only approximately 0.95 hectares and that the land is physically separated from adjacent agricultural land to the west by a public footpath. Furthermore, although the land may have the soil quality for the growing of crops, it is noted that nearby land is all in pasture use and it is likely therefore that any future agricultural use of the application site would be limited to the grazing of cows or sheep. Indeed the nearest arable agricultural land is to the west of Flansham where there are several fields close together such that a viable agricultural operation can be supported.

Overall, it is considered that the proposed development would lead to the loss of grades 1 & 2 agricultural land, but that there are other material considerations that would outweigh this loss. Therefore, the proposal is considered to be in accordance with the YNDP (policy E2) and with policy SO DM1 of the ALP. Notwithstanding, it is clear that the area of land between the southern built up edge of

Flansham and the Bognor Regis Relief Road (BRRR) has a semi-rural and partially agricultural character to it.

IMPACT ON THE CHARACTER OF FLANSHAM:

Although it is noted that the community has set out, within the YNDP, a desire to designate Flansham as a Conservation Area, currently there is no Conservation Area designation either in place or formally proposed. However, Flansham does contain a number of listed buildings, buildings of character (locally listed buildings) and in addition, there are likely to be further buildings which could be considered non-designated heritage assets (such as Bonhams itself). The YNDP describes the hamlet of Flansham to be the oldest settlement in the district and notes that in 1844 there were 12 dwellings loosely scattered around a junction of three lanes. Flansham is therefore considered to have a historic character to it.

Furthermore, Flansham is a distinct 'settlement' separate to Felpham & Yapton. It has two farms within its boundaries and a number of existing dwellings have been converted from agricultural buildings. It is also predominantly surrounded by agricultural land. Therefore, in addition to its historical character, it is considered to also be agricultural and semi-rural in nature.

Although parts of Flansham are fairly high in density, this is as a result of the conversion of former agricultural buildings into dwellings and should not serve to justify a dense form of modern residential development on the edge of the hamlet. Furthermore, the character of Hoe Lane extending west from the application site is one of a more large dwellings set in large plots.

It is noted that the Councils Conservation Officer, commenting on the previous application (Y/40/17/OUT) described Flansham as:

"The hamlet is a good example of a coastal hamlet, with an ancient core, and a succession of building styles and types along Hoe Lane. The hamlet is relatively untouched and complete in form, with a relatively dense form. Flansham presently consists of just 50 houses, of which 4 are listed and 5 are locally listed. The character of the hamlet is of an increasingly looser distribution of buildings to the North as the urban/hamlet form recedes to agricultural land; also to the South along Hoe Lane, where properties are well set back in isolated plots, well screened with dense vegetation, including mature trees. Materials such as flint, brick and a variety of architectural styles and periods contribute to the character, and although typical of the area, are special in their contribution to the hamlet as a whole. The visual character of the hamlet is a generally more dense to the core and less dense along Hoe Lane to the West and the East, where the road would have historically continued along Worms Lane. This point, and the subsequently built A259, form a natural boundary between the modern estates to the South of the A259, and the semi-rural coastal hamlet of Flansham."

This description remains relevant to this determination.

It is not considered that the proposed development would affect the setting of any Listed Buildings (the nearest, Flansham House, being 110m from the north western corner of the site) and nor would it affect the setting of Buildings of Character as the closest, Chessels, is physically separated from the application site by the public footpath and also the curtilage of Jem House. However, it is necessary to consider harm to any other non-designated heritage assets in the vicinity (such as Bonhams) as well as the wider character of Hoe Lane and Flansham as a whole.

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects including:

(1) Character - "Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout,

density, building materials (colour, texture), landscaping, and design features.";

(13) Density - "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"; and

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

Furthermore, policy D SP1 "Design" states that:

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

Policy HER SP1 provides for the protection of non-designated heritage assets and states that the setting of such assets should be conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment. Further that development likely to prejudice any of the above, including their settings, will be refused.

There are no relevant design policies within the YNDP. However, regard is had to paragraph 127 of the NPPF states that "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)." In addition, paragraphs 122, 130, 180 and 197 are all relevant.

