

Recommendation Report for Outline Consent

REF NO: Y/40/17/OUT

LOCATION: Bonhams
Hoe Lane
Flansham
Bognor Regis

PROPOSAL: 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.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application originally sought permission for 34 dwellings however, this was changed in late November 2017 in response to concerns raised regarding character. 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 with reduced garden curtilages and then develop the remainder of the site with 23 new dwellings of which 7 will be affordable homes. The indicative layout suggests that those new dwellings closest to the existing dwellings will be large detached buildings whereas those towards the A259 Bognor Regis Relief Road (BRRR) will be a mix of smaller detached and semi-detached homes. The layout also includes 5 areas of public open space including a large central space on which a Local Authority Playground (LAP) would be provided. The layout also suggests that the protected trees will 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 access.
SITE AREA	1.97 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	11.6 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	A provisional Tree Preservation Order has been served 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 has been served in respect of a Hornbeam which is adjacent to the 12th individual tree forming part of the TPO/Y/1/18 schedule (and which was omitted from that 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 considered 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.

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, in addition Bonhams has direct access from

Hoe Lane to a double garage.

Third, a field to the south which shares access with both dwellings. This is essentially covered in scrub planting and at the time of the site visit (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 extent of this field goes as far to the south and east as the timber fence mentioned above. Between this fence and the established hedge lies a wild buffer area not within the ownership of Bonhams. There is an open surface water drain and a long rectangular pond within this buffer. It is possible to walk into this buffer area from the footpath to the west.

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 considered to be mixed 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 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/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
Y/85/13/DOC	Application for approval of details reserved by condition 3 (materials) following a grant of planning permission Y/47/13/.	Approve 18-11-13
Y/47/13/	Proposed detached garage	ApproveConditionally 05-09-13
Y/18/13/	Relocation of existing gates (This application affects the Setting of a Listed Building).	ApproveConditionally 06-06-13
Y/46/10/L	Application for Listed Building Consent for various alterations and extension to property.	ApproveConditionally 22-12-10
Y/45/10/	Internal alterations to layout of dwelling. Single storey extension and attached garage. 3No. roof lights.	ApproveConditionally 22-12-10

Y/8/09/L	Application for Listed Building Consent for proposed en-suite bathroom, new extractor fan & grill & new cast iron waste pipe	ApproveConditionally 27-02-09
Y/6/09/L	Application for Listed Building Consent to remove existing flat roof to sun room extension. Replace with a pitched roof with a flat top.	ApproveConditionally 27-02-09
Y/33/91/L	Application for Listed Building Consent to replace all existing windows and the side porch door with u/PVC double glazed units.	Refused 27-08-91

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council

Yapton Parish Council

Yapton Parish Council

PARISH COUNCIL:

Objection. Yapton Parish Council (YPC) have provided both a one page online comment and a separate six page letter. Their comments are summarised below:

- (a) The proposal is outside of the Built Up Area Boundary (BUAB) and is in conflict with the Yapton Neighbourhood Development Plan (YNDP);
- (b) This application is premature to the Local Plan and the process of the community considering additional small strategic housing sites;
- (c) YPC was previously assured that the Bognor Regis Relief Road (BRRR) would delineate a clear boundary between the built-up boundary to the south of the road i.e. Site 6 and that of Flansham with land south of Flansham abutting the BRRR being considered as open space;
- (d) Impact on the historic, agricultural and semi-rural character of the Flansham Hamlet;
- (e) Loss of existing open space;
- (f) The YNDP is not out of date as confirmed by the Secretary of State's (SoS) decision on application Y/60/14/OUT;
- (g) The site is currently used for agriculture;
- (h) YPC has met its current & future local parish housing allocation;
- (i) The scheme has poor public open space provision;
- (j) The increased use of the access will be dangerous to pedestrians, cyclists and other vehicles; and
- (k) YPC are of the view that the social and environmental benefits of this proposal are extremely weak.

LOCAL RESIDENTS:

A total of 132 letters of objection have been received in response to this application including from residents groups, Councillors, a local GP and the local MP, the Rt Hon Nick Gibb. The majority of these were in response to the original proposal (34 dwellings) however, it is necessary to summarise all of them as many objectors have written to at that their previous comments still stand and also many have not written in to add further comments. These letters raise the following concerns:

- (1) Why is the decision taking so long to be made?
- (2) The Arun Local Plan does not allocate this site for development and maintains the BRRR as the edge of the BUAB;
- (3) Intensification of the access will be dangerous to pedestrians, cyclists and other vehicles;
- (4) Increased local surface water flooding;
- (5) Impact on the character of this ancient hamlet;
- (6) Inadequate existing school, medical, postal & waste infrastructure to cope with new housing;
- (7) Flansham is proposed to be a Conservation Area;
- (8) Impact on free flow of ambulance & fire engine movements;
- (9) Number of new dwellings is out of scale, overbearing and of a totally unacceptable density
- (10) Previous work on re-siting of Bonhams electric gates caused traffic jams on Hoe Lane;
- (11) No space for large vehicles to turn in Hoe Lane;
- (12) Impact of road noise from the BRRR;
- (13) Loss of agricultural land;
- (14) Increased traffic congestion at the Hoe Lane/BRRR/Flansham Way roundabout;
- (15) Loss of trees (including to ensure visibility splays) & hedges;
- (16) Impact on the setting of designated and non-designated heritage assets;
- (17) This application should be determined by the Development Control Committee;
- (18) Unsustainable proposal;
- (19) Lack of social housing;
- (20) Inadequate foul sewage capacity in the local area;
- (21) Impact of new people in the area on livestock grazing in nearby fields - economic impact to the local farmer;
- (22) The site should exit on to the BRRR;
- (23) Impact of new dwellings on the character of the Hoe Lane frontage;
- (24) Creation of a precedent for further Hoe Lane development;
- (25) Covenants protect the site from development;
- (26) Applicant confirmed in a letter dated 28/05/13 regarding a previous application that the new junction with the BRRR is unsafe;
- (27) Impact on local wildlife including protected species;
- (28) WSCC Highways response is based on a desktop assessment and is therefore flawed;
- (29) Impact on local residents Human Rights (peaceful enjoyment of property, private & family life);
- (30) Conflict with the NPPF (many different paragraphs highlighted within the letters);
- (31) No provisions made for carbon offsetting;
- (32) Economic impact on local childminders who walk children along the lane;
- (33) Economic impact on Flansham Business Centre;
- (34) Economic impact on local farmers who will be unable to enter/exit Hoe Lane;
- (35) Creation of noise, light & air pollution;
- (36) Potential damage to unknown sewers under the site;
- (37) Clarification needed as to the which settlement the site lies outside of;
- (38) The existing residential gardens should be removed from the site area as para 48 of the NPPF forbids such from being considered as part of a windfall site allowance;
- (39) Inadequate pre-application neighbour consultation exercise - limited in scope & time;
- (40) Submitted photographs within supporting documents claim to show local context but do not;
- (41) The submitted landscape analysis is biased & flawed;
- (42) The submitted noise assessment has flaws in it;

- (43) The submitted ecological surveys are flawed;
- (44) Flaws in the Transport Assessment and WSCC comments;
- (45) New residents will likely have to travel through routes known for congestion/road safety issues to access local schools etc;
- (46) Contrary to the Yapton Neighbourhood Development Plan (YNDP);
- (47) Impact on the enjoyment of the neighbouring property, Jem House;
- (48) Loss of greenbelt land;
- (49) Loss of flint walling to accommodate the widened access;
- (50) Impact on archaeological remains;
- (51) The HELAA report admits that this site contravenes local policy; and
- (52) Impact on house prices in Flansham.

