Recommendation Report for Approval of Reserved Matters Following Outline Approval

**REF NO:** Y/78/20/RES

**LOCATION:** Land East of Drove Lane
Yapton
BN18 0EB

**PROPOSAL:** **Approval of reserved matters following outline consent Y/92/17/OUT for 300 No.dwellings covering landscape, layout, public open space, drainage, scale & external appearance. This application affects the setting of listed buildings, affects the character & appearance of the Main Road/Church Road, Yapton Conservation Area & affects a Right of Way. This site falls within Strategic Site SD7 (Zero Rated).**

## SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks reserved matters approval for 300 dwellings with associated parking, road/footway provision, foot- and cycle-paths, public open space, play provision, landscaping, drainage features and ancillary works. Approval of scale, layout, external appearance and landscaping are sought. The access arrangements were approved on Y/92/17/OUT.

The scheme includes 17 x 1 bedroom flats, 20 x 2 bed flats & 61 x 2 bedroom houses, 127 x 3 bed houses and 75 x 4 bed houses. Of the 300 total, 90 are affordable units (67 affordable rented dwellings & 23 intermediate dwellings) with the mix as follows: 16 x 1 bed flats, 19 x 2 bed flats & 21 x 2 bed houses, 28 x 3 bed houses and 6 x 4 bed houses. In addition 65 of the 1, 2 & 3 bed dwellings in the 300 total will be built to be compliant with M4(2) of Building Regulations as per the requirements of condition 26 of the outline permission therefore being accessible and adaptable to future requirements.

Each house or flat has at least 2 parking spaces or 1 parking space and 1 garage. The larger houses either have 3 spaces or 2 and a garage. There are a total of 110 garages and 12 car barns. Some of the garages are shared doubles. There will be 83 visitor spaces throughout the site. Cycle parking is indicated to either be with cycle storage sheds, garages or communal stores. Elevations of the latter two have been provided but there are no details of garden sheds so these will need to be agreed by condition. All gardens will have bin storage spaces and there will be bin collection points on the frontages. The apartment buildings are shown to have individual low fenced bin stores around the base of the

building.

The majority of building will be two storeys with no roof accommodation shown. The exceptions will be the four apartment buildings (2.5 storeys) with two sited centrally and the other two towards the eastern edge. The building designs are mixed with 17 different types including detached, semi-detached, link-detached, terraced, mews, one & two storey flats and FOG's (flats over garages). A foul water pumping station enclosure is shown along the Drove Lane boundary but there are no elevation details for this, therefore a condition will be needed to secure these. In addition, there is a roughly 4m by 4m electric substation within the layout.

Materials are described on the Materials Plan (PLN-1-1108 Rev D) and include four brick types, 3 roof tile types, 3 weatherboard colours, render, flint and quoin detailing. New internal boundaries will be a mix of 1.8m brick pier & timber fencing, 1.8m brick & flint walls, 1.2m brick walls, 1.2m brick & flint walls, 1.8m timber fencing (2 styles), 1.2m chain link fencing, railings, low post & rail fencing and knee rail fencing.

As per the outline permission, the site will have a vehicular access onto Main Road in the northern corner of the site. In addition, as this site is to be developed as one half of the larger ref SD7 strategic allocation, the south eastern edge will adjoin the adjacent site and there will be numerous way to cross between including a road, cycle path, formal footpaths and over open grassland. The submitted plans also demonstrate that there will be a segregated 3m wide cycle path through the site (from Main Road to the boundary with the adjacent site), a 3m wide cycle path between the site and Drove Lane, 2m wide footways through the development, shared surfaces and several informal pathways accessing & including existing unaltered Public Rights of Way (PRoW).

The layout incudes five main areas of public open space (POS). Firstly, a Central Green near the south eastern edge. This will adjoin with a area of POS in the adjacent development. It includes an equipped play area, trees and a wet SuDS pond. Secondly, a Green Link which extends roughly north west from the Central Green towards Drove Lane and includes three further SuDS features. Thirdly, a small area between two of the apartment buildings towards the eastern corner. Fourthly, a large rectangular shaped space between Main Road and an existing hedge. This area includes the old Arundel to Portsmouth Canal.

