

Recommendation Report for Planning Permission

REF NO: Y/33/20/PL

LOCATION: Sunnymead
North End Road
Yapton
BN18 0DL

PROPOSAL: Demolition of existing dwelling & outbuildings & erection of 7 No. dwellings comprising 3 No. 4 bed houses, 1 No. 3 bed house & 3 No 2 bed houses. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposals include enhanced site access, hard and soft landscaping, car and cycle parking and bin storage provision. The houses would be 2 storey in height (with the 3 x 4 bed houses having roof level accommodation also). The 3 x 2 bed and 1 x 3 bed houses would be arranged as a terrace to the frontage onto North End Road, and there would be 3 x 4 bedroom detached houses at the rear of the site. Pitched roofs proposed. Light buff brick or buff multi-stock brick elevations, natural slate and PV slate look-alike roofs, white brick feature or stone window surrounds, powder coated aluminium doors and window frames and brick boundary wall and timber picket fence.
SITE AREA	0.3 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	23 dwellings per hectare.
TOPOGRAPHY	Predominantly flat with areas of gentle slopes, including large low area to north west of site.
TREES	The site includes shrubs, hedgerow and various category A - C rated trees, including mature established Category A trees and substantial Walnut Tree in north east corner of site.
BOUNDARY TREATMENT	Boundaries mainly vegetative, with brick and flint wall to part of western boundary fronting onto North End Road and southern boundary adjacent to access track and Apple Tree Cottage.
SITE CHARACTERISTICS	Detached bungalow, gardens to the front including swimming pool, storage outbuilding and dilapidated polytunnel/greenhouse. Largely hidden from view from North End Road by vegetation to frontage.
CHARACTER OF LOCALITY	Semi-rural character, with fragmented residential ribbon development along this part of North End Road, broken up by undeveloped/agricultural fields, and railway line directly to the north of the site. Beyond this to the north open countryside.

Immediate properties mainly 2 storey, detached, semi-detached and terrace, with mixture of brick, brick and flint and render elevations, tile and thatch roof. No prevailing uniform character, but this part of the road, mainly character cottages in a semi-rural setting.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council

Objection.

- Outside BUAB and not housing land allocation.
- Opposite site rejected as unsuitable for housing by Neighbourhood Plan Examiner due to distance from village and being in an unsustainable location.
- Appears incongruous and incompatible in density and scale for the development.
- Loss of trees which provide sound barrier to noise from railway and level crossing will affect residential amenity of nearby cottage.
- Strong concerns about site access in close proximity to level crossing and highways safety.

8 letters of objection received raising issues as follows:

- Congestion from long queues along road due to level crossing. Noise and air pollution issues.
- Narrow pavements, overhanging vegetation, flooding and HGV lorries - presents safety issues for pedestrians including school children and elderly people.
- Dangerous access and increased traffic from new development and existing issues with exiting and accessing properties due to level crossing - serious highways safety concerns.
- Does not support sustainable transport aims. Site should be used for new railway station for Yapton.
- Noise impacts of railway on occupiers of new development.
- Vibrations from trains could result in structural damage to new properties.
- Yapton does not have enough infrastructure/amenities to accommodate the housing in the area.
- Regular flooding on site and in area.
- Destruction of wildlife habitats on site, includes protected species such as Great Crested Newts.
- Latest energy conservation measures/ renewable energy systems must be used and impose planning conditions to demand these - climate crisis.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. Comments addressed under relevant sections in Conclusions of report.

CONSULTATIONS

Southern Water Planning

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

Arboriculturist

Parks and Landscapes

Natural England

Ecology Advisor

Highways England
Environmental Health

CONSULTATION RESPONSES RECEIVED:

ADC ENVIRONMENTAL HEALTH: No objection, subject to planning conditions/informatives.
Noise - Noise Impact Assessment/noise mitigation measures acceptable in principle, subject to monitoring on site. Construction/Demolition Plan, hours of construction/demolition.
Land Contamination - recommend standard 4-stage planning condition.
Air quality - conditions to secure Electric Vehicle charging points and Construction/Demolition Plan.
Light pollution - planning condition to secure external lighting plan.

WSCC HIGHWAYS: No objection.

Site access, trip generation, parking provision acceptable. Would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. Recommend planning conditions to secure the installation of the vehicle parking and turning spaces, covered and secure cycle parking, and the submission of a Construction Traffic Management Plan (CMP). Recommend informative regarding need for the consents from LHA for off site highways works.