The following comments have been made specifically in response to an email from the agent (18/01/18) which suggests that the circumstances of this application in respect of housing land supply are directly comparable to the recent allowed appeal concerning Land South of Ford Lane, Yapton.

- (53) It is ludicrous to compare this site with the recent allowed appeal for this site located north of Yapton;
- (54) There is no mention of an application elsewhere in Yapton recently deferred due to an objection by Southern Water. Southern Water have also objected to the Bonham's application;
- (55) The agent also disregards the recent Site 6 residential development which has placed significant strain on existing infrastructure in Felpham;
- (56) 23 houses will do little to fulfil a housing quota especially in view of the 100 recently granted in Yapton;
- (57) In 2016 when the Burndell Road application was considered by the SoS, there was no Arun Local Plan but there is now;
- (58) No proposed improvements to bus, cycle or highway infrastructure; and
- (59) Significant threat to heritage and conservation interests.

COMMENTS ON REPRESENTATIONS RECEIVED:

PARISH COUNCIL:

Items (a), (b), (d), (e), (j) and (k) will be discussed in the conclusions section of this report. The other points are considered below:

- (c) Noted however, this is not set down in policy and would in any case be subject to changing circumstances;
- (f) The Y/60/14/OUT decision has since been superseded by the appeal decisions concerning Burndell Road (Y/19/16/OUT) and also Land South of Ford Lane (Y/80/16/OUT). These both confirm that Arun Local Plan policies GEN2 & GEN3 and also policy BB1 of the Yapton Neighbourhood Development Plan (YNDP) are out of date and carry only limited weight;
- (g) There is no evidence of any current agricultural use;
- (h) Noted;
- (i) Noted. However, the Councils Landscape Officer has not raised any objection to the amount of public open space shown on the indicative layout drawing; and
- (k) Noted. Sustainability will be discussed in the conclusions section of this report.

LOCAL RESIDENTS:

Items (2), (3), (4), (5), (6), (8), (9), (12), (13), (14), (15), (16), (18), (20), (21), (23), (27), (30), (32), (33), (34), (35), (46), (47), (49), (51) and (59) will be discussed in the conclusions section of this report. Item

(29) will be discussed in the Human Rights section of this report. The other points are considered below:

- (1) Noted;
- (7) There is an intention stated within the YNDP but as things stand, there is no proposal for it to become a Conservation Area. Therefore, the statement in the YNDP attracts little weight;
- (10) Noted but construction works are temporary in nature and the effects of this will not have any permanent or long lasting impact;
- (11) Noted however, the proposal will enable large vehicles to enter and exit the site in a forward gear;
- (17) The Councils Scheme of Delegation would only require this if the application were to be recommended for approval;
- (19) The proposal meets the Councils policies on affordable housing by proposing 30% (7 dwellings) affordable housing;
- (22) Noted however the Council can only assess the proposal as it is presented;
- (24) Although precedent is capable of being a material planning consideration, in practice, all applications are determined having regard to their own merits. Furthermore, although other houses on Hoe Lane have large gardens, these vary in size and not all would be suitable for residential development or be acceptable in other respects;
- (25) The presence of covenants is not capable of being a material planning consideration as they exist separately to planning law;
- (26) This is noted but nonetheless, WSCC Highways have not raised any objection to the scheme. Also, the applicant may have simply said this to support his application for the gates;
- (28) There is nothing in the response of WSCC Highways to say that their comments are based on a desktop assessment alone;
- (31) This would be a matter to be considered at the reserved matters stage;
- (36) A planning condition could be imposed to require that sewers are protected during works;
- (37) The closest settlement boundary is that of the Bognor Regis conurbation which includes Felpham;
- (38) Paragraph 48 of the NPPF would not apply to planning applications but to proposed development plan allocations;
- (39) Although it is good practice, there is no formal requirement for developers to carry out pre-application community consultation;
- (40) Noted however the planning officer is aware of this and has knowledge of the character of the area in which the site sits;
- (41) Noted;
- (42) Noted;
- (43) This question was put to the Councils ecologist and they appraised the document on question and found no errors or bias within it (see ecology comments of 26/07/17);
- (44) Noted;
- (45) Noted;
- (48) There is no greenbelt land within the Arun District;
- (50) The Councils Archaeologist has assessed the application and does not object subject to further work being carried out by way of a planning condition;
- (52) This is not a material planning consideration;
- (53) The comparison was being made solely in respect of housing land supply and the principle of development. The agent was not suggesting that the sites themselves are similar in any way;
- (54) There would be no reason for the agent to raise this. Southern Water have objected but have also said that the Council would be able to impose a condition to overcome the objection;
- (55) Noted;
- (56) Noted but the Council does still have a housing land supply shortfall and any amount of houses will contribute to overcoming this;
- (57) The emerging Arun Local Plan was in existence in 2016, it is just that over time it has gained more weight; and
- (58) None have been requested by the Highways Authority.

CONSULTATIONS

WSCC Strategic Planning
 Engineering Services Manager
 Engineers (Drainage)
 Southern Water Planning
 Environment Agency
 Surface Water Drainage Team
 Listed Building Officer
 Conservation Officer
 Parks and Landscapes
 Arboriculturist
 Planning and Housing Strategy
 NHS Coastal West Sussex CCG
 Archaeology Advisor
 Ecology Advisor
 Ecology Advisor
 Ecology Advisor
 Parks and Landscapes

CONSULTATION RESPONSES RECEIVED:

This summary disregards the comments made in respect of the original 34 dwelling scheme unless (in the case of Archaeology & WSCC Flood Risk Management) no additional comments were issued to the revised scheme or where the second set of comments simply refer back to the original response.

SOUTHERN WATER:

The works currently does not have the capacity to accommodate flows from the proposed development to the Lidsey Wastewater Treatment Works. Improvements are planned to provide for capacity to serve future developments. These are due to be completed by the end of 2020. We would wish occupation of development to be deferred until adequate capacity is available to serve the development. Should the LPA to be minded to grant planning permission, request condition requiring details of waste water scheme to be approved prior to occupation. Also require conditions to protect existing sewers.

ENVIRONMENT AGENCY:

No response received.

WSCC HIGHWAYS:

The principle of the access arrangement is accepted subject to the successful conclusion of the Stage 2 Detailed Design Stage. Site spine road and footpath acceptable for anticipated number of vehicles. No initial concerns with the indicative layout. This proposal is not anticipated to result in a severe cumulative impact on the operation of the local network in accordance with paragraph 32 of the National Planning Policy Framework. Conditions requested.

