

Recommendation Report for Outline Consent

REF NO:	Y/70/20/OUT
LOCATION:	Land East of Bilsham Road & land adjacent to Little Meadow Bilsham Road Yapton
PROPOSAL:	Outline application with access for 81 No. new dwellings including 18 self-build plots (but retaining Oak Trees & Little Meadow dwellings), 3 No. new light industrial buildings as part of an enlarged employment site, Public Open Space & a new Village Hall. The existing junction of Grevatts Lane West & Bilsham Road will be closed & Grevatts Lane West diverted to a new access point to the South. This application may affect the setting of Grade II Listed Buildings & is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Outline application seeking approval of the principle of development and access arrangements only. This was confirmed by email 14/08/20 as the application form stated all matters were to be considered. An indicative layout plan has been provided but layout is a reserved matter. The plan splits the site into areas for new dwellings (including self build plots in one area), an enlarged employment area with 3 new industrial units (stated to be B1(c)), buffer planting, public open space and a new village hall. The application proposes that the junction of Grevatts Lane West (henceforth abbreviated to GLW) with Bilsham Road will be closed and then a new limb of GLW is proposed to join Bilsham Road to the south west. The new junction would have visibility splays of 2.4m by 120m. A detailed access plan has not been provided. It is proposed to add a footway on the east side of Bilsham Road to connect the site to the existing footway extending south from Yapton. Such a footway would be just under 600m long and would be between a point just north of 84 Bilsham Road and the northern side of Taylors Close (where the existing footway ends). The full extent of this route is not shown on the plans and there is no detail as to whether this will involve road widening, road realignment, the purchase of third party land or any tree felling/vegetation removal. The extent of this is not included within the red edge.
SITE AREA	5.56 Hectares.

RESIDENTIAL DENSITY	14.6 dwellings per hectare overall. According to the masterplan the housing areas to have higher densities.
TOPOGRAPHY	Predominantly flat but there is a slight incline between Bilsham Road and Grevatts Lane West.
TREES	There are sporadic trees in the wider site as well as a line of Leylandii trees alongside the access from GLW. Trees are solely to site boundaries and the application indicates that none will need to be felled.
BOUNDARY TREATMENT	Boundary treatments mainly consists of post & rail, full/partial hedgerows or close boarded fencing.
SITE CHARACTERISTICS	The site is partly land associated with a dwelling known as Little Meadow and a large shallow pond; partly an industrial compound (comprising a dwelling, Oak Trees, three buildings in a mix of B1(c) & B8 uses with hardstanding, storage containers, open storage); and partly grassland used for the keeping of horses. The latter includes a detached field to the south of GLW. There is currently access to the two dwellings via a private drive with a junction onto Bilsham Road to the west. This access provides a route to the industrial units but is not suitable for goods vehicles. The main access to the industrial units is via Grevatts Lane West to the south. There is an existing stable building situated on part of the site to the east of the industrial buildings.
CHARACTER OF LOCALITY	Semi-rural. Surrounding open land is used for agricultural or equestrian purposes. There are dwellings alongside the eastern edge of Bilsham Road in a linear arrangement. Some of these border the western and south western edges of the site. There is good screening to the edges of the site with those dwellings in the southwestern corner. The field to the south of GLW is also well screened however, the larger part of the site is open to views from the north and east. Nos. 84 and 85 Bilsham Road (which amongst others adjoin the rectangular piece of land to the south of the industrial units) are designated as Buildings of Character. There are Grade II Listed Buildings to the west of Little Meadows. The adjoining land to the east has the benefit of a planning permission for a new Crematorium (Y/103/18/PL). To the south, Bilsham Road has a junction with the A259 with this junction known locally as "Comet Corner".

RELEVANT SITE HISTORY

Y/16/13/	Workshop/Storage Unit Building	Refused 29-05-13 Appeal: Dismissed 20-02-14
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Y/53/08/	Retention of existing stables and change of use of the land to equine use.	ApproveConditionally 21-10-08
Y/33/08/	Change of use of existing workshop buildings and land to B1/B8 use. External alterations to existing buildings.	Refused 13-08-08 Appeal: Allowed+Conditions 09-02-09

Y/16/13/ sought permission for a industrial building to comprise 3 new B1(c) workshop/B8 storage units. This was dismissed on appeal in early 2014 with the Inspector concluding that there would be harmful effects in respect of the character and appearance of the area and highway safety, as well as conflict with the development plan and the NPPF in that the proposal would not meet the definition of sustainable development. It is acknowledged that this decision was made in accordance with the previous Local Plan and the first version of the NPPF, however, it is considered that it remains a material consideration in the determination of this application.

Y/33/08 (APP/C3810/A/08/2088087/NWF) was allowed on appeal in February 2009. This sought consent to change the use of the existing workshop buildings and land to a B1/B8 use. No new buildings were proposed but there were external alterations. An application approved in 2005 (Y/68/04)(amended by Y/13/07) allowed an extension of one of the workshop buildings. This extension is the southernmost of the existing three workshops.

Pre-application advice was sought in 2017 for up to 150 dwellings and the potential loss of the industrial units. A decision was issued in August 2017 and this concluded that:

"It is considered that the site is not sustainably located and that the potential loss of the employment site, the loss of agricultural land and the impact on the local landscape are all adverse impacts which would override the benefits of 150 new homes and negate the presumption in favour of granting planning permission for such a scheme.

It should also be noted that paragraph 198 of the NPPF states that "Where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted". This indicates that development should be restricted but the weight to be afforded to this paragraph is reduced due to the fact that the Council cannot demonstrate a 3 year housing land supply in accordance with the Written Ministerial; Statement.

As such, it is considered that should this proposal be received as a planning application that it would be refused on the grounds of being unsustainably located, causing harm to the local landscape, the loss of high value agricultural land and potentially (should the industrial site be included), the loss of an existing employment site."

REPRESENTATIONS

Yapton Parish Council object for the following reasons:

- (a) YPC has met its new Parish housing allocation as part of ADC's Non-Strategic Site Allocations Development Plan Document (NSS DPD) process, Yapton's current work on modifying its Neighbourhood Development Plan and through several windfall approvals;
- (b) Unsustainable & isolated location being 1 mile from the village, 1.5 miles from the Yapton Primary School and having no pedestrian connection to the village;
- (c) The new community hall will be isolated from the rest of the village;

- (d) Harmful to this countryside location; and
- (e) Traffic congestion & safety particularly in respect of the Bilsham Road/A259 junction.

32 letters of objection (including from the neighbouring Clymping and Middleton Parish Councils) raising the following issues:

- (1) Countryside;
- (2) Loss of agricultural land;
- (3) Isolated & unsustainable location with no pedestrian access to Yapton;
- (4) No Heritage Assessment/no account of adjacent Listed Buildings/Heritage Assessment that was submitted has many issues;
- (5) Harm to historical character of the area;
- (6) New industrial buildings sited close to Listed Buildings;
- (7) Flood Risk Assessment based on desktop modelling data only;
- (8) Various other issues with the Flood Risk Assessment;
- (9) No consideration of surface water flooding on surrounding fields/on Bilsham Road;
- (10) No consideration of impact of development runoff to adjacent land;
- (11) Where will excess foul water go? Area is not on mains drainage;
- (12) Highway safety & congestion;
- (13) Application form states no closure of PRow yet proposal is to close GLW;
- (14) Not clear how the proposed new footway can be delivered noting existing driveways, also no footway drainage proposals or details of who will maintain this;
- (15) Issues with the Transport Assessment - out of date (over 3 years old), based on assumptions with no supporting data, states that industrial estate will be redeveloped, does not consider the surfacing of Bilsham Road, does not consider HGV movements, does not adequately consider the impact on Comet Corner, does not properly describe local road conditions, does not include full details of road accidents and does not reference the difficulties of bus movements in the area;
- (16) No tracking details;
- (17) No car park shown for the new village hall;
- (18) The 40 mph speed limit of this section of Bilsham Road is too high;
- (19) Light pollution;
- (20) Noise & Air pollution from new industrial units and extension of operating hours (7 days a week)
- (21) Conflict between industrial units and new houses;
- (22) Yapton already has a village hall;
- (23) No detail on end user of the hall;
- (24) Village hall means less on site public open space & less wildlife habitat;
- (25) No detail on who will maintain public areas and whether these will be accessible to those living nearby;
- (26) Insufficient education & medical provision for new people;
- (27) Proposed 2 & 3 storey houses not in scale with the area;
- (28) No detail of boundary treatments;
- (29) Insufficient detail on building materials;
- (30) Harm to wildlife;
- (31) No tree survey despite trees and hedges on the site;
- (32) Various issues with the submitted drawings;
- (33) Various structures (inc caravans) not shown on existing site plans;
- (34) Plans provided do not accurately show or correctly address existing dwellings at Hobbs Court;
- (35) Impact on property values; and
- (36) Increased crime.