HIGHWAYS ENGLAND: No objection.

Highways England have confirmed that the trips generated would not materially affect the safety, reliability and/or operation of the SHN (nearby A27).

ADC DRAINAGE: Objection, based on applicant's failure to provide evidence that there would be no detriment to the new properties or existing infrastructure and nearby properties as a result of this development from ground and surface water flood risk. Winter infiltration and ground water level testing would need to be secured by pre-commencement planning conditions.

SOUTHERN WATER: No objection, subject to pre-commencement condition to ensure the protection of public sewers and informative confirming requirement for application to SW for connection to the public sewerage system in order to service this development.

ECOLOGY ADVISOR: Recommend conditions: The enhancements in the EIA would meet the requirements for Net Biodiversity Gain, and should be incorporated into any Landscaping Plan by way of planning condition. The Ecology Advisor requested the applicant provide the Sussex Biodiversity Record Centre protected species report for the Ecology Officer to review. This has not been provided by the applicant.

NATURAL ENGLAND: Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites (SSSI RZ).

COMMENTS ON CONSULTATION RESPONSES:

Noted. Comments addressed under the relevant sections in the Conclusions of this report.

POLICY CONTEXT

Designation applicable to site:
Countryside
Arun Valley SSSI RZ (2)
Lidsey Water Treatment Works Catchment Area

DEVELOPMENT PLAN POLICIESArun Local Plan 2011 - 2031:

SDSP1	SD SP1 Sustainable Development
CSP1	C SP1 Countryside
SODM1	SO DM1 Soils
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
LANDM1	LAN DM1 Protection of landscape character
WMDM1	WM DM1 Waste Management
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
INFSP1	INF SP1 Infrastructure provision and implementation

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 H1	Enhancement of biodiversity
Yapton neighbourhood plan 2014 Policy PK1	Housing requirement
	Parking standards for new residential development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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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.

Policies within the Yapton Neighbourhood Plan (2014) are relevant in the determination of this application.

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 fails to comply with relevant Development Plan policies in that it is located in the Countryside, resulting in harm to the character of the countryside, landscape and visual amenity of the area, it fails to demonstrate that the development would not suffer from flood risk or increase flood risk elsewhere and it fails to demonstrate that trees and hedgerows would be adequately protected.

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:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Arun District currently comprises the Arun Local Plan 2011-2031 (adopted 2018), the Yapton Neighbourhood Development Plan (November 2014) and the West Sussex Waste and Minerals Plans.

Section 38 (5) states: "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". Any conflict between the Yapton Neighbourhood Development Plan (2014) and the Arun Local Plan (2018), should therefore be resolved in favour of the latter.

All development policies that relate to the supply of housing in the Local Plan (policies H SP1, C SP1, SD SP2) have reduced weight because ADC cannot demonstrate an adequate supply of housing land (only 2.9 years HLS). In addition, policies in the Yapton Neighbourhood Development Plan that relate to the supply of housing (policies BB1 & H1) have even less weight because they relate to out of date housing needs, as the policies were based on the 2003 Local Plan.

Paragraph 11 of the National Planning Policy Framework (NPPF) states that where development policies are out of date (including for applications involving the provision of housing, situations where the local

planning authority cannot demonstrate a five year supply of deliverable housing sites) permission will be granted, with two exceptions, which include where 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. Paragraph 14 of the NPPF states that in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably outweigh the benefits if four specific criteria apply. In this case, criteria (a) to (d) are not all applicable because the Neighbourhood Plan was made over two years ago. Therefore, the presumption in favour of sustainable development is unaffected by the Neighbourhood Plan.

Policy SD SP2 (Built up Area Boundary) states that the Built-Up Area Boundary (BUAB) is defined for the main towns and villages in the District and shown on the Policies Maps. Development should be focused within the BUAB and will be permitted, subject to consideration against other policies of the Local Plan.

Policy C SP1 (Countryside) states that residential development in the countryside outside the BUAB will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development. It is noted that none of these relate to the proposal.

As this site lies outside the nearest BUAB of Yapton, it is defined as being within the designated Countryside. The scheme would therefore conflict with ALP policies SD SP2 and C SP1.

The YNDP was made 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. In both cases, there is no BUAB drawn around North End and the site therefore lies in the Countryside.

Policy BB1 of the YNP states that development outside of the BUAB will not be permitted unless in accordance with 4 listed criteria. Criteria 1-2 & 4 are not relevant to the application proposals but criteria 3 is; where the development relates to additional allocations for housing land in accordance with policy H1.