WSSC INFRASTRUCTURE:

- * The contributions generated by this proposal shall be spent on additional facilities at Yapton CofE Primary School;
- * The contributions generated by this proposal shall be spent on additional facilities at Ormiston Six Villages Academy;
- * The contributions generated by this proposal shall be spent on additional facilities at St Philip Howard Catholic High School's Sixth Form;
- * The contributions generated by this proposal shall be spent on providing additional stock at Bognor Regis Library; and
- * Fire and Rescue Service Contribution to be used towards supply and installation of additional fire safety equipment to vulnerable person's homes in West Sussex Fire Rescue Services Southern Area serving Yapton.

WSSC FLOOD RISK MANAGEMENT:

The majority of the site is at a low risk from surface water flooding. 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 5m of any ordinary watercourse and access of future maintenance must be considered during planning.

ECOLOGY OFFICER:

Surveys have shown that the Beech Tree (coded T47) on site 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 GCN Presence/Absence Survey (see comments of 26/07/17). Conditions required re reptile mitigation, an ecological watching brief, no works during breeding season and a wildlife enhancement scheme.

ARCHAEOLOGY OFFICER:

Archaeological potential of this site needs to be investigated further. This process would be most appropriately secured through the implementation of a standard planning condition.

ADC CONSERVATION OFFICER:

The proposed scheme for 34 units does not meet NPPF (Section 12 paragraphs 58, 60 and 61), where developments should:

- establish a strong sense of place;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- address the connections between people and places;
- integrate with the historic environment; and
- promote or reinforce local distinctiveness.

While there is no objection in principle to the development of part of the grounds, a scheme which is less

at odds with the character of Flansham is likely to be found more acceptable.

The comments in respect of the 23 dwelling scheme remain the same. The reduction in the number of units doesn't make a huge difference in Conservation terms.

ADC LANDSCAPE OFFICER:

The reduction of units from 34 to 23 is much more fitting for the site, which now accommodates the existing worthy trees in a far more sympathetic way. Happy to see that the Local Area of Play is within the Public Open Space. Because of the proximity to Flansham Lane POS and Flansham Lane rec then a LAP will be sufficient for this application.

ADC TREE OFFICER:

No response received.

ADC HOUSING STRATEGY & ENABLING OFFICER:

No objection. The tenure of the affordable housing is proposed as (4) Affordable Rent and (3) Intermediate housing which is acceptable to the Council.

ADC DRAINAGE ENGINEER:

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. Water courses 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.

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.

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 District Local Plan \(2003\):](#)

DEV17 Affordable Housing

GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN5	Provision of New Residential Development
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage
GEN12	Parking in New Development
GEN18	Crime Prevention
GEN20	Provision of Public Open Space within New Development
GEN25	Water Resources
GEN26	Water Quality
GEN28	Trees and Woodlands
GEN29	Nature and Conservation Across the District
GEN33	Light Pollution

Publication Version of the Local Plan (October 2014):

C SP1 Countryside
 D DM1 Aspects of Form and Design Quality
 D DM2 Internal Space Standards
 D DM3 External Space Standards
 D SP1 Design
 ECC SP2 Energy and climate change mitigation
 ENV DM4 Protection of Trees
 ENV DM5 Development and Biodiversity
 ENV SP1 Natural Environment
 H DM1 Housing Mix
 HER SP1 The Historic Environment
 H SP2 Affordable Housing
 INF SP1 Infrastructure provision and implementation
 LAN DM1 Protection of Landscape Character
 OSR DM1 Open Space, Sport & Recreation
 QE DM2 Light Pollution
 QE SP1 Quality of the Environment
 SD SP1 Sustainable Development
 SD SP2 Built -Up Area Boundary
 SO DM1 Soils
 T DM1 Sustainable Travel and Public Rights of Way
 T SP1 Transport and Development
 W DM1 Water Supply & Quality
 W DM3 Sustainable Urban Drainage Systems
 W SP1 Water

[Yapton neighbourhood plan 2014 Policy BB1](#)

Yapton neighbourhood plan 2014 Policy E1

Yapton neighbourhood plan 2014 Policy E3

Yapton neighbourhood plan 2014 Policy E4

Yapton neighbourhood plan 2014 Policy E5

Yapton neighbourhood plan 2014 Policy E11

Yapton neighbourhood plan 2014 Policy PK1

Yapton neighbourhood plan 2014 Policy H1

Yapton neighbourhood plan 2014 Policy H2

Yapton neighbourhood plan 2014 Policy H3

Yapton neighbourhood plan 2014 Policy BE2

Built-up Area Boundary

Protection of high value agricultural land

Protection of natural habitats

Minimising the environmental impact of development

Enhancement of biodiversity

Minimising the impact of flooding from development

Parking standards for new residential development

Housing requirement

Dwelling size

Dwellings appropriate for the needs of older people

High speed broadband

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD1 Open Space & Recreation Standards

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new Local Plan is in preparation and constitutes a material consideration when determining planning applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was suspended whilst Arun District Council addressed matters raised by the Inspector but it resumed on 17th September 2017 and has now concluded. The District Council is awaiting the Inspector's report which is due out in Spring 2018. The Main Modifications to the Arun Local Plan and evidence base are being made available for public consultation. Representations can be submitted to the council over a six week period starting on Friday 12 January until 5pm on Friday 23 February. This follows on from the Arun Local Plan examination hearings held in September 2017.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account. The examination ended in Autumn 2017 following publication of modifications to the Plan.

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

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

The following is an analysis of the Written Ministerial Statement (WMS) in respect of this application:

- The Yapton Neighbourhood Development Plan (YNDP) has not been part of the development plan for less than 2 years but the WMS is less than 2 years old;
- The YNDP does allocate sites for housing; and
- Arun District Council can only currently demonstrate an approximately 2 year supply of deliverable housing sites.

Therefore, as not all of the circumstances arise, the WMS does not apply.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

The relevant policies within the YNDP have been considered in the preparation of this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is not considered to comply with relevant Development Plan policies in that it would have a materially adverse effect on the established character of the surrounding area and would, in the absence of a signed Section 106 Agreement, fail to provide for the infrastructure required by the policies of the development plan.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations in respect of arguments concerning the principle of development to warrant a decision otherwise than in accordance with the Development Plan

and/or legislative background as detailed in the Conclusion section.

- * The fact that the Council cannot currently demonstrate a 5-year housing land supply;
- * The National Planning Policy Framework (NPPF) and associated guidance particularly in respect of Sustainable Development;
- * The Written Ministerial Statement of December 2016;
- * The Secretary of State's two recent decisions concerning the Call-in Inquiries for the Fontwell (WA/22/15/OUT) & Burndell Road (Y/19/16/OUT) applications as well as the recent appeal decision concerning Land South of Ford Lane (Y/80/16/OUT);
- * The Supreme Court Ruling dated 10th May 2017 on the application of Paragraphs 14 & 49 of the NPPF in respect of how they relate to the lack of a 5-year housing land supply (Suffolk Coastal District Council v Hopkins Homes Ltd and another Richborough Estates Partnership LLP and another v Cheshire East Borough Council); 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 will not prejudice the emerging local plan and/or infrastructure delivery.

