

REPORT UPDATE

Application No: Y/49/17/OUT

Reason for the Update / Changes

Reason for Update/Changes:

A further letter of representation was submitted by a resident of North End Road objecting to the proposed development on traffic grounds.

Officers Comment:

The objection is noted and the comments had already been raised by other residents and been addressed in the Conclusions section of the report.

The applicant has submitted an executed Section 106 Unilateral Undertaking.

Officers Comment:

The contents of the Unilateral Agreement are noted.

The "Section 106 Details" on page 45 of the report to be amended to read: "The applicant has provided an executed Section 106 Unilateral Undertaking which makes provision for contributions to be made towards Primary, Secondary and Sixth Form Education, Libraries and Fire and Rescue Services in agreement with West Sussex County Council".

The "Recommendation" on Pages 14 and 45 of the report to be amended to read "Approve conditionally with Section 106" as there is no need for a deferral pending a Section 106 Agreement as currently recommended in the published report.

The Fire and Rescue Services project in the table on page 56 to be amended to read: "The contributions generated by this proposal shall be used towards the supply and installation of additional fire safety equipment to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Yapton".

The reference to "Health Care" in the table on page 56 to be deleted as no representation was received to this planning application from the NHS - Sussex Coastal Clinical Commissioning Group (CCG), even following requests for a representation from the Planning Officer dealing with the planning application.

An updated Heads of Terms has been attached as part of the report update.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Outline Consent

REF NO:	Y/49/17/OUT
LOCATION:	Land at Street Buildings North End Road Yapton BN18 0DT
PROPOSAL:	Outline application with some matters reserved for the demolition of all existing structures & redevelopment of the site with up to 45 dwellings (30% affordable (up to 14)) & 0.3 hectares of landscaped open space with vehicular access from Maypole Lane & pedestrian/cycle access only from North End Road. This application is a Departure from the Development Plan & may affect the setting of a listed building.

SITE AND SURROUNDINGS	
DESCRIPTION OF APPLICATION	This outline planning application (Y/49/17/OUT) is for the erection of up to 45 dwellings following the demolition of all existing structures on the site. Appearance, layout, scale and landscaping are reserved for future approval. The applicant has submitted an indicative proposed Block Plan and a Layout Plan which demonstrate that the site could accommodate up to 45 dwellings (30% of which would be affordable i.e. 14 dwellings); and 0.3 hectares of open space including a Local Area for Play (LAP) located to the rear of Park Cottages. The access detail is not to be reserved. The existing access to the site from Maypole Lane would be developed to form the shared access for vehicles pedestrians and cyclists; and North End Road which is the existing vehicular access and stable yard would be closed-off to vehicles and be used by pedestrians and cyclists only.
SITE AREA	1.87 hectares including existing access on to Maypole Lane
RESIDENTIAL DEVELOPMENT DENSITY	32 dwellings per hectare (net density)
TOPOGRAPHY	Predominantly flat.
TREES	All boundary trees to be retained/enhanced except where recommended for removal as set out in the Arboricultural Report.
BOUNDARY TREATMENT	The application site has hedgerows and hedgerow trees along the boundaries.
SITE CHARACTERISTICS	The site comprises a horse paddock, which was formerly used as agricultural land before the equestrian uses. There are 4 single storey buildings on the site which are used as stables and ancillary buildings - identified as Buildings A, B, C and D on the submitted Topographical Site Survey and the Existing

Block Plan.

CHARACTER OF LOCALITY

The area is rural in character located north of Yapton Village. The site is bounded to the north by an open field and beyond by Maypole Lane, residential properties at 'Longacre', 'The Paddocks' and the Maypole Inn. The site is bounded to the south and west by open farmland. To the east the site is bounded by housing including Baytree Cottage, Park Cottages, Yapton Lodge and The Old Cottage and by North End Road.

RELEVANT SITE HISTORY

N/A

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Object.

- The planning application is premature and contrary to the Arun District Council Local Plan preparation process and must be deferred.
- The proposed development is contrary to the Yapton Neighbourhood Plan (YNP).
- The application site is a departure from the YNP and fails to reflect Policy H1 as it is not an allocated site for residential development.
- The site is located outside the Built Up Area Boundary (BUAB).
- The houses are proposed to be located in the wrong place.
- The introduction of built form beyond the existing BUAB for such a large and dense housing development would represent an inappropriate incursion into the countryside, which would be visually isolated from and fail to relate to the existing BUAB.
- The site is currently used as stables and grazing land providing a much needed leisure use for the village. To develop this land for housing would be contrary to YNP Policy E1.
- Yapton has met its current and future local parish allocation in addressing the Arun District Council shortfall in a 5 year housing land supply.
- The proposed development appears only to meet a spurious housing need beyond that of Yapton.
- The Parish Council has grave concerns regarding the access to the site.
- The proposed development will place an unprecedented strain on Yapton Primary School and the GP surgery.
- At no time has the applicant tried to engage with the village as a whole or via the Parish Council.
- All future small HELAA sites must be considered at a more appropriate time with the full engagement of the community and in the spirit of Localism and Neighbourhood Planning.

34 letters of representation have been received from local residents objecting to the proposed development on the following grounds:

- The application site is contrary to the 'made' Yapton Neighbourhood Plan (YNP) as it is not allocated for residential development in the YNP.
- The application site is outside the built up area boundary (the BUAB).
- Yapton should not be joined up with Barnham.
- All future small HELAA sites must be considered at a more appropriate time with the full engagement

of the community and in the spirit of Localism and Neighbourhood Planning.

- At no time has the applicant tried to engage with the village as a whole or via the Parish Council. The lack of engagement is disappointing, especially when the applicant has already failed to communicate with the community on a separate application within the parish. This simply demonstrates a total disregard for the community and Localism.
- The proposed development is contrary to policies H SP1 and LAN DM1 of the emerging Arun Local Plan and will have a significant and adverse impact on both the environmental and social fabric of Yapton.
- There should certainly be a public consultation on this planning application.
- Then land is currently used as paddocks and for grazing livestock, and such land should not be designated for housing.
- The site should be retained for agricultural use to feed the population, in view of Brexit and external trade tariffs.
- The current stables on the site are very old flint walled and slate roofed, which should be preserved.
- The area is not served by mains gas and so it would involve serious disruption for residents if planning permission was granted.
- The location of the site would detract from the character of the village, and of the historic St Mary's Church.
- Any new development should include affordable houses for rent and not only for sale.
- The only access to the application site is a single track which includes a couple of passing places.
- The single track lane was purchased by the applicant recently. There has been limited use of the single track lane for the last 15 years. There would need to be a defined T junction onto Maypole Lane , with traffic from the application site giving way to traffic on Maypole Lane. The lane is not wide enough for two vehicles to pass ; there would need to be considerable improvements to Maypole Lane to enable two way traffic movements. With the implementation of the planning permission (Y/36/15/PL) for the glasshouses on Long Acre Field, there would be approximately 20 tractor movements each day along the track and Maypole Lane. Access and egress onto Maypole Lane which is a single track lane, is challenging now; with more traffic in the lane it would be even more challenging.
- The development of 45 house has the potential to generate an additional 100-200 vehicle movements a day on to a single track lane.
- Traffic congestion outside the Primary School on North End Road is severe and is expected to deteriorate when the housing development on Bonham's Field (which is allocated for residential development in the YNP) gets under way. Another development in the area, and the traffic it will generate, will only add to the problem.
- Let us hope that a Transport Statement will result in a refusal for this dangerous plan.
- The roads through the village are used as a cut through between the coast and the heavily congested A27. The application site is on North End Road, a few hundred metres north from Yapton Primary School, where the road is regularly blocked with parents dropping off or picking up children, and traffic is heavy. Accidents have occurred at the junction of North End Road and Ford Lane / Maypole Lane where the development is proposed. Additional traffic and pedestrians would exacerbate this, affect the character of the village, and increase pollution and the danger of accidents. The pavement is only narrow and on one side of the road at the area where the site is proposing a pedestrian exit.
- North End Road is now a designated route for heavy goods vehicles and there is traffic congestion.
- The proposed development of 45 houses on the site would add to risk of an accident at the Oyster Catcher junction on the A259.
- Neither Arundel or Chichester have been able to agree on bypasses meaning that any more housing in Yapton village will lead to further congestion on the A27 and the A259 with slow moving and stationary traffic adding to air pollution.
- The level crossing at Yapton is very close to the application site, and a number of accidents have occurred there. More traffic would simply exacerbate this and would increase pollution.
- The level crossings at Yapton and Ford already cause long queues and waiting times, without extra vehicles from new homes.