COMMENTS ON REPRESENTATIONS RECEIVED:

The following comments are offered in response to the Barnham & Eastergate Parish Council objection:

- (a) Accepted. There remains a shortfall in housing land supply across the district and it is necessary to give due consideration to proposals for new housing development. This will be considered in the report conclusions;
- (b) & (c) Sustainability will be considered in the report conclusions;
- (d) Character will be considered in the report conclusions; and
- (e) Highway safety & congestion will be considered in the report conclusions.

Matters relating to the principle of development, heritage, flooding, surface/foul drainage, highway safety, pollution arising from the industrial site and biodiversity (items (1), (5), (6), (9), (10), (11), (12), (20), (21) & (30)) will be considered in the report conclusions. It should also be noted that as this application in outline, it is not necessary to consider any matters relating to layout, scale, external appearance or landscaping. Items (17), (19), (24), (25), (27), (28), (29) are not relevant considerations.

The following comments are offered in response to the remaining resident objections:

- (4) Accepted that the applicant did not supply a heritage assessment until one was requested from them. The Heritage Assessment will be considered under heritage in the report conclusions.
- (7) & (8) Noted. Flooding is considered in the report conclusions;
- (13) Noted however, there is currently no detail of layout, it may yet be the case that pedestrian access is maintained;
- (14) The Local Planning Authority shares these concerns;
- (15) & (16) Noted. The Transport Assessment has been assessed by WSCC Highways and as is clear from the following section of this report, they too have issues with the submission including the lack of tracking details;
- (18) This has nothing to do with the proposed development so cannot be considered;
- (22) & (23) Noted. The village hall will be considered elsewhere in this report. It is not considered relevant in the context of matters of principle & access for the end user need to be identified at this stage;
- (31) This point is accepted and technically the application could have been invalidated on this basis. However, as all trees & hedges are to the site boundaries and the indicative drawings suggest no development in these areas, it is not considered that a refusal on grounds of no tree survey could be justified. The impact of the layout on trees & hedges would instead be then considered at the Reserved Matters stage when layout details are provided;
- (32) - (34) Noted. It is accepted that some structures are not shown or not labelled correctly on the existing site plan however, these omissions are not considered to materially affect the determination of the application by the Local Planning Authority;
- (35) This is not capable of being a Material Planning Consideration; and
- (36) Noted however, the comments of Sussex Police do not raise this as an issue.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - no objection on the basis that the application make an appropriate contribution to the A27 mitigations agreed in the adopted Arun Local Plan.

SOUTHERN WATER - no objection subject to a condition to require approval of details of foul sewerage disposal.

SUSSEX POLICE - no objection but list a number of advisory notes regarding improving security.

WSCC HIGHWAYS - request more information to be able to assess whether the proposals would not have a severe impact on the adjoining network in line with Paragraph 109 of the NPPF. Request:

- a Full Transport Assessment;
- a Stage 1 Road Safety Audit (RSA) on the access arrangements including a Designers Response. The RSA should be in accordance with GG19 parameters;
- Detailed plan of the access based on visibility splays in accordance with a speed survey along Bilsham Road;
- Trip generation data;
- If an increase in trip movements is identified then a Junction Capacity Assessment may be required (re the Bilsham Road/A259 junction);
- More detail of the inactive internal arrangements within the site; and
- Assessment of accessibility from the site including the potential to improve pedestrian access and links to local facilities.

WSCC FIRE & RESCUE - no objection subject to a fire hydrant condition.

WSCC SURFACE WATER DRAINAGE - no objection subject to surface water drainage condition, note that:

- Site is at a low risk of surface water flooding;
- Any existing surface water flow paths across the site must be maintained;
- Site is at high risk of groundwater flooding;
- No historic records of flooding; and
- Ordinary watercourses running along the boundary of the site.

ADC DRAINAGE ENGINEERS - no objection subject to standards conditions but comment that:

- A drainage strategy has been submitted indicating that the hierarchy for sustainable drainage will be followed with infiltration fully investigated;
- Winter infiltration testing and winter groundwater monitoring must be undertaken and this should be agreed with engineers before it is carried out;
- If on-site infiltration is not possible, drainage via a restricted discharge to a suitable local watercourse may be acceptable;
- There is an ordinary watercourse to the east of the development area and this will require a minimum 3m wide buffer between the top of bank of watercourse and any structures that would limit access;
- If a connection is required to the pond then further investigation will be required;
- The flood risk assessment suggests that localised land raising to the south of the development will be required to bring proposed homes out of future flood zone 3a. This would be supported if it is demonstrated that it will not have a knock on negative impact upon surface water drainage;
- Pumping is not a sustainable solution and will not be accepted, natural topography should be followed; and
- Attenuation features should not be counted within useable public open space provision.

ADC ENVIRONMENTAL HEALTH - request that an air quality assessment is submitted and that more detail is provided on the new industrial units and relationship to dwellings including impact of odour, noise, dust, deliveries etc. Also request that contaminated land conditions be imposed.

ADC HOUSING STRATEGY AND ENABLING MANAGER - request that 24 affordable housing units be secured with a mix of 75% rented and 25% intermediate housing. The mix should be broadly in line with that set out in the Strategic Housing Market Assessment and where possible for a proportion of the

rented units to be set at a rent level of 60-65% of open market rent.

ADC CONSERVATION OFFICER - the proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 196 of the NPPF (2019) and it is therefore necessary to consider the public benefits that the development may achieve. Full comments available on the Council's website but the following is a summary of the main points.

- A basic heritage statement has been provided, but this only focuses on the nearest listed building;
- Bilsham is a small hamlet of approximately 30 properties and can be divided into two character areas; west of Bilsham road and east of Bilsham road;
- Collectively the area has a semi-rural character to it, being a low-density area surrounded by countryside and plenty of vegetation, along with what could be described as small clusters of development that follow the road pattern;
- The lack of many of the features normally associated with the C.20 such as street lighting and pavements emphasise the rural qualities. As does, the vernacular nature of the buildings themselves;
- As Hobbs Farmhouse is a Listed Building, the neighbouring farmyard buildings (including those converted into dwellings) are curtilage listed buildings, and require careful attention to ensure that their significance is not harmed;
- The farmhouse and the curtilage buildings are of architectural and historic significance, clearly being part of the development of the hamlet;
- The area is surrounded by agricultural land which further adds to the semi-rural character of the area;
- The development/provision of formal open space would affect the area around which the buildings are experienced, which would be harmful;
- The level of information supplied makes an assessment difficult;
- The proposal would represent a substantial increase in the number of dwellings in the hamlet and would be out of character;
- Any development of this scale in this location would also not reflect the linear, piecemeal development which is a clear element of the character of the hamlet;
- The location of the proposed self-build housing and new junction would also be visible on entrance/exit of the hamlet, further affecting the existing character;
- Ultimately, such a development would suburbanise the area and erode the semi-rural character;
- The new footway would further suburbanise the hamlet, which at present does not feature excessive amounts of standard paving; and
- Grevatts Lane West, which appears on the Tithe map, would also be closed as part of the proposal which is unfortunate.

