

Recommendation Report for Approval of Reserved Matters Following Outline Approval

REF NO:	Y/71/20/RES
LOCATION:	Land North of Yapton Church of England Primary School North End Road Yapton
PROPOSAL:	Approval of reserved matters following outline consent Y/88/18/OUT for the erection of 38 No. dwellings, Public Open Space, a play area & drainage features. This application affects Public Rights of Way.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks reserved matters approval for 38 dwellings with associated parking, road/footway provision, foot/cycle paths, public open space, play provision, landscaping and ancillary works. Approval of scale, layout, external appearance and landscaping are sought. The access arrangements were approved on Y/88/18/OUT and benefits from a separate standalone permission under Y/17/20/PL.

The scheme includes 12 x 2 bed houses, 23 x 3 bed houses and 3 x 4 bed houses. Eleven of these are affordable comprising of 3 Shared Ownership (1 x 2 bed & 2 x 3 bed) and 8 Affordable Rented (5 x 2 bed & 3 x 3 bed). In addition, 14 houses will be built to be compliant with M4(2) of Building Regulations as per the requirements of condition 18 of the outline permission therefore being accessible and adaptable to future requirements.

Each house has at least 2 parking spaces (or 1 parking space & 1 garage). The 4 bed houses and two of the 3 beds have 3 spaces (including a garage). All garages are at least 6m by 3m allowing for cycle storage. Houses without a garage have cycle storage sheds in the rear gardens and elevations have been provided of these. There are a total of 22 garages, 79 other allocated spaces and 8 visitor spaces. The allocated parking spaces to plots 9, 10, 25-28, 32 & 36 (Upnor House Type) are partially covered by overhead first floor accommodation. Bin storage will be in curtilage with kerbside collection.

All of the houses will be two storeys with no roof level accommodation shown. The building designs are mixed with 9 different house types, the handing of same types and a mix of detached, link detached, semi-detached and short terraces. An electric substation building is proposed between plots 34 and 36 along the southern boundary.

Materials are described on the Materials Plan (PL-08 Rev A) and include 3 brick types, white painted brick, flint, ivory render, tile hanging, and 2 roof tile types. New internal boundaries will be predominantly 1.8m timber fencing but with 1.8m high brick walls to the North End Road frontage and the side elevations of plots 30/31 facing the area of open space. The section of boundary to the adjacent site where the footpath link will be will have 1.2m timber post & rail fencing.

As per the outline permission, the site will have a vehicular access onto North End Road. As this site is to be developed as one half of a larger site (together with land at Stakers Farm), the two layouts fit seamlessly together. The submitted plans demonstrate that the existing footpath no 329 along the southern boundary will be retained and widened to 3m. It will have fencing on one side and the existing hedge (boundary with the School) on the other. This will be surfaced in hoggin and will allow for both cyclist & pedestrian use.

A second footpath no 326 is to be partially diverted through the site using roads and pavements to reach the north western corner of the site where it exists onto adjoining land. This path will also pass the proposed link into the development to the north (Clays Farm).

The layout includes one large area of public open space (POS) in the centre of the site which includes a 100m² Local Area for Play (LAP) and is part crossed by FP326. A second smaller area is in the south western corner but is itself a part of a larger area extending into the Stakers Farm site. The proposals also include a 4.5m wide planted corridor along the western boundary and this will include an informal hoggin surfaced footpath. The total POS provision is 2265m² including the LAP and the path through the western buffer.

The application includes a comprehensive hard & soft landscaping scheme which includes the retention of the majority of boundary trees & hedgerows, 30 new trees, new native and formal hedges, grassed gardens, wildflower and ornamental planting. Benches will also be provided along the footpath through the central POS. The scheme also includes the use of new tarmac, block paving (4 types), slab paving and hoggin.

SITE AREA	1.64 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	23.1 dwellings per hectare.
TOPOGRAPHY	Predominantly flat but slopes significantly down to the road on the eastern frontage.
TREES	The site has an established hedge along the southern boundary and further sections of hedge and trees within the

northern, eastern and western boundaries. Of particular note are trees in the south western corner where the site meets the Stakers Farm land, which are categorised as having moderate value. These include T18 Field Maple, T20 Lime, T21 Hornbeam, T22 Ash and T47 Pedunculate Oak. It is proposed to fell G1 (group), T2, T3, T4, roughly half of Hedge H5, T9, T15, T16 and T20. It is also proposed to prune T11 & T12.

BOUNDARY TREATMENT

The boundaries are a mix of 1m high post & wire fencing, predominantly field maple (*Acer Campestre*) mix hedging and small trees.

SITE CHARACTERISTICS

The site is a large grassed field formerly used for the grazing of horses.

CHARACTER OF LOCALITY

The site lies on the edge of the settlement of Yapton. There is a primary school to the south, the road to the east with a business park and a recent 10 dwelling residential development beyond. There are horse paddocks and a couple of dwellings which are rural in character to the north and further agricultural (arable) fields to the west.

The closest of the nearby dwellings is "The Steddles" and is part single, part two storey (the northern half has a first floor within the roof). It has no first floor flank windows facing the site. There are bedroom windows on the rear at first floor level but these only have oblique angle views of the site. This site has the benefit of a planning permission for redevelopment with 11 dwellings but which has not yet been implemented (Y/121/19/PL).

The site shares a small section of boundary with the land associated with Stakers Farm and this has the benefit of outline planning permission for 70 dwellings (Y/44/17/OUT) and is the subject of Y/72/20/RES. This would be accessed through the Y/71/20/RES site and will be implemented by the same developer as one site. The horse paddocks to the north are also the subject of a separate outline planning application for 33 dwellings (Y/62/18/OUT & Y/83/19/OUT).

The wider village of Yapton is considered to be semi-rural in character, but benefits from two GP surgeries, a pharmacy, two churches, a public house, a village hall and playing fields, the primary school and a small selection of shops (including post office and a Co-Op convenience store). Barnham railway station is located 2 miles to the west (as the crow flies). Yapton is served by a regular bus service.

RELEVANT SITE HISTORY

Y/72/20/RES

Approval of reserved matters following outline approval Y/44/17/OUT for the erection of 70 No. dwellings, public open space, play area, drainage & landscaping. This

application affects the character & appearance of the Main Road/Church Road Yapton Conservation Area & affects the setting of Listed Buildings.