Paragraph 122 states that planning decisions should support development that makes efficient use of land but that the desirability of maintaining an area's prevailing character and setting should be taken into account. Paragraph 130 states that planning permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 180 states that planning decisions should protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value. Paragraph 197 requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and that in weighing up such applications, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The Council's Conservation Officer has assessed this reduced scheme but maintains the objection of the previous officer on the grounds of harm to the character and form of the existing hamlet. In particular, that development in this location would remove (a) the sense of transition from urban/semi urban area to hamlet when travelling westwards, and (b) the effect of gradually moving away from the hamlet when travelling eastwards.

It was previously stated (within the report for application Y/40/17/OUT) that this site could be developed but that any development here should respect the form of the existing hamlet edge and therefore be

limited to dwellings and plots of a similar size to Bonhams, Flints, Jem House, Chessels, The Fieldings etc.

It is accepted that the current application has made a significant gain in respect of the reduction in numbers from 23 to 10 (and the resulting decrease in density from 11.6 dph to 8.7dph). However, the Council remains of the opinion that the scheme still represents an overdevelopment of this site and that this would result in harm to the agricultural, semi-rural and historical character of Hoe Lane & Flansham and to the undesignated heritage assets in the locality. It is acknowledged that the houses themselves will be hidden from Hoe Lane and that the access is an existing feature of the road.

However, the site itself is relatively open to views from the BRRR and nearby footpaths to the south and southwest and it would not be possible to completely screen out views of new two storey houses without changing the character of the landscape. Furthermore, even if the new dwellings were individually designed, there is the potential for the new houses to be seen as an extension of the established built form (Site 6) to the south of the BRRR and not therefore in character with the undeveloped agricultural southern edge of Flansham.

Therefore, the proposal remains in conflict with the development plan and in particular policies D DM1, D SP1 & HER SP1 of the Arun Local Plan and paragraphs 122, 127, 130, 180 & 197 of the National Planning Policy Framework.

HIGHWAY SAFETY & PARKING:

Arun Local Plan policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of highway safety, it states that:

"The Council will support transport and development which: Explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

In respect of parking, it states that:

"The Council will support transport and development which: Incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

In addition, policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes and also seek to contribute to the improvement of such routes & facilities.

Paragraph 108 of the NPPF states that: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should also be had to paragraph 109 which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

WSCC Highways state that no objections were raised to the previous Y/40/17/OUT proposals from the highway point of view and that in principle the comments and recommendations from before have not

changed. They have made an assessment of the new plans showing visibility splays, proposed cycle path signs and vehicle tracking but find no concerns with any of these. In their comments on application Y/40/17/OUT they stated that based on the proposed mix and tenure of the dwellings, the car parking provision would likely satisfy the demand.

The submitted Planning Design and Access statement suggests that the scheme would include some 36 spaces. This figure would comply with YNDP Policy PK1 "Parking standards for new residential development" which would require a minimum parking provision of 31 spaces.

WSCC Highways also previously advised that:

- the improvements to the access are such that it will be safe with sufficient visibility in both directions for the speed of road (30mph);
- the link to the pedestrian footpath commencing east of the site entrance and the relocation of the existing tactile paving will provide a workable safe route for pedestrians and cyclists towards the village centre and the nearest bus stops; and
- the proposal will give rise to a more intensive use of Hoe Lane and the surrounding network including the A259 & B2259 but that the proposal is not anticipated to result in a severe cumulative impact on the operation of the local network.

It is therefore considered that the proposal is in accordance with the relevant development plan policies and in respect with the guidance with the NPPF.

FLOODING & DRAINAGE:

It should be first noted that the site does not lie in an area at risk from flooding from rivers or the sea. However, it is understood that Hoe Lane is at risk of flooding from surface water (rainwater).

Therefore, policy W DM2 of the ALP ("Flood Risk") is not relevant. However, policy W DM3 (Sustainable Urban Drainage Systems) states that: "To increase the levels of water capture and storage and improve water quality, all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development, at an early stage of the design process." In addition, YNDP Policy E11 requires that developments be designed and constructed to minimise the overall level of flood risk within the parish; and provide appropriate surface water drainage.