- There are very few employment opportunities in the village, and therefore most people have to commute for work, as well as taking children to school.
- The road infrastructure will not support further traffic, and there are only 2 bus routes in Yapton, with a bus service every 2 hours.
- There is only one school in the village, Yapton Primary; one GP surgery; one pub; and two shops. The infrastructure is therefore not able to support all of these additional households. There are already over 100 houses being built behind Goodhew Close in the village, and plans for other houses both within and outside the neighbourhood plan. Therefore, concerns about traffic, pollution, accidents and infrastructure need to be taken seriously.
- There is a need for more cycle paths, possibly a railway station, restaurant / pub before more houses are built.
- If the development is granted planning permission, developer contributions should be sought for an extra school building and perhaps an extension to the GP surgery.
- The sewers are already too small for the amount of waste.
- Many of the new housing developments in and around Yapton village are not occupied, and houses remain empty (for example at Taylor's Close - formerly the Lamb pub). Due to the lack of employment opportunities, the traffic problems and the lack of infrastructure, it is certainly not clear that people want to live in these houses.
- The proposed residential development would back onto Park Cottages and overlook the existing gardens.
- The noise and disruption during the construction works and once completed would significantly affect the neighbouring residents at Park Cottages.
- The light pollution from the residential development would impact significantly on the neighbouring residents at the Park Cottages.
- The increase in housing development is detracting from the character of Yapton Village and devaluing neighbouring properties.
- The biodiversity report is very worrying; to say there is no suitable habitat for breeding birds, bats, reptiles and great crested newts near or on the site is completely wrong and further surveys must be completed. The application site is home to hedgehogs, nesting sparrows, blackbirds, robins and swallows and occasionally bats.
- This is an opportunistic and speculative planning proposal which pays no heed to the needs and wishes of the local population.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and any issues are addressed in the Conclusions section of this report.

CONSULTATIONS

Listed Building Officer
Highways England
WSCC Strategic Planning
Surface Water Drainage Team
Conservation Officer
Environmental Health
Parks and Landscapes
Arboriculturist
Southern Water Planning
Planning and Housing Strategy

Sussex Police-Community Safety
Engineering Services Manager
Engineers (Drainage)
Archaeology Advisor
Ecology Advisor
NHS Coastal West Sussex CCG
NHS Coastal West Sussex CCG
Mr Clavell-Bate

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND:

Highways England's initial response was that the outline planning application should not be determined (other than a refusal) until such time as the required Transport Assessment is provided and Highways England given the opportunity to consider and make its final substantive response. Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case the A27. A supporting Transport Statement or Transport Assessment has not been provided to demonstrate that the development would not result in a severe impact on the A27 / Yapton Lane junction (which should consider safety as well as capacity). This application proposes an additional 45 dwellings on top of nearby development (108 at the neighbouring Stakers Farm site with 38 approved with a further 70 proposed) that is a departure from the Development Plan. As such, Highways England is concerned about the potential cumulative impact of these developments as the proposed agreed improvements on the A27 as part of Arun's emerging Local Plan do not take account of these developments. Accordingly, Highways England consider that there is currently insufficient information provided by the applicant on which to base an informed decision in relation to the potential impacts of the development on the Strategic Road Network. In particular: as the proposal falls outside of the current Development Plan, it was not considered as part of the Transport Assessment which supports the Strategic Sites being promoted in the emerging Local Plan.

The Local Plan is now sufficiently progressed within the public domain such that the applicant needs to consider this proposed site in relation to the cumulative impacts of the emerging Local Plan proposals at the end of the emerging Local Plan period. In addition, as there are other applications currently within the planning system which have yet to be determined or are already committed, these also need to be accounted for as they too fall outside of the Strategic Allocations in the emerging Local Plan. This accords with the policy set out in Department for Transport Circular 02/2013. Highways England requires the provision of a supporting Transport Statement/Transport Assessment in support of the planning application to be able to assess the development's impact on the Strategic Road Network (SRN). In particular, the A27 / Yapton Lane junction and associated right turn lane is already stressed and therefore there is a need to demonstrate that the proposed development will have no detrimental impact on junction operation, or where this is not the case, provide appropriate mitigation. This advice is given in accordance with Planning Practice Guidance to the NPPF paragraphs 013 and 014 (Reference ID: 42-013-20140306).

The cumulative impacts will require assessment at the end of the Local Plan period 2031 with a view to a 'no worsening' of the impacted junction (no worse in terms of delay, queue length, RFC's and safety) compared with the development proposals and mitigation proposed as part of the emerging Local Plan - it should be noted that TEMPRO is not considered representative for local traffic growth arising from residential development in this regard. Until such time as sufficient information has been provided to enable Highways England to obtain a clear view of the cumulative traffic impacts of this proposed development on the SRN, informal advice from HE is that this application should not be approved

because of the potential for severe harm to the Strategic Road Network. HE will provide formal recommendation later when the application is in its final form.

In response to Highways England's (HE) objection, the applicant has requested a meeting with HE representatives to discuss further if required and whilst their response is awaited the applicant does not see any reason why the Council's decision on the planning application should be delayed pending that response.

HIGHWAYS ENGLAND (HE) second comment considered that the Inspector's decision at the Ford Lane Appeal (APP/C3810/W/17/3170059) did not have a bearing on HE's position with regard to outline planning application Y/49/17/OUT - Land at Street Buildings as attached. The situation at Y/80/16/OUT - Land to the south of Ford Lane/east of North End Road, Yapton, which was the subject of the appeal was that the applicant had not updated the Transport Assessment from a previous application, and the inspector's view was that the development situation had not changed significantly enough since the report was prepared to render the report invalid. The situation with Land at Street Buildings (Y/49/17/OUT) is that the applicant has still not provided any Transport Statement or Transport Assessment to demonstrate that the development will not result in a severe impact on the A27 / Yapton Lane junction (which should consider safety as well as capacity in accordance with the tests set out in DfT C2/13 para 10 and DCLG NPPF paragraph 32). Highways England would advise that the Transport Statement / Assessment should include the development at Land to the South of Ford Lane as part of the cumulative impact assessment now that the appeal has been allowed. Therefore, until such an assessment is provided, Highways England's advice is still to recommend that the application should not be determined (other than a refusal) until such time as the required information is provided and Highways England given opportunity to consider and make its final substantive response.

In response to the objection from HIGHWAYS ENGLAND, the applicant claimed that the outline planning application was not supported by a Transport Statement or Assessment because there is no national or local policy requiring same for this small scale development which will not generate significant amounts of movement. Paragraph 32 of the NPPF says that "All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment" and that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". Arun District Council's local validation list (as updated on 11 May 2017) says that a Transport Assessment is only required for a residential scheme involving over 80 dwellings where there would be more than 30 2-way vehicle movements per hour or more than 100 2-way vehicle movements per day or more than 100 parking spaces and that a Transport Statement is only required for a residential scheme involving 50-80 dwellings. The applicant concludes that "we consider that Highways England now has more than sufficient information to reach a clear view as to whether or not the cumulative traffic impacts of this development would give rise to any impact on the A27 strategic road network requiring mitigation and if so what that should be. We consider that there would be no material impact arising and that no mitigation is required because the proposal will not give rise to the severe residual harm necessary to support a refusal in terms of NPPF paragraph 32.

HIGHWAYS ENGLAND final substantive response submitted on 25th January 2018 withdrew their objection subject to a condition regarding the submission of a detailed scheme of highway works for improvement to the A27/Yapton Lane junction.