Y/73/20/PL	Variation of condition 3-plans condition following the approval of Y/88/18/OUT to replace the Proposed Access Arrangement plan & remove the Swept Path Analysis & Sketch Site Layout. This application is in CIL Zone 3 (Zero Rated) as 'other development'.	ApproveConditionally 12-11-20
Y/17/20/PL	Construction of a new access to serve residential development This application may affect a Public Right of Way.	ApproveConditionally 24-04-20
Y/88/18/OUT	Outline application with some matters reserved for the erection of 38 No. dwellings. This application affects a Public Right of Way.	App Cond with S106 26-11-19
Y/93/14/OUT	Outline application for the erection of 38 dwellings to comprise 6 No. 4-bed houses,20 No.3-bed houses,10 no.2-bed houses and 2no.1-bed houses each with a garage and parking space, together with the means of access off North End Road	App Cond with S106 05-08-15

The site was subject to outline planning permission (access only) for 38 dwellings which expired in August 2018. This was effectively renewed by application Y/88/18/OUT. Subsequent to this, a standalone permission has been granted for the access that serves both this site and Stakers Farm (Y/17/20/PL). In addition, the plans detailed in the decision notice for Y/88/18/OUT were varied by application Y/73/20/PL.

There is currently a Reserved Matters application in for determination regarding the adjoining land at Stakers Farm (Y/72/20/RES).

REPRESENTATIONS

Yapton Parish Council state Support but dependent on the following conditions (the following is a summary of the full comments on the website):

- (a) Garages be prevented from being converted into ancillary living accommodation for the first 10 years from the final occupation of the scheme;
- (b) All parking within the site to be softened by the use of CORE Grass or similar as opposed to tarmac/block paving;
- (c) The proposed 4.5m buffer should incorporate a fully DDA accessible footpath to ensure green connectively throughout the village. YPC require a condition that will specify the proposed path is a

public right of way for multi-user use and fully DDA compliant, built to an appropriate specification for immediate use after the first occupation of the scheme. Landscaping of the path must reflect that of a former meadow/field with sufficient buffers/margins to ensure good biodiversity along the improved public multi-user pathway;

(d) Would welcome suitable smaller housing for the more elderly village demographic which would encourage downsizing within the parish and subsequent churn of existing housing stock; and

(e) Request conditions to secure a sufficient landscaped buffer is provided fronting North End Road entrance to ensure clear visibility spays and safe crossing points for students accessing/egressing the Primary School.

In addition, 4 letters of objection raising the following concerns:

(1) Unsustainable site;

(2) The development of Yapton's open spaces with more houses is resulting in increased traffic congestion and a change to the character of the area;

(3) Too many new accesses onto North End Road resulting in harm to highway safety;

(4) No footway provision on North End Road;

(5) North End Road sites should have been planned as one site; and

(6) Provision of Foot & cycle links but no bridleway provision is discriminatory to women as most cyclists are men whilst most equestrians are women.

COMMENTS ON REPRESENTATIONS RECEIVED:

PARISH COUNCIL:

(a) A condition could be imposed to prevent garages from being converted without a planning permission and this would ensure sufficient control over the parking provision;

(b) The applicant is willing to propose the use of grasscrete as surfacing for parking spaces immediately adjacent to grassed areas of public open space, however, none of these instances are on this site (rather they are on the Y/72/20/RES scheme);

(c) The applicant confirms that the 4.5m buffer area running the length of the western boundary includes a footpath surfaced in hoggin being aesthetically suited to its rural surrounds and an environmentally friendly alternative to concrete or block paving. The applicant states that Hoggin is DDA compliant and the Local Planning Authority has no information to suggest otherwise. Landscape proposals in this area include species as appropriate to the wider setting and selected to secure opportunities for ecological enhancement;

(d) The Parish do not make it clear whether they are seeking greater smaller housing units or are content with that being provided. The submission includes 12 two bed houses. There are no 1 bedroom dwellings principally because the submission does not include any flats. The submission also includes 14 (two and three bed) dwellings meeting Part M4(2) of the Building Regulations so designed to enable the elderly or frail to stay in their own home for longer; and

(e) It is not appropriate to impose further landscaping conditions as the Reserved Matters application will approve details of landscaping. The applicant has made some changes to the North End Road frontage with houses now having bay windows fronting onto the road, flint detailed boundary treatments and better landscaping. The visibility splays are in accordance with the access specification approved by Y/88/18/OUT. A Streetscene of this frontage has also now been provided.

The Parish Council were re-consulted on 12/11/20 following changes made to the scheme. Their further comments are awaited.

LOCAL RESIDENTS:

- (1) - (3) These matters relate to the principle of development & the access arrangements and were agreed by the decision on the Outline application;
- (4) It is accepted there is no footway shown running north to the Clays Farm access. This was not previously requested WSCC Highways at outline stage (which approved access arrangements). The proposals include a pavement running south on North End Road linking to the eastern end of FP329 and to existing pavement to the south;
- (5) Noted however, the sites have come forward at different times and with different ownerships thus making this difficult; and
- (6) There was no request in respect of the outline application by WSCC Highways for a bridleway on this site. It is acknowledged the Arun Local Plan sets out a deficiency in bridleway provision, that ALP policy T SP1 seeks to promote bridleway routes and that the NPPF seeks to improve recreation by adding links to existing rights of way networks including long distance routes for walking, cycling & horse riding. Such a requirement should have been resolved at the outline stage when access was considered. It would not be possible to refuse the application on basis of no provision for horses. The Local Planning Authority also confirms that this decision has nothing to do with any male/female bias.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - Express concern that condition recommended by them at outline stage was not included in the recommendation. The condition in question would have prevented more than 19 dwellings from being occupied until the A27/Yapton Lane junction improvement had been completed. State that the non-inclusion of this condition would have required approval by the Secretary of State for Transport.

SOUTHERN WATER - No objections to the application or in particular, the foul sewer proposals.

SUSSEX POLICE - No objections but list a number of advisory notes regarding improving security.

WSCC HIGHWAYS - No objection subject to Electric Vehicle Charge Point and Travel Plan condition. Initially requested more information regarding the pedestrian/cycle link to the Clays Farm site, cycle storage, the Travel Plan and construction access arrangements/wheel washing/traffic routing. These matters have now been resolved.

WSCC PUBLIC RIGHTS OF WAY - Request confirmation that Footpath 329 will be 3m wide. A separate diversion Order is required for FP326.

WSCC FIRE & RESCUE - No objection subject to a condition to ensure that the fire hydrants as proposed are installed prior to occupation.

ADC ENVIRONMENTAL HEALTH - No objection to Construction & Environmental Management Plan.

ADC DRAINAGE ENGINEERS - Advise of a holding objection due to insufficient information being supplied in order to agree the layout. State that failure to secure a robustly evidenced implementable drainage strategy at this stage will likely unduly prejudice the drainage design and result in proposals failing to meet policy requirements.

