



UPDATED PLANNING STATEMENT ON BEHALF OF THE APPLICANT 24/1/17

REF NO: Y/49/17

LOCATION: Land at Street Buildings North End Road Yapton BN18 0DT

APPLICATION DETAILS

Description:

Outline planning application for the demolition of all existing structures and redevelopment of the site with up to 45 dwellings (30% affordable (up to 14)) and 0.3 hectares of landscaped open space with vehicular access from Maypole Lane and pedestrian/cycle access only from North End Road.

Procedural Matters:

The application was submitted on 7 July 2017 and was validated as submitted on 21 July 2017 as an application for outline planning permission with all matters except for access reserved for later consideration.

The reserved matters in this case are defined by Part 1 Article 2 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 as follows:

- **“Appearance”** - the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- **“Landscaping”** - the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and including— (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features.
- **“Layout”** - the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;
- **“Scale”** - except in the term ‘identified scale’, means the height, width and length of each building proposed within the development in relation to its surroundings;

Therefore, the only matters before Arun District Council for determination at this stage are the principle of developing the site in the manner described in the application and its



supporting documentation and plans and the access arrangements as the applicant has specifically requested that the outline planning permission sought be granted subject to conditions requiring the subsequent approval of all reserved and related matters by the LPA at detailed application stage.

As submitted and validated the application was supported by the following Documents and Plans:

Documents

- Completed application forms
- Design and Access Statement
- Validation Statement
- Planning Statement
- Preliminary Bat Survey and Report
- Tree Survey and Report
- Affordable Housing Statement
- Ecology Statement and Biodiversity Report
- Flood Risk Assessment and Drainage Statement

Plans

- Location Plan @ Scale 1: 2500
- Topographical Site Survey @ Scale 1: 500 with all existing site features, site levels and Trees plotted
- Existing Block Plan PPC1 @ Scale 1:500
- PPC2 Indicative Proposed Block Plan @ Scale 1: 500
- Drg: 160602-05 Access Arrangement @ Scale 1:500

Subsequently the following **documents** were submitted on behalf of the applicant (on the dates specified):

- Heritage Statement – 24 July 2017
- Applicants response to the Consultation response from Highways England dated 9/8/17 – 23 August 2017
- Extended Phase 1 Habitat Survey – 6 September 2017
- Addendum to the Design and Access Statement providing the TRICS data and Stage 1 RSA – 7 September 2017

The statutory advertisement/consultation period expired on 24 August 2017 and the statutory 13 week determination period expired on 20 October 2017.



THE SITE AND ITS SURROUNDINGS

Yapton has been identified by Arun District Council, successive Planning Inspectors and the Secretary of State (see Relevant Planning History below) as one of the larger and most sustainable villages in Arun District which boasts a comparatively good range of services and facilities which include the following:

- A local Co-op food store, butchers, hair salon and fish and chip shop
- Two GP practices (Meadowcroft Surgery and the Avisford Medical Group).
- Yapton and Ford Village Hall, which incorporates three large community halls
- A Children and Family Centre, providing activities and classes for both children and parents next to the village hall
- A large centrally located area of playing fields incorporating a large children's park, car parking and recycling facility
- The Yapton C of E Primary School
- A small business base in the form of the Orchard Business Park
- St Mary C of E Church
- The Yapton Free Church
- A mobile library service which calls at Yapton on 3 and 4 days of the month throughout the Year

Yapton is also relatively well served by local and longer distance Bus services. Two busses operate solely on school days, Compass bus 228 from Ormiston Six Villages Academy to Tangmere and the 665 Stagecoach from Littlehampton to Chichester High School. For all other bus travel there is the 66 compass travel bus and its timetable indicates that there are 8 services per day with service links to Bognor Regis, Barnham, Yapton and Walberton.

Further there are two main line Railway Stations within 2 miles at Barnham and Ford. The nearest Rail service is located North West in Barnham and this operates with regular services to Bognor Regis, Brighton, Portsmouth and London Victoria and the Station is accessible via bus (a 16 minute journey) on foot (approximately 28minutes) by cycle for more experienced cyclists (approximately 11 minutes) and by car (approximately 5 minutes).