LOCAL HIGHWAY AUTHORITY:

A holding objection was raised initially by the Local Highway Authority.

The current application seeks outline approval with access to be approved at this stage. The scheme proposes 45 units along with a vehicular access onto North End Road. The proposals are not supported by way of a Transport Statement, therefore there are no trip rate estimations, detail on sustainable transport measures or assessments of the sites access proposals. As such, it is current WSCC policy to

request that a Stage One Safety Audit and Designers Response are provided in support of the proposal. These documents must be signed and dated by the respective authors. Given that this information and formal Transport Statement are missing, a holding objection would be raised pending the receipt of these documents. Notwithstanding this and whilst it is accepted that this scheme may be subject to alteration following the Safety Audit, the scheme does include an existing vehicular access onto North End Road, the access does appear to be designed to meet current standards with kerb radii of 6 metres provided and visibility splays of 2.4 by 43 metres do appear achievable. The application form indicates that the internal road will not be offered for adoption. Detail of the proposed internal arrangements will be considered at the 'Detailed Design' stage. Parking provision is stated as meeting the requirements of the WSCC Parking Demand Calculator, although the outputs from this are not provided. In principle, no significant concerns would be raised with this proposal. However, prior to the Local Highway Authority making a formal recommendation, a Stage 1 RSA and Designers Response is required. For that reason, a holding objection would be raised.

On 14th August 2017 the LOCAL HIGHWAY AUTHORITY submitted a second series of comments:

- The submitted TRICS survey is accepted although would like to see a print out of the survey data and selection parameters to ensure this complies with best practice.
- Whilst it is appreciated the site's access is existing and has been in place for some time, WSCC's Road Safety Audit (RSA) Policy dictates that a safety audit is required for 'all major' applications when there is an intensification in use of the existing access, 'Major' applications are defined as residential development of 10 units or more.
- WSCC will not be withdrawing its objection until an RSA has been completed.

On 17th August 2017 the LOCAL HIGHWAY AUTHORITY submitted a third representation:

- In the absence of a Stage 1 Road Safety Audit being submitted alongside the application, the LHA raises an objection to the proposed development on the following grounds - "The applicant has failed to demonstrate that safe and suitable access can be achieved, contrary to paragraph 32 of the National Planning Policy Framework". A Stage One RSA must be submitted as part of the current planning application for consideration alongside relevant supporting documentation.
- At this stage the applicant has not demonstrated sufficiently that the access provides safe and suitable access for all users.

On 12th January 2018 the LOCAL HIGHWAY AUTHORITY submitted a fourth representation:

- The applicant has provided an addendum which provides the Stage 1 Road Safety Audit (RSA) and the TRICS Output data to support the capacity aspects of the application, requested by the Local Highway Authority (LHA). Having considered the applicant's latest submissions, the LHA does not consider that the proposed would have 'severe' residual impact on the operation of the highway network, therefore it is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal.
- Consequently, no objection is raised subject to the imposition of conditions regarding the construction of the vehicular access; the provision of a construction management plan; and the submission of revised plans and details incorporating the recommendations given in the Stage 1 Road Safety Audit and accepted in the Designers Response. The Local Highway Authority is also requesting the construction of passing places alongside Maypole Lane in accordance with the recommendations set out in the Road Safety Audit.

On 22nd January 2018 the LOCAL HIGHWAY AUTHORITY confirmed that, as the proposed passing places on Maypole Lane are outside the application site, a condition is fine for this rather than a Legal Agreement as the mechanism in which the passing places would be constructed is via the S278 process.

ADC HOUSING:

No objection in principle.

The Council aims to ensure that 30% affordable housing is achieved on all new residential developments in the district where more than 15 units are proposed such as on this application site. The applicant is proposing to provide up to 14 (30%) affordable housing on-site which meets the policy requirement. The proposed tenure mix is 75% Affordable Rent and 25% intermediate housing, which is acceptable to the Council. There is a high demand for affordable housing throughout Arun District for both rent and low cost home ownership. As at March 2017, there were around 1,200 households in housing need on the Council's housing register. The intermediate housing (shared ownership) dwellings should comprise of a mix of 1, 2 and 3 bed dwellings. Four bed dwellings are not recommended. The affordable housing should be integrated into the overall development to form clusters. The Council would not support capped percentage transfer values to a provider of affordable housing being applied to the affordable housing. The Council would request that the applicant engages with one of the preferred registered partners for the acquisition of the affordable housing, or a non-registered affordable housing provider acceptable to the Council.

ADC ENVIRONMENTAL HEALTH:

No objection subject to a condition..

The site appears to be low risk in terms of contaminated land. Environmental Health now has a requirement that each home should have an Electric Vehicle charge point; as petrol and diesel cars and vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality. Should the development not be connected to the mains sewerage, Environmental Health would need further details to ensure that any Package Sewage Treatment Plan does not have the potential to cause odour or nuisance issues to current or future residents.

SOUTHERN WATER:

No objection subject to the imposition of conditions.

The results of an initial desktop study indicate that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the foul sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the NPPF. Alternatively, the applicant could discharge foul flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the foul system. A topographical survey and/or a CCTV survey would be required with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed foul flow will be no greater than the existing contributing flows. Under current legislation and guidance SuDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Consequently, where a SuDS scheme is to be implemented, the drainage details submitted to the LPA should: specify the responsibilities of each party for the implementation of the SuDS scheme; specify a timetable for implementation; provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

WSCC (LEAD LOCAL FLOOD AUTHORITY)

No objection.

The majority of the application site is at low risk from surface water flooding. Any existing surface water flow paths across the site must be maintained or appropriate mitigation strategies proposed. A wholesale site level rise via the spreading of excavated material should be avoided. The application site is shown to be at moderate/high risk from ground water flooding based on the current mapping. Where the intention is to dispose of surface water via infiltration / soakaway, these should be shown to be suitable through an appropriate assessment carried out under the methodology set out in BRE Digest 365 or equivalent. No

development should take place within 5 metres of any ordinary watercourse. If works are undertaken within, under, over or up to an Ordinary Watercourse., even if this is temporary, an Ordinary Watercourse Consent (OWC) may need to be applied for from the District Council. Development should not commence until finalised detailed surface water drainage designs and calculations for the development have been submitted to and approved in writing by the Local Planning Authority. The drainage designs should demonstrate that the surface water run-off generated up to and including the 1 in 100 year, plus climate change, critical storm will not exceed the run-off from the current site following the corresponding rainfall event. Development shall not commence until full details of the maintenance and management of the SuDS system is set out in a site specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved designs.

ADC DRAINAGE:

No objection subject to the imposition of conditions.

Infiltration must be investigated for surface water disposal. Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design .

ADC ARCHAEOLOGY:

No objection subject to the imposition of a condition.

Whilst it is true that the site is not within or close to any identified area of archaeological interest, it lies on a part of the coastal plain that has been demonstrated to have been relatively densely settled since the neolithic period and where the potential of a site to contain archaeological interest is proportionate to its size. In the circumstances it would be prudent to carry out an investigation of the site prior to it being developed in order to identify any archaeological deposits that might be present and to implement appropriate measures for their preservation. This would be best secured by means of a condition whereby no development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.

ADC ECOLOGY:

No objection subject to the imposition of conditions. The applicant has had a bat survey undertaken on the buildings on the site; but no surveys have been carried out of the rest of the site with regards to other protected species. An extended phase one habitat survey was requested and carried out by the applicant. Any mitigation measures required will need to be submitted as part of the planning application prior to determination. The lighting scheme for the site will need to take into consideration the presence of bats and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. Any works to the trees, vegetation clearance, demolition on the site should only be undertaken outside the bird breeding season which takes place between 1st March and 1st October. Due to the presence of swallow nests within the buildings due for demolition, suitable bird boxes should be installed onsite prior to determination. Nesting opportunities should also be incorporated into the houses.

ADC GREENSPACE:

No objection.