ADC TREE OFFICER - No objection subject to conditions. State that:

- Those trees to be retained (mostly of low value and with moderate growth potential) have largely been

afforded sufficient room to permit future growth above ground level without constraint;

- The use of a 'No-dig' construction method within the RPA of retained trees to protect soil structure is explicit in the AMS but not illustrated upon the Tree Protection Plans. This increases the chance of a breakdown in understanding of permitted works in proximity to retained trees, with damage and/or losses resulting.
- Excavation into the RPA of T21 (and removal of T20) to accommodate the Infiltration Basin is undesirable from an arboricultural perspective and may also be unacceptable to our Drainage Engineer given growth potential of the former.
- There does not appear to be an approvable surface water drainage strategy for the site. This should be addressed now to avoid future harm to retained trees;
- The principle of development as described is unachievable without detriment to several higher value trees; and
- Although I am not entirely satisfied with the proposal, any losses can be adequately mitigated with an ambitious tree planting element to the overall soft landscape scheme.

ADC LANDSCAPE OFFICER - No objection but request information/changes re:

- Clarification re the Parish requested DDA compliant footway and PRoW within the site and its connectivity beyond the site;
- Hoggin footpaths may not be DDA compliant?
- Concerned that the dwellings that sit at the entrance to North End Road face side on, therefore giving a view of side fences at the entrance to this site from North End Road; and
- Clarification of the LAP proposal.

Also state that the detailed landscape proposals have shown a scheme which would be fitting for location in species choice, planting densities and size at time of planting. The proposals should mature to form a scheme which is fitting for location and enhances the setting of the development.

ADC HOUSING STRATEGY & ENABLING MANAGER - Raise no objection to the proposed affordable Housing mix which will need to be secured through a variation to the original S.106.

COUNCILS ARCHAEOLOGIST - No objection on the basis that an archaeological investigation condition was imposed on Y/88/18/OUT.

COUNCILS ECOLOGIST - Raise no objections with the ecological enhancements set out in the Ecological Design Strategy (July 2020).

No responses from the Environment Agency, NHS, WSCC Surface Water Drainage, WSCC Public Health & Sustainability or ADC Strategic Projects & Development.

COMMENTS ON CONSULTATION RESPONSES:

HIGHWAYS ENGLAND - It is acknowledged the Local Planning Authority did not notify the Secretary of State of its intention to grant the outline planning permission without the requested condition. The applicant did not agree to the condition and was refusing to accept it. The Council obtained legal advice which confirms the Outline planning permission is still valid. It is not considered reasonable to impose this condition on this Reserved Matters permission as the condition does not relate to one of the reserved matters.

WSCC HIGHWAYS - An electric vehicle charge point condition was imposed on Y/88/18/OUT therefore it is not necessary to impose a new one.

WSCC PUBLIC RIGHTS OF WAY - The applicant has amended the Construction & Environmental Management Plan to confirm that PRowS will have Heras fencing erected along their boundaries to maintain a 3m width during construction. Further, a S.257 application for the diversion of PRow 326 has been submitted to the Local Planning Authority.

ADC DRAINAGE ENGINEERS - The applicant has been liaising with the Councils Engineers to try to agree a resolution to the stated concerns. However, to date, no agreement has been reached and Engineers maintain their holding objection. A similar approach can be taken here to how other nearby Reserved Matters applications (Y/63/19/RES, Y/39/20/RES) have been determined. In these cases, it was made clear that if the drainage conditions imposed on the Outline cannot be agreed due to the layout not providing sufficient space then a new Reserved Matters application will need to be submitted to account for the necessary drainage features. Therefore, the reserved matters application can be determined without the full support of drainage engineers.

ADC TREE OFFICER - The applicant updated the Arboricultural Method Statement and Tree Protection Plan to ensure consistency between the two. The infiltration basin near T20 & T21 has been removed from the scheme. The basin is instead proposed to be replaced with an infiltration blanket.

ADC LANDSCAPE OFFICER - The applicant confirms that:

- The existing PRowS on site are to be retained at 3m in width;
- The 4.5m buffer area running the length of the western boundary includes a footpath surfaced in hoggins being aesthetically suited to its rural surrounds and an environmentally friendly alternative to concrete or block paving. The applicant states that Hoggins is DDA compliant and the Local Planning Authority has no information to suggest otherwise;
- A 3m wide, tarmac, pedestrian/cycle link is provided up-to the northern red line boundary to allow for a future link through to Clays Farm to the north;
- A 3m wide, 1.2m high timber gate is proposed to be sited on the boundary, this can of course be kept open on completion of works if considered appropriate;
- A length of 1.2m high, timber, post and rail fence is proposed adjacent to the gate in order to provide sightlines and further encourage a sense of connectivity to land to the north;
- Routes have been designed to inter-link, to encourage permeability within the site and to provide opportunities for enhanced connectivity within the local area;
- The path and buffer are to be maintained in central ownership with future maintenance to be the responsibility of a Management Company in line with s106 obligations;
- Proposals include a pavement running south on North End Road which ties into both PRow and pavements through site, and links to the existing footpath to the front of the school;
- The North End Road frontage has been changed with houses now having bay windows fronting onto the road, flint detailed boundary treatments and better landscaping;
- The provision of the LAP is now specified on Landscape Plans. Informal natural play elements such as stepping logs and log piles are proposed; and
- Areas of open space are to be the responsibility of a Management Company in line with s106 obligations.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
Lidsey Wastewater Treatment Catchment Area;
Class B Road;
CIL Zones 2 & 3;

Area of Special Control of Adverts; and
PRoW YAP/392/2 & YAP/326/7.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix
HSP1	HSP1 Housing allocation the housing requirement
HERDM6	HER DM6 Sites of Archaeological Interest
HWBSP1	HWB SP1 Health and Wellbeing
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
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

Yapton neighbourhood plan 2014 Policy BE2

	High speed broadband
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 E11	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy H2	Dwelling size
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

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD6	Archaeology
SPD11	Arun Parking Standards 2020
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities

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 Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

The relevant policies of the Yapton Neighbourhood Plan have been considered within this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would result in a development of an appropriate scale, layout and appearance which is not harmful to the character & appearance of the area, the amenities of existing residents or the existing road and public footpath network.

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.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

KEY ISSUES:

The following are considered to be key issues:

Principle;
Compliance with Outline Conditions
Layout, Appearance & Scale;
Public Open Space and Play;
Landscaping & Trees;
Housing Mix;
Accommodation for Older People;
Residential Amenity
Parking, Roads and Public Footpaths
Waste Management;
Surface Water Drainage
Biodiversity;
Internal & External Space Standards; and
Climate Change.

PRINCIPLE:

The principle of development has been established by Y/88/18/OUT which granted permission for 38 dwellings with access from North End Road. This permission established the principle of development including flood risk, impact on wildlife, loss of agricultural land, countryside location, foul drainage (the principle of 38 new dwellings connecting to the network) and the provision of affordable housing, public open space, children's play & other infrastructure.

COMPLIANCE WITH OUTLINE CONDITIONS:

Certain conditions imposed by the outline permission set parameters for the nature and form of the Reserved Matters submission and these are analysed below.