Policy H1 allows for a buffer of up to an additional 20% of the ALP housing requirement of 100 dwellings for the Yapton Neighbourhood Plan area. It is considered that this 20% has already been achieved through recent applications in the village such as Y/1/17/OUT (56 dwellings), Y/44/17/OUT (70 dwellings), Y/49/18/PL (10 dwellings), Y/49/17/OUT (45 dwellings), Y/80/16/OUT (100 dwellings) and Y/83/19/OUT (33 dwellings). Above and beyond this 20%, the policy states any further housing development 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. The development would be subject to CIL and therefore, it would be possible for a portion of the required payment to go towards the funding of school improvements.

Policy H1 also seeks to prevent residential development on windfall sites outside of the BUAB.

The NPPF (Feb 2019) is an important material consideration in determining planning applications. As discussed below, under "Other Material Considerations", the Council cannot currently demonstrate a 5-year Housing Land Supply (HLS) and therefore paragraph 11 (d) of the NPPF and the application of the 'presumption in favour' of sustainable development is triggered.

Paragraph 11 of the NPPF states that where development policies are out of date (including for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites) planning permission will be granted:

(i) the application of policies in the NPPF that protect areas or assets of particular importance provides a

clear reason for refusing the development proposed; or
 (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

There is no question that (i) does not apply to this determination as the site does not lie in a protected landscape and is not or near a protected heritage asset that would be significantly affected. The part (ii) test, adverse impacts, will be considered at the end of this report within the 'Sustainability Section'.

Paragraph 117 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment, and policies should make as much use as possible of previously-developed or 'brownfield' land.

The proposal for 7 new dwellings would meet the economic objective, in terms of providing employment during the construction phase, Council Tax receipts and local spending too. This would provide a benefit to the local economy and weighs in the schemes' favour.

The proposal meets the social objective, making a contribution of 7 homes to the District's housing supply. CIL receipts could be used to contribute financially towards local schools & libraries and there would be a further benefit to the local community. This social benefit weighs in the schemes' favour.

The site is approximately 1 mile from the centre of Yapton village, which provides a range of local shops and facilities. There is a bus stop close to the site. Under the appeal decision in 2015 for the former coal yard, the Inspector noted that, given the distance to the centre of the village, future occupants would be likely to be highly reliant on private vehicles for day to day activities and getting to and from work. The Inspector concluded in this respect the development would not fully meet the aims of sustainable development set out in the NPPF. Since this appeal decision, there have been more recent appeal decisions which have concluded that this sort of distance from a village centre, and if walking, cycling and bus routes are available for travel and people would have the choice not to have to use a car, it would still constitute environmentally sustainable development. This is the case for the site, and it is concluded the site is in a relatively environmentally sustainable location from a transport perspective. That being said, the proposals would result in significant environmental harm with regard to its impacts on the open and rural character of the countryside.

On balance, the proposals would represent sustainable development. Paragraph 11(d) of the NPPF states permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. Whilst the proposals would be sustainable development, the adverse impacts of the development in terms of its siting outside of the BUAB and harm to the character of the countryside and visual amenity of the area (as set out in the sections above) significantly and demonstrably outweighs the benefits of the proposal. For this reason, the application would not benefit from the presumption in favour of sustainable development.

LOSS OF AGRICULTURAL LAND:

Policy SO DM1 of the ALP advises the use of Grades 1, 2 & 3a agricultural land for development not associated with agriculture, horticulture or forestry will not be permitted. Policy E1 of the YNP states that permission will be refused for development on grade 1 and grade 2 agricultural land, unless it meets certain tests in respect of housing land allocations.

A review of the DEFRA land classification mapping and Arun Soils Study (2013) suggest that the land is either unclassified (i.e. not Grades 1-5) or may potentially fall within Grade 3a. Since the mapping available is not entirely clear that this land is Grade 3a, and given that Grade 3a land is on the lower end of the spectrum of quality, and taking account of the proposed provision of 7 new homes, the need for

new housing is considered to outweigh the need to protect this land, and any conflict with ALP policy SO DM1 would not justify a refusal on this basis. There is also a dwelling on the land which will impact on soil quality.