Developments of 7 dwellings or more are expected to provide open space on site. The Council's SPG guidelines which apply to development of houses and are based broadly upon the National Playing Fields Association's (NPFA) "Six Acre Standard". The superseded Fields in Trust guidelines (FIT) 'Beyond the Six Acre Standard' recommends that 3.2 hectares of open space are provided for every 1,000 people i.e. 32 square metres of open space per person. This would recommend that .34Ha are provided as a minimum within this development. Confirmation is required of the areas of public open space being proposed with this development and how this integrate within the site. With the number of houses on this proposed site being up to 45 this would trigger the need for on-site local area play (LAP), LEAP and MUGA contribution and landscaped open space areas. Section 106 monies would be sought if provision for play is not met on site at a rate of £1600.00/dwelling to be allocated to local off-site play enhancement. The existing established vegetation around the site must be protected and retained. A tree retention and protection plan detailing the tree protection measures to be taken would need to be submitted and approved, this relates to the established tree cover to the periphery of the site and north / eastern access point. The tree protection measures should be in place prior to the commencement of construction. A detailed landscape scheme will need to be presented at the reserved matters stage that will maximise the biodiversity of the site in its semi-rural setting with the inclusion of mixed ornamental and native species for the retention of a variety of habitats. The landscape proposals will need to be shown in plan from detailing species choice, planting densities and size at time of planting; and will need to include mitigation planting for removed vegetation and additional planting would be required to provide screening and to soften what is presently a green area. If planning permission is granted, it is requested that an early implementation of any new planted areas are undertaken.

WSSC INFRASTRUCTURE:

- * Education: No spare primary / secondary / further secondary schools in catchment areas have spare capacity to accommodate the children generated. Formula based contribution into legal agreement so that the education contribution may be calculated at a later date. The contributions generated by this proposal shall be spent on additional facilities at Yapton C of E Primary School; additional facilities at St Philip Howard Catholic High School; and on additional equipment at St Philip Howard Catholic High School's Sixth Form.
- * Library: Formula based contribution into S106 Agreement so that the library contribution may be calculated at a later date. The contributions generated by this proposal shall be spent providing additional stock at Arundel Library.
- * Fire and Rescue: Formula based contribution into S106 Agreement so that the fire service contribution may be calculated at a later date. The Fire and Rescue Service Contribution should be used towards the supply and installation of additional fire safety equipment to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Yapton.

SUSSEX POLICE:

No objection.

The development should demonstrate that it has outward facing dwellings with back to back gardens which will create a good active frontage with the street and public areas being overlooked, avoiding the need for vulnerable rear garden pathways. Parking should be provided with either in-curtilage, garage and car barn parking or on street parking bays, leaving the street layout free and unobstructed. Where any communal parking occurs it is important that it must be within view of an active room within the house(s). The provision of garden fencing and gates is also recommended.

COMMENTS ON CONSULTATION RESPONSES:

The comments and any issues are addressed in the Conclusions section of this report.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Flood Zone 1 (low risk);
Lidsey Treatment Catchment Area;
Special Control of Adverts;

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

DEV17	Affordable Housing
GEN11	Inland Flooding
GEN12	Parking in New Development
GEN18	Crime Prevention
GEN2	Built-up Area Boundary
GEN20	Provision of Public Open Space within New Development
GEN25	Water Resources
GEN29	Nature and Conservation Across the District
GEN3	Protection of the Countryside
GEN32	Noise Pollution
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage
GEN26	Water Quality
GEN28	Trees and Woodlands
GEN33	Light Pollution
GEN5	Provision of New Residential Development

Publication Version of the Local Plan (October 2014):

D DM1	Aspects of Form and Design Quality
H DM1	Housing Mix
H SP2	Affordable Housing
INF SP1	Infrastructure provision and implementation
OSR DM1	Open Space, Sport & Recreation
SD SP1	Sustainable Development
C SP1	Countryside
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
HER SP1	The Historic Environment

LAN DM1 Protection of Landscape Character
 QE DM2 Light Pollution
 QE SP1 Quality of the Environment
 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 BE2](#)

Yapton neighbourhood plan 2014 Policy E3	High speed broadband
Yapton neighbourhood plan 2014 Policy E4	Protection of natural habitats
Yapton neighbourhood plan 2014 Policy E5	Minimising the environmental impact of development
Yapton neighbourhood plan 2014 Policy E8	Enhancement of biodiversity
Yapton neighbourhood plan 2014 Policy E9	Conservation Areas
Yapton neighbourhood plan 2014 Policy H3	Listed Buildings and Buildings or Structures of Character
Yapton neighbourhood plan 2014 Policy SA1	Dwellings appropriate for the needs of older people
Yapton neighbourhood plan 2014 Policy BB1	Land north of Yapton CE Primary School
Yapton neighbourhood plan 2014 Policy E1	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E11	Protection of high value agricultural land
Yapton neighbourhood plan 2014 Policy H1	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy H2	Housing requirement
Yapton neighbourhood plan 2014 Policy PK1	Dwelling size
	Parking standards for new residential development

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
 NPPG National Planning Practice Guidance

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 taken 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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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 (Regulation 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

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 (Regulation 14).

Yapton Neighbourhood Plan was made on 5th November 2014.

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 proposed development is located outside the built up area boundary (BUAB) of Yapton and is

therefore considered to be contrary to the relevant Development Plan policies. However, there are significant material considerations that would weigh in favour of the proposals and the policies within the development plan that relate to the supply of housing are out-of-date.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations 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 three recent decisions concerning the Call-in Inquiries for the Fontwell (WA/22/15/OUT), Burndell Road (Y/19/16/OUT) and Ford Lane (Y/80/16/OUT) applications;
- * 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);
- * 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:

Objections have been raised by both the Parish Council and local residents on the matter of the principle of the development in this countryside location.

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 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 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 is outside the BUAB and the application site is therefore 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 YNP 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 ('the modified eALP'); and the main modifications published in January 2018

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.

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 south west 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 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, as it constitutes a windfall site.

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 2.07 years (as at 31/03/17). 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.

HELAA

According to the Arun Local Plan Viability Study 2016, and the HELAA Achievability Summary the site is considered to be viable and achievable. The site is considered to be deliverable in the HELAA 2017. The suitability summary in the HELAA says that "the site is outside but adjoining the settlement boundary. Currently, development on this site would contravene policy and therefore the site would not be considered to be suitable. However, from the information available, 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". The Availability summary goes on to say that "The site is available and being promoted as of June 2016 - Whilst it is believed that this site can be developed in isolation and in its own right, it is believed that it can be most effectively developed jointly with two additional landholdings to the south which lie between this site and that north of Yapton C of E Primary School". The HELAA is not planning policy and the resolution of LPSC was only to 'invite' applications. It does not imply that an approval would follow.

FIVE YEAR HOUSING LAND SUPPLY

Currently the Council is unable to demonstrate a 5-year housing land supply as required by paragraph 49 of the NPPF. 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 that 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.

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 protect 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.

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.

The nearest schools would be:

- * Yapton Cof E Primary School;
- * Ormiston Six Villages Academy, Westergate; and
- * St Phillip Howard, Catholic School (6th Form), Barnham

In terms of employment, it is considered that the following areas are all within around 2km of the site:

- * The eastern edge of Barnham;
- * Lake Lane/Yapton Lane Horticultural sites;
- * The whole of Yapton; and
- * Ford Airfield.

The following facilities are available in the local area within a walking distance of less than 400 metres from North End Road:

- * The Yew Tree Medical Surgery; and
- * North & South-bound bus stops (including one adjacent to the site on North End Road).

The following facilities are available in the local area within a walking distance of between 400 metres and 1200 metres from the access onto North End Road:

- * The Maypole Inn;
- * St Marys C of E Church;
- * Yapton Free Church;
- * Yapton & Ford Village Hall;
- Yapton Play Area; and
- * The Yapton Village Centre (Co-Op, butchers, hair salon & chip shop).

The following facilities are located further afield:

- * Bilsham Road Stores;
- * Meadowcroft Surgery;
- * Windmill Shopping Village; and
- * Barnham Railway Station.

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 these.