CONCLUSIONS

PRINCIPLE:

The following objections have been raised by the Parish Council & by local residents and these matters will be discussed in this section of the report:

- * The proposal is outside of the Built Up Area Boundary (BUAB) and is in conflict with the Yapton Neighbourhood Development Plan (YNDP);
- * YPC are of the view that the social and environmental benefits of this proposal are extremely weak.
- * The Arun Local Plan does not allocate this site for development and maintains the BRRR as the edge of the BUAB;
- * Unsustainable proposal;
- * Contrary to the Yapton Neighbourhood Development Plan (YNDP); and
- * The HELAA report admits that this site contravenes local policy.

The development plan for Arun District currently comprises the Arun District Local Plan (2003) (saved policies), the Yapton Neighbourhood Development Plan (November 2014) and the West Sussex Waste and Minerals Plan.

Arun District Local Plan 2003

The policies of most relevance are saved policies GEN2 and GEN3 of the Arun District Local Plan (ADLP). Policy GEN2 states that outside of the built up area boundary (BUAB), development will not be permitted unless it is consistent with other ADLP policies.

ADLP Policy GEN3 "Protection of the Countryside" states that except for various categories of development (of which none apply to the application proposal), development within the countryside will not be permitted. As this site lies outside the nearest built up area boundary (BUAB), it is categorised as being within the countryside and the scheme would therefore conflict with ADLP Policies GEN2 and GEN3.

Yapton Neighbourhood Development Plan

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

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 ADLP. 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 states that:

"The minimum housing requirement for Yapton over the period 2014 to 2029 will be established by the emerging Arun Local Plan. An additional buffer of 20% over and above the minimum housing requirement will be permitted to allow for flexibility and consumer choice. The neighbourhood plan identifies allocations to accommodate growth (policies SA1 and SA2). In addition to these allocations, infill development will be considered acceptable within the built up area, subject to the provisions of policy BB1 and other material planning considerations. Additional allocations will be made if the emerging Arun Local Plan requires such action or if the identified housing sites do not proceed. New housing development will be required to ensure that local infrastructure is provided and/or improved in relation to the size and scale of the development proposed. This requirement will apply to all infrastructure, and with particular attention to education provision and flood prevention (fluvial, sea and surface water). Any development that would result in the additional 20% buffer being exceeded 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 on its role or that appropriate modifications and/or extensions to the School can be delivered at the developer's expense."

The application if approved would include a developer contribution towards additional facilities at Yapton C of E Primary School in compliance with Policy H1.

The application site is classified as countryside and the YNDP anticipates that the countryside restrictions in the adopted Local Plan (2003) would apply to any applications. As set out above, the scheme conflicts with the ALP policies GEN 2 and GEN 3 and therefore conflicts with the YNP to protect countryside in accordance with those policies.

Emerging Development Plans

This includes the emerging Arun Local Plan 2011-2031 Publication Version October 2014 (eALP) as modified March 2017 and the further main modifications published in January 2018 ('the modified eALP').

The eALP was submitted for examination in January 2015. However, following a material increase in the Objectively Assessed Need (OAN) for housing, the eALP examination was suspended to allow ADC to review potential additional locations for housing development. The proposed Modifications were approved by Full Council and consultation took place on the new document ("Arun Local Plan 2011-2031 Publication Version showing Modifications") between 10 April and 30 May 2017.

The hearing sessions into the examination of the Arun Local Plan ended on Thursday 28 September

2017 and the Inspector has since written to the Council to set out his 'Interim Views following the Hearings'. The Council responded to this document on 22/11/17. More recently, the Council published a series of Main Modifications to the Plan which have been made available for public consultation between 12 January and 23 February 2018.

Policy H SP1 "Housing Allocation" of the modified eALP sets out the overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes a reference to additional allocations for small sites being made across the District through emerging Neighbourhood Plans or reviews of made Neighbourhood Plans.

Policy H SP2 "Strategic Site Allocations" is split into 3 sections covering different areas of the District. An allocation is proposed by Policy H SP2c on land to the southwest of Yapton for at least 400 dwellings to include a new school, library, improvements to the A259 (between Climping & Littlehampton) and contributions to healthcare in Ford. The application site does not form part of this allocation.

Policy SD SP2 "Built up Area Boundary" states that outside the BUAB, apart from Strategic, Site Specific and 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 modified eALP, the exception would not apply and the proposal would be contrary to eALP policies SD SP2 and C SP1.

The proposed development is not located in a strategic, site specific or broad allocation in the eALP, so the application will need to be considered alongside other plan policies.

Planning Balance

For reasons given above, the application is not in accordance with ADLP Policies GEN2 & GEN3 or policies BB1 & H1 of the YNDP. As set out below, these policies are all out-of-date and carry limited weight. 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.

There has been an almost doubling of the objectively assessed need (OAN) for the Arun District to 919 dwellings per annum (dpa) and the current reported housing land supply figure for Arun District is only around 2.09 years. This demonstrates that there is a pressing need to identify and bring forward deliverable sites for housing and that ADC cannot currently demonstrate a 3 or 5 year supply of deliverable housing sites.

In recognition of this, the Local Plan Sub-Committee resolved in December 2016 to invite planning applications for the first phases of sites being investigated at potential strategic allocations. It was also resolved to invite planning applications on sites identified as being 'deliverable' within the Housing and Employment Land and Availability Assessment (HELAA) where they are considered sustainable and will 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. However, 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."

Currently the Council is unable to demonstrate a 5-year housing land supply as required by paragraph 49 of the NPPF (which states that the relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a 5-year housing land supply).

The primary purpose of paragraph 49 is to act as a trigger to the operation of the tilted balance in favour of approving sustainable development. The Council are currently only able to demonstrate 2.09 years supply of deliverable housing and by virtue of this significant shortfall, the tilted balance in favour of the grant of permission is triggered unless the benefits are significantly and demonstrably outweighed by the adverse effects of the development as stated in paragraph 14 of the NPPF. Furthermore, as the Council cannot demonstrate a 3 year supply of deliverable housing sites, the Written Ministerial Statement on Neighbourhood Planning (12 December 2016) does not apply.

Given the significant shortfall in housing supply, only limited weight can be given to the conflict with out-of-date ADLP Policies GEN2 & GEN3 and policies BB1 & H1 of the YNDP. Policy GEN2 is clear that the boundaries of the built-up area were defined 'for the purposes of the West Sussex Structure Plan and this District Local Plan'. The built-up areas were drawn for the purposes of defining the extent of the built-up areas and countryside. This was done with the background of the required number of dwellings for the plan making period being provided within the built-up areas or on allocated sites (up to 2011).