The final area of POS consists of several linked areas around the perimeter of the site which also includes 7 wet SuDS pond features. An indicative play scheme has been provided which shows inclusive equipment. The total POS provision is 2.55

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| | hectares but it is unclear as to how much of this total is useable all year round.<br><br>The application includes a comprehensive hard & soft landscaping scheme which includes the retention of boundary trees & hedgerow, new trees (including native, evergreen, ornamental, fruit) & hedges, grassland, wildflower meadow planting, shrubs and spring bulbs. Benches will also be provided to POS areas. The scheme also includes the use of new tarmac, block paving (2 types), porous paving and concrete slabs to paths & patios. An entrance feature will be provided to the entrance of the site (back from the access, where the houses begin) which will consist of a freestanding curved brick & flint wall with "Drove Park" written on it and two benches in front. |
| SITE AREA | Approximately 13.1 hectares. |
| RESIDENTIAL DEVELOPMENT DENSITY | 22.9 dwellings per hectare (dph) gross density. |
| TOPOGRAPHY | Predominantly flat but slightly raised above the level of Main Road and Drove Lane by approximately 1m. |
| TREES | A number of trees within the site (along the south east boundary with the other part of site SD7) are protected by TPO/Y/4/18. According to the Tree Survey, 1 Ash tree would need to be felled only if Ash Die Back takes hold of it. |
| BOUNDARY TREATMENT | The "sheep field" which fronts Main Road features railings along the northern and western boundaries with Drove Lane. There is then a hedge separating this from the main part of the site. Other boundaries are either open, formed by hedging or consist of timber fencing to existing dwellings. |
| SITE CHARACTERISTICS | The site comprises a large arable field and a small pastoral field adjacent to the settlement boundary. The pastoral field which is situated adjacent to Yapton Road falls within a Conservation Area and is crossed by the remnants of the Portsmouth and Arundel Canal. The application site forms part of the strategic allocation SD7 within the Arun Local Plan.<br><br>The northern most field constituting the application site is situated immediately adjacent to Main Road and features railings along the northern and western boundary with Drove Lane. This is known locally as the "sheep field". The southern most boundary of the site features hedgerow which separates the field from the main arable field. The arable field features open boundaries to the west and south with hedgerows situated along the eastern boundary of the site. |
| CHARACTER OF LOCALITY | The character of the locality is predominantly rural with the application site situated within the built up area boundary with existing residential development present along the northern and eastern boundaries of the site. Agricultural fields are situated to the south, east and west of the application site. The Yapton conservation area is situated to the north-east. |

There are also a number of Listed Buildings along Main Road on the opposite side of the NE boundary frontage.

## RELEVANT SITE HISTORY

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| Y/127/20/PL | Construction of new access to serve residential development. This application affects the setting of listed buildings, affects the character & appearance of the Main Road/Church Road Conservation Area & the site falls within Strategic Site SD7 (Zero Rated). | |
| Y/41/20/DOC | Approval of details reserved by condition imposed under ref Y/92/17/OUT relating to Condition No 6 - design code masterplan. | DOC Approved 29-07-20 |
| Y/16/20/DOC | Approval of details reserved by condition imposed under ref Y/92/17/OUT relating to Condition No 24 - archaeological | DOC Approved 03-03-20 |
| Y/92/17/OUT | Outline application with all matters reserved save access, for up to 300 dwellings, link road, surface drainage, open space and landscaping. Departure from the Development Plan and Access route is within the Yapton (Main Road) Conservation Area. | App Cond with S106 31-05-19 |

Outline permission for up to 300 dwellings was granted under Y/92/17/OUT with details of the access. This permission was granted subject to 31 conditions and a Section 106 Legal Agreement. One of the conditions required the approval of a Design Code masterplan which would then shape and guide the reserved matters submission. This condition was discharged in late July 2020 on the basis of the "Yapton SD7 Design Code - Masterplan" Rev C (July 2020).

Pre-application advice on this scheme was given in July 2020 at which time it was concluded that that the proposed layout was broadly acceptable but needs more work. In particular, concerns were expressed regarding the size of the Central Green area of POS, how the peripheral areas of POS will be managed in respect of the presence of SUDS features, site permeability & legibility and the proposed housing mix.

An application has recently been submitted seeking permission for the access as a standalone development. This will be determined in due course.

The other half of the strategic allocation SD7 benefits from its own outline permission ref Y/91/17/OUT. It was anticipated that both reserved matter applications would be submitted at the same time but this has not been the case and it is unclear when the other reserved matters application will come forward. It should also be noted that the afore mentioned Design Code also covers this site (i.e. it is one Code for

the development of both halves of the SD7 allocation).