Yapton is, therefore, considered to be a sustainable settlement and has been identified by Arun District Council as being a suitable location for the housing growth necessary to meet its own affordable and open market housing needs as well as those of the district generally.

The Site

The site extends to 1.8 hectares in area and comprises equestrian land and buildings with existing vehicular access onto Maypole Lane to the north and North End Road to the east.



The site is located outside of the built up area boundary of Yapton as defined by policies in the Arun District Local Plan 2003 and the Yapton Neighbourhood Plan 2014 – 2029 (see Development Plan below) but is nonetheless physically well related to the settlement and the services and facilities it provides.

The site is located on the west side of North End Road to the side and rear of r existing residential properties which front that road some 350 metres to the north of Yapton Church of England Primary School and some 650 metres to the north of the village centre.

The existing vehicular access from Maypole Lane joins Maypole Lane immediately to the south east of a number of residential properties, the Maypole PH and a residential caravan park in Maypole Lane to the north west of the site.

The site abuts the rear gardens of residential properties fronting North End Road to the east, small scale and enclosed grass fields spasmodically used for the grazing of horses and other animals to the north and south and large scale arable fields to the west.

Bus stops are located to close to the site access onto North End Road and others are located nearby along the B2233 and at the Yapton village hall further to the South east.

The site has been and continues to be used for the stabling and keeping of horses and is not, therefore, in agricultural use and does not comprise high grade agricultural land.

Indeed, the single storey timber, flint/brick and slate roofed buildings used for stabling of horses and related activities and the gated vehicular access and hard surfaced internal road/ to the horse paddocks at the rear of the site result in the site being deemed to be previously developed land rather than greenfield/agricultural land for the purposes of national and local planning policy.

The site is not situated within or close to a Conservation area, the buildings on the site are not listed nor are they identified on the Council's Local list and the submitted Heritage Statement demonstrates and concludes that the site makes no contribution to the historical, visual or physical setting of the nearby The Old Cottage North End Road as a Grade II Listed Building and it provides no ability to appreciate that heritage asset either. Nor is the site within or close to any identified area of archaeological interest.

The site is not subject to any public access nor is it located close to any public footpaths nor within or close to a protected landscape and has not been identified as being part of a valued landscape for the purposes of Framework paragraph 109.

Views of the site from public footpaths/roads in the area are limited due to intervening land, existing residential buildings and existing established trees and hedges and there is no public access to the site so that it makes no appreciable, demonstrable or significant



contribution to the agricultural landscape to the west or to the visual amenities or character of this part of Yapton.

The site is not subject to any nature conservation designation, is not situated close to any such designation and the submitted Extended Phase 1 Habitat study information demonstrates that there is no reasonable likelihood that any protected species would be present on site because it does not contain any habitats that are suitable to sustain such protected species.

The site is predominantly flat and as shown on the submitted Topographical Site Survey, the submitted plans and the Tree survey / Report all existing trees and hedges on the boundaries of the site are not subject to any existing Tree Preservation Orders, none are considered to be worthy of a Tree Preservation Order and all can be retained and safeguarded (where it is appropriate to do so in accordance with good arboriculture practice/guidance) and/or enhanced with new planting subject to appropriately worded conditions relating to the reserved matter of landscaping.

The site lies within Flood Zone 1 where the Environment Agency considers that the site has a Low Probability (having a less than 1 in 1,000 annual probability of river or sea flooding).

The Council's Strategic Flood Risk Assessment and other published mapping and data has been considered (including the submitted Site Topographical Survey) alongside other publically available consultation responses from West Sussex County Council (WSCC), in its capacity as the lead Local Flood Authority (LLFA) and others in respect of nearby housing sites in Yapton and it is concluded that :

- The modelled surface water flood risk is low
- Modelled groundwater flood risk susceptibility is low
- There are no records of historic flooding on the site and no records that surface water runoff from the site has given rise to flooding events elsewhere and
- There are no ordinary watercourses on the site or nearby

THE PROPOSALS

Outline planning permission is sought for the principle of developing the site as follows:

- 1.4 hectares of the land to the rear of the site currently used for Horse paddocks is proposed to be developed with up to 45 houses together with private gardens and incidental landscaped amenity areas.
- 30% (up to 14 dwellings) of the proposed houses would be affordable housing with a tenure mix of 75% Affordable Rent and 25% intermediate housing as defined in the Glossary to the Framework.