The Inspectors decision for the called-in Inquiry concerning 108 residential dwellings at Burndell Road (Ref APP/C3810/V/16/3158261) stated that policies GEN2 & GEN3 are out of date in that the aLP does not plan for housing beyond 2011, that they pre-date the NPPF and do not seek to establish an Objectively Assessed Need (OAN). Both policies also do not accord with the NPPF in that they protects the countryside for its own sake. The Inspector considered this to be a material consideration weighing against the policy to which was attributed significant weight. In allowing the Burndell Road call-in, the Secretary of State confirmed the Inspectors position that policies GEN2 & GEN3 are out of date and, given that the housing land supply is approximately 2 years, that these policies carry only limited weight.

The YNDP was produced based on both the Local Plan (Summer 2013) and the Publication Version of the Local Plan (excluding the spatial portrait, employment and enterprise, housing allocations, transport, monitoring and implementation sections) dated 14 February 2014. Both of these documents predate the version of the eLP which was tested at Examination and subsequently revised into the modified version. Therefore only limited weight can be given to the conflict with the YNDP to protect the countryside, as the context within which the YNDP was prepared has significantly changed.

As a result of the out of date development plan policies and the absence of a 5 year housing land supply, paragraph 14 of the NPPF is engaged and this states that:

"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking"

It is considered that the relevant development plan policies (GEN2, GEN3, BB1 & H1) are out-of-date because of:

- (a) the state of the Councils Housing Land Supply (HLS) at 2.09 years;
- (b) the fact that the Written Ministerial Statement (WMS) on Neighbourhood Planning (12 December 2016) does not apply;
- (c) Paragraph 49 of the NPPF which states that "Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of

deliverable housing sites"; and
(d) the recent Burndell Road & Ford Lane, Yapton decisions as discussed above.

Paragraph 14 of the NPPF goes on to state:

"For decision-taking this means:

(a) approving development proposals that accord with the development plan without delay and
(b) where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: (i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or (ii) specific policies in this Framework indicate development should be restricted"

Therefore it is necessary to apply the tilted balance argument (granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole).

Presumption in favour of Sustainable Development

Regard should also be had to the policies contained in the National Planning Policy Framework (NPPF) which are a material consideration in the determination of this proposal. In the event of conflicts between policies in the development plans or with Government policy, it is the most recent policy which takes precedence. With this in mind, the NPPF, which was issued in March 2012, is materially relevant and should be afforded significant weight.

Paragraph 7 of the NPPF states that in order to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

(1) Environmental Role

The Institute of Highway and Transportation (IHT) publication 'Guidelines for Providing Journeys on Foot (2000)' sets out recommended guidelines for walking distances and provide desirable, acceptable & preferred maximum distances. For town centres these range between 200 to 800 metres, for commuting/school 500 to 2000 metres and elsewhere 400 to 1200 metres. As this is not a town centre location the relevant distances would be 400m-1200m for day to day journeys and in respect of school/work commuting, 500m-2000m.

All of the following distances are measured from the position of the access onto Hoe Lane and then using existing local roads. The actual distance may therefore be shorter as any future layout may allow access from the southern end of the site onto the existing footpaths linking with the Bognor Regis Relief Road (BRRR).

The application includes provision to connect the existing pavement on Hoe Lane (which begins just east of the access) to the access and into the site. There would therefore be a safe pedestrian footpath between the site access and the crossing point across the BRRR. In addition, there is street lighting just east of the site and so anyone walking into Felpham would do so with the benefit of lighting.

The nearest schools would be:

- * Bishop Tufnell C of E Infants & Junior School - 1.24km;
- * Downview Primary School - 1.9km;
- * Felpham Community College - 2.07km; and

- * University of Chichester (Bognor Regis Campus) - 2.9km.

Aside from the university, all of these institutions are considered to be within the 2km range. In terms of employment, it is considered that the following places/areas are all within around 2km of the site:

- * Rookery Farm & Chessels Farm (both in Flansham);
- * Central Felpham; and
- * Central Middleton-on-Sea.

In addition, Butlins is not significantly in excess of the 2km distance (3km) and neither is Rolls Royce at Shripney (2.8km). It would also be possible to take a bus from one of the nearby stops and thus access additional locations within Bognor Regis without the use of a car. Bus routes 700 (Coastliner) & 600 are considered to have a regular service throughout the day and allow connections to Chichester, Bognor Regis and Littlehampton.

The following facilities are available in the local area, within a walking distance of less than 400m from the access onto Hoe Lane:

- * East & west bound bus stops on the A259 to the east of the site;
- * East & west bound bus stops on Flansham Park to the south east of the site;
- * North & south bound bus stops on the B2259 Flansham Lane to the south of the site; and
- * A local park on the B2259 Flansham Lane also to the south.

The following facilities are available in the local area within a walking distance of between 400m and 1200m from the access onto Hoe Lane:

- * Flansham Park Health Clinic & Pharmacy (1.14km);
- * Tesco Express (0.93km);
- * China Inn Hotel & Restaurant (0.86km);
- * Southdowns Public House (0.94km);
- * Esso Petrol Station (1.22km);
- * Two Fish & Chip Shops (1.16km & 1.84km);
- * A Newsagent (1.73km);
- * Middleton Sports Club (1.86km); and
- * Bognor Regis Golf Club (1.55km).

Further afield, there are further shops and services located either in Yapton, Felpham, Bersted, Middleton-on-Sea or Bognor Regis.

The other environmental aspects of sustainable development such as impacts on trees, ecology and in respect of flooding/drainage are considered in detail in the report below but it is concluded that there are no adverse environmental impacts associated with any of these.

(2) Social Role

It is considered that the proposal could help to support the local community by providing up to 23 new dwellings including 7 affordable homes to help meet future needs. In addition, if approved, the development would be required to contribute financially towards local schools & libraries and as such, there would be a further benefit to the local community. A further benefit would arise from the new on-site public open space and play facility which would be available for use by existing Flansham residents. These factors weigh in the scheme's favour.

(3) Economic Role

It is considered the proposal would likely result in economic benefits to the local area in the form of the following:

- * An increase in Council Tax receipts;
- * Potential 'New Homes Bonus' payments from the Government;
- * The creation/maintenance of construction jobs; and
- * Additional spending by new residents on local goods & services.

This would need to be weighed up against potential costs to the economy. It is noted that local residents have raised the following concerns in this regard:

- * Impact of new people in the area on livestock grazing in nearby fields - economic impact to the local farmer;
- * Economic impact on local childminders who walk children along the lane;
- * Economic impact on Flansham Business Centre;
- * Economic impact on local farmers who will be unable to enter/exit Hoe Lane;

In addition, it is necessary to consider the loss of good quality potential agricultural land (noting that the land is currently unused for such).

Assessment of Sustainable Development

It is considered that the proposal is clearly environmentally and socially sustainable. In terms of economic impact, there are both costs and benefits to consider. However, the costs are considered to be small and localised in nature. It is also not considered, for the reasons set out later that the land has any value for agriculture. Therefore, it is judged that the economic benefits outweigh the costs. On balance, the proposal would be environmentally, socially and economically sustainable and would therefore benefit from the NPPF presumption in favour of sustainable development.