Condition 18 sets out the requirement that 25% of the 1, 2 & 3 bed dwellings be delivered to Lifetime Home standards. Lifetime Home standards no longer exist and the equivalent current standard is contained in part M4(2) of the Building Regulations. This is discussed elsewhere in the conclusions section.

Conditions 24-26 set out requirements in respect of the content of the landscape and tree protection details to be submitted with the Reserved Matters. It is considered that the submission complies with the requirements of these conditions.

Condition 27 states that the reserved matters submission should include details of how the scheme will link with surrounding land. The pedestrian/cycle link to the Clays Farm development is shown on the layout plan and there is also clear access into the Stakers Farm site which is to be developed in tandem with this site.

LAYOUT, APPEARANCE AND SCALE:

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. Para 130 states that permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The Council has an emerging Design Guide SPD which completed its initial consultation period, has been modified in response to the comments received and has undergone a further 4 week consultation period in accordance with regulations 12 & 35 of the Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended). It is considered to have substantial weight but has yet to be formally adopted and is intended as guidance. Therefore, any conflicts with the guidance need to be considered carefully.

The Design Guide suggests a density of 15-25 for detached/semi-detached houses in village locations and states that density should decrease with distance from the centre of a settlement, to ensure that development relates sensitively to its setting and addresses the edges of the site in a positive way. It states that this is particularly important to development which is adjacent to the settlement particularly when these are open fields. The site density is 23 dwellings per hectare and whilst the site does lie adjacent to fields, the density was set by the outline permission and the field edge is to be protected by a 4.5m buffer to reduce the visual impact of the new development.

The National Design Guide (NDG) has full weight as a material consideration in the determination of this application. This states that achieving a well-designed place comes about through making the right choices at all levels, including the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials and their detailing. It sets out ten characteristics of beautiful, enduring and successful places: Context, Identity, Built Form, Movement, Nature, Public Spaces, Uses, Homes & Buildings, Resources and Lifespan. The supporting statements state that the proposals have been developed to be in accordance with these characteristics but in practice there is no clear response to each of the headings.

The proposed layout is based on concept scheme A which was the Local Planning Authority's preferred layout of the two options presented at the pre-application stage. During these prior discussions, a number of changes were requested and in the main these have been actioned. The only exceptions are that houses are not fronting onto North End Road and there are still some enclosed parts (i.e. by the boundary treatments of adjacent houses) of the western boundary footway. However, in respect of these, the applicant has made some changes which lessen the significance of these concerns.

The layout is considered to function well and the proposed POS areas are usable spaces with no drainage features proposed within them. Although there remains a preference for plots 1 & 38 to front onto North End Road, the applicant has made changes to this key frontage adding bay windows to the flank elevations, enhancing the landscaping and changing fences for brick walls. The two buildings are

designed to be landmark features with brick and flint elevations. It is accepted that the drop in levels between the site and the road does mean that if the houses were to front onto the road then there would have to be steps up to the houses.

There is a feature building at the end of the access from North End Road but this is slightly offset from the end of the internal site road. Given the length of this road, views of the junction from North End Road will be limited. The proposed layout is positive in that there is to be a large POS area set centrally and overlooked by houses on three sides. This POS area will become a clear feature and have significant use value particularly as it has a play area, is crossed by a footpath and bordered by a further footpath. The layout is positive for walking and cycling as people will be able to use the designated footpaths to walk between North End Road and the new housing developments at Clays Farm/Stakers Farm plus the existing footpaths in the fields to the west.

The scale of development is solely two storey with no roof development. It is not considered that future roof development would be inappropriate in the development other than for parts of plots 1, 3, 4 & 38 that face North End Road. A condition will be imposed to prevent future roof alterations/extensions to certain elevations of these particular plots.

Building designs & materials have been informed by existing built form in the village and provide for variety and interest. The varied roof forms allow for changes in scale which aid in creating a sense of character considered to fit with Yapton. The proposal includes corner buildings and other feature dwellings in prominent locations which have things like white painted brick, tile hanging and flint to guarantee impact. The elevations & street scenes demonstrate that the use of varied design features, roof forms, windows, doors, materials and porches.

Whilst it is acknowledged that the existing public footpaths have an open aspect and that sections of them will now be enclosed between boundaries, this is acceptable given that these areas are being widened to 3m thus ensuring plenty of space on these routes.

The affordable homes are predominantly in one particular part of the site along the northern boundary but are not considered to be clustered all together as they are accessed from two separate internal road accesses and in all cases sit adjacent to market housing. The applicant has swapped the tenures of plots 12 and 17 to introduce further mixing. Affordable housing will be designed to be tenure blind. It is acknowledged that the only instance of a 4 dwelling terrace is affordable housing, however, other affordable housing dwellings are in dwelling types that match with market dwellings on the site.

The Councils Housing Strategy & Enabling Manger has not objected and it is recognised that affordable housing providers prefer these houses to be fairly close together in the interests of management. This is not a large site and the layout does not offer much potential for these to be spread across the site.

It is not considered that there are any other material considerations other than as discussed above. The proposal's layout, appearance and scale is considered to be in accordance with ALP policies D DM1 & D SP1, with the NPPF, the National Design Guide and the emerging Arun Design Guide.

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. This is even more important in the current climate world with nationally imposed lockdowns confining people to their homes and immediate surroundings.

There is no relevant YNDP policy. However, the Councils supplementary planning document (SPD) "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out specific requirements for on-site public open space (POS) and play provision.

The S.106 Agreement agreed in association with Y/88/18/OUT set out a requirement for the provision of Public Open Space (POS) and one LAP play area. It did not actually specify the amount of open space provision. The officer report set out a requirement for 2675m² of POS and this is in accordance with the current requirements of the Councils SPD although would need to be increased to 2775m² to include the 100m² LAP requirement.

The proposed POS provision is 2265m² including the LAP and the path through the western buffer. This is therefore short of the requirement. However, it is material that the Outline planning permission is for a set number of dwellings and that the only way to ensure this amount whilst creating more POS space would be to use flats which are not a usual form of development in this part of Yapton.

It is material that the site is part of a larger development together with Stakers Farm. The joint POS requirement as per the SPD for both sites is 7,603m² but it was agreed on Y/44/17/OUT that the Stakers Farm POS area could be reduced from the required amount of 5,376m² to take account of the land to be gifted to the school. The total requirement set out at outline stage for both sites was therefore 6675m² (928m² less than that in the SPD). The POS proposal for both of the two sites is 6880m² which complies with the reduced amount. Therefore, the residents of the North of the School site would also have access to useable POS within the adjacent linked site.

The POS areas do not contain any drainage features so all of the space will be useable all year round. In addition, the play area is 100m from the nearest residential dwelling (a policy requirement). The applicants have not provided a play area specification as such but do indicate on drawing DD427L01 Rev B that this area will include informal natural play elements such as stepping logs and log piles formed from tree removal. However, the play area will be subject to approval through the requirements of the S.106 Agreement so it is not necessary to ensure full detail at this stage.