- 0.31 hectares of the site forming the front part of the horse paddocks and the stable yard area, is to be cleared of existing buildings and hard surfaces and laid out as landscaped public open space (including the proposed Local Equipped Area for play (LEAP) as indicated) on either side of a proposed footpath/cycle link from the housing to North End Road.
- The existing vehicular access onto Maypole Lane is to be retained and laid out as a shared surface access for vehicles, pedestrians and cyclists (0.16 hectares of the total site area) to serve as the main access to the development.
- The existing access from the site onto North End Road is to be closed to vehicles and used as a pedestrian, cycle and NMU access only so as to allow access from North End Road to the internal footpath/cycle link proposed between the Housing and North End Road for the specified users only.

This would result in a gross residential site density of circa 24 dph and a net residential site density of circa 32 dph where the gross site density includes the open space and the existing Maypole access road land and the net site density excludes the open space and the existing Maypole access road land.

Subject to the application of good arboriculture practice/guidance all existing trees/hedges on the boundaries of the site would be retained and enhanced through new planting as part of the layout of the site and landscaping at reserved matters stage.

Surface water drainage is to be addressed by way of a SUDS Scheme incorporating infiltration/soakaways so as to restrict the runoff from the development to greenfield runoff rates.

Foul water Drainage is to be addressed by way of a connection to the Public sewer drainage system in North End Road.

The applicant proposes that matters of detail are addressed by way of suitable and appropriate conditions to be complied with at reserved matters stage, either prior to commencement and/or the occupation of any dwellings in accordance with standard planning practice and guidance and that contributions towards infrastructure and facilities made necessary by the development are to be provided for by way of a CIL compliant executed s106 Unilateral Undertaking prior to the Committee date.

RELEVANT PLANNING HISTORY

The site was identified by Arun District Council as a deliverable housing site in the Housing and Economic Land Availability Assessment 2017 (HELAA Site Ref: 74) dated August 2017.



The HELAA 2017 states that the site meets the definition of a deliverable housing site given at footnote 11 to Framework Paragraph 47 and in summary states that the site:

- Is available now because it has been identified as a housing site as of June 2016
- Offers a suitable location for development now because although outside but adjoining the settlement boundary it is considered suitable in principle for future housing potential, because of its accessibility to facilities, job opportunities and public transport, there are no insurmountable constraints and it could contribute to the creation of a sustainable, mixed community and;
- Is achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site with a potential yield of 56 units is viable as confirmed by the Arun Local Plan Viability Study 2016.

The Council has adopted 3 measures to significantly boost the supply of deliverable housing sites as reported to the Local Plan Sub-Committee on 6 December 2016, and agreed at Full Council on 11 January 2017 which were:

- Option 1a - inviting planning applications on smaller deliverable sites identified by the HELAA considered to be sustainable which do not prejudice the emerging LP and/or infrastructure delivery;
- Option 1b inviting planning applications on first phases of potential strategic allocated sites; and
- Option 2b removing all current Parish/Town allocation numbers from the emerging LP and instead using the HELAA to identify a target for small sites to be allocated through a small sites DPD and/or updated neighbourhood plans- suitable

This application was submitted pursuant to the Council's invitation under Option 1 a).

There have been two recent appeal decisions in respect of other Housing sites in Yapton subject to applications submitted in accordance with or pursuant to this invitation.

Following the call – in appeal in respect of the application made by Gleesons for outline planning permission for the development of up to 108 residential dwellings, vehicular access from Burndell Road, public open space, ancillary works and associated infrastructure - Land off Burndell Road Yapton (PINS Ref: APP/C3810/V/16/3158261 ADC Ref: Y/19/16 OUT) THE Secretary of State concluded in his decision letter dated 13 October 2017 that:

“18.For the reasons given above, the Secretary of State considers that the proposal is not in accordance with LP policies GEN2 and GEN3, and YNP policies H1 and BB1, and therefore is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.



19. In the absence of a 5-year supply of housing land, paragraph 14 of the Framework states that planning permission should be granted unless (a) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework as a whole or (b) specific policies in the Framework indicate development should be restricted.