COUNCIL'S ECOLOGIST - requests conditions to secure retention/enhancement of hedges for bats, protection of retained hedges during construction, secure details of the lighting scheme, use a precautionary approach when clearing vegetation (in case of Great Crested Newts), survey for badgers & hedgehogs at the start of construction, secure the construction site to prevent access by small mammals and protect birds nests. Notes that dormouse and reptile surveys are still outstanding and requests that these surveys are completed and a mitigation report submitted prior to determination of the application. Also requests a wildlife enhancement plan to demonstrate a biodiversity net gain.

COUNCIL'S ARCHAEOLOGIST - no objection subject to a standard condition. Note that:

- This site lies on a part of the West Sussex coastal plain that modern archaeology has demonstrated to have been relatively densely settled since later prehistory; and
- More particularly it lies in an area of abundant natural resources beside the Ryebank Rife, as is demonstrated by the presence nearby of the medieval settlement of Bilsham and of a series of prehistoric burnt mound deposits and a Roman ditch found during the construction of the Bognor to Littlehampton Transfer Pipeline in 1999.

No responses from NHS, WSCC Public Health & Sustainability, ADC Economic Development, ADC Landscape Officer, ADC Leisure Officer or the ADC Tree Officer.

COMMENTS ON CONSULTATION RESPONSES:

HIGHWAYS ENGLAND - Highways England have previously been advised that a contribution cannot be secured through a Section 106 and they instead need to bid for monies from the CIL collected. As per the Highways England response it is not necessary to notify the Secretary of State of any decision that does not include such a contribution.

WSCC HIGHWAYS - The applicant was made aware of the request for additional information (22/09/20) but no response has been provided.

ADC ENVIRONMENTAL HEALTH - The applicant was made aware of the requests for an air quality assessment and more detail on the industrial units (28/08/20) but no response has been provided.

COUNCIL's ECOLOGIST - It is understood Dormouse survey was due to be completed in November 2020. It is not known when the reptile surveys would be completed but they have not been supplied. These surveys and the wildlife enhancement plan are required prior to determination.

POLICY CONTEXT

Designations/Constraints applicable to site:

Outside the Built Up Area Boundary (BUAB);
Flood Zone 1;
Part Future Flood Zone 3a by 2111 (the field south of GLW);
CIL Zone 3;
Area of Special Control of Adverts;
Adjacent the B2132;
Adjacent to two Buildings of Character; and
The Grade II Listed Hobbs Farmhouse is less than 15m from the application site boundary.

The Industrial site is not designated as a protected employment site.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

CSP1	C SP1 Countryside
EMPDM1	EMP DM1 Employment Land: Development Management
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVSP1	ENV SP1 Natural Environment
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
HSP1	HSP1 Housing allocation the housing requirement

AHSP2	AH SP2 Affordable Housing
HERSP1	HER SP1 The Historic Environment
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM6	HER DM6 Sites of Archaeological Interest
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water

Yapton neighbourhood plan 2014 Policy BB1

	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E1	Protection of high value agricultural land
Yapton neighbourhood plan 2014 Policy E3	Protection of natural habitats
Yapton neighbourhood plan 2014 Policy E4	Minimising the environmental impact of development
Yapton neighbourhood plan 2014 Policy E5	Enhancement of biodiversity
Yapton neighbourhood plan 2014 Policy E6	Green infrastructure and development
Yapton neighbourhood plan 2014 Policy E9	Listed Buildings and Buildings or Structures of Character
Yapton neighbourhood plan 2014 Policy E11	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy H1	Housing requirement
Yapton neighbourhood plan 2014 Policy H3	Dwellings appropriate for the needs of older people
Yapton neighbourhood plan 2014 Policy PK1	Parking standards for new residential development
Yapton neighbourhood plan 2014 Policy KS2	Retention of community facilities

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
NPPDG	National Design Guide

SUPPLEMENTARY POLICY GUIDANCE:

SPD1	Open Space & Recreation Standards
SPD11	Arun Parking Standards 2020
SPD9	Buildings or Structures of Character

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

The relevant policies within the Yapton Neighbourhood Development Plan have been considered in the preparation of this report. Yapton Parish Council are currently working on a review of their Neighbourhood Plan, but they have not yet reached the Regulation 14 stage in this process.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 70(2) of Town and Country Planning Act 1990 (as amended) provides that

(2) In dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

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

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

The proposal conflicts with relevant development plan policies in that it would result in development outside of the defined settlement boundary, would result in the loss of best & most versatile agricultural land, would result in harm to the character of the countryside, fails to consider air or noise pollution, fails to consider future flood risk, fails to consider archaeology, provides insufficient information in respect of highway safety, foul drainage & ecology such that it is not possible to determine these aspects and does not secure the provision of affordable housing.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan, other than as described in the Planning History and Conclusions sections of this report.

CONCLUSIONS

PRINCIPLE OF NEW RESIDENTIAL & COMMUNITY DEVELOPMENT:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the plan unless material considerations indicate otherwise. The Development Plan for the Arun District currently comprises the Arun Local Plan 2011-2031 ("ALP"), the Yapton Neighbourhood Development Plan adopted in November 2016 ("YNDP") and the West Sussex Waste and Minerals Plans.

However, section 38 (5) of the Planning and Compulsory Purchase Act 2004 states: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Any conflict between the YNDP and the ALP, should therefore be resolved in favour of the latter.

Development policies that relate to the supply of housing in the Local Plan (C SP1) have reduced weight as Arun cannot demonstrate an adequate supply of housing land (currently only 2.9 years). Policies in the Yapton Neighbourhood Development Plan that relate to the supply of housing (BB1, H1) have greater reduced weight because they relate to out of date housing needs as the policies were based on the 2003 Local Plan.

Paragraph 14 of the NPPF states that in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably outweigh the benefits if four specific criteria apply. In this case, criteria (a) to (d) are not all applicable because the Neighbourhood Plan was made over two years ago. The presumption in favour of sustainable development is unaffected by the Neighbourhood Plan.

The Arun Local Plan (ALP):

The key policy considerations in the determination of this application are considered to be H SP1, SD SP1 and C SP1 of the Arun Local Plan.

Policy H SP1 "The Housing Requirement" sets out an overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes a reference to additional non-strategic allocations being made across the District through reviews of Neighbourhood Plans and in cases where there is no up-to-date Neighbourhood Plan, through the publication of a "Non-Strategic Site Allocations Development Plan Document". However, it is no longer planned to prepare such a document and instead the Local Plan will be subject to a formal review.

Policy SD SP1 "Sustainable Development" states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will work to secure development that contribute to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland). Sustainability is considered elsewhere in this report.

Policy C SP1 "Countryside" states residential development in the countryside outside the BUAB will not be permitted unless it accords with policies in the Plan which refer to a specific use or type of development. None of these relate to the proposal. As this site is outside the BUAB, it is in the countryside and the scheme would conflict with ALP policy C SP1.

Policy H SP1 "The Housing Requirement" sets out an overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes a reference to additional non-strategic allocations being made across the District through reviews of Neighbourhood Plans and in cases where there is no up-to-date Neighbourhood Plan, through the publication of a "Non-Strategic Site Allocations

Development Plan Document" (NSS-DPD). However, this document has been cancelled in favour of a review of the ALP and although Yapton Parish Council are working on a review of their Neighbourhood Plan, this has not yet reached the stage where the Plan may be taken into account.