## 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) All street lights to be designed to ensure minimum light pollution and protect the night sky
(d) The proposed informal pathways and other more formal Public Rights of Way (PRoW) should be fully DDA accessible. A condition to be imposed to specify that any 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 paths must reflect that of a former meadow/field with sufficient buffers/margins to ensure good biodiversity along the improved public multi-user pathway;
(e) The 'sheep field' must be left as open space for the lifespan of the housing to ensure that both the setting of the former canal and canal cottages is preserved and the integrity of the conservation area is not eroded through loss of key open space and setting;
(f) 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
(g) Affordable Housing should be better spread out through the scheme to ensure a more cohesive community.

In addition, 13 letters of objection raising the following concerns:

(1) Loss of green space for people to use during lockdown events;
(2) No consideration given as to impact of development on wildlife species using the site;
(3) Insufficient consideration of the impact on the old Arundel to Portsmouth Canal in particular the remains of the Drove Lane Bridge - no consideration of improvements to this;
(4) No proposal to use the line of the canal for a new greenway - request removal of the hedge to enhance the Canal as a feature;
(5) Object to removal of hedgerow along the canal and provision of a path along the canal;
(6) Lack of bridleway and multi-user path provision;
(7) Poor quality of the Heritage Compliance Statement;
(8) Will increase flooding on Main Road;
(9) Need additional infrastructure including Schools, doctors, more sport facilities;
(10) Object to plans to demolish the bridge and the houses at the end of The Pines to create access.

## 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 has not responded to this request. It is considered that this could only be achieved in part as it would not be appropriate or reasonable to have every parking space finished in this way but certain spaces where adjacent to 'green' areas could have such a treatment;
(c) The application submission includes details of the new lighting. The Council's Environmental Health Officer and Ecologist have both considered the submission and no objections have been raised to the proposed lighting. On this basis, it has to be concluded that there will be no light pollution and no

adverse harm to the night sky;
(d) The submission shows the existing PRoW as being retained in their current width and these along with any new footpaths through areas of public open space will be surfaced with hoggin with timber edges. New and retained footpaths will be at least 2m wide whilst cycleways will be 3m wide. It is understood from Government guidance that footpaths of 1.5m allow for a pedestrian to pass a wheelchair and also that hoggin is an acceptable material. Pathways through open space will be bordered by either wildflower meadow planting or amenity grass land. It would not be appropriate to require the approval of such details by condition as this is covered by Landscaping which is to be determined under this Reserved Matters application;
(e) No development is proposed on the 'sheep field' as located in the northern corner of the site other than the access improvement works as already approved by Y/92/17/OUT;
(f) 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 36 one and two bed flats & 62 2 bed houses (98 out of 300 total); and
(g) The clustering of affordable housing is considered within the conclusions section of this repor.

The Parish Council were asked on 20/10/20 for their further advice in respect of their "Support with Conditions" stance and the fact that not all of the conditions have been/could be met. Following further communications, the Parish responded on 04/12/20 to say that as there is currently no suggested amendment to the applicant's scheme to accommodate Yapton PC's concerns (use of green core & thoughtful distribution of social housing), the conditional support is withdrawn. Therefore, requested that the proposal be refused until further consideration has been given to the proposed layout.

LOCAL RESIDENTS:

(1) There is no actual loss of public open space as the site is a private agricultural field. The existing PRoW will be retained and the proposal will result in new open space for use by the public.
(2) The impact on wildlife was assessed as part of the outline permission (ref Y/92/17/OUT) and conditions were imposed to seek the necessary mitigation measures. However, this application is accompanied by a Biodiversity Net Gain Statement. The Councils ecologist has raised no objections.
(3) & (4) It was decided at the outline stage (app Y/92/17/OUT) that adding a formal route along the canal and/or removing the existing hedge would be to detrimental to the setting of the heritage asset (the historic canal) and consequently, no provisions were put in place regarding this. The Councils Conservation Officer has advised no objections to the creation of a multi user route extending further up the canal route with information boards etc. However, the Conservation Officer also states that the retention of the existing mature hedgerow alongside the canal will reduce the impact of the development upon the various heritage assets and is a positive approach - therefore, by definition, there would be an objection to its removal to open up the canal to the existing path;
(5) There are no plans to remove the hedge in question and its retention is supported by the Conservation Officer. This comment demonstrates that there are conflicting local views as to proposals for the reuse of the canal as a new public route.
(6) At the outline stage, it was requested that the scheme include a segregated cycle route through the whole of the SD7 site (so together with Y/91/17/OUT) to provide safe cycle access between Main Road and Bilsham Road. In addition, the scheme provides numerous footpath routes both through and around the site. There was no similar request for a bridleway despite this being raised by residents at the time and despite access being determined at that time. It is acknowledged that 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. However, such a requirement should have been resolved at the outline stage when access was considered. It would not be possible to refuse the application now on basis of no provision for horses.
(7) Noted, please refer to the Conservation Officer response.