20. The Secretary of State considers that the proposal would make a significant contribution to housing and affordable housing in the district, where housing shortage is severe. He gives this significant weight. He considers that the proposal would bring economic benefits by creating jobs during construction, and he gives this moderate weight. He considers that bus, cycle and highway infrastructure would be improved, and he gives this moderate weight.

21. The Secretary of State considers that there are no specific policies in the Framework which indicate that this development should be restricted. He further considers that the adverse impacts of the proposal do not significantly and demonstrably outweigh the benefits. Overall he concludes that there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

22. The Secretary of State therefore concludes that planning permission should be granted”.

Following the Inquiry into the Section 78 appeal into the Council’s refusal to grant Outline planning permission for 4.5 hectares of residential development comprising 3.4 hectares of land for up to 100 dwellings (up to 30 (30%) affordable housing) together with 1.1 hectares of land set aside for public open space and strategic landscaping and 2.2 hectares of public open space and green corridors, with vehicular access from Ford Lane and pedestrian/cycle access only from North End Road - Land to the south of Ford Lane/east of North End Road, Yapton (Land directly opposite the application site - PINS Ref: APP/C3810/W/17/3170059 ADC Ref: Y/80/16 OUT) the Inspector in his decision letter dated 15 January 2018 concludes that:

“58. Having regard to the main issues identified: the proposal would make adequate provision for necessary infrastructure; the living conditions of future occupiers of the development could be adequately safeguarded against adverse noise impacts from the adjacent Orchard Business Park; and the scheme would not be likely to impact adversely on the operation or safety of the road network.

59. The proposal would not accord with ADLP Policies GEN2 and GEN3 or YNP Policies H1 and BB1. The scheme would therefore not be in accordance with the development plan overall. However, the most relevant Policies GEN2, GEN3 and BB1 are out-of-date and, given the district’s housing land supply is only around two years, I consider these policies carry only limited weight.



60. Where relevant policies are out-of-date, paragraph 14 of the Framework states that planning permission should be granted unless any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework as a whole, or policies in the Framework indicate development should be restricted.

61. The proposal, which is in a sustainable location, would make a significant contribution to both market and affordable housing within the district where it is acknowledged the housing shortage is severe. I give this considerable weight, whilst the economic benefits of construction jobs and increased expenditure within the local economy attract moderate weight.

62. In accordance with paragraph 198 of the Framework, an application that conflicts with a NP that is in force should not normally be granted. However, circumstances are not normal because of the severe housing shortage. Like the Secretary of State in his determination of the Burndell Road appeal, I consider this conflict carries limited weight. There are no other specific policies within the Framework which indicate that the development should be restricted.

63. Given the controls that would be operative through imposed conditions, and the provisions of the obligations contained within the UUs, any adverse impacts of the proposal do not significantly and demonstrably outweigh the identified benefits. The proposal would represent a sustainable form of development. Overall, there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan. As such, I conclude that the appeal should succeed and planning permission be granted”.

Furthermore ADC has also recently granted an Outline Planning permission for another application submitted pursuant to its January 2017 invitation under Council Ref: Y/1/17 OUT).

That site (Bonhams Field Main Road Yapton) is located some 680 metres to the south of the site subject to this report and Outline Planning permission for the development of the site with 56 No. dwellings with associated open space and creation of new access was granted subject to conditions and a S106 Agreement on 7 December 2017.

LEGISLATIVE BACKGROUND AND THE DEVELOPMENT PLAN

Legislation and Practice Guidance

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 related Planning Practice Guidance “*How must decisions on applications for planning permission be made?*” at Paragraph: 006 Reference ID: 21b-006-20140306 explains this legal requirement in the following terms:

To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 – these provisions also apply to appeals).

The National Planning Policy Framework stresses the importance of having a planning system that is genuinely plan-led. Where a proposal accords with an up-to-date development plan it should be approved without delay, as required by the presumption in favour of sustainable development at paragraph 14 of the National Planning Policy Framework.

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

The development plan for these purposes in this case comprises the saved policies of the adopted Arun District Local Plan 2003 (LP) and the made Yapton Neighbourhood Plan (2014) (YNP).

Arun District Local Plan 2003 (LP)

The LP was adopted in 2003 and it covers only the period 1996 to 2011 but various policies are saved by a direction under Paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004, dated 25 September 2007.