Conclusion on Matters of Principle:

Overall, the principle of development on this site is contrary to the development plan, however, as Arun District Local Plan policies GEN2 and GEN3 and the intention of the YNDP to protect countryside (policies BB1 & H1) are out of date, in accordance with paragraph 49 of the NPPF, they carry reduced weight. The material considerations set out above are considered to weigh in favour of granting permission.

The proposed development would provide an additional 23 houses which are needed in the Arun District. Furthermore, the proposed development should be considered in the context of the presumption in favour of sustainable development. It is considered that the development would have a positive effect upon the supply and location of housing and therefore, the principle of residential development on this site would, in current policy circumstances and as set out in the NPPF, be acceptable. The assessment will now consider other policy considerations and whether this gives rise to any adverse impacts.

It is therefore considered that the objections on the grounds of principle raised by both the Parish Council and by local residents are resolved. This report will now proceed to analyse the other important matters in order to assess whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of doing so.

PREMATURITY:

The Parish Council consider that this proposal is premature as it should have been considered by way of proper consultation and cooperation between the Council, landowners and the Community.

Paragraph 014 (Reference ID: 21b-014-20140306) of the Governments online Planning Policy Guidance states with regard to prematurity that:

"arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

(a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood planning; and

(b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period.

Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process."

The conclusions of this report will find that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Therefore, according to the first paragraph above there could be a case for a prematurity argument. However, it is not considered criteria (a) applies as the development is not considered to be so substantial or have a cumulatively significant effect that to allow it would undermine the plan-making process.

Furthermore, it is not considered that the local planning authority would be able to clearly indicate how a grant of permission for the development concerned would prejudice the outcome of the plan-making process. It is therefore considered that a refusal on grounds of prematurity could not be supported.

HOUSING MIX:

Yapton Neighbourhood Development Plan (YNBP) Policy H2 requires that proposals of 15 or more dwellings provide a mix of dwelling sizes (market and affordable) that fall within the following ranges: (a) 1-bed dwellings: 10-15% of all dwellings; (b) 2-bed dwellings: 25-35% of all dwellings; (c) 3-bed dwellings: 45-55% of all dwellings; and (d) 4+-bed dwellings: 5-10% of all dwellings.

The application submission sets out the following mix of dwellings:

- * 5 x 2 bedroom houses (22%);
- * 16 x 3 bedroom houses (69%); and
- * 2 x 5 bedroom houses (9%).

This would not comply with the stated criteria within the YNDP in that there are too high a proportion of 3 bedroom homes and no 1 bedroom homes. However, the layout and mix are illustrative at this time and a condition imposed on the planning permission could ensure that this policy is complied with at the reserved matters stage.

It is also necessary to consider YNDP Policy H3 which requires that developments of five or more dwellings ensure that a minimum of 25% of the 1-, 2- and 3-bed dwellings provided are delivered to Lifetime Homes standards. A condition could be imposed to ensure that the reserved matters application fulfils this requirement.

Therefore, the proposal is considered to be in accordance with the relevant YNDP policies H2 and H3.

AGRICULTURAL LAND:

Objections have been raised by both the Parish Council and by local residents regarding the loss of agricultural land. The land is graded as being part Grade 1 (northern part) and part Grade 2 (southern part).

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 (Yapton) Plan area."

As discussed in the above Principle section of this report, YNDP Policy H1 is considered to be an out of date policy with limited 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 as set out in the NPPF. One such consideration is the objectively assessed housing needs (OAN) which is a specific exception included in policy E1.

Policy SO DM1 of the modified eLP 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 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. However, it is considered that agricultural technology has changed and arable farming has grown to become larger in scale with an emphasis on large tracts of land as opposed to collections of individual fields. 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 and as such there is no conflict with the YNDP.

IMPACT ON THE CHARACTER OF FLANSHAM:

The following objections have been raised by the Parish Council & by local residents and these matters will be discussed in this section of the report:

- * Impact on the historic, agricultural and semi-rural character of the Flansham Hamlet;
- * Loss of existing open space;
- * Impact on the character of this ancient hamlet;
- * Impact of new dwellings on the character of the Hoe Lane frontage;
- * Number of new dwellings is out of scale, overbearing and of a totally unacceptable density;
- * Impact on the setting of designated and non-designated heritage assets;
- * Significant threat to heritage and conservation interests; and
- * Loss of flint walling to accommodate the widened access.

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, building 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. However, 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 describes 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."

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 GEN7, criteria (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. In addition, criteria (vi) requires that new development retain significant open or wooded areas which, in their own right, make a material contribution to the local environment.

Policy D DM1 of the modified eLP includes the following relevant sections:

"When considering any application for development the Council will have regard to the following aspects:

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."

Policy HER SP1 of the modified eLP provides for the protection of non-designated heritage assets and states that the setting of such assets should be preserved.

It is also necessary to consider the guidance within the NPPF and it is considered that paragraphs 17, 58, 60, 61, 64, 123 and 135 are relevant in this discussion.

Paragraph 17 points 5 & 10 requires that new development takes account of the character of different areas and conserves heritage assets in a manner appropriate to their significance.

Paragraph 58 requires that planning decisions ensure that developments add to the overall quality of the area, establish a strong sense of place and respond to local character and history.

Paragraph 60 states that planning decisions should seek or promote the reinforcement of local distinctiveness.

Paragraph 61 states that planning decisions should address the integration of new development into the natural, built and historic environment.

Paragraph 64 states that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

Paragraph 123 requires that planning decisions protect areas of tranquillity which have remained relatively undisturbed by noise.

Paragraph 135 has regard to non-designated heritage assets and states that: "The effect of an

application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

The Councils Conservation Officer has assessed both the original 34 dwelling scheme and also the lower density 23 dwelling scheme but has maintained an objection on the grounds of harm to the character and form of the existing hamlet. In particular, it is considered that the proposed development would contrast sharply with the lowered density of houses on the eastern edge of the hamlet in the vicinity of Bonhams.

Also, that Bonhams sits within mature gardens/parkland with mature trees and forms a natural boundary to the edge of the hamlet. It is considered that to introduce high density housing at the hamlet edge would be at odds with the current urban grain. This would remove the sense of transition from urban/semi urban to hamlet core travelling West, and remove the effect of gradually moving away from the hamlet core travelling East. Concerns are raised in respect of the removal of any trees, the introduction of hard landscaping, new lighting and other measures which would all contrast with the current character of this 'edgeland' location (as in the low density edge of the Flansham hamlet).

It is not considered that this site could not be developed at all 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.

However, as the current proposal stands, it is considered that this would overdevelop the site and have a materially adverse impact on the character of the settlement and particularly its eastern low density edge. It is not considered that the character of the site is in any way defined by the more modern development to the south as this is physically contained by hard boundaries & landscaping together with the BRRR itself and as such is clearly seen as part of Felpham whereas the application site is clearly a part of Flansham.