Both WSCC and ADC Drainage Engineers have commented on the application but neither raise any objection to the principle of development subject to mitigation by planning condition. WSCC comment that the site is at a low risk of surface water flooding but a high risk of groundwater flooding. ADC Engineers consider that the eventual surface water drainage system is likely to take the form of a hybrid arrangement, utilising shallow infiltration (if proven to be feasible) and a restricted discharge to existing watercourses on the site boundaries.

In the absence of any objections from drainage engineers, it is not considered that a refusal on surface water drainage grounds can be justified and the proposal must therefore be judged to be in accordance with the relevant development plan policies.

FOUL DRAINAGE:

Part 3 of Arun Local Plan policy W DM1 is relevant. It states that: "Major development within this area must also be accompanied by a full Drainage Impact Assessment which must take account of surface water disposal and foul water disposal." And that: "Where surface water and foul water drainage systems are approved as part of the consideration of a planning application, conditions may be imposed upon the

permission relating to dates for implementation or other detailed technical requirements."

Southern Water have commented on this application and raise no objections. It is acknowledged that in their response to application Y/40/17/OUT they stated that there was not currently sufficient capacity at the Lidsey Wastewater Treatment Works to accommodate flows from the proposed development. However, this is a scheme of only 10 dwellings not the 23 previously proposed. Furthermore, Southern Water had previously stated that improvements are planned to provide for capacity to serve future developments and these will be completed by the end of 2020.

Therefore, although the local residents are correct that there is currently insufficient capacity in the system, in the absence of an objection from Southern Water it is not considered that a refusal on foul water drainage grounds can be justified and the proposal must therefore be judged to be in accordance with the relevant development plan policy.

TREES & ECOLOGY:

Objections have been raised by local residents as to the loss of trees on the frontage required to be removed to improve visibility.

Policy D DM1 of the Arun Local Plan requires that the Council have regard to certain aspects including:

"7. Trees and woodland - All new development will be expected to incorporate existing and new tree planting as an integral part of development proposals."

In addition, policy ENV DM4 "Protection of Trees" states that:

"Development will be permitted where it can be demonstrated that trees protected by a Tree Preservation Order(s), (TPO) identified as Ancient Woodland, in a Conservation Area or contributing to local amenity, will not be damaged or destroyed now and as they reach maturity, unless development:

- a. Would result in the removal of one or more trees in the interests of good arboricultural practice. This shall be demonstrated by the developer following the advice of a suitably qualified person which shall be guided by BS 5837 (2012). Details of any advice received having regard to BS 5837 (2012) shall be submitted, in writing, as part of a planning application; or
- b. Would enhance the survival and growth prospects of other protected trees;
- c. The benefits of the proposed development in a particular location outweigh the loss of trees or woodland, especially ancient woodland"

Policy ENV DM5 states that: "Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on 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 (whether designated or not)." And: "Where there is evidence of a protected species on a proposed development site, planning applications shall include a detailed survey of the subject species, with details of measures to be incorporated into the development scheme to avoid loss of the species."

YNDP policy E3 seeks to prevent the loss of natural habitat. However, it lists two possible exceptions - where mitigation measures ensure the integrity of the habitat or where the habitat is relocated to a site within 500m of the existing. In addition, policy E4 states that development sites should retain well-established features of the landscape, including mature trees and species-rich hedgerows. New tree planting will be required to mitigate any significant loss.

The submitted illustrative plans demonstrate that the proposed development will retain the majority of the significant trees within the site and those around the garden of Bonhams. The most significant thirteen of these trees have been protected by Tree Preservation Orders (TPO). The submitted visibility drawings also show that only a few trees will need to be felled or pruned to facilitate the access widening and visibility splays. It is not considered that this will have an adverse effect on the character of the street scene.