(2) Social Role

It is considered that the proposal could help to support the local community by providing up to 45 new homes including 14 affordable dwellings to help meet future needs. 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;
- * Financial contributions towards local libraries, education establishments and (potentially) doctors' surgeries;
- * The creation/maintenance of construction jobs; and
- * Additional spending by new residents on local goods & services.

However, there would be a potential cost to the local equestrian economy due to the loss of a horse paddock.

Assessment of Sustainable Development

It is considered that the proposal is clearly environmentally and socially sustainable. There would be a cost to the local economy from the loss of high quality agricultural land but this is weighed against the previous and current uses of the land (grazing by horses or sheep) and the economic benefits of the scheme which are considered to override the costs. Therefore, it is considered, on balance that 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 up to an additional 45 houses which are needed in the Arun District. 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.

Some policies of the Framework are cast in terms which indicate that in certain circumstances planning permission should be restricted. These, in this case, relate principally to landscape, flooding, access/highway safety and the natural environment. Having regard to the tests set out in the NPPF in relation to these issues, and in the context of the content of this report, it is considered that the circumstances are such that none of these issues amount to a reason for withholding planning permission either because the matter can be controlled by suitable conditions, content of the Section 106 agreement or because the public benefit outweighs the harm in respect of any such issues.

It is therefore considered that the objections on the grounds of principle raised by both the Parish Council and by local residents have been resolved by the above analysis.

PREMATURITY:

The Parish Council consider that this proposal is premature as it should have been considered by way of proper consultation and co-operation between the Council, landowners and the Community such as through a Small Sites Document as part of the emerging Local Plan or a review of the Yapton Neighbourhood Plan.

Paragraph 014 (Reference ID: 21b-014-20140306) of the Government's 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."

Although the eLP is at an advanced stage and therefore (b) applies, the proposal is not considered to be so substantial or have a cumulatively significant effect on the settlement. Furthermore, this application was submitted following the Local Plan Sub-Committee resolution in December 2016 to invite planning applications for sites identified as being 'deliverable' and sustainable within the HELAA. It is therefore considered that a refusal on grounds of prematurity could not be supported.

OTHER MATTERS

MASTERPLAN

A letter was sent out from Arun District Council on 31st October 2017 requesting that the applicant coordinates with fellow landowners / developers in order to prepare a Masterplan to cover proposed residential development on land between Bonhams Field and Land at Street Buildings. No response has been received from the applicant. Bonhams Field has subsequently been granted planning permission.

Design and Access Statement:

A Design and Access Statement (DAS) has been submitted with the outline planning application. The DAS includes principles of development and it demonstrates how the design for the site evolved. The DAS addresses the following issues, which would be a matter for the detailed Reserved Matters stage, but provides an indication of the ability to deliver an acceptable scheme and whether or not there are objections sufficiently significant to override the factors that weigh in favour of granting planning permission.

DENSITY

The site could accommodate some 56 houses at a gross site density of 30 dph, however, the applicant has had regard to the site characteristics, surrounding properties, the desire to safeguard existing tree screens and provide appropriate open space and access, it is proposed to limit the developable area to accommodate up to 45 houses in the area identified on the submitted Indicative proposed Block Plan.

HOUSING MIX

YNDP 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 does not include a specific housing mix; but this would be provided at the reserved matters stage.

It is 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 would need to be imposed to ensure that the reserved matters application fulfils this requirement.

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

APPEARANCE AND SCALE

Policy GEN7(i) requires new developments to respond positively to the identified characteristics of a particular site to create developments which respect local characteristics.

The applicant claims in the Design and Access Statement that the proposed housing would be of traditional, vernacular, two storey design. The open space and landscaping would enhance the appearance of the site when viewed from North End Road. Scale and appearance will be covered at the reserved matters stage.

LAYOUT

Policy GEN7 of the ALP says that "Planning permission will only be granted for schemes displaying high quality design and layout".

The proposed layout will be covered in detail at the Reserved Matters stage, however, the Indicative Proposed Block Plan demonstrates that the site could accommodate 45 houses, together with gardens, landscaping, open space, access roads, together with off-street and on-street parking provision.

LANDSCAPING AND OPEN SPACE

Although the site is neither within a protected landscape nor likely to impact on the setting of the South Downs National Park, the protection of landscape character is still an important consideration.

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

There are no landscape based policies within the YNDP however regard should be had to Policy LAN DM1 of the modified eALP which states that:

"Development throughout the plan area should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas."

The proposed amount of open space measuring 0.3 hectares including a Local Area for Play (LAP)

comprises an area of land that exceeds that required by ADC to accompany residential development.

Landscape details would be provided as part of the reserved matters application.

Arun DC Landscape Officers have not raised any objections to the scheme on landscape or visual grounds or open space grounds and have requested the submission of detailed landscaping proposals at reserved matters stage. The proposal is therefore considered to accord with policy GEN7 of the ADLP and policy LAN DM1 of the modified eALP.

HIGHWAYS AND ACCESS

West Sussex County Council - the Local Highway Authority - originally objected to the proposed development as the application lacked a Road Safety Audit and the TRICS trip information had not been submitted. The Local Highway Authority withdrew its objection on 12th January 2018 following the submission of the requisite information. Highways England (HE) which has responsibility for the impact of development on the Strategic Road Network withdrew its objection on 18th January 2018 even though no transport statement had been submitted with the outline planning application. It is the cumulative impact of all planned and proposed developments within the Yapton/Walberton area that is the issue and not just the Land at Street Buildings proposal.

TRICS Data

The TRICS data, submitted by the applicant in the Addendum to the Design and Access Statement, suggests that there will be 23 two-way movements in the morning and evening peak hours. 191 two way total movements over a 12 hour day equates to approximately 16 two way movements an hour. Of these, approximately 70% are likely to relate to vehicle trips meaning around 134 two way vehicle trips per day and 11 two way trips per hour. The TRICS outputs are based upon developments of a larger scale compared with the proposed development (Y/49/17/OUT), however the sites used are still considered to be comparable in terms of planning use class and location to that proposed, in accordance with TRICS Best Practice Guidance. As such the trip rate generated provides a realistic indication of likely trip generation from the new dwellings. It is recognised that this proposal would give rise to a more intensive use of Maypole Lane. However, 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.

ACCESS

The existing vehicular access from Maypole Lane would be retained for use by vehicle, pedestrians and cyclists; and the visibility splays would be retained. The access onto Maypole Lane would require upgrading and the access would be subject to a Section 278 Agreement. The applicant is proposing to close the existing access from the site onto North End Road to vehicles and to convert the access into a shared landscaped access for use by pedestrians, cyclists, motorised scooters and wheelchairs. The Indicative Proposed Block Plan illustrates how the site could be laid out around a central spine road.

Layout of Access Road

There are no concerns from the Local Highway Authority with the indicative road layout. The access road would take the form of a 5.5 metre wide shared surface arrangement with 8 metre kerb radii. Passing places would be required on Maypole Lane. The Local Highway Authority has agreed that the construction of passing places on Maypole Lane should be included as part of a planning condition.

Parking

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.

Parking provision is stated as meeting the requirements of the WSCC Parking Demand Calculator; the parking allocation is in accordance with the demand from the Calculator. From checking and based on the proposed mix and tenure of the dwellings, the car parking provision is anticipated to satisfy the likely demands.

Road Accidents

According to data supplied by Sussex Police over the last 3 years, there have been no recorded injury accidents in the vicinity of the site access onto Maypole Lane. The same data indicates that no accidents have been recorded that involve pedestrians or cyclists within the vicinity of the site and North End Road.

Pedestrians

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".

There is an existing footpath leading to Barnham and Yapton fronting the application site; although this is not street lit through its entirety to the east and the walk is also through a more rural area that may be undesirable for some to walk. To the West the footway is lit. Tactile paving is present at the mini roundabout leading to North End Road- encouraging pedestrians to cross at a safe location.

Within the application site, improvements are proposed to provide a length of internal footway connecting to the eastern side of North End Road. This would then provide a workable route for pedestrians towards the village centre and the nearest bus stops. Details have been provided of this improvement with a footway shown measuring 2.0 metres.