Therefore, the proposal is considered to conflict with Arun Local Plan policy GEN7, policies D DM1 and HER SP1 of the modified eLP and the paragraphs of the NPPF as set out above.

HIGHWAY SAFETY & PARKING:

The following objections have been raised by the Parish Council & by local residents and these matters will be discussed in this section of the report:

- * The increased use of the access will be dangerous to pedestrians, cyclists and other vehicles;
- * Impact on free flow of ambulance & fire engine movements; and
- * Increased traffic congestion at the Hoe Lane/BRRR/A259/Flansham Way roundabout.

Arun Local Plan policy GEN12 refers to the need to provide sufficient off-street parking. However, the standards within the appendices to the Local Plan which it refers to have been superseded by the West Sussex (Residential) Parking Demand Calculator. WSCC Highways commented in respect of the original 34 dwelling scheme that:

"Parking provision is stated as meeting the requirements of the WSCC Parking Demand Calculator (PDC); the parking allocation is in accordance with the demand from the PDC. From checking and based on the proposed mix and tenure of the dwellings, the car parking provision is anticipated to satisfy the likely demands. Cycle Parking has been provided in accordance with the WSCC Residential Cycle Parking standards at a ratio of 1 space per 1-2 bed per house. Cycle parking can be agreed at the Reserved Matters Stage of the proposals."

WSCC Highways have not updated their comments in respect of parking for the 23 dwelling scheme but as the current scheme is for less dwellings, it is considered unlikely that the eventual layout will not be able to provide for enough parking provision. Indeed, the submitted Transport Assessment states in respect of the 23 dwelling scheme that there would be 68 allocated parking spaces and 7 unallocated (visitor spaces). It adds that car parking would be provided in a mixture of driveways, garages, and on street parking bays. This figure complies with YNDP Policy PK1 "Parking standards for new residential development" which would require a minimum parking provision of 44 spaces.

Arun Local Plan Policy GEN7 (vii) requires that new development allow for the safe movement of pedestrians and vehicles, giving priority to pedestrians. Regard should also be had to paragraph 32 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

West Sussex (WSCC) Highways originally assessed the application in July 2017. Their response does not state whether it was based on a desktop assessment or site visit. They then provided further comments in December 2017 in respect of the reduced scheme. WSCC Highways have stated that they have no objections subject to conditions. In particular, they consider 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). They also consider that 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.

They comment that 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 in accordance with paragraph 32 of the National Planning Policy Framework. It is also noted that the revised 23 dwelling scheme is considered to result in only 56 vehicular movements a day compared to 161 as with the 34 dwelling scheme.

Some issues are raised with the site layout namely but it is considered that these can be resolved at the detailed reserved matters stage:

- * Leading into the site, pedestrians would be required to walk through a small area of land that is unlit - lighting on the link should either be confirmed or explored; and
- * The footpath should be a bound surface which would be more attractive for elderly or less mobile users or people with wheel chairs. Conformation of a bound and pliable surface is sought.

In respect of the concerns about the development impeding ambulances & fire engines on Hoe Lane, it is noted that submitted swept path diagrams demonstrate that larger vehicles will be able to turn within the site. Therefore, the only impediment to emergency vehicles on Hoe Lane will be normal traffic at the junction with the roundabout and this is an existing situation which is not considered to materially worsen as a result of the development.

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:

Local residents are concerned that the development will increase existing surface water flooding on Hoe Lane. 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 Howe Lane is at risk of flooding from surface water (rainwater).

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. In addition, Arun Local Plan policy GEN9 states that:

"Planning permission for development which will materially increase foul and/or surface water discharges will be refused unless the Local Planning Authority is satisfied that either adequate drainage capacity exists or appropriate drainage capacity can be provided as part of the development. Consideration should also be given to the use of Sustainable Urban Drainage Systems (SUDS) as alternatives to conventional drainage where appropriate."

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:

Local residents are concerned that there is inadequate foul sewage capacity in the local area.

Arun Local Plan policy GEN9 sets out that there must be adequate foul drainage capacity for developments or that appropriate additional foul drainage capacity can be provided to serve the development.

Southern Water's comments are that whilst there is not currently capacity at the Lidsey Wastewater Treatment Works to accommodate flows from the proposed development, improvements are planned to provide for capacity to serve future developments and these will be completed by the end of 2020.

Southern Water state that although they would ideally want occupation of the dwellings deferred until adequate capacity is available to serve the development, they are not objecting to the proposal and consider that a planning condition to require details of the waste water scheme would be appropriate.

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 policies.

TREES & ECOLOGY:

Objections have been raised by local residents as to the impact of the proposed development on wildlife species using the field and the loss of trees from within the site and those on the frontage required to be removed to improve visibility.

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.

Policy GEN29 of the Arun Local Plan states that: "Development will only be permitted on sites which contain semi-natural habitats, features of nature conservation interest, or within wildlife corridors, where these can be largely retained and sympathetically incorporated into the scheme". Furthermore, GEN30 states that "Development will not be permitted which would adversely affect, directly or indirectly, animal and plant species protected by law"

The submitted plans demonstrate that the proposed development will retain the majority of the significant trees within the site and those around the garden of Bonhams will be incorporated within the main area of open space. The most significant thirteen of these trees have been protected by a provisional Tree Preservation Order (TPO). The submitted visibility drawings also show that it will not be necessary to fell any trees in order to achieve the requisite splays. Some pruning may be necessary but 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. The Councils Tree Officer was consulted in respect of the scheme but declined to comment other than to request that TPO's be served in respect of the trees of high amenity.

The application was accompanied by a Preliminary Ecological Appraisal Phase 1 Habitat Assessment and a separate Bat Activity Survey Report both prepared by a chartered ecologist. These documents have been appraised by the Councils Ecologist who has raised no objections and instead requests planning conditions to secure reptile mitigation measures, an ecological watching brief, no works during the bird breeding season and a wildlife enhancement scheme. The ecologist also stated in respect of the bat roost within one of the beech trees that a 10m buffer should be maintained around this tree. The Beech tree in question forms part of the provisional TPO and the submitted indicative layout drawing shows that the tree will be located within the public open space away from existing/proposed dwellings.

Overall, subject to the mitigation measures being secured by planning condition, it is considered that the proposed development accords with policies GEN29 & GEN30 of the ALP and policies E3 & E4 of the YNDP in relation to impacts on notable trees, on protected species and the potential for the scheme to protect existing habitats where possible and provide enhancements.

NOISE/AIR/LIGHT POLLUTION:

Local residents are concerned that road noise from the BRRR will adversely affect new residents but also that the development itself will create noise, light & air pollution to existing properties.

Arun Local Plan policy GEN32 (Noise Pollution) states that "Noise sensitive development will not be permitted if its users would be affected adversely by noise from existing or proposed noise-generating uses. Development which is a potential source of significant noise pollution will not be permitted unless the Council is satisfied that appropriate measures have been included in the proposal to reduce noise pollution to acceptable levels"

Furthermore, Arun Local Plan Policy GEN33 (Light Pollution) states that:

"Planning permission will be permitted for proposals which involve outdoor lighting schemes subject to:-

- (i) no adverse impact on neighbouring uses or the wider landscape;
- (ii) light levels being the minimum required for security and working purposes; and
- (iii) minimising the potential glare and spillage.