As noted in the previous section, the POS area will become a clear feature and have significant use value particularly as it has a play area, is crossed by a footpath and bordered by a further footpath. The layout is also positive for walking and cycling as people will be able to use the designated footpaths to walk between North End Road and the new housing developments at Clays Farm/Stakers Farm plus the existing footpaths in the fields to the west. As such, the layout will contribute positively to promoting healthy communities.

There are some policy conflicts in respect of the Open Space SPD but the material considerations set out above are considered to outweigh these. The proposal is in accordance with ALP policies OSR DM1 and HWB SP1.

LANDSCAPING & TREES:

ALP policy LAN DM1 states: "Development throughout the plan area should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas." In addition, policy D DM1 requires developments to incorporate new tree planting and to improve upon character through landscaping.

ALP policy ENV DM4 states "Development will be permitted where it can be demonstrated that trees protected by a Tree Preservation Order(s), (TPO) identified as Ancient Woodland, in a Conservation Area or contributing to local amenity, will not be damaged or destroyed now and as they reach maturity".

YNDP policy E4 states that development sites should retain well-established features of the landscape, including mature trees & species-rich hedgerows and that new tree planting will be required to mitigate any significant loss.

There are several trees and sections of hedgerow in the site's boundaries. It is proposed to fell several 7 trees, fell a small group of 4 trees and also remove roughly half of an existing hedge. However, the application details the planting of 30 new trees and new native and formal hedges. None of the trees on the site are protected by TPO or otherwise considered worthy of such protection.

The Councils Tree Officer is not entirely satisfied with the proposal but considers that tree losses will be mitigated by the proposed planting scheme. The Tree Officer has stated no objection subject to conditions. The proposal removes some higher value trees including a category B Lime Tree (T20) but it is considered that this is necessary to achieve the development as agreed by the Outline and that the benefits of these new homes outweigh the harm, particularly given the mitigation arising from new tree planting.

The submission includes detailed landscape drawings and these have been assessed by the Councils landscape officer who considers the scheme to be fitting for the location in terms of species choice, planting densities and size at time of planting. The officer considers the proposals should mature to form a scheme which is fitting for the location and enhances the setting of the development. It is considered that the hard surfacing treatments are varied and that the mix of boundary treatments is also acceptable. It is noted that the latter includes the use of brick walls in key public realm locations.

It is not considered that there are any other material considerations other than as discussed above. The proposal is in accordance with ALP policies LAN DM1, D DM1, ENV DM4 and with YNDP policy E4.

OTHER MATTERS:

(A) Housing Mix

ALP policy HDM1 provides for a mix of housing to meet local needs and requires that all housing development provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand. The policy does not prescribe a specific housing mix that must be met by individual applications, with the policy stating that each must be considered on its own merits. The policy preamble (12.2.4) acknowledges that the final mix will be negotiated on a site by site basis, having regard to the most up to date Strategic Housing Market Assessment (SHMA).

The 2012 SHMA was the subject of an update by GL Hearn in 2016 ("Updated Housing Needs Evidence", September 2016) in which paragraph 6.3 stated that the evidence highlighted a direction towards the provision of 2 and 3 bed units for market units and smaller affordable units. The 2016 update acknowledges at paragraph 6.10 that the analysis clearly shows the different profiles in the different broad tenures with affordable (rented) need being more heavily skewed towards smaller dwellings and market housing predominantly homes with three or more dwellings. Table 29 identifies a suggested broad mix of market housing by size for the District:

- 1-bed dwellings: 5-10% of all dwellings;
- 2-bed dwellings: 40-45% of all dwellings;
- 3-bed dwellings: 35-40% of all dwellings; and
- 4+ bed dwellings: 10-15% of all dwellings.

Separate ratios are given for affordable homes but this element of the mix is to be separately agreed through an Affordable Housing Statement required through the terms of S.106 Agreement attached to

the outline permission. This application is accompanied by a signed Deed of Variation to the S.106 which partly amends the affordable housing mix to state 5 x 2 bed homes & 3 x 3 bed homes (Affordable Rented) and 1 x 2 bed homes & 2 x 3 bed homes (Shared Ownership). This new mix reflects that proposed by this application and has been agreed with the Councils Housing Strategy & Enabling Manager.

YNDP policy H2 says: "developments of fifteen or more dwellings must provide a mix of dwelling sizes (market and affordable) that fall within the following ranges:

- 1-bed dwellings: 10-15% of all dwellings;
- 2-bed dwellings: 25-35% of all dwellings;
- 3-bed dwellings: 45-55% of all dwellings; and
- 4+ bed dwellings: 5-10% of all dwellings.

Yapton Parish Council have a preference for more smaller housing to provide for the elderly village demographic. The development comprises the following mix (expressed as the number and % of market only units (27) and also the number and % of market & affordable combined (38)):

- 0 / 0 x 1 bed dwellings (0% / 0%);
- 6 / 12 x 2-bed dwellings (22% / 32%);
- 18 / 23 x 3-bed dwellings (67% / 61%);
- 3 / 3 x 4-bed dwellings (11% / 7%).

The mix is not in accordance with the SHMA and is only compliant with the 2 bed ratio set out in the YNDP. As such, there is conflict with both development plan policies. However, it is material that the proposal has been designed alongside the land at Stakers Farm in order to create a cohesive proposal of 108 units and that the housing mix on Stakers Farm has both 1 bed dwellings and a higher number of 2 bed dwellings. In order for the proposal to comply with the YNDP policy, it would be necessary to include 1 bed units but as already stated, flats are not typical. On this basis, the proposed mix is considered to be acceptable.

(B) Housing for Older People

Condition 18 of the Outline planning permission sets out the requirement that 25% of the 1, 2 & 3 bed dwellings be delivered to Lifetime Home standards (10 homes). Lifetime Home standards no longer exist and the equivalent current standard is contained in part M4(2) of the Building Regulations.

The Local Planning Authority has an agreed policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). This is neither adopted policy nor a supplementary planning document but is considered to have some weight as a material planning consideration.

This states that schemes of between 11 and 50 units should provide 30% dwellings of units to the M4(2) standard and also on schemes of more than 21, provide at least 2 additional dwellings to M4(3) wheelchair accessible standards. For this proposal that would equate to 11 M4(2) homes and 2 M4(3) homes.

The application shows the provision of 14 M4(2) homes which is clearly in accordance with the YNDP policy and condition 18 and also exceeds the M4(2) requirement in the planning guidance. There is no M4(3) provision but this is acceptable given the over provision of M4(2) homes.

(C) Residential Amenity

ALP policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Regard should be had to para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users. ALP policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity".