Policy HWB SP1 states that development should be designed to maximise the impact it can make to promoting healthy communities and reducing health inequalities. It goes on to say that the creation of mixed use developments and multi-use community buildings that reduce the need to travel by providing housing, services and employment in close proximity to each other will be supported. This proposal would achieve this aim although there is no detail as to whether the community building would serve only the residents of the new development or available to others (the latter would then result in an increased need to travel to access the resource).

As this site lies outside the nearest BUAB, it is in the countryside and the scheme would conflict with ALP policy C SP1. However, the proposal does gain some support from policy HWB SP1.

The Yapton Neighbourhood Development Plan (YNDP):

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

Figure 4.1 on page 13 of the YNDP includes a BUAB drawn round the edge of the settlement of Yapton which, save for proposed allocations within the YNDP, broadly compared with that provided by the 2003 Local Plan. The BUAB in the ALP is different having been amended to include Yapton strategic allocation SD7 and other recently approved development sites in the area. Nevertheless, the application site remains outside of the BUAB and is classified as countryside.

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

Policy H1 allows for a buffer of up to an additional 20% of the ALP housing requirement of 100 dwellings for the Yapton Neighbourhood Plan area. It is considered that this 20% has already been achieved through recent applications in the village such as Y/1/17/OUT (56 dwellings), Y/44/17/OUT (70 dwellings), Y/49/17/OUT (45 dwellings) and Y/80/16/OUT (100 dwellings).

Above and beyond this 20%, the policy states any further housing development will only be permitted if it can be demonstrated that either the expected child yield would not result in the Yapton CE Primary School exceeding the maximum number of children permitted or that appropriate modifications and/or extensions to the School can be delivered at the developer's expense. The applicant has not provided any justification in respect of this matter. Any approval of this development would be subject to a CIL contribution but there is no certainty that such money would be spent on improving the Yapton Primary School. Therefore, the proposal is in conflict with policy H1.

Policy KS2 states that proposals for new and/or improved community facilities will be supported subject to certain criteria. These direct that new facilities should not be outside of the BUAB and, should not increase the need to travel. The proposal would conflict with this policy.

The National Planning Policy Framework (NPPF):

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

development is triggered.

This means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (such as where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

Part (i) does not apply to this determination as the site does not lie in a protected landscape. The part (ii) test will be applied at the end of this report.

Other Material Considerations:

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.

On 12 February 2020 in respect of APP/C3810/W/19/3236911, a Planning Inspector stated the Authority was only able to demonstrate a 2.9 years HLS. The Council is of the view that its AMR evidence is robust but that needs improvement. The Council is of the view that this will be more concise and transparent via signed Statements of Common Ground for Strategic Allocations and the authority is pursuing this. In the interim, the position on the 5 year HLS remains at 2.9 years as determined by this appeal.

The Council will update its position in December 2020. The Council needs to consider the effects of Covid-19 on the economy and housing market and it is not likely that the Council will be able to demonstrate a 5 year HLS by December.

In February 2020 (a day after receipt of the above appeal), the government published Arun's Housing Delivery Test (HDT) result for November 2019. The HDT was 68% triggering the application of a 20% buffer to be included in the calculation of the authorities 5-year HLS. The above appeal position reflects this buffer.

The Council's Action Plan (June 2019) makes a series of recommendations to boost housing delivery. This includes relying on the 'presumption in favour of sustainable development' until such time as the 5-year housing land supply is re-established and the HLS is progressed through plan making. It recommends the Council consider inviting applications from landowners/developers on 'deliverable' HELAA sites to re-establish the 5 year housing land supply. The release of further land for housing will help to maintain delivery rates and this may have to include sites outside the built up area boundary. It would be preferential if such sites were located close to the edge of the BUAB and in sustainable locations which minimise the need to use the private car.

This site (ref 46) is shown in the 2019 HELAA and whilst considered to be deliverable is stated to be not adjacent to a study settlement, poorly related to facilities, and therefore not in a sustainable location for housing development. The HELAA also notes that part of the site is affected by future flood risk.

Conclusion on Matters of Principle:

Overall, the principle of residential and community development is contrary to policies in the development plan. However, it is not justifiable to refuse applications on grounds of being in the countryside unless there is corresponding harm associated with the location. Furthermore, the policies of the ALP and

YNDP that relate to the housing have reduced weight due to the Council not being able to demonstrate an adequate supply of housing land.

This application should therefore not be determined as being unacceptable in principle and the development of this countryside site could be considered acceptable subject to assessment of the other issues and also, crucially, whether the proposal represents sustainable development and whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

PRINCIPLE OF NEW INDUSTRIAL DEVELOPMENT:

ALP Policy EMP DM1 states that existing employment sites and premises will be protected where there remains a reasonable prospect of employment use. The Council will also allow for the re-development, upgrading or modernisation of existing floor space. However, economic growth outside the built up area boundary will only be acceptable where the following criteria are met:

- (a) That it is an appropriate sized extension of an existing employment site;
- (b) That it would not intensify uses at the site to the detriment of existing public access routes and highways;
- (c) A high standard of design, layout and landscaping appropriate to the context;
- (d) That it is capable of being well served by public transport or otherwise is readily accessible by means other than by private car to a significant residential workforce if employment intensive uses are proposed;
- (e) Access arrangements and parking facilities will be provided in accordance with the Council's adopted standards;
- (f) A sympathetic relationship to the surrounding areas that shows consideration of the landscape, habitat, built and historic environment contexts, the opportunities to deliver on-site habitats and protect key species.
- (g) A satisfactory relationship with neighbouring uses in order that the amenities of nearby residents, in particular, are protected; and
- (h) Where appropriate, crime prevention measures are incorporated.

The proposal is for 3 new industrial units, doubling the existing provision, and this is not considered to represent a small extension. The proposal will intensify uses to the potential detriment of the local highway network, particularly alongside the residential development. The site is not well served by means of transport other than the private car. The new industrial units will be located adjacent to new residential development and close to existing dwellings. It is unclear how their visibility in the landscape will be mitigated. The applicant's submission does not consider these requirements.

It is considered that weight should be given to the dismissed appeal decision (February 2014) concerning an extension of the industrial site with 3 new B1(c) workshop/B8 storage units (albeit contained in one building). The Inspector concluded that there would be harmful effects in respect of the character and appearance of the area and in respect of highway safety, as well as conflict with the development plan and the NPPF in that the proposal would not meet the definition of sustainable development.

Overall, it is considered that the proposal conflicts with the requirements of Policy EMP DM1.

AGRICULTURAL LAND:

The site is not currently used for agriculture but does share boundaries with existing agricultural land. Furthermore, as per figure 2 of the YNDP, the site is classified as Grade 2 agricultural land.

The Figure 2 map is based on data provided by the national Provisional Agricultural Land Classification

Grading system (ALC). This data is not based on site specific surveys but instead is assessed using various criteria including temperature, rainfall, aspect, exposure, frost risk, gradient, micro-relief, flood risk, soil depth, soil structure, soil texture, ground based chemicals and stoniness. The ALC uses a grading system to assess and compare the quality of agricultural land at national, regional and local levels. It assesses the potential for land to support different agricultural uses, such as growing crops for food but it doesn't consider the land's current use or intensity of use.

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

In allowing an appeal at Clays Farm, Yapton which concerned a refusal on the loss of grade 2 agricultural land (Y/20/18/OUT), the Inspector noted that although adjacent land was used for the growing of crops, there was no evidence that the site itself would in future be so used. The Inspector stated that whilst this does not in itself justify the loss of the land, it does act to reduce the level of environmental and economic harm that would be caused by its development. The Inspector considered the loss of grade 2 agricultural land represented only moderate harm.

The Inspector decided the benefits of the proposal including economic & social benefits alongside the contribution to the housing land supply shortfall outweighed the moderate harm to the loss of the grade 2 land. The appeal was allowed.