Given that this is an outline application with all matters (as defined above) except for access reserved for later consideration by way of controls that would be operative through conditions imposed on any OPP granted, the only “saved” policies from the LP of relevance to the determination of the application are:

Saved LP policy GEN2 which details that outside the built up area boundaries, development will not be permitted unless it is consistent with other local plan policies. In the explanation, it makes clear that one of the principles of establishing the boundaries was the availability of land for housing.

Saved LP policy GEN3 which safeguards the countryside for its own sake and restricts development unless it is for various different categories of development, which do not include residential schemes such as the application proposal and specifies as its reason that the countryside is an important resource that needs to be protected for its own sake.



Saved LP policy GEN5 which specifies that the plan makes provision for 8,700 new dwellings in the District in the plan period 1996-2011.

Elements of Saved LP policy GEN7 which seeks high quality design and layout, and promotes sustainable development.

Saved LP policy GEN8 which requires infrastructure and facilities made necessary by the development to be provided.

Saved LP policy GEN20 which requires the provision of public open space to a minimum standard of 2.4ha per 1000 people within new development and its related **SPG Open space and recreation standards adopted 2000**.

Saved LP policy DEV17 which seeks the provision of affordable housing on sites of 25 or more dwellings or residential sites of 0.8ha or more.

Yapton Neighbourhood Plan (2014) (YNP).

The YNP became a made Neighbourhood Plan and therefore part of the development plan for these purposes on 5 November 2014 and is at the date of this report some 3 years and 2 months old.

Given the location and physical circumstances of this site described above and the fact that this is an outline application with all matters (as defined above) except for access reserved for later consideration by way of controls that would be operative through conditions imposed on any OPP granted, the only YNP Policies of relevance to the determination of the application are:

Policy BB1: Built-up Area Boundary which reflects the LP Policies GEN 2 and 3 and seeks to focus development within the built up boundary defined in the plan so that development outside the built up boundary will not be permitted unless certain circumstances apply.

Policy H1: Housing requirement which states:

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.

As a matter of principle the submitted proposals would conflict with LP policies GEN2 and GEN3, which deal with the settlement boundary and countryside protection respectively; and would also conflict with YNP policies H1 and BB1, which deal with housing requirement and built-up area boundary respectively.

However, for the reasons given below under “**Conditions and Obligations**” and “**Planning balance and overall conclusion**”, the proposals would not result in any demonstrable conflict with saved LP Policies GEN 5, 7, 8 and 20 or DEV 17 given the controls that would be operative through imposed conditions, and the provisions of the obligations contained within the proposed UU.

Relevant material considerations

It is considered that there are other material considerations to indicate a decision otherwise than in accordance with LP Policies GEN 2 and 3 and YNP Policies BB1 and H1 which amongst others are as follows:

The Framework

The most relevant paragraphs in this case are:

Paragraphs 12, 13, 196 and 212 which make it clear that the Framework is a material consideration in the determination of planning applications and the weight that should be given to the national policies it contains by the decision maker.

Paragraphs 6 – 10 which describe what sustainable development means for the purposes of the Framework and the Government's policies as to achieving sustainable development.

Paragraph 14 which states that where the development plan is absent, silent or the relevant policies are out of date the application to be determined in accordance with the presumption in favour of sustainable development which is that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.



Paragraph 32 which states that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and that plans and decisions should take account of whether:

- The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- Safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 47 which (amongst other matters) states that in order to boost significantly the supply of housing local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

Paragraph 49 which states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 198 which states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.

Paragraph 203 which states that Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations and that Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Paragraph 204 which states that planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.



Paragraph 205 which states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

Paragraph 206 which states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Paragraph 216 which states that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The Framework is an up to date statement of national planning policy and it is a material consideration that should be given considerable weight where it is relevant to the determination of this application.

The Emerging Local Plan (ELP)

The Council submitted the Arun Local Plan 2011-2031 (ELP) for Examination in 2015. The submission plan identified the Objectively Assessed Housing Need (OAN) for the District as being 580 dwellings per year (dpa). Policy H SP1 set out the strategic parish and town allocations for housing, based on this figure. It identified a total provision for Yapton of some 100 homes.