As noted above, the Council's emerging Design Guide now has substantial weight having been through two separate public consultations. However, it is intended as guidance only. This sets out guidance on interface distances between houses and sets out the following:

Back to Back: min. 21m between habitable rooms of properties or to existing buildings;
Back to Side: min. 14m between habitable rooms and side gable of adjacent property;
Front to Front: min. 16m between habitable rooms of properties facing each other; and
Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.

There are no standards given for either front to side, side to side or front to back. The layout has been checked and predominantly meets these standards with the exceptions being:

- Only 12.7m between rear of 18 and rear of 24 (should be 21m) - but is not a direct facing arrangement;
- Only 12.5m between the rear of 2 and the side of 3 (should be 14m); and
- Only 13.5m between the rear of 13 and the side of 15 (should be 14m) - but is not a direct facing arrangement.

However, whilst the Design Guide does have substantial weight, it is intended as guidance only and it is not appropriate to rigidly follow its requirements. It is noted that there are no first floor flank windows in 3 or 15's side elevations. As such, it is considered that such minor shortfalls are acceptable. There are no concerns with the relationships to existing adjacent properties or to new houses proposed on adjacent land.

There are some conflicts with the emerging Design Guide but as this is guidance, a flexible approach can be employed particularly in this case as there are no amenity distance concerns with existing residential properties. There are no conflicts with policies D DM1 or QE SP1 of the Arun Local Plan.

(D) Parking, Roads and Public Footpaths

ALP policy T SP1 states in respect of parking that: "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". The policy also states proposals must explain 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;
- (iv) incorporate facilities for charging electric and plug-in hybrid vehicles (where charging facilities are to be omitted from the development, evidence of market demand and viability must be provided); and
- (v) consider the needs of people with disabilities by all modes of transport.

ALP policy T DM1 sets out the need to protect and enhance public pedestrian routes including to enable

better access by cyclists. YNDP policy PK1 sets out required parking standards but this now has lower weight due to the adoption of the Arun Parking Standards SPD. The SPD requires a total of 79 allocated spaces and 8 (7.6 rounded up) visitor spaces.

WSCC Highways have appraised the reserved matters layout including with reference to the large vehicle tracking drawings and have no concerns with how the road layout will function or to the pedestrian/cycle links and pathways. It is not therefore considered that there is any conflict with ALP policy T SP1. In terms of parking, the proposal is for a total of 98 spaces including 8 visitor spaces and therefore exceeds the parking requirements set out in the SPD.

The site layout accords with ALP policy T DM1 in that the scheme respects & enhances public pathways through the site with an improvement of the existing rights of way and new paths such as that along the western boundary buffer area and into the Clays Farm development to the north. The site layout allows for pedestrian and cycle connectivity (the latter requiring cycling on the new quiet residential roads) into the adjoining Stakers Farm development and from there, subject to agreement of a third party land owner, into the Bonhams Field development and onto Main Road.

It is therefore considered the development would promote cycling and walking as alternative means of transport to the private car, particularly for short trips to local facilities or for recreation. It is accepted that horse-riders are not catered for, however this is considered to be acceptable for the reasons set out in the "Officer Comments on Reps" section of this report.

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."

Overall, there are no conflicts with the adopted policies, Parking SPD or the NPPF guidance, and no material considerations to indicate that permission should be withheld.

(E) Waste Management

ALP policy WM DM1 states that new residential development, will be permitted provided that it is designed to ensure that kerbside collection is possible for municipal waste vehicles.

There are no issues with refuse vehicles accessing the site from Main Road but one of the matters reported by WSCC Highways is that the refuse vehicle swept paths overrun landscaped or raised areas (such as outside plot 41). It has therefore been requested that these drawings be reviewed and the layout amended as necessary.

The application includes details of both individual bin storage locations, communal bin stores and collection points for bin days. The Local Planning Authority does not accept the design approach in respect of the bin stores for the apartment buildings (which consists of individual timber structures dotted around the ground floor of the respective building). The applicant has been made aware of this issue and whilst no amended plans have been formally submitted, drawings have been seen which replace these with communal bin stores. However, these raise design concerns of their own as some of them were shown to front onto roads and/or be alongside un-associated dwellings.

Overall, it is considered that the application achieves sufficient provision for the storage of waste and that kerbside collection is possible for all dwellings but there are concerns with refuse vehicle movements and the design/placement of certain bin stores. However, these are covered elsewhere in this report and

represent conflicts with other policies Overall, it is considered that the proposal complies with the requirements of policy WM DM1.

(F) Surface Water Drainage

It should be noted that this is a separate matter as drainage is covered by conditions 9, 10 & 17 of the Outline planning permission and will be agreed through the discharge of such conditions. However, the layout needs to be considered concurrently with drainage to ensure that there is sufficient space within the scheme to provide for any required drainage features.

ALP policy W DM3 states: "To increase the levels of water capture & 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.

The applicant has provided a Drainage Strategy Layout and other supporting drawings and information. This layout originally showed a pond/attenuation basin in the POS area that adjoins with the Stakers Farm site and a further attenuation basin in the central POS area but these have now been removed following negotiations with the Councils Engineers. The design now utilises an infiltration blanket underneath the POS areas and then permeable paving to all hard surfaces. It is apparent from the submission that levels will need to be raised across the site but only within normal construction tolerances with finished floor levels no more than 0.25m above ground level.

The Councils Engineers have assessed the submission and have raised a holding objection on the basis of insufficient information having been supplied to enable the drainage scheme to be fully agreed at this stage. Negotiations on this matter are ongoing but as it stands, the objection holds.

It is considered that a similar approach can be taken here to how other applications (Y/63/19/RES, Y/39/20/RES) were determined. In these cases, it was made clear that if the drainage conditions cannot be agreed due to the layout not providing sufficient space then a new Reserved Matters application will need to be submitted to account for the necessary drainage features. These other permissions represent material considerations. On this basis, this reserved matters application can be determined without the full support of drainage engineers and therefore it is not necessary to demonstrate compliance with policy W DM3 at this time.

(G) Biodiversity

Condition 4 of Y/88/18/OUT requires that the reserved matters be carried out in accordance with the recommendations of the Preliminary Ecological Appraisal (26/10/18) by PJC Consultancy and that the enhancements and mitigation measures be implemented and permanently retained.

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 YNDP policies relate to the principle of development and it is noted that whilst some trees and hedges are to be removed, their loss is to be mitigated by new planting. In respect of ENV DM5, the submission includes an updated version of the previous Preliminary Ecological Appraisal, a new Bat Activity Survey Report and an Ecological Design Strategy. The latter has been submitted to define the measures for the protection of important ecological features and the enhancement of the site to achieve an overall net gain in biodiversity.

It is stated that providing the recommendations are followed, the proposal will achieve a net gain in biodiversity. The Council's Ecologist has considered the proposal and concurs with this view. The recommendations of the new supporting ecological reports will be enforced by a new condition which will supersede the requirements of condition 4 on Y/88/18/OUT.