It is considered that the need for this development to boost the Council's severe housing land supply shortfall is such that the loss of the grade 2 agricultural land can be outweighed particularly as the land is at the lower end of the agricultural scale and the land is not currently used for agriculture. This echoes the approach taken by the appeal Inspector concerning the site at Clays Farm.

However, the policy makes it clear that in order to outweigh the loss of the agricultural land, the criteria (a) to (b) should be met - that preservation of land of lower agricultural quality has greater benefits in terms of ecosystem services (for example carbon storage, flood water retention, support of biodiversity); and that any site preferred for development is demonstrated to be the best and most sustainable option, including but not limited to the terms of land quality, ecosystem services, infrastructure and proven need. The policy then sets out at criteria (d) to (g) that sustainability & options appraisals, mitigation measures, a soil resources plan should be provided and that the productivity of the land is demonstrated.

In response, the applicant has provided a "Soils Sustainability and Options Appraisal" which states that:

- The soil is currently underutilised, and has not been used for agriculture or horticulture for over 12 years;
- It is not feasible for the land in its current ownership to be used for agriculture or horticulture, as there are not enough hectares to make this a viable use;
- There is an abundance of high quality soil for farming opportunities in the local area;
- The application site is in a future flood zone in the year 2111 which could cause grave damage to agricultural/horticultural land therefore has limited agricultural value in the future;
- The adjacent site, Y/103/18/PL, had a soil analysis assessment, which concluded that there were no alternative sites available of lower agricultural quality;
- The site is at risk of ground and surface water flooding and it is recommended to raise the finished floor levels of residential dwellings. It is not feasible to raise land levels as mitigation with agricultural/horticultural land;
- It is proposed to provide a Soil Resources Plan to discharge an appropriate planning condition; and

- Allotments will be provided on the southern part of the site to make the most of the very good soil.

The application fulfils the requirement to provide a sustainability and options appraisal but there remains conflict with the other parts of policy SO DM1.

It should be noted that the allotments proposal was not part of the original submission and although it is stated that it is shown on a new drawing ref 18064_110A, this has not been provided and is not considered in this determination.

Policy E1 of the YNDP states "Planning permission will be refused for development on grade 1 and grade 2 agricultural land unless: (1) it involves the granting of planning permission for the development of the housing allocations identified in this Plan (Policy SA1 and Policy SA2); or (2) it involves the granting of planning permission for any additional housing sites required by Policy H1 to meet objectively assessed housing needs in the Plan area." The proposal clearly conflicts with this policy.

The proposal conflicts with parts of ALP policy SO DM1 & with YNDP policy E1 and although the housing land supply situation evidences a need for new housing which could outweigh the need to protect high value agricultural land, it is not considered this is a sustainable location for development.

HERITAGE:

The site is adjacent to two locally listed Buildings of Character (84/85 Bilsham Road) and is in close proximity to a Grade II Listed Building (Hobbs Farm House) and further Grade II Listed buildings (within Hobbs Court) formerly part of the curtilage of Hobbs Farm House which lies west and north of Hobbs Farmhouse. There is the potential for the development to affect the setting of these listed buildings.

Relevant ALP policies are HER SP1 (The Historic Environment), HER DM1 (Listed Buildings) and HER DM2 (Building or Structures of Character). HER SP1 states that development likely to prejudice heritage assets including Non-Designated Heritage Assets and their settings will be refused. Policy HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings. HER DM2 only offers protection to the assets themselves - it does not set out any policy relating to setting. YNDP policy E9 refers to Listed Buildings but only concerns the loss of such buildings and does not refer to impacts on setting.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

It is also necessary to consider the guidance in the National Planning Policy Framework (NPPF) which sets out several steps that must be followed when considering impact on heritage assets. Para 189 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 190 then requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that may be affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal and decide there is no harm, 'less than substantial harm' or 'substantial harm'. It is then necessary to counterbalance harm with the level of public benefits associated with the proposal (as set out in paras 193-196).

Separately, in respect of non-designated heritage assets (84 and 85 Bilsham Road), it is necessary to refer to the guidance in para 197 of the NPPF. This states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to

the scale of any harm or loss and the significance of the heritage asset.

The applicants provided a Heritage Assessment and this document sets out that:

- Hobbs Farmhouse was originally part of the wider Bilsham Farm;
- There is very little information held on why the building is listed but it was likely due to its architectural interest;
- The development is over 165m away from Hobbs Farmhouse and will not be seen to/from the Listed building;
- The setting of the Listed Building (Little Meadow and open green space) is proposed to be retained; and
- There is no adverse impact on the heritage asset.

The document does not consider the impact on the curtilage listed buildings at Hobbs Court, the other buildings associated with Hobbs Farmhouse itself or the adjoining non-designated heritage assets. It is noted the Council's Conservation Officer disagrees with the assessment.

It is considered that there will not be any direct physical impact on the nearby heritage assets but that the proposal will clearly harm the setting in which such assets are experienced. This will be occur through the erosion of the current semi-rural and historical character of this location as noted in the Conservation Officer's comments. The addition of formal open space and a community building adjacent to the non-designated heritage assets will also affect the way in which these are experienced.

The Conservation Officer considers that the proposal results in less than substantial harm to the heritage assets and as such, it is necessary to weigh this harm against the public benefits that the development may achieve. In this case the proposal will provide:

- 81 houses (including self build) to contribute to the Council's current housing land supply shortfall/meet future needs;
- new affordable housing;
- new public open space & play facilities available for use by existing & new residents;
- a new community facility presumably also available for use by persons from outside the site;
- the generation of CIL receipts to contribute towards local infrastructure needs;
- an increase in Council Tax receipts;
- potential 'New Homes Bonus' payments from the Government;
- the creation/maintenance of construction jobs;
- improved/safer access onto Bilsham Road for persons living on/using Grevatts Lane West;
- new jobs associated with the industrial units; and
- additional spending by new residents on local goods & services.

The benefits are of a level that the less than substantial harm can be overcome and that the proposal can be considered in accordance with the NPPF guidance. In respect of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, whilst the setting of the Listed Buildings will be harmed, this can be outweighed by the strength of the public benefits. The proposal therefore, also complies with ALP policies HER SP1 and HER DM1.

ARCHAEOLOGY:

ALP Policy HER DM6 states that where a site on which development is proposed has the potential to include heritage assets with archaeological interest, permission will only be granted where it can be demonstrated that development will not be harmful to the archaeological interest of these sites. The policy requires that a desk based archaeological assessment be submitted with the application although

it is noted that this is not listed as a planning application validation requirement.

The Councils Archaeologist states that the site lies on a part of the West Sussex coastal plain that modern archaeology has demonstrated to have been relatively densely settled since later prehistory. It lies in an area of abundant natural resources beside the Ryebank Rife, as is demonstrated by the presence nearby of the medieval settlement of Bilsham and of a series of prehistoric burnt mound deposits and a Roman ditch found during the construction of the Bognor to Littlehampton Transfer Pipeline in 1999. It is recommended a condition be imposed to secure archaeological investigation.

The application was not accompanied by a desk based archaeological assessment and is in conflict with policy HER DM6. However, the site does not lie in a designated archaeological notification area and the weight to be attributed to this conflict is lessened due to the non-objection of the Archaeologist.

HIGHWAYS AND PARKING:

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport. In respect of highway safety, it states: "The Council will support transport and development which: explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

In respect of parking, T SP1 states: "The Council will support transport and development which: Incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking". Policy T DM1 requires development be located in easy access of established non-car transport modes/routes, contribute to the improvement of such routes & facilities and contribute towards the provision of a joined-up cycle network and Public Rights of Way network. There are no YNDP relevant to this outline application.