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

Arun Local Plan Policy GEN34 (Air Pollution) is also relevant here and states that: "Development that contributes to air pollution through dust, smell, fumes, smoke, heat, radiation, gases, steam or other forms of pollution will not be permitted unless the Council decides that the health, safety and amenity of users of the site or surrounding land is not put at risk and the quality of the environment would not be damaged or put at risk."

It is not considered possible to comment on these issues at the current time as this is an outline application and the layout drawing is only illustrative at this time. Lighting would be considered either at the reserved matters application stage or by the discharge of a planning condition. 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, it is not considered that any of the concerns raised are such that development could be prevented.

RESIDENTIAL AMENITY:

An objection has been raised by the neighbouring property to the west on the grounds that the development will harm the enjoyment of the neighbouring property.

Arun District Local Plan Policy GEN7 (iv) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. None of the YNDP policies refer to residential amenity issues. However, one of the 'core planning principles' of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

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 45m between the flank of Jem House and the rear of proposed plot 02. 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.

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 Policy GEN7 or paragraph 17 of the NPPF.

SPACE STANDARDS:

Residential development proposals must be assessed against the internal space standards as set out in the Governments new Technical Housing Standards (Nationally Described Space Standard). However, it is not possible to make an assessment at this time as there are no floorplans to consider and this matter would be addressed instead at the reserved matters stage.

The modified eLP proposes to delete policy D DM3 "External Space Standards" and therefore unlike recommendations made prior to the start of the consultation period on the modified eLP (before the 12th January) it is not considered that external garden space should be considered at this time. It is understood that the external space standards will at some point be incorporated into an Arun wide Design Guide so it may therefore be possible to assess such matters by the time a potential reserved matters application is submitted.

AFFORDABLE HOUSING:

For all developments over 15 residential units, the Council requires the minimum provision of 30% affordable housing on site, as set out in Policy AH SP2 of the modified Local Plan and in the Interim Affordable Housing Policy (2010).

The proposal includes 30% affordable housing, equating to 7 units and this therefore complies with the policy requirement. The applicant has indicated that the tenure of the affordable housing is likely to be a mix of 4 affordable rented units and 3 intermediate housing units. This mix is acceptable to the Council.

Although the applicant has agreed to the provision of affordable homes, at the time of this decision, the Section 106 Agreement has not been signed. Therefore, the proposal is in conflict with Policies DEV17 of the ADLP and AH SP2 of the modified Local Plan and must be refused on this basis.

PUBLIC OPEN SPACE & PLAY

Arun Local Plan Policy GEN20 requires that residential development provide public open space and play equipment in accordance with the accompanying supplementary planning document "Open Space & Recreation Standards". The standard for public open space as set out within the SPD 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 (so at least 1766.4m²) 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.

However, although there is agreement to these requirements, at the time of this decision, the Section 106 Agreement has not been signed and therefore the proposal is in conflict with policy GEN20 and the corresponding policy OSR DM1 within the modified eLP and therefore the development must be refused on this basis.

SUPPORTING INFRASTRUCTURE:

Local residents argue that there is inadequate existing schools, medical, postal & waste infrastructure to

cope with any more new housing in the area.

Policy INF SP1 of the modified eLP includes the following statements:

"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"

And

"Off-site measures will require planning obligations or financial contributions, to secure the necessary provision. Where a contribution towards other, district wide, infrastructure improvements or provision is needed and viable this will be achieved through planning obligations (where they meet the statutory test for planning obligations)"

WSSC have requested financial contributions in respect of primary education, secondary education, 6th form education, libraries and fire & rescue. 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 Yapton CE Primary School (or on alternative primary school provision elsewhere in the District subject to meeting the CIL tests);
- * Additional equipment at the Ormiston Six Villages Academy in Westergate;
- * Additional equipment at the St Phillip Howard, Catholic School (6th Form) in Barnham;
- * Additional stock at Bognor Regis Library; and
- * The supply & installation of additional fire safety equipment to vulnerable person's homes in West Sussex Fire Rescue Services Southern Area serving Yapton.

The NHS were originally consulted on the application in June 2017 and asked whether they would require a contribution towards local health care facilities. They have been chased for a response in August, September and twice in December 2017 but have not provided a request for contributions.

WSSC are clear that the requested contributions comply with the Community Infrastructure Levy regulations in that they are (a) necessary to make the development acceptable in planning terms; (b) directly related to the development and (c) fairly & reasonably related in scale and kind to the development. It is also clear from the Councils own records that there are less than 5 projects allocated to each of the stated projects.

It is noted that the inspector, in determining the recent Burndell Road, Yapton Call in appeal decision (ref APP/C3810/V/16/3158261), considered that the requested fire safety contribution was not compliant with the CIL Regulations. However, WSSC have justified their request in respect of this application on the basis that the request for the Burndell Road application was for smoke alarms whereas on the more recent Ford Lane appeal, the request was for fire safety equipment and this was accepted as being compliant by that Inspector. WSSC are strongly of the opinion that the fire & rescue contribution is CIL compliant.

Although the applicant has agreed to all of the necessary contributions, at the time of this decision, the Section 106 Agreement has not been signed and therefore the proposal is in conflict with policy INF SP1 and must be refused on this basis.

SUMMARY:

This outline planning application considers the development of this site with 23 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.

The proposed development is contrary to the Development Plan, but the policies that relate to the built up area boundary and protection of the countryside are out of date and therefore little weight can be given to them, namely GEN2 & GEN3 of the ALP and BB1 of the YNDP. The housing supply policies GEN5 and H1 of the YNDP are also out of date which means that they can only be afforded limited weight.

The lack of a 3 or 5 year housing land supply and the requirement to make provision to meet the OAN, buffer and shortfall is a major consideration. The site is located just outside of the edge of the Felpham/Bognor Regis settlement boundary and is considered to be in a highly sustainable location. Furthermore, the development would result in social and economic benefits not outweighed by any economic costs.

The NPPF sets out a presumption in favour of sustainable development (paragraph 14) and for decision-taking this means:

"where the development plan is absent, silent or relevant policies are out of date, granting permission unless - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

The above analysis has shown that the development will 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 23 new dwellings to the Councils Housing Land Supply, to the economy or to the local community are such that these would outweigh this harm. As such, the tilted balance in favour of sustainable development is not engaged and the proposed development is considered to be in conflict the development plan policies and must therefore be refused.

In addition, given that this decision is being made in the absence of a signed Section 106 legal agreement, the proposal is also in conflict with the development plan policies in respect of infrastructure, affordable housing and public open space/children's play. These form additional refusal 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 the applicant's rights 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 (including the rights of neighbours). The Council is also permitted to control the use of a property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

REFUSE

- 1 The 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).
- 5 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. 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(s) for the refusal, approval has not been possible.