Sustainability

Yapton is considered a sustainable area, with local shops and amenities within walking distance of the site. There is a nearby school (Yapton Primary) which is located in North End Road; linked via street lit pedestrian footpaths. Within Yapton there is a shop/post office, hairdresser and takeaway, as well as community and recreation areas within walking distance, making this a sustainable location. The residents of the proposed development would inevitably still be reliant upon the use of the private car for the significant majority of daily trips, however it is recognised that this is a small scale development intended to be provide for local housing needs. Paragraph 34 of the NPPF states that "Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas". Paragraph 29 states that " different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas".

Public Transport

Bus stops are located to the east of the site, one in North End Road immediately adjacent tot he proposed pedestrian/cycle access; and the second further along the B2233 which is served with a shelter. Two buses 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. There are 8 services per day, this service links Bognor Regis, Barnham, Yapton and Walberton. There are also bus services from Yapton village hall further to the east.

The nearest Rail service is located 1.3 miles away in Barnham, this is reachable via bus which is a 16 minute journey and on foot approximately 24 minutes. Barnham station operates with regular services to Bognor, Brighton, Portsmouth and London Victoria, which offers an alternative to the use of a car for

commuting.

It is therefore considered that the proposed development is in accordance with the relevant development plan policies including GEN12 and GEN15 of the ALP and policies T DM1 and T SP1 of the modified eALP; and in respect with the guidance with the NPPF.

HERITAGE

YNDP Policy E9 refers to Listed Buildings but only concerns the loss of such buildings and does not refer to impacts on setting. Therefore, in respect of harm to the setting of listed buildings, it is necessary to refer to the National Planning Policy Framework (NPPF) and to policy HER DM1 of the eLP (Arun Local Plan 2011-2031 Publication Version showing Modifications).

Paragraph 132 of the NPPF states that the significance of a heritage asset can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 133 states that where a proposed development will lead to either 'substantial harm' or 'less than substantial harm' then this should be weighed against the public benefits of the proposal. Paragraph 134 therefore advises that 'the harm should be weighed against the public benefits of the proposal'. Paragraph 137 is also relevant and states that new development within the setting of Listed Buildings or Conservation Areas should enhance or better reveal their significance.

Emerging Arun Local Plan policy HER DM1 states that proposals affecting Listed Buildings will be required to "protect, and where possible enhance the setting of the building".

The applicant has submitted a supplementary Heritage Statement with the planning application. The Old Cottage, on North End Road is a Grade II Listed Building, situated within its own original garden plot, where it has remained self-contained and unaltered since 1876. The north eastern corner of the application site abuts the rear garden boundary of the Listed Building, but neither the house nor its garden are visible from the application site due to intervening trees, hedges and buildings. The Heritage Statement concludes that the proposed development would not adversely affect the setting of the Listed Building and would cause no harm to its significance as a heritage asset.

The listed building is well screened from the application site. This being the case, it is considered that the harm to the heritage assets would be less than substantial. As noted above, paragraph 134 of the NPPF advises that less than substantial harm should be weighed against the public benefits of the proposal. It is therefore necessary to make an on balance judgement as to whether the wider benefits of the proposal outweigh the resultant harm to the significance of the affected designated heritage assets.

It is considered that the development would result in the following benefits:

- * The sustainable development of 45 new homes including 14 affordable homes to help meet local and district wide needs;
- * An increase in Council Tax receipts associated with the 45 new homes;
- * New Homes Bonus payments from the Government paid to the Council;
- * Financial contributions towards local libraries, education establishments and (potentially) doctors' surgeries;
- * The creation/maintenance of construction jobs;
- * Additional spending by new residents on local goods & services; and
- * A boost to the vitality & viability of the settlement of Yapton as a whole.

It is considered that on balance, these benefits as a whole outweigh the less than substantial harm to the significance of the affected designated heritage assets. Therefore, the proposal is considered to be in accordance with the relevant development plan policies and the NPPF.

FLOODING

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."

The applicant has submitted a Flood Risk Assessment (FRA) as the site exceeds 1.0 hectare. The application site is located 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 FRA concludes 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 run-off from the site has given rise to flooding events elsewhere; and there are no ordinary watercourses on the site or nearby. Consequently, there is no reason why the proposed development could not be satisfactorily drained using standard SuDS with a design agreed at reserved matters stage.

Both WSCC and ADC Drainage Engineers have commented on the application. However, neither raised an objection to the principle of development and instead required details to be provided at a later stage in respect of surface water drainage.

It is therefore considered that the proposal is in accordance with the relevant development plan policies.

DRAINAGE

Arun Local Plan policy GEN9 also 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 raised no objection to the application (Y/49/17/OUT). Foul drainage would be via a connection to the existing foul sewer network serving this part of Yapton. There is a statutory right to connect to the network and Southern Water Ltd are legally required to ensure that the sewer system has the capacity to accept that connection, by means of a condition.

Given the low risks of surface water flooding, the proposed development could be drained through discharge into the ground (infiltration) through the use of infiltration structures such as soakaways and permeable paving.

TREES & ECOLOGY:

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.

Objections have been raised by local residents as to the impact of the proposed development on wildlife species using the fields. It is noted that none of the specific wildlife species mentioned are protected

species.

The applicant submitted an Extended Phase 1 Habitat Study which concluded there were no habitats on site suitable for any protected species and no reasonable likelihood that any are present so no protected species surveys are to be recommended. Recommendations were made in the Extended Phase 1 Habitat Study regarding opportunities to enhance the ecology and biodiversity of the site and achieve net gains in biodiversity as a result of the development.

The applicant is proposing to retain all existing trees where practicable. The existing tree belts on the northern, western and southern boundaries of the site would be enhanced by further planting as part of any detailed landscaping proposals submitted at the reserved matters stage.

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

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). It is not possible to make an assessment at this time as there are no floorplans.

Policy D DM3 of the modified eALP sets out the Council's external space standards and despite not being an adopted policy is currently being used for development management purposes and has been subject to testing at appeal.

There are two requirements to the policy. Firstly, a minimum rear garden depth of 10m. The rear garden depth serves to (a) ensure that rear gardens are usable spaces and (b) to provide for a 20m back to back distance between dwellings. This depth standard may be relaxed if both of the following situations are in existence: (a) there is no back to back arrangement (and no realistic possibility of a future back to back arrangement); and (b) where the garden is sufficiently wide so as to exceed the area requirement.

The second requirement concerns the area of the private rear garden and in this case should be at least 50m² for 2 bedroom terraced houses, 65m² for 3 bedroom terraced houses, 85m² for semi/detached properties of no more than 3 bedrooms and 100m² for larger semi/detached properties. Flats are dealt with differently and would require a small private space such as patio, roof garden or balcony.

The space standards will be considered at the reserved matters stage.

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 14 units and this therefore complies with the policy requirement. A planning condition will specify that a detailed mix of affordable house types and tenures will be confirmed at the reserved matters stage.

RESIDENTIAL AMENITY:

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 existing neighbouring properties. In particular, the applicant is proposing on the Indicative Proposed Block Plan to locate the open space on the application site to the rear of Park Cottages, consequently there would be no overlooking from the new houses into the gardens of Park Cottages or Yapton Lodge or The Old Cottage, or any undue loss of privacy.

Consequently, the proposed development complies with policy GEN7 of the ADLP.

NOISE POLLUTION

The NPPF, Policy GEN32 of the ALP and Policy QE DM1 of the modified eALP emphasise that noise sensitive development will not be permitted if its users would be affected by noise by proposed noise generating uses.

The siting of the proposed housing in the indicative proposed block plan on the western part of the application site away from the properties at Park Cottages, which are located along the eastern boundary, would ensure there was no noise pollution from the new houses affecting the existing residents.

Environmental Health has not raised an objection in terms of noise emissions from the proposed residential development on the existing residents at Park Cottages.

Consequently, it is considered that the proposed development complies with Policy GEN32 of the ALP and Policy QE DM1 of the modified eALP.