The submitted indicative layout plan also suggests that the development will be subject to a comprehensive landscaping scheme which will encompass several new trees and compensate for any to be lost. It is also noted that the existing hedgerows to the western, southern and eastern boundaries are to be retained. It is considered that new tree planting to the southern and eastern boundaries could alter the currently open nature of the landscape here, however, this is not a consideration for the outline application.

The Councils Tree Officer raise no objection subject to the receipt of an Arboricultural Method Statement report including a Tree Retentions & Removals Plan and a Tree Protection Plan at the reserved matters application stage.

The application was accompanied by a Preliminary Ecological Appraisal Phase 1 Habitat Assessment, a Bat Activity Survey Report and a Great Crested Newt Presence/Absence Survey & Population Assessment all prepared by a chartered ecologist. These have been assessed by the Councils ecologist who has raised no objections subject to mitigation being secured through conditions. It is noted that one of the TPO trees supports a bat roost, however the applicant has agreed to a 10m buffer around this tree.

Overall, subject to the ecological & arboricultural mitigation measures being secured by planning condition, it is considered that the proposed development would be in accordance with the relevant development plan policies.

NOISE/LIGHT POLLUTION:

Policy QE DM1 of the Arun Local Plan states that:

"Residential development likely to experience noise from road, rail or air, must:

- a. Be supported by a noise exposure category (NEC) assessment and designed to ensure that residents will not be adversely affected by noise.
- b. Consider both the likely level of exposure at the time of application and any increase that might be reasonably expected in the foreseeable future.

Policy QE DM2 states that:

"Planning permission for proposals which involve outdoor lighting must be accompanied by a lighting scheme prepared according to the latest national design guidance and relevant British Standards publications. Outdoor lighting schemes will be considered against the following criteria:

- a. No adverse impact on neighbouring uses or the wider landscape, particularly with regard the South Downs International Dark Sky Reserve designation;
- b. Light levels being the minimum required for security and working purposes;
- c. Minimising the potential glare and spillage; and
- d. The degree to which outdoor lighting can be powered by on-site renewable sources.

Where appropriate, the Local Planning Authority will seek to control the times of illumination."

It is not considered possible to comment on the detail of these issues at the current time as this is an outline application and the layout drawing is only illustrative at this time. However, it is accepted that the lighting of the proposal could also have an adverse impact on the character of the locality during periods of darkness as there would be illumination of an existing open, dark space.

It is not considered that a residential development could give rise to any harmful air pollution and similarly noise from domestic properties does not tend to be harmful to other domestic properties. Furthermore, none of the new dwellings will be any closer to neighbouring properties than the existing dwellings - and the nearest new dwellings will be sited on land formerly garden (and therefore likely to be used by people for socialising/play) to the existing dwelling. It may be necessary to implement additional measures to protect the new dwellings from road noise associated with the BRRR but these would be assessed either at the time of a reserved matters application or by planning condition.

In summary, although the introduction of lighting will contribute to the impacts on local character, it is not considered that noise or air pollution would be such that development could be prevented on those grounds.

RESIDENTIAL AMENITY:

There is support for the scheme on the grounds that there will be no harm to existing residential amenity.

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "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."

It is also considered necessary to have regard to paragraph 127 of the NPPF which states that:

"Planning policies and decisions should ensure that developments: (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

ALP policies QE SP1 is also relevant:

"The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District."

It is not considered possible to make a detailed assessment of residential amenity at this stage given that layout, scale and appearance are all reserved matters. However, in principle it is not considered that any of the proposed dwellings shown on the illustrative layout would be sited in such a way as to result in any harm to the privacy, outlook or amount of light to the neighbouring properties to the west. In particular the illustrative layout shows that there would be at least 66m between the closest points on Jem House and proposed plot 01. The illustrative layout also suggests that the garden immediately on the other side of the public footpath from Jem House will be retained for Bonhams and not for a new dwelling, thereby preserving an existing situation.

Furthermore, the distance between the closest points on Flints and plot 01 will be at least 35m and this

exceeds the 20m guideline distance that the Council uses for back to back relationships. Subject to a more detailed consideration of privacy issues at a reserved matters stage, it is not considered that there would be any conflict with policies D DM1, QE SP1 or paragraph 127 of the NPPF.