CHARACTER, DESIGN & VISUAL AMENITY:

Policy D SP1 of the ALP states that development should seek to make efficient use of land but reflect the characteristics of the site and local area. ALP policy D DM1 looks at aspects of form and design quality, including; character, attractiveness, innovation, residential amenity impact, adaptability, density, scale, trees and crime prevention. New buildings should be harmonious with their surroundings and successfully integrate with the existing surrounding environment. ALP policy LAN DM1 states that development should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas. The Arun District Council Design SPD is due to be adopted mid 2020 and provides detailed design guidance for developments in the District.

Supporting text to housing policy H1 of the YNP refers to meeting housing needs by; encouraging small-scale residential developments that are sympathetic to their surroundings and providing well-designed dwellings that are sympathetic to the character of the village.

Para 170 of the National Planning Policy Framework (NPPF) states decisions should protect and enhance valued landscapes and recognise the intrinsic character and beauty of the countryside. Development Plan policies seek to exert strict control over new development in the countryside to protect its intrinsic character and beauty. Paragraph 127 of the NPPF details the design requirements for new developments, including that developments should function well, are visually attractive and sympathetic to local character and history, have an appropriate mix of development including green and public space and create places that are safe, inclusive and accessible.

The pattern of linear 'ribbon' development along the east and west sides of this section of North End Road is fragmented by areas of agricultural land. The site is garden land to Sunnymead Farm House and primarily screened with hedging/trees, and there is agricultural land to the rear of the site. The site provides a physical and visual gap in the built form and a degree of greenery at this point on the road.

In a dismissed appeal decision in 2015 for the old coal yard site opposite (Y/12/15/PL), the Inspector described this part of North End Road as having a semi-rural character and appearance. They did not see an issue with the layout and design of the development, which they considered, in isolation, would be in keeping with the character and appearance of the nearby residential properties and the site. The Inspector concluded development would add to the ribbon effect of development along the road and erode the semi-rural character of the local area, contrary to policies seeking to protect the countryside for its own sake.

The same can be said for the proposed scheme. The two storey scale, terrace house typology, pitched roof form, enclosed frontage, and general design and materiality of the proposed dwellings would broadly reflect and/or be in keeping with the character of other buildings in the area. The precise design and palette of materials would be different to nearby dwellings but then these are different to each other and therefore there is no prevailing character. The plot layout and front building line of the four houses fronting onto North End Road would broadly reflect that of the adjacent properties to the south. Dwellings would be deeper than adjacent dwellings to the south but this would not be noticeable in the street scene to passers by. It would have the appearance of a small housing estate with a more suburban feel, failing to reflect the characteristics of the semi-rural character of this area and be sympathetic to its surroundings. These new buildings fail to have a harmonious appearance with their surroundings and successfully integrate with the surrounding environment. The loss of the gap in the built form and greenery on this section of North End Road would create a continuation of the existing ribbon

development up the railway line and would result in an erosion to the semi-rural character of the local area, and harm the character of the countryside.

The Councils Housing & Economic Land Availability Assessment (HELAA, 2019) identifies the land behind this site as being suitable for development and 'developable'. However, the HELAA is not policy, and even though it may have been assessed as being 'developable' that does not mean it is acceptable in policy terms. During the examination of the YNP, the coal yard site opposite was rejected as unsuitable for housing with the Examiner stating: Whilst displaying built-up characteristics, this area to the north of the crossroads (Maypole Lane/North End Road), is both distinct from and geographically separated from the built-up part of the village. It is approximately 1km from the village centre, a walk of approximately 18 minutes. They recommended the deletion of the site from the YNP. Under the dismissed appeal for the coal yard site, the Inspector noted that the YNP considered the site to have similar characteristics to that of the proposed Maypole Field site in that its development would reinforce existing ribbon development in this part of the parish with little prospect of achieving sustainable, well planned development.

The development, by reason of its siting and layout, results in the erosion of the character of this semi-rural area, and would fail to protect the countryside and landscape contrary to the NPPF, policy C SP1 which seeks to protect countryside for its own sake (i.e. its value of intrinsic character and beauty) and design policies D SP1, D DM1 and LAN DM1 of the ALP, and YNP policy H1.

QUALITY OF ACCOMMODATION:

The proposal is for 3 x 4 bed houses, 1 x 3 bed house & 3 x 2 bed houses. A mix of less 4 bed, and more 2 and 3 bed homes would be more appropriate, and in line with the latest SHMA and the objectives of policy H1 of the YNP. This would not, however, itself form a reason for refusal.

Policy D DM2 of the ALP states that internal spaces should be of an appropriate size and that the Nationally Described Space Standards provide guidance.