(8) Noted, please refer to the Drainage Engineers response.
(9) The outline application specified the required contributions to sport/recreation and other infrastructure and these financial contributions will be enforced through the S.106 legal agreement.
(10) There are no plans to demolish the bridge and the houses at the end of The Pines to create access.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - Express concern that the condition recommended by them at outline stage were not included in the recommendation. The condition in question would have prevented any more than 199 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 and that therefore the outline decision was ultra vires.

SPORT ENGLAND - No objection.

SOUTHERN WATER - No objections.

SUSSEX POLICE - No objections but their response on the website dated 02/09/20 lists a number of advisory notes regarding improving security.

WSCC HIGHWAYS - Request more information including the breakdown of parking provision, EV charge points, details of cycle storage sheds, clarification of bike stand locations, various finer details of road layout, cycle path segregation & priority, links at ends of cul-de-sacs, footway from the site access, swept paths & speeds of straight road sections.

ADC DRAINAGE ENGINEERS - Advise of a holding objection due to insufficient information being supplied in order to agree the layout.

ADC ENVIRONMENTAL HEALTH - State no comment.

ADC LANDSCAPE OFFICER - No objection. Comment that:

- The landscaping scheme is well thought out;
- The POS areas around the periphery will form a pleasant setting to the development;
- The green corridor through the site will aid wildlife and enhance biodiversity;
- Pedestrian and cycle routes should be in accordance with WSCC PRoW Criteria;
- Generally pleased with the indicative play offer particularly the inclusive equipment although further amendments may be required and details of maintenance will be required;

ADC CONSERVATION OFFICER - Advises that the proposed development will result in "less than substantial harm" in accordance with paragraph 196 of the NPPF (2019) and that this would be on the lower end of the spectrum. Therefore, advises that it will be necessary to consider the public benefits that the development may achieve as part of the application assessment.

ADC HOUSING STRATEGY & ENABLING MANAGER - No objection to proposed housing mix of affordable housing but do object to the location of this in two large clusters which is contrary to ALP policy H SP2.

COUNCIL's ARCHAEOLOGIST - Note that the remains of the old Drove Lane canal bridge survive as

earthworks containing brickwork in a hedgerow on the west side of Drove Lane, opposite and in line with the remains of the canal. Request further investigation and possible retention of the southern half of this old bridge.

COUNCIL's ECOLOGIST - No objection. State that are happy with the content of the Ecological Walkover Survey and the Biodiversity Net Gain Statement. No extra conditions required.

No responses from Environment Agency, NHS, WSCC Adult Social Care, WSCC Public Health & Sustainability, WSCC Surface Water Drainage, ADC Economic Regeneration, ADC Tree Officer or the Conservation Area Advisory Committee (CAAC).

## COMMENTS ON CONSULTATION RESPONSES:

HIGHWAYS ENGLAND - It is acknowledged that the Local Planning Authority made a mistake in not notifying the Secretary of State of its intention to grant the Outline planning permission without the requested condition. The reason for this was that the A27 junction improvements were to be delivered in association with two different sites (Tye Lane, Walberton or Stakers Farm, Yapton), whichever came first. Therefore, it was not considered necessary to impose a restriction on this permission also. The Council has obtained legal advice which confirms that the outline permission is still valid. It is also not considered reasonable to impose this condition on this Reserved Matters permission as the condition does not relate to one of the reserved matters.

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

WSCC HIGHWAYS - This request was put to the applicant on 21/10/20.

ADC DRAINAGE ENGINEERS - Engineers met with the applicants on 20/10/20 to agree the outstanding information. Whilst some of this has now been provided, as of the 3rd November, there remains a request for outstanding information.

ADC LANDSCAPE OFFICER - The play area and maintenance arrangements will need separate approval through the S.106.

ADC HOUSING STRATEGY & ENABLING MANAGER - The clustering of affordable housing is considered within the conclusions section of this report.

COUNCIL's ARCHAEOLOGIST - The applicant states that it is not possible to preserve the old canal bridge remnants due to the need to provide vehicular access to the nursery/scout-hut and retain the tree to the north-east of the access road. However, they would be willing to record the structure and move it to a different location, for example to the front of the site, or on the open space in the centre. The Councils Archaeologist states that this can be resolved as a second stage of the current archaeological investigation, as allowed for in paragraph 3.3 of the agreed Written Scheme of Investigation (WSI) approved by Y/16/20/DOC (condition 24 of Y/92/17/OUT). An informative could be included to remind the applicant of this requirement.