The Local Planning Authority considers that despite the development of the site with new physical development, its former use as an agricultural field compared to the proposed enhancements/creation of new habitat etc means that there will be an overall net gain. It is noted that the number of new trees and hedges are greater than the number of trees to be felled/hedges to be removed. All of the proposed trees are considered to be in practical locations such that their long term survival can be ensured. The amount of new tree planting will therefore also contribute to biodiversity net gain.

Therefore, the proposal complies with ALP policy ENV DM5 and YNDP policies E3 and E4.

(H) Internal & External Space Standards

ALP policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the buildings are suitable for residential use.

The submitted accommodation schedule provides a breakdown of the internal floor areas for all of the dwellings. The floorspace measurements are given in square feet so have been converted into square metres to check compliance. A random sample of the plans have been checked for accuracy with no concerns and the whole schedule therefore demonstrates that all of the dwellings exceed the required internal floor space standards.

There are no policies in the ALP relating to garden sizes, however, the emerging Arun Design Guide (considered to have substantial weight) sets out standards for garden sizes as follows:

- Private Rear Garden: min. 10.5m depth;
- Private Front Garden: min. 2m depth;
- Balconies: max. 2m beyond the building frontage, subject to minimum balcony to balcony distances of 17m. At least 3sqm of useable space; and
- Communal Shared Spaces for flats: minimum 40sqm plus 10sqm for each unit if not provided as balcony space.

A drawing has been provided showing sizes of rear gardens for each plot, however, garden sizes are not specified by the Design Guide and so it has been necessary to measure the garden depths. It is clear that some gardens are not the full 10.5m deep but all are in excess of 10m. The following are less than

10.5m: plot 2 (10.2m), plot 4 (5.5m tapering to 11m), plot 35 (10.2m) and plot 38 (10.4m). These instances are acceptable as the Design Guide allows for flexibility in the overall approach. In the case of plot 4, its rear garden faces North End Road so there are no privacy/overlooking concerns.

Front garden depths are not provided by the schedule or plan and following an assessment, it is clear that several dwellings do not provide a 2m deep front garden. The most notable shortfalls are in respect of plots 3-4 (0.5m), 5-8 (1m), 12 (1.6m) and 15-17 (1.5m).

The emerging Design Guide is considered to have substantial weight but has yet to be formally adopted and is intended as guidance. The Local Planning Authority does not consider that the shortfall in rear and front garden sizes is significant and will not result in material harm to the amenities of future residents.

(I) Climate Change

ALP policy ECC SP2 requires residential and commercial development be energy efficient and should incorporate decentralised, renewable and low carbon energy supply systems. It states for major developments, 10% of the total predicted energy requirements should be produced from renewable/low carbon energy generation on site, unless it is demonstrated this is unviable.

Condition 19 on the outline permission requires the separate approval of details to show that at least 10% of the energy supply of the development will be secured from decentralised and renewable or low carbon energy sources. As these details are required to be separately approved through the discharge of this condition, it is not considered reasonable to also require compliance at the reserved matters stage. As such, the proposal would be in accordance with policy ECC SP2.

IWSCC have asked for details of electric vehicle provision but again this is already by a condition on the outline permission (12) and so it is not reasonable to insist upon such details at this stage.

SUMMARY:

This report demonstrates there are no materially harmful concerns with the reserved matters scheme and the application is in accordance with most of the relevant development plan policies. There are some policy conflicts are set out above but these are outweighed by material considerations. It is therefore recommended that the Reserved Matters approval be granted subject to these additional conditions alongside those imposed on Y/88/18/OUT. It should be noted that the two pre-commencement conditions have been agreed with the applicant.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

INFORMATIVE: This decision has been granted in conjunction with a Deed of Variation (DoV) to the Section 106 legal agreement that accompanied the decision on Y/88/18/OUT. This new DoV amends the affordable housing mix and makes amendments to the wording of the provisions relating to the education and library contributions. The latter essentially updates these contributions to their current value which is slightly higher than as previously stated.

CIL DETAILS

It is not possible to secure CIL for this development as infrastructure contributions have already been secured through the S.106 Agreement attached to the outline planning permission.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans:

- 102-38-Location Plan LOC-01 Rev -;
- 102-38-PL01 Planning Layout Coloured Rev A;
- 102-38-PL01 Planning Layout Rev B;
- 102-38-PL03 Storey Heights Layout Rev A;
- 102-38-PL04 Unit Types Layout Rev A;
- 102-38-PL05 Tenure Layout Rev A;
- 102-38-PL06 Parking Layout Rev A;
- 102-38-PL07 Boundary Treatment Layout Rev A;
- 102-38-PL08 Materials Layout Rev A;
- 102-38-PL09 Garden Areas Layout Rev A;
- 102-38-SS-01 Street Scenes Rev A;
- 102-38-SS02 Streetscenes-2 Rev -;
- 102-38 Plot by Plot Accommodation Schedule Rev A;
- 102-38-FARRINGFORD -B-E1-P1 Rev A;
- 102-38-FARRINGFORD-B-E2-P2 Rev A;
- 102-38-FARRINGFORD-B-E3-P3 Rev A;
- 102-38-FARRINGFORD-B-E4-P4 Rev A;
- 102-38-FARRINGFORD-E1-P1 Rev A;
- 102-38-FROGMORE-E1-P1 Rev A;
- 102-38-GARAGES-E1-P1 Rev -;
- 102-38-GARAGES-E2-P2 Rev -;

102-38-GARAGES-E3-P3 Rev -;
 102-38-SHED-E1-P1 Rev -;
 102-38-KELMSCOTT-E1-P1 Rev A;
 102-38-TYPE A-E1-P1 Rev A;
 102-38-TYPE B-E2-P2 Rev -;
 102-38-TYPE C-E2-P2 Rev A;
 102-38-TYPE D-E1-P1 Rev -;
 102-38-UPNOR+-E1-P1 Rev B;
 102-38-UPNOR+-E2-P2 Rev B;
 102-38-UPNOR+-E3-P3 Rev A;
 102-38-UPNOR+-E4-P4 Rev B;
 102-38-UPNOR+-E5-P5 Rev A;
 102-38-VYNE-E1-P1 Rev A;
 102-38-VYNE-E2-P2 Rev B;
 102-38-VYNE-E3-P3 Rev A;
 102-38-WINDSOR-E1-P1 Rev A;
 102-38-WINDSOR-E2-P2 Rev A;
 Landscape General Arrangement Plan_1 of 2 DD427L01 Rev B;
 Landscape General Arrangement Plan_2 of 2 DD427L02 Rev B;
 Detailed Planting Plan_1 of 7 DD427L04 Rev B;
 Detailed Planting Plan_2 of 7 DD427L05 Rev B;
 Detailed Planting Plan_3 of 7 DD427L06 Rev B;
 Detailed Planting Plan_4 of 7 DD427L07 Rev B;
 Detailed Planting Plan_5 of 7 DD427L08 Rev B;
 Detailed Planting Plan_6 of 7 DD427L09 Rev B;
 Detailed Planting Plan_7 of 7 DD427L10 Rev B;
 Landscape Management Plan DD427R01 Rev A;
 Refuse Vehicle Tracking YAP-190-01 Rev A;
 Fire Tender tracking YAP-190-02 Rev A;
 Pantechnicon Vehicle Tracking YAP-190-03 Rev A;
 Car Parking and Pumping Station Tracking YAP-190-04 Rev A;
 Arboricultural Impact Assessment PJC: 5593/20-01 Rev 01;
 Arboricultural Method Statement PJC ref: 5593/20-02 Rev 01 including Tree Protection Plan PJC/5593/20/C (sheets 1-6 inclusive);
 Preliminary Ecological Appraisal (July 2020);
 Ecological Design Strategy July 2020 UE0306_NorthEndRd_EDS_1_200731;
 F4926-MD-01 "Mains Design" Rev -; and
 Residential Travel Plan ref 19-156-02 Rev C