The proposed Gross Internal Areas (GIAs) of the dwellings appear to be approximately as follows:

2B4P = 79.7sqm

3B5P = 95.8sqm

4B7P = 145.2sqm

The proposals appear to broadly accord with the national internal space standards (regarding GIAs, bedroom sizes and storage space), and ALP policy D DM2.

There are no specific policies or adopted guidance with regard external spaces. Paragraph H.04 of the emerging Arun Design Guide SPD advises that outdoor amenity spaces should be of an appropriate size and shape and be usable and enjoyable. It states rear gardens should have a minimum depth of 10.5m and buildings should be set back by 2m from the plot boundary to mark defensible space.

Each dwelling would have an external rear terrace and private enclosed rear garden area. The external outdoor amenity space provision would be of a sufficient size and shape to be functional and enjoyable to serve the future occupiers.

Policy WM DM1 of the Arun Local Plan advises that all new residential development, will be permitted provided that it is designed to ensure that kerbside collection is possible for municipal waste vehicles. The site plan shows that 2 wheelie bins for refuse and recycling would be provided in a bin storage enclosure/integrated planter within the front garden area for each of the new dwellings. Bin storage and kerbside collection would be acceptable, and accord with ALP policy WM DM1. Details of the exact

appearance of the bin storage could be secured by planning condition.

CLIMATE CHANGE:

ALP policy ECC SP1 '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 is also relevant and sets out a number of sustainability measures to promote energy efficiency and renewable energy.

Paragraphs 150 (b) and 151 of the NPPF are relevant since they state that new development should be planned in ways that can reduce greenhouse gas emissions, such as through its location, orientation and design and seek to increase the use and supply of renewable and low carbon energy and heat.

The D&A Statement refers to a range of sustainability measures including fabric first approach, insulation, energy efficient combination boilers, PV panels, water conserving devices, rainwater harvesting etc. These measures have not been shown on the proposed site plan. An Energy Statement and Plan setting out the energy conservation/efficiency measures and renewable energy sources would need to be secured by way of a condition. A standard condition would be imposed requiring 10% on-site generation from renewable or low carbon energy generation, plus the fabric first approach. The proposal would comply with the NPPF and Arun Local Plan policies ECC SP1 and ECC SP2.

RESIDENTIAL AMENITY:

D DM1 of the Local Plan states development will have minimal impact to users and occupiers of nearby property. This includes privacy, outlook, light and general noise and disturbance. QE SP1 states that the Council requires development contributes positively to the quality of the environment.

The Council's Design Guide SPD is due to be adopted by mid 2020. G.03 states minimum back-to-back distances should be 21m for the purposes of privacy and the 25 degree rule should also be used to inform these distances to ensure proper provision of daylight and sunlight. It advises that back-to-side distances should be informed by the 45 degree rule to ensure adequate daylight and sunlight and there should be a minimum distance of 14m between habitable rooms and the side gable of the adjacent property. H.04 advises that front-to-front distances should be a minimum of 16m between habitable of properties facing each other.

On the north side of the site, it would directly abut the railway tracks and sewer pumping station beyond, so the proposed scheme would have no impact on residential amenity on this side. To the front, the west, the new dwellings fronting the road would be separated from the front of the dwellings on the opposite side of the road (1-2 Yapton Gates) by around 24m which would be more than adequate to avoid any overlooking or loss of outlook or light to these neighbouring properties.

On the south side of the site, the nearest property is Apple Tree Cottage. There is an access track between the sites, and the new dwellings would be sited around 18m from the side elevation of this cottage, and 5m from the side boundary to the rear garden of the cottage. There would be no side facing upper floor windows on the southern elevation to the nearest of the 4 properties fronting the road, and so there would be no overlooking and loss of privacy impacts on the cottage in this regard. There would be 2 small side facing windows on the southern elevation of the nearest of the 3 properties at the rear of the site. Given one would be at ground floor level serving a hallway and one would be between ground and first floor level on the stairs but would be obscure glazed, these would not result in any intrusive views towards the garden of the cottage. Given the separation distance and angle of the windows of the 3 properties at the rear of the site these would not result in significant overlooking or loss of privacy to the cottage or its garden. The dwellings would be sited at a separation distance from the cottage to not result in any demonstrable loss of outlook or light.