LIGHT POLLUTION

Policy GEN33 of the ALP and Policy QE DM2 of the modified eALP emphasise the need to consider the impact of light on neighbouring uses and wider landscape, particularly with regard the South Downs International Dark Sky Reserve designation, light levels should be the minimum required for security and working purposes, and minimise potential glare and spillage.

It is considered that the application site is in a rural area of the district, on the boundary of Yapton. As the proposed houses would be sited according to the indicative proposed block plan on the western part of the application site away from the properties at Park Cottages, which are located along the eastern boundary, this would ensure there would be no light pollution emitted from the new houses affecting the existing residents along North End Road.

Environmental Health has not raised an objection in terms of light emissions from the proposed residential development on the existing residents at Park Cottages.

Consequently, it is considered that the proposed development complies with Policy GEN33 of the ALP and Policy QE DM2(a) to (d) of the modified eALP.

SUPPORTING INFRASTRUCTURE:

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)"

Development is only acceptable with the provision of, or contributions to, the necessary infrastructure and facilities to mitigate the impacts of the development. Representations received raised concerns about the lack of capacity of healthcare facilities in the area, as the doctors surgery is nearing capacity.

The Heads of Terms in a legal agreement should include the following:

WSSC has confirmed that the present primary and secondary schools within the catchment areas of the proposal would not have spare capacity and would be unable to accommodate the children from the development. Contributions are requested (based on a formula to allow the contribution amounts to be based on the housing mix at the reserved matters stage). The contributions generated by this proposal are requested to be spent on additional facilities at Yapton C of E Primary School; additional facilities at St Philip Howard Catholic High School; and on additional equipment at St Philip Howard Catholic High School's Sixth Form. However, the schools contributions requested are not considered to be specific to a project at this time. Consequently, officers have requested further clarification and this will be reported to committee by way of an update. Notwithstanding this, it is considered that approving this outline planning application would not affect the overall provision of additional primary places in Yapton.

The Library Service has sought a formula based contribution into a legal agreement so that the library contribution may be calculated at a later date. The contributions generated by this proposal shall be spent providing additional stock at Arundel Library.

Fire and Rescue contributions have been sought by WSSC (formula based) towards the supply and installation of additional fire safety equipment to vulnerable persons homes in West Sussex Fire Rescue Services Southern Area serving Yapton. However, the Inspector at the Yapton appeal concluded that the provision of smoke alarms for vulnerable persons was not CIL compliant with the three tests in Regulation 122 of the CIL Regulations. Consequently, this requirement will not be progressed as a Heads of Terms in the legal agreement.

In terms of healthcare provision, the NHS were originally consulted on the application in July 2017 and have been chased for a response several times, but no reply has been forthcoming.

Subject to the satisfactory conclusion of the legal agreement negotiations it is considered that there are no barriers to achieving compliance with Policy GEN8 of the Arun Local Plan and Policies INF SP1 and INF 2 of the modified Local Plan by ensuring provision of the required infrastructure. An update on the legal agreement will be provided at the Development Control Committee meeting.

SUMMARY:

This outline planning application considers the development of up to 45 residential dwellings together with vehicular access from Maypole Lane and pedestrian/cycle access only from North End Road. All other matters regarding design, layout, appearance, scale and landscaping are to be the subject of a reserved matters application.

The proposed development is contrary to the Development Plan, but as the policies that relate to the built

up area boundary and protection of the countryside are out of date and little weight can be given to them, namely ALP GEN2 & GEN3 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 site is considered to be sustainable development and when applying the 'tilted balance' in paragraph 14 of the NPPF, there are no adverse impacts which would significantly or demonstrably outweigh the benefits. Significant weight must therefore be given to the provision of housing and affordable housing in the district. The proposed development is on balance acceptable in terms of the development plan when taken as a whole and is therefore recommended for approval.

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 in one of the most sustainable settlements in the district as stated in the Ford Lane Inquiry decision. The NPPF sets out a presumption in favour of sustainable development and for decision-taking this means:

- * approving development proposals that accord with the development plan without delay; and
- * 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 scheme is considered to be sustainable in terms of its location in proximity to local services and amenities, which can all be accessed without the need for private vehicle use. The proposed development is acceptable, subject to conditions in terms of highway impact and would not result in any adverse impacts upon biodiversity, landscape, trees, or surface water drainage. Despite concerns over the impact upon local infrastructure including schools and health care facilities, the proposed S106 Agreement would provide financial contributions towards local infrastructure improvements.

The layout, scale, appearance and landscaping of the site would be determined at reserved matters stage, however an indicative proposed block plan has been considered as part of this outline planning application.

It is therefore recommended that the application be approved.

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

There is a draft legal Agreement and it requires developer contributions (to be calculated by way of formula based on the eventual mix of houses) which will be required for:

Libraries

RECOMMENDATION

- 1 Details of appearance, landscaping, layout, and scale, (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority (LPA) before any development begins and the development shall be carried out as approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 2 Application for approval of the reserved matters shall be made to the LPA before the expiration of three years from the date of this permission. The development hereby permitted shall begin before the expiration of one year from the date of approval of the last of the reserved matters to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 This permission relates to the following submitted plans:
 - Location Plan
 - Indicative Proposed Block Plan Drg: PPC 2
 - Access arrangement Plan Drg: 160602 - 05
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy GEN7 of the Arun District Local Plan.
- 4 The layout details submitted pursuant to Condition 1 shall accord with the Indicative Proposed Block Plan Drg: PPC 2 and shall include:
 - i) 1.4 hectares (ha) of residential development comprising up to 45 dwellings on Area A and
 - ii) 0.31 hectares (ha) of landscaped open space on Area B which shall include a minimum 100 sq m area designated as a Local Area of Play (LAP).
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy GEN7 of the Arun District Local Plan.
- 5 The landscaping details submitted pursuant to Condition 1 shall include:
 - i) a plan showing the existing trees to be retained, together with details of measures for their protection during the course of development;
 - ii) the species, number, sizes and position of new trees, shrubs and hedging to be planted and details of any grassed or other planted areas (other than private gardens), including seeding

with an appropriate native British wildflower flora mix;

iii) Details of defined boundaries, means of enclosure, proposed use and items of equipment, proposed lighting and other structures to be installed on the landscaped open space, amenity areas (other than private gardens) and the LAP

iv) a landscape management plan detailing a programme for the implementation, long term management and maintenance of all landscaped amenity areas (other than private gardens), the 0.31 hectares of landscaped open space and the LAP.

No dwellings shall be occupied unless and until the landscaping has been implemented in accordance with the approved details and any trees, shrubs or hedging plants which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless otherwise approved in writing by the LPA.

Reason: In the interests of amenity and of the environment of the development in accordance with Policy GEN7 of the Arun District Local Plan.

6 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the LPA. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2: Glossary of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of the total number of dwellings approved at reserved matters stage of which 75% shall be social rented and 25% intermediate housing;

ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing (if no Registered Social Landlord is involved);

iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The affordable housing shall be retained in accordance with the approved scheme.

Reason: To enable the LPA to control the provision of affordable housing on the site in accordance with Policy GEN7 of the Arun District Local Plan.

7 No development shall commence until detailed design and construction drawings for the means of access/egress onto Maypole Lane as shown on Access arrangement Plan Drg: 160602 - 05 including passing places in Maypole Lane between the access/egress and its junction with North End Road have been submitted to and approved by the LPA and no dwelling shall be occupied until this access/egress has been constructed in accordance with the approved detailed design and construction drawings.

Reason: In the interests of road safety, in accordance with Policy GEN7 of the Arun District Local Plan.

8 No development shall commence until detailed design and construction drawings for the means of access/egress onto North End Road as shown on Access arrangement Plan Drg: 160602 - 05 have been submitted to and approved by the LPA and no dwelling shall be occupied until this access/egress has been constructed in accordance with the approved detailed design and construction drawings.

Reason: In the interests of road safety, in accordance with Policy GEN7 of the Arun District Local Plan.