SPACE STANDARDS:

Arun Local Plan policy D DM2 states that: "The planning authority 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". It is therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the proposed replacement dwelling is suitable for residential use. However, it is not possible to make an assessment at this time as there are no floorplans and design is not a consideration.

Arun Local Plan policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to replace policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Until such time as this Design Guide is published, there is no policy within the ALP regarding private gardens sizes. Paragraph 127 of the NPPF states that: "Planning policies and decisions should ensure that developments: (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience." This would therefore be a matter for the reserved matters stage.

PUBLIC OPEN SPACE & PLAY

Arun Local Plan policy OSR DM1 states that:

"Housing and, where viable, commercial development will be required to contribute towards:

- a. Open space provision in accordance with guidance set out in the current Open Space Study In some parts of the District open space provision is identified as being sufficient in terms of quantity. Therefore, provision of new open space is not deemed necessary but what is needed is to seek contributions for quality improvements and/or new offsite provision in order to address any future demand. For larger scale developments, the quantity standards should be used to help determine the requirements for open space provision as part of that development.
- b. Playing pitch provision in accordance with guidance set out in the Playing Pitch Strategy. This will include improvements to existing provision to increase playing capacity and providing hubs of new pitches.
- c. Indoor sport and leisure facilities through financial contributions in accordance with guidance set out in the Indoor Sport and Leisure Facilities Strategy which identifies a need for a new leisure centre in the West of the District.
- d. Strategic projects identified in the Leisure and Cultural Strategy."

The Councils supplementary planning document "Open Space & Recreation Standards" sets out standards for public open space. This guidance is considered to be out of date and so reference is made instead to the current Fields in Trust (FIT) standards as set out in "Guidance for Open Sport and Play: Beyond the Six Acre Standard" (October 2015).

The requirements in respect of this proposal are for public open space in accordance with the 32m² per person FIT standard and a Local Area Play (LAP) facility. In addition, there would be a maintenance contribution equating to £13.51 per m² required in respect of the public open space (POS). The submitted indicative layout plan demonstrates that the POS and play requirements are achievable and

has the agreement of the Councils Landscape Officer. As such there would be no conflict with the relevant development plan policies.

SUPPORTING INFRASTRUCTURE:

Arun Local Plan policy INF SP1 states that:

"The Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development to meet the needs of occupiers and users of the development and the existing community. Infrastructure provision and contribution towards services should be delivered using the following approach:

- (1) Testing the capacity of existing infrastructure and where there is insufficient infrastructure capacity to support new development, mitigate the impacts of the development, provision should be secured and must be operational no later than the completion of the development or phase of development for which it is needed.
- (2) Infrastructure provision or improvements should be provided on-site as an integral part of a development, wherever possible and appropriate;
- (3) Off-site measures will require planning obligations or financial contributions, to secure the necessary provision; and
- (4) Where a contribution towards other district wide infrastructure improvements or provision is needed and viable this will be achieved through the Community Infrastructure Levy Charging Schedule and Regulation 123 Infrastructure List which will be introduced as soon as possible after the adoption of this Local Plan. Until such time as a Charging Schedule is adopted contributions will be achieved through planning obligations (where they meet the statutory tests).

Any on-site provision or financial contribution required to address unacceptable impacts must meet the statutory tests for planning obligations required by Regulation 122 of the Community Infrastructure Regulations 2010."

WSCC have requested financial contributions in respect of primary education, secondary education and 6th form education. The level of these contributions will be based on a formula to allow the contribution amounts to be based on the housing mix at the reserved matters stage.

The contributions would be spent on the following projects:

- * Additional equipment at Bishop Tufnell CofE Primary School;
- * Additional equipment at Felpham Community College; and
- * Additional equipment at Felpham Community College Sixth Form.

The NHS failed to respond to consultation requests on both this and the previous application. Therefore, there is no provision for any contributions to local doctors or other medical services.