The net increase in 6 dwellings would result in more activity of pedestrians and vehicles coming in and out of the site, which could cause some increased general noise and disturbance. However, this is not an incompatible use and the anticipated increased noise and disturbance would not be so significant as to warrant refusal of the application. Environmental Health have requested conditions regarding a Construction/Demolition Plan, hours of construction/demolition sites and external lighting plan, to protect local residents from significant noise, air and light pollution impacts.

Subject to conditions, the proposals maintain an acceptable level of residential amenity for neighbouring occupiers, in accordance with the NPPF and ALP policies D DM1 and QE SP1.

NOISE POLLUTION:

QE DM1 of the Local Plan seeks to protect future occupants of noise sensitive development from noise generating uses.

Immediately to the north of the site is the railway track. The northernmost dwelling would be set away from the tracks by around 18m. A Noise Impact Assessment Report has been submitted, with regard to noise from traffic/railway line and vibration from the rail tracks. Environmental Health confirm that, in theory, they accept the mitigation measures proposed within the report. However, these proposed noise controls would have to be monitored once in place within the development. Subject to conditions requiring the implementation and monitoring of appropriate noise mitigation measures, the proposals would protect future occupants from noise generating uses, in accordance with policy QE DM1.

HIGHWAYS, PARKING AND TRANSPORT:

Policy T SP1 of the ALP relates to congestion, climate change and access and requires that development 'provides safe access on to the highway network'. ALP policy T DM1 (a), supports development which is designed to reduce the need to travel by car, and requires new development to be located within easy access of established public transport services. Arun District Council has a Parking Standards SPD (adopted Jan 2020).

Policy PK1 of the YNP sets out minimum standards for the provision of off-street parking for residential development. For 2 and 3 bed houses this is 2 spaces and for 4+ houses this is 3 spaces.

Paragraph 108 of the NPPF states that in assessing specific applications for development it should be ensured that (b) safe and suitable access to the site can be achieved for all users. Paragraph 109 of the NPPF states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". Policy 106 refers to maximum parking standards for residential and non-residential development.

It is proposed to upgrade the existing access, in the same location, to a formalised T junction, with dropped kerbs and tactile paving to facilitate pedestrian crossing. In line with the recorded speeds and Manual for Streets (MfS) parameters, visibility splays of 46m (towards Yapton) and 43.5m (towards Walberton) have been shown. These splays appear to be achievable on the ground. Vehicle swept path analysis has been demonstrated, showing that a service vehicle can enter and turn on site to leave the site in forward gear.

No trip generation information has been submitted. Given the size of the development it would be expected to see around 3 x two-way vehicle trips in the peak hours. This level of trips added to the network in peak hours would not have a significant impact. With regard the Strategic Highways Network (SHN), in this case the A27, Highways England have confirmed that the trips generated would not materially affect the safety, reliability and/or operation of the SHN.

The ADC Parking SPD would require 17 car parking spaces. 19 on-site car parking spaces are proposed (which includes 2 visitor spaces). As such, the proposals would accord with the car parking standards. The ADC Parking SPD requires 1 cycle space per 2 bed property and 2 cycle spaces per 3 and 4 bed property. The development would require a total of 10 cycle parking spaces. The site plan shows the provision of cycle parking storage for 4 bicycles per property, totalling 28 cycle parking spaces. As per the ADC Parking SPD, active electric vehicle charging points should be provided at a minimum of 20% of all parking spaces (with ducting provided at all remaining spaces where appropriate to provide 'passive' provision for these spaces to be upgraded in the future). This could be secured via a condition.

WSCC Highways conclude that the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (paragraph 109), and there are no transport grounds to resist the proposal.

LAND CONTAMINATION:

As per policy QE DM4 of the Arun Local Plan, development on or in close proximity to hazardous sites or contaminated land will be permitted provided the Council is satisfied that appropriate remedial measures can be or have been undertaken in respect of human health and groundwater.

Environmental Health confirm the standard full 4-stage contamination condition is recommended to deal with potential contamination of the land, and to accord with the NPPF and ALP policy QE DM4.

FLOODING, DRAINAGE AND SEWERAGE:

Arun Local Plan policy W DM2 sets out the requirements for development in areas at risk of flooding, including; the need for the sequential test, an FRA, adaptation and mitigation measures, flood warning and evacuation plans and site drainage plans. ALP policy W DM3 states that all development must identify opportunities to incorporate a range of Sustainable Urban Drainage (SUDs) systems. These features may include green roofs, permeable driveways, soakaways, water harvesting such as water butts. Policy W DM1 of the Local Plan deals with foul water drainage. Policy E11 of the YNP seeks to minimise overall flood risk, provide appropriate surface water drainage, and open existing culverts where possible.

Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk and Paragraph 163 states that when determining planning applications, LPAs should ensure that flood risk is not increased elsewhere.

The site is in Flood Zone 1 (low risk of flooding). No FRA or flood mitigation measures are required in this regard. The site is in the Lidsey Water Treatment Works Catchment Area. A Drainage Strategy, Soakage Test Report and Topographical Survey have been submitted. The ADC Drainage Engineer has been consulted.

They have stated infiltration testing was completed in October and not in accordance with BRE365, and that winter infiltration testing (in Jan/Feb) in strict accordance with BRE365 is required. It is noted that no groundwater monitoring data has been supplied and that a full winters groundwater monitoring is required to demonstrate the level at which groundwater peaks on the site. These matters could be dealt with by way of pre-commencement planning conditions.

However, ADC Drainage have objected to the current scheme based on the following issue:

There is a large low area to the north west of the site, this is shown as an area of surface water flooding (1 in 30 event and greater on the Council mapping) and is further evidenced in the Topographical Survey. The Council have no evidence that this area currently floods beyond the anecdotal evidence of the current resident. The four house terrace is proposed to be built in this area. There are no clear

references to ground raising, however, the location of these properties is problematic.

(a) If the intention is to build the properties in the low area with no ground raising then the properties themselves will displace any potential water storage that could occur here.

(b) If the intention is to raise the ground levels (which appears to be the case from the elevations of the buildings and the street elevation sheet), then the ground level may be being raised by up to 1.85m.

Southern Water confirm there is a public foul sewer crossing the site. They advise the exact position of the public sewer crossing the site must be determined on site by the applicant (given that 3m clearance of construction works/tree planting and SUDs should be located at least 5m away) before the layout of the proposed development is finalised. A pre-commencement condition is recommended.

The applicant has failed to provide evidence there would be no detriment to the new properties or existing infrastructure and nearby properties as a result of this development from ground and surface water flood risk. The proposal fail to demonstrate the development would not suffer flood risk or increase flood risk elsewhere, contrary to the NPPF, ALP policies W DM2 and W DM3, and YNP policy E11. This forms a reason for refusal of the application.

ECOLOGY:

Arun Local Plan policy ENV DM5 states development shall seek to achieve a net gain in biodiversity and protect existing habitats on site. Policy E5 of the YNP seeks to retain and encourage biodiversity, through measures such as flood attenuation ponds, links and corridors for wildlife, other forms of SUDs or domestic rainwater management systems. Paras 170, 174 and 175 of the NPPF indicates that developments should aim to protect or enhance, minimise impacts, and provide net gains to biodiversity. Net Biodiversity Gain is an important aspect of the Environment Bill and the NPPF.

The application is accompanied by an Ecological Impact Assessment (EIA). The Council's Ecological Advisor confirm the requirement for conditions. They confirm the enhancements proposed in the EIA meet the requirements for Net Biodiversity Gain, and should be incorporated into any Landscaping Plan by way of a condition.

A local resident raised the possibility that there may be protected species, Great Crested Newts, in the area. As such, the Ecology Advisor requested the applicant provide the Sussex Biodiversity Record Centre protected species report for the Ecology Officer to review. This has not been provided. As such, there are concerns that protected species have not been fully considered and it has not been demonstrated that they would not be harmed as a result of the proposals.

The site is in the Arun Valley Site of Special Scientific Interest Risk Zone, and the presence of protected Bewick Swans needs to be considered. Natural England confirm that the development will not have significant adverse impacts on statutorily protected nature conservation sites (SSSI RZ).

Given the lack of information provided, there has been a failure to demonstrate that protected species would be adequately protected, as required by legislation and ALP policy ENV DM5 and YNP policy E5. This forms a reason for refusal.

TREES:

Policy ENV DM4 seeks to protect trees with TPOs, identified as Ancient Woodland, in Conservation Areas, or contributing to local amenity. Policy E4 of the YNP states development will be expected to retain well-established features of the landscape, including mature trees and species-rich hedgerows, and if there is significant loss of trees and shrubs as part of development, then new provision will be expected elsewhere on the site.

The Council's Arboricultural Officer has not commented. Although it is proposed to retain existing

Category A trees, there is no Tree Report, and it is not clear if the proposals impact the Root Protection Areas (RPAs) of these trees, and if any other trees on site should be retained for their amenity value and contribution to the character of the area. The application fails to demonstrate that trees would be adequately protected from loss or damage, contrary to the requirements of ALP policy ENV DM4 and YNP policy E4. This forms a reason for refusal of the application.