- 9 No development hereby permitted shall take place until a detailed scheme of highway works for improvement to the A27/Yapton Lane junction has been submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. No more than 23 dwellings of the development hereby permitted shall be occupied until the completion of the approved improvements to the A27 junction with Yapton Lane.

Reason: To ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety, in accordance with Policy GEN7 of the Arun District Local Plan.

- 10 No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the LPA. The Statement shall provide for (but not necessarily be limited to):
- i) Vehicle parking for site operatives and visitors, and on-site turning space;
 - ii) Loading and unloading of plant and materials;
 - iii) Storage of construction plant and materials;
 - iv) Erection and maintenance of security hoarding, including decorative displays and facilities for public viewing as appropriate;
 - v) Wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) The location of any site huts/cabins/offices;
 - viii) Routeing of construction vehicles to and from the development site;
 - ix) Details of any temporary traffic management works required to construct any of the works;
 - x) Details of signage on the approaches to the site warning of the presence of construction vehicles and associated activities on or close to the public highway;
 - xi) Details of the Construction Design Management Co-ordinator and site foreman, including contact details (and out-of-hours contact details);
 - xii) Evidence of community involvement and/or public consultation prior to any works being carried out; and
 - xiii) Details of the hours of operation of all operational and construction vehicles on the site.
- Details of how measures will be put in place to address any environmental problems arising from any of the above shall be provided. A named person shall be appointed to deal with complaints and shall be available on site and their availability made known to all relevant parties. The Statement as approved shall be adhered to at all times throughout the construction period.

Reason: In the interests of highway safety and the amenities of the area, in accordance with Policy GEN7 of the Arun District Local Plan.

- 11 No development shall take place until a programme of archaeological work has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved by the LPA.

Reason: The site is of archaeological significance in accordance with Policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because archaeology can only be investigated before construction commences.

- 12 No development shall take place until details of the implementation, maintenance and

management of a sustainable drainage scheme have been submitted to and approved in writing by the LPA. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for the scheme's implementation; and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for the adoption by any public body or statutory undertaker, or any other Arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 13 Construction of the development shall not commence until details of the proposed means of foul water sewerage have been submitted to and approved in writing by the LPA. No dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure foul and surface water sewerage disposal is in place before construction commences.

- 14 No development shall commence until details the measures to avoid or mitigate ecological impacts and provide ecological enhancements as recommended in the Extended Phase 1 Habitat Survey prepared by Corylus Ecology and submitted with the planning application have been submitted to and approved by the LPA and no dwelling shall be occupied until the approved measures have been undertaken.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national guidance and Policy GEN23 and GEN29 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure measures are in place to protect wildlife and habitats on site prior to any disturbance.

- 15 The details referred to in condition 1 shall include details of the materials and external finishes of the buildings, surfaces for roads/footpaths, means of enclosure and the parking of vehicles, and the provision of samples of such materials and finishes as required. Development shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority.

Reason: To enable to the Local Planning Authority to control the development in detail in the interests of amenity in accordance with Policy GEN7 of the Arun District Local Plan.

- 16 Prior to the commencement of the development hereby approved, a detailed level survey of the site including existing and resulting ground levels and the slab levels of the building the subject of this approval, shall be submitted to and approved by the Local Planning Authority. The development shall proceed only in accordance with the details thus approved and there shall be no subsequent raising of levels without prior written approval of the Local Planning Authority.

Reason: In order to safeguard the amenities of the area and neighbouring residents in accordance with policy GEN7 of the Arun District Local Plan.

- 17 No dwelling shall be occupied until refuse and recycling bins have been provided and space has been laid out for their storage in relation to that dwelling in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall not be used for any purpose other than the storage of refuse and recycling bins.
- Reason: In the interests of the amenity of occupiers of nearby properties in accordance with Arun District Local Plan Policy GEN7 and DEV26.
- 18 There is a requirement that 25% of 1, 2 and 3 bed dwellings included as part of the development must be delivered to Lifetime Home standards.
- Reason: To ensure that part of the development allows for residents to remain in their own homes over the course of their lifetime in accordance with Policy H3 of the Yapton Neighbourhood Plan.
- 19 There is a requirement that the proposed reserved matters submission conform to the following range of dwellings: 1-bed dwellings: 10-15% of all dwellings; 2-bed dwellings: 25-35% of all dwellings; 3-bed dwellings: 45-55% of all dwellings; and 4+-bed dwellings: 5-10% of all dwellings.
- Reason: In accordance with Policy H2 of the Yapton Neighbourhood Plan in the interests of ensuring homes are provided to meet local demand.
- 20 No dwelling shall be occupied until space for that dwelling has been laid out for the parking of cars, motorbikes and cycles in relation to that dwelling in accordance with a drawing and schedule to be submitted to and approved in writing by the Local Planning Authority. These areas shall thereafter not be used for any purpose other than the parking of cars, motorcycles and cycles.
- Reason: In the interests of road safety and to accord with approved policy in accordance with Policy GEN7 of the Arun District Local Plan.
- 21 No development hereby permitted shall be commenced until a scheme for the location and installation of fire hydrants has been submitted to and approved in writing by the Local Planning Authority. For the purposes of this condition the scheme shall be in accordance with the Guidance Note: The Provision of Fire Hydrants and an Adequate Water Supply for Fire Fighting as published by West Sussex Fire and Rescue Services (as amended from time to time). No building hereby permitted shall be occupied until the fire hydrant(s) required to serve that building have been installed in accordance with the approved scheme.
- Reason: In order to provide adequate infrastructure for emergency services, in accordance with Policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure the safety of residents on the site.
- 22 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the National Planning Policy Framework, March 2012). Details and a timetable of how this is to be achieved for each phase or sub phase of development, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase or sub phase begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy in accordance with national planning policy, in accordance with Policy GEN7 of the Arun District Local Plan.

- 23 Prior to the commencement of development, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site shall be carried out in accordance with the approved strategy.

Reason: To safeguard the amenities of residents in accordance with Policy 7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because the provision of broadband needs to be incorporated into the design for the site.

- 24 As part of the approval of the reserved matters application, the applicant shall include details of how the scheme will link with surrounding land. The links shown shall then be provided prior to completion of the development and retained in perpetuity.

Reason: To promote sustainable development by encouraging walking and cycling in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 25 Any works to the trees or vegetation clearance on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 26 External lighting in association with the development should comply with Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light Limitations for Exterior Lighting Installations for Zone E2.

Reason: In the interests of residential amenity in accordance with Policy GEN7 of the Arun District Local Plan.

- 27 Prior to occupation of any of the dwellings, an electric vehicle charge point shall be installed to serve each dwelling and this shall then be permanently retained and maintained in working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with Policy GEN7 of the Arun District Local Plan, policy QE DM3 (c) of the Arun Local Plan 2011-2031 Publication Version showing Modifications and the National Planning Policy Framework.

- 28 INFORMATIVE: Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the site. Therefore, should any sewer be found during construction works,

an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

- 29 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 30 INFORMATIVE: Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol / oil interceptors.
- 31 INFORMATIVE: Due to surface water inundation issues in the Lidsey Catchment the applicant is advised to adopt, where appropriate, the measures in the table "Practical measures to reduce the potential impact of development". The applicant should look to protect the public sewerage system from inundation and infiltration, which contribute to flooding in unfavourable conditions.
- 32 INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 33 INFORMATIVE: The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The Applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.
- 34 INFORMATIVE: This development involves work to the public highway (strategic road network) that can only be undertaken within the scope of a legal Agreement or Agreements between the applicant and Highways England (as the strategic highway company appointed by the Secretary of State for Transport). Planning permission in itself does not permit these works.

It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are also obtained (and at no cost to Highways England). Works to the highway will normally require an agreement or agreements, under Section 278 of the Highways Act, with Highways England.

Advice on this matter with regards the strategic road network can be obtained from the Spatial Planning Team, Highways England, Bridge House, Walnut Tree Close, Guildford, Surrey, GU1 4LZ. Email: planningse@highwaysengland.co.uk Tel. 0300 123 5000.