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, D SP1, QE SP1 and T SP1 of the Arun Local Plan.

- 2 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s) - at this meeting all protective fencing and ground protection measures will be inspected to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan PJC/5593/20/C (sheets 1-6 inclusive), 28/07/2020.

Reasons: To comply with BS5837 and to ensure that retained trees are afforded due respect

and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area. This is required to be a pre commencement condition because it is necessary to ensure that trees are fully protected before the ground is disturbed and works commence.

- 3 All activity at the site is to be carried out in strict accordance with: the Arboricultural Method Statement, PJC ref: 5593/20-02 Rev- (28/07/2020).

If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones, then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reasons: To comply with BS5837 and policy ENV DM4 of the Arun Local Plan to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area. This is required to be a pre commencement condition because it is necessary to ensure that trees are fully protected before the ground is disturbed and works commence.

- 4 The development must be carried out in accordance with the recommendations of the Preliminary Ecological Appraisal (July 2020) and the Ecological Design Strategy (July 2020) both by Urban Edge Environmental Consulting. The enhancements and mitigation measures shall be implemented as per the document and the enhancements permanently retained and thereafter maintained as fit for purpose. This condition supersedes condition 4 imposed on Y/88/18/OUT.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 5 The foot/cyclepath link shown to the north east of plot 25 shall be laid out in accordance with the approved details and safeguarded to enable a future connection into the adjacent Clays Farm site. At such time as the developer of the adjacent site has begun to lay out their footpath then the developers of both sites shall work together to ensure that the corresponding pathways seamlessly link together to facilitate access between the two sites. The pathway shall thereafter be permanently retained and maintained in good condition.

Reason: To provide a foot and cycle path connection from the site into the adjacent approved development in the interests of sustainable transport in accordance with Arun Local Plan policies T SP1 & T DM1 and with section 9 of the NPPF.

- 6 Upon the first occupation of the residential dwellings, the applicant shall implement the measures incorporated within the approved Residential Travel Plan ref 19-156-02 Rev C. The applicant shall thereafter monitor, report and subsequently revise the travel plan as specified within the approved document.

Reason: To encourage and promote sustainable transport to accord with policies T DM1 and T SP1 of the Arun Local Plan.

- 7 Prior to the first occupation of any dwelling forming part of the proposed development, the developer will, at their own expense, install the fire hydrants in the approved locations as shown on drawing F4926-MD-01 "Mains Design" to BS750 standards for stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

Reason: In the interests of amenity and in accordance with policy INF SP1 and TSP1 of the Arun Local Plan and in accordance with The Fire & Rescue Service Act 2004.

- 8 No dwelling shall be occupied unless and until there has been submitted to, and approved by the Local Planning Authority, a scheme of signage/visual measures to alert users of Public Right of Way no. 329 to give way and/or watch for other pedestrians/cyclists at the junction of this path with North End Road and the junction of the path with the pavement running alongside the school boundary (almost opposite plot 31). The approved measures shall thereafter be implemented in full prior to occupation of any houses. The approved signs/visual measures shall thereafter be permanently retained in a condition that is fit for purpose.

Reason: To ensure the safety of pedestrians and cyclists within the development in accordance with policies T SP1 & T DM1 of the Arun Local Plan and paragraphs 108-110 of the NPPF.

- 9 The car parking spaces hereby approved shall not be used for any purpose other than for the parking of vehicles and the approved garages shall not be used for any purpose other than the parking of vehicles and for domestic storage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of ensuring sufficient vehicle parking and highway safety within the development in accordance with policy T SP1 of the Arun Local Plan.

- 10 All bathroom and toilet windows in the elevations of any of the buildings hereby approved shall be glazed with obscured glass and permanently retained so thereafter.

Reason: To protect the amenities and privacy of existing and future occupiers in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 11 No windows (other than those shown on the plans hereby approved) shall be constructed in the flank elevations of any of the dwellings hereby approved without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of existing and future occupiers in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 12 Notwithstanding the provisions of Parts 1 & 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (as amended) (or any Order revoking or re-enacting this Order) no front dormer/roof extensions/alterations to the buildings associated with plots 1 & 38 or rear dormer/roof extensions/alterations to the buildings associated with plots 3 & 4 shall be constructed unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of protecting the character & appearance of the North End Road streetscene in accordance with policies D SP1 and D DM1 of the Arun Local Plan.

- 13 Notwithstanding the provisions of Parts 1 & 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (as amended) (or any Order revoking or re-enacting this Order) no side dormer/roof extension/alteration to the building associated with plot 34 shall be constructed unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of protecting the privacy of the adjacent School in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 14 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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 15 INFORMATIVE: The applicant should note that this layout has been approved without the support of the Councils drainage engineers and therefore if it subsequently becomes clear that the drainage conditions cannot be agreed due to the layout not providing sufficient space for drainage then a new Reserved Matters application will need to be submitted as the Local Planning Authority will not be able to agree such changes through the Non Material Amendment process.
- 16 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 26/08/20) as available on the Councils website.
- 17 INFORMATIVE: The granting of this Reserved Matters permission does not give any formal approval to the matters required to be approved in writing in connection with conditions 2, 7, 8, 9, 10, 11, 14, 15, 16 & 19 of Y/88/18/OUT. Although approval for some of these matters may be implied through this Reserved Matters permission, a separate Discharge of Conditions application is required to formally agree these details.
- 18 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents which is available to read on the SW website: <https://beta.southernwater.co.uk/infrastructurecharges>.
- 19 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 20 INFORMATIVE: This decision has been granted in conjunction with a Deed of Variation (DoV) to the Section 106 legal agreement that accompanied the decision on Y/88/18/OUT. This new DoV amends the affordable housing mix and makes amendments to the wording of the provisions relating to the education and library contributions.