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

The advice of WSCC Highways is summarised above and it is clear that they are unable to make an assessment as to whether the proposal would have an unacceptable impact on highway safety, or whether the residual cumulative impacts of the development on the road network would be severe. They state that the application should be accompanied by a full Transport Assessment, a Road Safety Audit, a detailed access drawing, details of comparable trip generation data, a Junction Capacity Assessment, details of internal road tracking and details of accessibility improvements.

As layout is a reserved matter and there are no details as to the size of the houses or the exact form of parking provision, it is not appropriate to consider parking provision at this time. Instead compliance with the Arun Parking Standards SPD will be considered at the reserved matters stage.

County Highways are clear that they do not have sufficient information to be able to properly assess the proposal. Therefore, the proposal is in conflict with the relevant ALP policies and the NPPF.

CHARACTER:

Policy D DM1 of the ALP requires the Council seek to make the best possible use of land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area.

In terms of density, D DM1 requires housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality. ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character. There are no relevant design policies in the YNDP.

Para 127 of the NPPF states "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)." Para. 122 states planning decisions should support development that makes efficient use of land but the desirability of maintaining an area's prevailing character and setting should be considered.

The National Design Guide (September 2019) forms part of the Government's collection of planning practice guidance. Paragraphs 20-21 of the Design Guide explain how good design should pay regard to place and context and that 'a well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. Part 2 of the Guide sets out ten characteristics for good design, namely Context, Identity, Built form, Movement, Nature, Public spaces, Uses, Homes and buildings, Resources and Lifespan. The applicant provides no response to the National Design Guide.

The application is outline and does not seek the approval of layout, external appearance, scale or landscaping. Although an indicative masterplan has been provided it is not possible to determine the application on the basis of this but it would still be appropriate to assess whether residential development in this location would be acceptable in the context of the character of the location.

The indicative masterplan suggests that the new industrial buildings will extend that site to the east and then the majority of new residential units will be east of there, thus extending the built development along Bilsham Road into current open countryside. There will be an area of residential development in a currently open field south of GLW and fronting Bilsham Road.

The masterplan states a maximum density of 30 per hectare and this is much higher than existing development in this location. The existing 9 dwellings on the corner of Bilsham Road & GLW have an approximate collective density of 16 dwellings per hectare (dph). The collective density of Hobbs Farm House and Hobbs Court is roughly 11 dph. This suggests an intensive residential use of land at odds with the existing low key form of housing. Meanwhile, the proposal doubles the number of industrial units.

The previous appeal decision stated that the surrounding landscape is characterised by its predominantly open & undeveloped nature and that as a result, the other buildings in the vicinity, together with those at the appeal site, comprised relatively isolated and sporadic development in the countryside. The Inspector stated that vegetation in the vicinity, such as the relatively immature planting to the eastern side, would be insufficiently dense and tall to significantly mitigate the effect of the new (industrial) building on views from the countryside to the north-east and east. The Inspector stated at paragraph 4 that:

"The dwelling, Oak Trees, together with the commercial buildings, form a line orientated broadly north to

south. The dwelling at Little Meadow is relatively close to the west. The new building would have a floor area of 340 sq m and it is clear from the site layout that this would be significantly greater than that of any of the existing commercial units. This fairly substantial structure would extend development to the east, into a part of the site where there are currently no buildings. In consequence, it would appear as an unacceptably dominant and intrusive presence, unduly diminishing the open rural environment."

Further weight should be given to the comments of the Conservation Officer who considers the area's character to be semi-rural, low density, surrounded by countryside/agricultural land with small clusters of development that follow the road pattern. It is stated that the lack of street lighting and pavements emphasise the rural qualities as does the vernacular nature of buildings. The Conservation Officers view is that the development would suburbanise the area and erode the semi-rural character. Additionally, that the proposed footway would further suburbanise the hamlet.

The proposal will undoubtedly alter the character of what is a quiet countryside location with historic interest. It is acknowledged the masterplan shows buffer areas to adjacent open land and it would appear from the masterplan that there is good scope for landscaping to mitigate views of the residential areas (the same is not true of the industrial buildings). Whilst landscaping would help to screen some development it would in itself represent a change in the character of this open area and it is considered that the level of new development would in itself be highly apparent even with landscaping such a change to this quiet location would be inevitable. There is a further concern regarding the proposal to raise land levels in the part of the site south of GLW.

The proposal results in a change to the character of the locality and it is considered that this would be harmful and that it is not possible to sufficiently mitigate this harm. The proposal conflicts with the relevant development plan policies.

BIODIVERSITY:

ALP policy ENV DM5 states: "Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

YNDP policy E3 seeks to prevent loss of natural habitat but states it may be acceptable where mitigation measures ensure the integrity of the habitat or where the habitat is relocated to a site within 500m. Policy E4 states sites should retain well-established features of the landscape, including mature trees and species-rich hedgerows, new tree planting will be required to mitigate significant loss.

Para 175 of the NPPF states: "If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;"

The application is accompanied by an Extended Phase 1 Ecological Assessment. This refers to surveys that are still to be carried out in respect of reptiles and dormice. This has been reviewed by the Council's ecologist who states the dormouse/reptile surveys must be completed and a mitigation report submitted prior to determination of the application. There are no objections in relation to other species with conditions proposed to mitigate any impact on newts, bats, badger, small mammals and birds. The Ecologist requests further information in respect of biodiversity net gain.

Government guidance states that planning permission can only be granted if an appropriate survey has been carried out by a qualified ecologist at the time of year specified in Natural England's standing advice. Planning permission can be refused if there is not enough information to assess the effect on a

protected species. In addition, ALP policy ENV DM5 is clear that where there is evidence of a protected species on a proposed development site, planning applications shall include a detailed survey of the subject species, with details of mitigation to avoid loss of the species.

As the application is missing the dormice and reptile surveys and there is insufficient detail of wildlife enhancements & biodiversity net gain, it is considered that the scheme conflicts with the NPPF and associated guidance and with ALP policy ENV DM5.

FLOODING & SURFACE WATER DRAINAGE:

The site does not lie in an area at current risk from flooding from rivers or surface water. However, the part of the site that is south of GLW is shown in the Councils Strategic Flood Risk Assessment (SFRA) as being potentially predominantly flood zone 3a by 2111.

ALP policy W DM2 refers to the sequential test, Flood Risk Assessments and mitigation. Policy ECC SP1 states development must be located & appropriately designed to adapt to impacts arising from climate change such as the increased probability of tidal and fluvial flooding.

Policy W DM3 (Sustainable Urban Drainage Systems) states: "To increase the levels of water capture and storage and improve water quality, all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development, at an early stage of the design process." YNDP Policy E11 requires developments be designed and constructed to minimise the overall level of flood risk in the parish; and provide appropriate surface water drainage.

Government guidance states that a sequential site assessment is required where a site is at high risk of current or future flooding. Para 158 of the NPPF states the sequential approach should be used in areas known to be at risk now or in future from any form of flooding. Para 155 NPPF states the development 'should be made safe for its lifetime without increasing flood risk elsewhere.' Para 33 (Reference ID: 7-033-20140306) of the associated Planning Practice Guidance states it should not normally be necessary to apply the sequential test to development in proposals in flood zone 1 (and with a low probability of flooding from rivers or the sea) unless the flood risk assessment indicates there may be flooding issues now or in the future (for example by climate change).

The HELAA (2019) which, by the applicants own admission, was partly the basis for this application stated that the climate change 100yr flooding contour affects this site and could potentially reduce the final yield for the site and that the final yield will be dependent on sequential and exception tests and other relevant mitigation measures.

The applicant was asked to provide a sequential assessment to demonstrate that there are no other safer locations for the proposed houses. They did not provide this but instead revised the Flood Risk Assessment (FRA) to refer to future flood risk. This now states that:

- During a 1 in 200 year 2115 'undefended' tidal flood event, the defences protecting the area would have to fail, but if they did, the site would flood in the area south of Grevatt's Lane West;
- The flood level would be 3.72 mAOD and in order to prevent the site from flooding in this unlikely scenario, ground levels will be raised so they are set above this level; and
- Finished floor levels will also be raised by 0.3m to reduce the potential for flooding to a minimum.