LANDSCAPING:

Local Plan policy D SP1 states development should reflect the characteristics of the site and local area in terms of their landscaping. D DM1 of the Local Plan states when considering any application for development the Council will have regard to the a number of elements including landscaping, and hard and soft landscaping to reflect the local area. ALP policy LAN DM1 states that development should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas.

Paragraph 127(b) of the NPPF requires planning decisions to ensure that development are visually attractive as a result of effective landscaping.

In accordance with the Open Space SPD, since the development is for under 10 units, neither on-site provision or off-site financial contribution would be required for public open space, play areas or pitches. The D&A provides details with regard to landscaping. The proposals result in the loss of the vegetative screening at the front which provides greenery and softens the appearance of the street scene. The development would be visible in the landscape and street scene. It would not be so harmful to the general landscape as to be refused on this basis. It would be harmful to the semi-rural character of the area, and visual amenity of the street scene (as discussed in the Visual Amenity section above). A detailed Landscaping Plan would need to be secured by condition to provide details on; the existing trees and vegetation to be both retained and removed and landscape planting, showing densities and size when planted.

COMMUNITY INFRASTRUCTURE CONTRIBUTIONS:

Policy INF SP1 of the Local Plan states that 'The Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development (including the necessary infrastructure set out in the Infrastructure Delivery Plan) to meet the needs of occupiers and users of the development and the existing community'.

Subject to CIL contributions, the proposals would be acceptable in terms of infrastructure provision and impacts, and would accord with Arun Local Plan policy INF SP1.

SUMMARY:

There is conflict with BUAB policy SD SP2 and countryside policy C SP1 of the ALP, and policies H1 and BB1 of the YNP, which seeks to protect the countryside and prevent residential windfall development on sites outside of the built up area. Furthermore, whilst the Council's lack of a 5 year housing land supply, would mean that the NPPF's presumption in favour of sustainable development would be triggered, given the adverse harm to the character of the countryside and visual amenity of the area (in conflict with policies D SP1, D DM1 and LAN DM1 of the ALP and H1 of the YNP) this would, on balance, outweigh the benefits of the proposal and so the proposed development would not benefit from the presumption in favour.

There has been a failure to demonstrate the development would not suffer flood risk or increase flood risk elsewhere, contrary to the NPPF, ALP policies W DM2 and W DM3, and YNP policy E11.

Due to a lack of information, there has been a failure to demonstrate that protected species would be adequately protected, as required by legislation and ALP policy ENV DM5 and YNP policy E5.

The submission lacks adequate information and there has been a failure to demonstrate that trees and hedgerows on the site would be adequately protected from the development, contrary to ALP policy ENV DM4 and YNP policy E4.

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (Right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010:

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

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

CIL DETAILS

This application for 7 new dwellings is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply). The site is within CIL Charging Zone 3 and is chargeable at £150 per sqm of new residential floorspace. However, the application is to be refused so this is not relevant.

RECOMMENDATION

REFUSE

- 1 The site lies in a countryside location outside the defined Built-Up Area Boundary of Yapton and the proposal, which would reinforce existing ribbon development and due to its layout appear prominent and incongruous, would erode the existing intrinsic character of the countryside and harm the visual amenity of this semi-rural area. The proposal is contrary to the National Planning Policy Framework, Policies SD SP2, C SP1, D SP1, D DM1 and LAN DM1 of the Arun Local Plan (2018) and Policies H1 and BB1 of the Yapton Neighbourhood Plan (2014).
- 2 There has been a failure to demonstrate the development would not suffer flood risk or increase flood risk elsewhere, contrary to the requirements of the National Planning Policy Framework (2019), policies W DM2 and W DM3 of the Arun Local Plan (2018) and policy E11 of the Yapton Neighbourhood Plan (2014).

- 3 There has been a failure to demonstrate protected species would be adequately protected, as required by legislation and policy ENV DM5 of the Arun Local Plan (2018) and policy E5 of the Yapton Neighbourhood Plan (2014) causing harm to biodiversity.
- 4 There has been a failure to demonstrate trees and hedgerows on the site would be adequately protected from the development, contrary to the requirements of policy ENV DM4 of the Arun Local Plan (2018) and policy E4 of the Yapton Neighbourhood Plan (2014).
- 5 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.