The Council is aware that on a recent appeal decision (ADC ref LU/162/17/PL, PINS ref APP/C3810/W/18/3197149) concerning 10 dwellings on land at Toddington Lane, Littlehampton, the Inspector considered that it was not possible to require education contributions for a scheme of 10 dwellings or less due to the contribution being based on a tariff and to contribute to pooled funding pots. The Inspector stated that although the County Council could demonstrate that their approach had been accepted by previous appeal Inspectors, these appeal decisions pre-date the Court of Appeal decision (Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council EWCA Civ 441), the Written Ministerial Statement dated 28/11/18 and the changes to the Government's Planning Practice Guidance.

Therefore, although the applicant has agreed to secure these contributions by Section 106 Agreement and an agreement has been signed, it is not considered that the requested contributions can be justified in the context of national planning policy and the recommendation therefore proceeds on this basis.

SUMMARY:

This outline planning application considers the development of this site with 10 new residential dwellings alongside the two existing dwellings. Access is to be as per the existing with some minor improvements to its arrangement. All other matters regarding design, layout, appearance, scale and landscaping would be the subject of a reserved matters application.

Overall, the principle of development on this site is contrary to the development plan in respect of the site's location within defined countryside. It is accepted that the Council's current 5.3 year housing land supply (as set out in the ALP) is partially reliant on additional housing land being identified through either a review of Neighbourhood Plans or through a Non-Strategic Site Allocations Development Plan Document (DPD). However, despite this site having previously been considered deliverable through the HELAA process and despite its sustainable nature, it is unlikely to be supported by the Parish of Yapton and it is likely to attract significant objection if proposed in principle a DPD.

In addition to the countryside location, the above analysis has found that the proposal would result in a materially adverse impact on the existing low density semi-rural, agricultural and historical character of Flansham. It is not considered that the benefits of 10 new dwellings to the Council's Housing Land Supply, to the economy or to the local community are such that these would outweigh this harm. It would also not be possible to overcome this harm through design or landscaping. It is therefore considered that the application must be refused for the following two 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.

SECTION 106 DETAILS

The application is accompanied by a signed S106 legal agreement which includes the following provisions:

PUBLIC OPEN SPACE & PLAY

An area of Public Open Space including an on-site Local Area of Play. The on-site Public Open Space will be subject to one of the following:

- (a) a management plan for the forward maintenance of the Public Open Space & Local Equipped Area of Play which details the management regime and responsibility; or
- (b) where the Public Open Space & Local Equipped Area of Play is to be handed over to the Council post practical completion, a commuted sum payment of £13.51 per m2 of Public Open Space for future maintenance.

The Public Open Space and Local Equipped Area of Play shall be provided prior to First Occupation of the final Dwelling Unit

PRIMARY EDUCATION

Formula for calculation at the reserved matters stage to be spent on additional equipment at Bishop Tufnell CofE Primary School. To be paid on or before the first occupation of the first dwelling. However, this is no longer a policy requirement and the decision is not made on the basis of this provision.

SECONDARY EDUCATION

Formula for calculation at the reserved matters stage to be spent on additional equipment at Felpham Community College. To be paid on or before the first occupation of the first dwelling. However, this is no longer a policy requirement and the decision is not made on the basis of this provision.

6TH FORM EDUCATION

Formula for calculation at the reserved matters stage to be spent on additional equipment at Felpham Community College Sixth Form. To be paid on or before the first occupation of the first dwelling. However, this is no longer a policy requirement and the decision is not made on the basis of this provision.

RECOMMENDATION

REFUSE

- 1 The proposal would constitute an over-intensive use of the site and a unsatisfactory form of development which would adversely affect the existing low density semi-rural, agricultural and historical character of Hoe Lane, Flansham and non-nearby designated heritage assets contrary to policies D DM1, D SP1, QE DM2 & HER SP1 of the Arun Local Plan and paragraphs 122, 127, 130, 180 & 197 of the National Planning Policy Framework.
- 2 The proposal represents an incursion into defined countryside and this coupled with the harm to local character means that the proposal is unacceptable in principle and in conflict with policies C SP1 of the Arun Local Plan and BB1 of the Yapton Neighbourhood Development Plan.

- 3 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. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.