The Examination of the ELP was suspended on 2 February 2016 and the Council was requested by the ELP Inspector to look again at the OAN for the District, based on an assessment that it is at least 845 dpa.

The Council published a pre-submission consultation document on main modifications to the ELP in response to that suspension which was consulted on 10 April 2017 - 30 May 2017.

Amongst other matters these modifications advanced an OAN of 919 dpa, new strategic allocations including SD7 to the south west of Yapton for at least 400 dwellings over the plan period and a strategic allocation of some 1,500 homes over the plan period at Ford (which abuts Yapton parish to the east) and that a total of 20,000 new homes will be provided within the District between 2011 and 2031 under ELP policy H SP1 with additional allocations for small sites to be made across the District through emerging Neighbourhood Plans or reviews of made Neighbourhood Plans and the production of a Small Sites



Development Plan Document allocating additional sites three years after the adoption of the ELP should this prove necessary in order to meet the requirements of the Plan.

The Examination of the Plan based on these proposed modifications and the objections arising with regard to same was resumed on 19 July 2017 with Hearing Sessions being held between 19 and 28 September 2017 and on 11 October 2017 the Inspector wrote to the Council setting out his preliminary findings on some key issues and his views on the further Main Modifications (MMs) that are likely to be required to make the Arun Local Plan (LP) sound following the hearing sessions together with a suggested timetable for taking matters forward.

The suggested timetable at paragraph 35 of his letter read as follows:

Based on this expectation the timetable for the remainder of the examination could pan out as follows (the timetable takes into account periods when I am not available to work on the Arun LP):

- *By end of October 2017 – Schedule of MMs provided to Inspector.*
- *By 22 November 2017 – Inspector provides comments on Schedule and Council provide response to post hearing note.*
- *By end of November 2017 – Council finalise Schedule of MMs taking into account Inspector's comments and issues raised in this note.*
- *December 2017 - Sustainability Appraisal (SA) and Habitats Regulations Assessment updated as necessary to take into account Proposed MMs.*
- *January/February 2018 – publicity/consultation on MMs alongside updated SA/HRA for a 6 week period.*
- *Late February 2018 – Council consider representations on MMs and pass on to Inspector.*
- *March 2018 – Inspector finalises report. The report will be subject to QA and a LPA fact check as described in the Procedural Practice in the Examination of Local Plans (page 9) which would probably take place in April 2018.*

There is no evidence that we can see that the Council has met the first 5 bullet points of the Inspectors suggested timetable but on 12 January 2018 the Council did publish a series of Main Modifications to the Plan for public consultation for a six week period from 12 January 2018 until Friday 23 February 2018 and at the date of writing this Consultation remains open so that the Council's ability to meet the remainder of the timetable on the road to adoption and/or the date when a sound plan will be adopted remain uncertain as does the extent to which significant unresolved objections to relevant policies will remain following the closure of this consultation.

Therefore whilst the ELP is a material consideration having regard to the position now reached and Framework Paragraph 216 set out above the ELP is still at an early stage and therefore can only be given limited weight in the determination of this application.



5 Year Land Supply

The most recent and up to date Framework paragraph 47 compliant annual statement published by the Council on its web site for the period 31st March 2017 – 1st April 2022 states that the Council can only demonstrate a 2.07 year supply of specific deliverable housing sites to meet their housing needs against the acknowledged and accepted Framework paragraph 47 compliant requirement to demonstrate a 6 year supply (5 years plus 20% due to persistent under delivery).

Given Framework paragraphs 14, 47 and 49, the severe shortage of deliverable housing sites in this district, and the resulting lack of a demonstrable 5 year land supply, the fact that this application would produce a deliverable housing site that would make a significant and important contribution to the supply of affordable and open market housing in this district in that 5 year period is a material consideration that can and should be given considerable weight.

The relevant planning history

The relevant planning history set out above particularly the two most recent appeal decisions for similar housing applications in Yapton is a material consideration of considerable weight in this case as there has been no change in any material considerations since these were made and preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations, persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable and not determining similar cases in a consistent manner are all examples of unreasonable behaviour on the part of a LPA.

CONDITIONS AND OBLIGATIONS

Conditions

In accordance with best practice a list of 12 conditions for use by the Council should it be minded to grant the OPP sought is suggested on behalf of the applicant at Appendix 1.