It is the Councils view that a sequential assessment needs to be provided if at the time of the determination of the application, the land levels remain in the flood risk zone. The Local Planning Authority is concerned that an increase in site levels on this part of the site coupled with an increase in finished floor levels will result in the dwellings here having even greater visibility in the landscape and

thus causing further harm to the character of the area.

There is no in principle objection from either County or District drainage engineers and conditions are recommended to agree the drainage strategy at a later time. As such it is not considered that any concerns over surface water drainage are justified and there is therefore no conflict with ALP policy W DM2 and YNDP policy E11. However, it is not considered that future flood risk has been appropriately considered and as such there is conflict with policy W DM2 and with the guidance in the NPPF.

FOUL DRAINAGE:

ALP policy W DM1 states that all major developments must demonstrate that adequate drainage capacity exists or can be provided as part of the development and that where adequate capacity does not exist, there will be a requirement that facilities are adequately upgraded prior to the completion and occupation of development. There is no requirement for a full Drainage Impact Assessment as the site does not lie within the Lidsey Treatment Catchment designation.

The applicant has not provided any information on foul drainage other than to state in their application form that the development will connect to mains drainage. However, it is apparent from local residents and from Southern Water records that there are no public sewers in the area. Indeed, according to Council records, the nearest foul sewers are either under the A259 to the south or at Taylors Close on the edge of Yapton to the North.

Southern Water raise no objections subject to a condition to agree the means of foul disposal. However, the policy requires that adequate drainage capacity must be demonstrated and it is not considered that this has been achieved therefore, there is conflict with policy W DM1.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance." Policy QE SP1 states the Council will ensure that development does not have a significantly negative impact upon residential amenity. It is necessary to have regard to para 127 (f) of the NPPF which states that planning policies and decisions should ensure that developments create places that have a high standard of amenity for existing and future users.

The Council has an emerging Design Guide which completed its initial consultation period, has been modified in response to the comments received and will now be subject to a 4 week consultation period in accordance with regulations 12 & 35 of the Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended). This Guide sets out guidance on garden depths and interface distances between houses.

It is not possible to make a detailed assessment of residential amenity as layout, scale & appearance are reserved matters. However, the submitted masterplan drawing suggests that those areas bordering existing houses will be proposed as public open space areas with no dwellings within close proximity to existing dwellings. The proposed road access to the main part of the site reflects the existing access and has a good buffer to the existing houses such that landscaping can be used to mitigate any noise from vehicles. The Local Planning Authority does have concerns about the relationship of the expanded industrial suite to proposed dwellings and village hall but these are considered in the following sections.

Subject to a more detailed consideration of privacy issues at the reserved matters stage, it is not considered there would be conflict with ALP policies D DM1, QE SP1 or para 127 of the NPPF.

POLLUTION IMPACTS ON RESIDENTIAL DWELLINGS:

The existing industrial site has three units in a mix of B1(c) and B8 uses. It has restrictions on operating and delivery hours (07:30 to 19:00 Monday to Friday & 07:30 to 12:00 on Saturdays with no opening on Sundays or Bank Holidays) plus a restriction on no open storage. The application states that the future industrial site will be open 7 days a week (07:00 to 19:00 Monday to Friday, 07:00 to 13:00 on Saturdays and 10:00 to 16:00 on Sundays and Bank Holidays).

A crematorium has recently been approved (Y/103/18/PL) on land to the east of the site. Section 5 of the 1902 Cremation Act states that "No crematorium shall be constructed nearer to any dwelling-house than two hundred yards (183m), except with the consent, in writing of the owner, lessee and occupier of such house, nor within fifty yards of any public highway, nor in the consecrated part of the burial ground of any burial authority."

As it stands, the crematorium meets this rule, however, if this development were to be approved then the eastern boundary of the site would only be 75m from the site of the crematorium. The Local Planning Authority interprets this rule to apply only to crematoriums going into new areas rather than housing developments going into areas near crematoriums. This alone is not a planning consideration particularly as construction of the crematorium is yet to commence but it is considered that regard should be had to the crematorium as a potential pollution source for the new houses.

ALP Policy QE DM1 states that noise sensitive development should not normally be permitted where there is a likelihood of complaints about noise from industrial development. In addition, that development proposing new noise generating development should demonstrate that there are no suitable alternative locations for the development and provide a noise report.

ALP Policy QE DM3 states all major development must assess the likely impacts of the development on air quality and mitigate any negative impacts by ensuring that development is accessible by public transport, by foot & cycle, installing electric charge points and improving the local highway network. In addition, that industrial development which creates dust, smell, fumes, smoke, heat, radiation, gases, steam or other forms of pollution) must be located in such a position which ensures that the health, safety and amenity of users of the site or surrounding land is not put at risk and the quality of the environment would not be damaged or put at risk.

The proposal results in an increase in industrial activity close to existing homes as well as new pollution sensitive development being sited close to industrial buildings and there has been no noise/air reports submitted or an assessment of alternative locations. In addition, the proposal does not include firm plans to reduce the use of the private car.

The Councils Environmental Health Officers requested that that an air quality assessment is submitted and that more detail is provided on the new industrial units and relationship to dwellings including impact of odour, noise, dust, deliveries etc. The applicants have not provided any reports dealing with noise pollution or air quality and so there is clear conflict with the ALP policies.

AFFORDABLE HOUSING:

Developments over 11 residential units require a minimum provision of 30% affordable housing on site as per ALP policy AH SP2. The Councils Housing Strategy and Enabling Officer states this proposal should provide 24 affordable housing units. The application is not accompanied by an Affordable Housing Statement as is required by the policy. If this was to be secured through a s106 legal agreement then the proposal would be considered to comply with ALP policy AH SP2. However, as no

legal agreement is currently in place, there is conflict with policy AH SP2.

PUBLIC OPEN SPACE & PLAY:

ALP policy OSR DM1 requires that housing developments provide sufficient public open space, playing pitch provision and indoor sport & leisure provision. In addition, policy HWB SP1 seeks to ensure that new development is designed to maximise the impact it can make to promoting healthy communities and reducing health inequalities.

The Council's supplementary planning document (SPD) "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out a requirement for 5,702m² of on-site public open space (POS) and play provision totalling 980m² (to consist of 1 LAP & 1 LEAP). The on site POS & Play could be secured by conditions. There would be no requirement for other sport/recreation/fitness provision to be provided on the site. As it is not possible to secure any off-site contributions through a S106 Agreement due to CIL, these would instead be collected separately. On the basis that on-site POS and play would be secured by conditions, there would be no conflict with ALP policy OSR DM1.

SUPPORTING INFRASTRUCTURE:

Arun Local Plan policy INF SP1 states: "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 "Any on-site provision or financial contribution required to address unacceptable impacts must meet the statutory tests for planning obligations required by Regulation 122 of the Community Infrastructure Regulations 2010."

The introduction of CIL means that it is no longer possible to secure financial contributions for off-site projects through a s.106. This development is CIL liable and will be subject to a rate of £100 per square metre (subject to any relief or exemptions) to be collected upon the commencement of development.

Infrastructure providers such as WSCC and the NHS can bid for a portion of the CIL payments to spend on projects. The Parish Council will be provided a portion of CIL receipts guaranteeing monies will be spent locally. These payments go towards providing infrastructure the district needs to support existing and future development. On the basis that CIL would be agreed at the Reserved Matters Stage and then collected upon commencement, there would be no conflict with ALP policy INF SP1.

THE NPPF PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT:

Policy SD SP1 "Sustainable Development" states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Para 8 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.