The extent and wording of these are based on responses from the Council's consultees and third party representations in this case and the findings with regard to conditions and the conditions themselves (where relevant) in the recent Ford Lane Appeal decision (PINS Ref: APP/C3810/W/17/3170059 ADC Ref: Y/80/16 OUT).

These conditions are also the only conditions considered necessary, relevant to planning and the application made and to the development to be considered, enforceable, precise and reasonable in all other respects in accordance with Framework paragraph 206 and the related PPG in the Use of Planning Conditions at ID: 21a-001-20140306 given that other matters of detail can and will be considered again at reserved matters stage.



Condition 1 is needed to ensure reserved matters are considered and approved by the local planning authority, whilst condition 2 is to accord with the requirements of s.92 of the Town and Country Planning Act 1990.

Condition 3 is to ensure development is carried out in accordance with the permitted drawings and Condition 4 is needed for the same reason and to ensure the amount, timely delivery and long term management of open space, landscaping and the LAP and appropriate existing tree protection as proposed in accordance with the Council's adopted standards.

Condition 5 is needed to ensure the provision of affordable housing and its subsequent retention to the Council's standards and requirements at the appropriate detailed application stage when final housing numbers, mix and layout will be known.

Conditions 6 and 7 are needed to ensure that the proposed access/egress to/from Maypole Lane and North End Road for vehicles, NMU, pedestrians and cyclists in the manner approved and agreed by the Local Highway Authority is implemented as approved and agreed.

Condition 8 is needed to secure a Construction Method Statement as required by the LHA to safeguard highway safety and provide protection of living conditions.

Condition 9 is necessary to ensure that any archaeological potential of the site is appropriately investigated and a mitigation strategy implemented, if necessary in accordance with the advice of the Council's Archaeology advisor.

Conditions 10 and 11 are needed to ensure the appropriate drainage strategy proposed and agreed by the Council's advisors is implemented at the appropriate time.

Condition 12 is needed to protect the only ecological interests identified and to Enhance/encourage biodiversity on the site.

Obligations

The Section 106 Unilateral Undertaking to be provided by the applicant prior to the Committee at which this application is to be determined will provide the land owners (and successors in title) obligations to make financial contributions towards additional stock at Arundel library, additional facilities at Yapton Primary School, additional facilities at St Philip Howard Catholic High School, additional equipment at St Philip Howard Catholic High School's Sixth Form and additional equipment for fire and rescue purposes being the only contributions sought by the LPA in accordance with the tests set out in Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 and Framework Paragraph 204.



PLANNING BALANCE AND OVERALL CONCLUSION

The proposal would not accord with ADLP Policies GEN2 and GEN3 or YNP Policies H1 and BB1. The scheme would therefore not be in accordance with the development plan overall. However, the most relevant Policies GEN2, GEN3 and BB1 are out-of-date and, given the district's housing land supply is only around two years, these policies carry only limited weight.

Where relevant policies are out-of-date, paragraph 14 of the Framework states that planning permission should be granted unless any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework as a whole, or policies in the Framework indicate development should be restricted.

The proposal, which is in a sustainable location, would make a significant contribution to both market and affordable housing within the district where it is acknowledged the housing shortage is severe and this should be given considerable weight, whilst the economic benefits of construction jobs and increased expenditure within the local economy and the support for local services that this would provide should attract moderate weight.

In accordance with paragraph 198 of the Framework, an application that conflicts with a NP that is in force should not normally be granted. However, circumstances are not normal because of the severe housing shortage so like the Secretary of State in his determination of the Burndell Road appeal, this conflict should be considered to carry limited weight.

The proposal is a demonstrably sustainable form of housing development and therefore would provide all the social benefits that flow from such sustainable development.

Given the controls that would be operative through the suggested conditions (if imposed) and the provisions of the obligations contained within the proposed S106 UU, any adverse impacts of the proposal do not and would not significantly and demonstrably outweigh the identified benefits and there are no other specific policies within the Framework which indicate that the development should be restricted.

Overall, there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan and as such the applicant requests that the Council now proceed to grant the outline planning permission at the earliest opportunity which we now understand to be the Development Control Committee on 14 February 2018.