Para 11 of the NPPF sets out the application of the 'presumption' for sustainable development which is triggered where the Council's policies most important for determining the application are out-of-date. The Council can currently demonstrate a Housing Land Supply (HLS) of 2.9 years and as such there is a significant shortfall and hence, its policies most important for determining applications for residential development are considered to be out of date. To be able to benefit from the presumption, the proposal must be assessed as being sustainable development and this assessment should consider environmental, social and economic factors.

The site is semi-rural in character and is 380m (at the closest point) from the southern edge of the

Yapton BUAB, 834m from the northern edge of the Middleton BUAB and 1.47km from the western edge of the Climping BUAB. The distance between the site and the edge of the Yapton BUAB using roads is just under 600m and does not have the benefit of a separate footpath, lighting or any cycle lanes.

The nearest facilities (medical facilities, schools, shops) are further away. There is a potential shop closer (being Middleton Farm Shop - currently listed on Google as permanently closed) but this walk requires crossing the fast & busy A259. It would be possible to access Yapton by public footpath but such routes would not be attractive at night or in/after inclement weather. The only realistic alternative to the private car is a bus as there are stops just south of GLW (albeit only the northbound one has a shelter). There is no safe crossing point to reach the northbound stop.

These bus stops are served by two different buses. The 700 Coastliner Service runs between Littlehampton, Yapton, Felpham, Bognor Regis, Chichester and other locations towards Portsmouth. It operates Mondays to Sundays and has a varied frequency but is roughly every 20-30 minutes during daytime. The second bus is the 141 Compass Travel service which runs between Yapton and Chichester (Bishop Luffa School) via places like Elmer, Felpham & Bersted but on school days only. It stops in Yapton twice per day at around 06:42 and then on its return, at around 15:30.

Weight should be given to the dismissed appeal decision from February 2014 concerning an extension of the industrial site with 3 new B1(c) workshop/B8 storage units. The Inspector concluded the proposal would not meet the definition of sustainable development and stated: "Given the free flowing nature and amounts of traffic on the adjacent roads walking or cycling would be likely to be unattractive options. Car journeys would not therefore be likely to be limited by the use of more sustainable modes of transport. As a result and in the absence of evidence to the contrary, I see no reason to believe that the potential for additional car journeys arising from the development would be other than significant."

Since that appeal decision, a cycle path between Littlehampton and Bognor Regis has been created along the north side of the A259.

In an attempt to improve sustainability of the site, the applicant proposes to create new pedestrian footway on the eastern side of Bilsham Road all the way from the site to the existing footway at Taylors Close. This route is just under 600m in length. However, there are no details of how this would be secured, what ownerships it includes, how wide it would be, what physical works are required, whether lighting or drainage would be included and whether it impacts upon any natural environments. In addition, it is not included within the application red edge. As such, it is not considered that this can be given any due weight in this determination.

Although it is acknowledged that bus travel is a realistic alternative if not wholly attractive, it is not considered that this alone overcomes the unsustainable and isolated location of the site.

The proposal would result in the loss of Grade 2 Agricultural Land but would also generate social and economic benefits in the form of:

- 81 houses (including self build) to contribute to the Councils current housing land supply shortfall/meet future needs;
- new affordable housing;
- new public open space & play facilities available for use by existing & new residents;
- a new community facility presumably also available for use by persons from outside the site;
- the generation of CIL receipts* to contribute towards local infrastructure needs;
- an increase in Council Tax receipts;
- potential 'New Homes Bonus' payments* from the Government;
- improved/safer access onto Bilsham Road for persons living on/using Grevatts Lane West;

- the creation/maintenance of construction jobs;
- new jobs associated with the industrial units; and
- additional spending by new residents on local goods & services.

* It should be noted that the New Homes Bonus and Community Infrastructure Levy are local finance considerations and as noted in the Development Plan Background section above, section 70(2) of Town and Country Planning Act 1990 (as amended) provides that local planning authorities should have regard to any local finance considerations, so far as material to the application.

The social and economic benefits when considered as whole are considered to be significant, whilst the loss of agricultural land is only moderate given that the land has not been used for agricultural purposes. Given the isolated location of the site, the reliance on the private car for persons to access the industrial units & new community hall & the same reliance for person living at the site to access nearby facilities and services, it is considered the proposal as a whole is not sustainable development. The presumption in favour of sustainable development is not engaged and the application can be determined against the policies of the development plan..

SUMMARY:

This outline application proposes development of the site with dwellings, industrial buildings, a community hall, closure of the existing/a new road access and public open spaces. All other matters regarding design, layout, appearance, scale and landscaping would be the subject of a reserved matters application.

The principle of development is contrary to the development plan in respect of the site's location within defined countryside, within best & most versatile agricultural land and partly within an area at risk from future flooding. It is also considered that the loss of this countryside site would result in severe harm to the character of this semi-rural and historic location. There are further policy conflicts concerning air & noise pollution, highway safety, foul drainage, ecology and affordable housing. It is acknowledged that there is also conflict with policy HER DM6 (archaeology) but it is not considered for the reasons set out in the report that this can be justified as a refusal reason.

It is accepted that the Council can only demonstrate a 2.9 year housing land supply and that the NPPF presumption in favour of sustainable development must be considered. This assessment concludes that, principally due to the isolated location of the site, the proposal does not represent sustainable development and the presumption is not engaged. It is considered that the application must be refused for the following reasons.

The applicant submitted a supporting letter dealing with the need for a sequential assessment and a revised masterplan drawing which swaps the area of self build as located in the area at risk of future flooding with the public open space & village hall. These have not been accepted as they were received the day before the application deadline and there is no time for them to be advertised and properly considered by all relevant parties.

The revised masterplan drawing proposes housing close to existing homes, two of which are non-designated heritage assets and close to the expanded industrial site and would result in greater impacts than those already considered by this report.

HUMAN RIGHTS ACT

The Council in making a decision, should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun

District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

REFUSE

- 1 The proposal results in the loss of open countryside, in an unsustainable & isolated location and this, coupled with the loss of best & most versatile agricultural land, significant & demonstrable harm to the character of the locality results in conflict with Arun Local Plan policies C SP1, SO DM1, EMP DM1, D DM1 & D SP1; YNDP policies BB1, H1 & E1 and the guidance in the National Planning Policy Framework.
- 2 Insufficient information has been provided to enable the Local Planning Authority to consider the impact on protected species (dormice & reptiles) and whether the proposal results in a net gain in biodiversity. The proposal fails to accord with Arun Local Plan policy ENV DM5 and with the National Planning Policy Framework.
- 3 Insufficient information has been provided to enable the Local Planning Authority to consider the air & noise pollution impacts on the new dwellings arising from the industrial site and the approved Crematorium on adjacent land to the east. The proposal is in conflict with Arun Local Plan policies QE DM1 and QE DM3 and with the National Planning Policy Framework.
- 4 Insufficient information has been provided to adequately demonstrate whether the proposal would not have an unacceptable impact on highway safety, or whether the residual cumulative impacts of the development on the road network would not be severe. The proposal is in conflict with Arun Local Plan policies T SP1 & T DM1 and with the National Planning Policy Framework.
- 5 Insufficient information has been provided to adequately demonstrate that proposed development in the land south of Grevatts Lane West will not be at risk from future flooding. The proposal is in conflict with Arun Local Plan policy W DM2 and with the guidance in the National Planning Policy Framework.
- 6 Insufficient information has been provided to adequately demonstrate that there is foul drainage capacity available to serve the proposed development. The proposal is in conflict with Arun Local Plan policy W DM1.

- 7 In the absence of a signed S.106 Legal Agreement containing provision for the affordable housing requirements, the development fails to comply with policy AH SP2 of the Arun Local Plan and the National Planning Policy Framework.
- 8 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.