## POLICY CONTEXT

Designations applicable to site:

Within the Built-Up Area Boundary;
Strategic Housing Allocation ref SD7;
Area of Special Control of Adverts;

Part within the Main Road/Church Road Conservation Area;
Potentially affecting setting of Grade II Listed Buildings on Main Road;
Remnants of Portsmouth to Arundel (Arun-Wey) Canal;
Archaeological Notification Area;
Flood Zone 1;
Public Rights of Way (YAP/200_1/6; YAP/157/3; YAP/157/4 & YAP/155/2);
TPO/Y/4/18; and
CIL Zone 1.

## DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

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| 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 mitagation |
| ENVDM4 | ENV DM4 Protection of trees |
| ENVDM5 | ENV DM5 Development and biodiversity |
| GISP1 | GI SP1 Green Infrastructure and Development |
| HDM1 | H DM1 Housing mix |
| HERDM1 | HER DM1 Listed Buildings |
| HERDM3 | HER DM3 Conservation Areas |
| HERDM5 | HER DM5 Remnants of the Portsmouth and Arundel Canal |
| HWBSP1 | HWB SP1 Health and Wellbeing |
| OSRDM1 | Protection of open space,outdoor sport,comm& rec facilities |
| QEDM2 | QE DM2 Light 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 |

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| 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 E8 | Conservation Areas |
| Yapton neighbourhood plan 2014 Policy E9 | Listed Buildings and Buildings or Structures of Character |
| Yapton neighbourhood plan 2014 Policy E10 | The former Portsmouth and Arundel Canal |
| Yapton neighbourhood plan 2014 Policy E11 | Minimising the impact of flooding from development |
| Yapton neighbourhood plan 2014 Policy H2 | Dwelling size |

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| 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:

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

SUPPLEMENTARY POLICY GUIDANCE:

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| SPD2 | Conservation Areas |
| 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 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 is considered to conflict with relevant Development Plan policies in that it fails to allow for

proper consideration of highway safety, fails to achieve a suitable housing mix, fails to respect the amenities of existing & future residents, fails to achieve a functional & visually appealing layout, fails to ensure that affordable housing is indistinguishable from market housing, fails to maximise the potential for cycling within the layout, fails to provide sufficient private amenity space and fails to provide sufficient public open space and children's play.

Part of the site is within a Conservation Area and section 71(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act states:

"In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The proposal is considered to comply with this in that it preserves the character of the Conservation Area by not developing upon the part of the site within this designation and maintaining the hedge between the Conservation Area and new houses.

## OTHER MATERIAL CONSIDERATIONS

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

## CONCLUSIONS

PRINCIPLE:

The principle of development has already been established by the outline permission Y/92/17/OUT which granted permission for up to 300 dwellings with access from Drove Lane. This permission established the principle of development including flood risk, impact on wildlife, loss of agricultural land, countryside location, foul drainage (the principle of up to 300 new dwellings connecting to the network) and the provision of affordable housing, public open space, children's play & other infrastructure.

This permission was for half of the overall SD7 site allocation in the Local Plan with Y/91/17/OUT forming the other half. The outline permission included the need for cycle/pedestrian/vehicle access through both sites to connect Main Road to Bilsham Road.

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 (3) states that the development shall be carried out in accordance with the approved plans including the Parameter Plan (ref 1244L.02) and the Proposed Site Access Plan (ref 14-111/301). The development is in accordance with these drawings.

Condition (6) required that a Design Code Masterplan be approved prior to submission of the Reserved Matters and that the development then be prepared and carried out in accordance with the approved Design Code. A Design Code was approved by ref Y/41/20/DOC before the submission of the Reserved Matters and the proposed development is considered to be in accordance with this Code.

Condition (7) sets out requirements in respect of the content of the landscape details to be submitted with the Reserved Matters. The Landscape Officer has assessed the submission and raises no

objection.

Condition (9) requires that the details of the proposed surface water drainage scheme be agreed prior to the approval of any reserved matter. It is considered that this means that the details should be approved separately and before approval of this application. The applicants have not submitted a discharge of conditions application and there is also currently a holding objection from the Council's drainage engineers so it would not be possible at this time to agree the condition details.

Condition (12) requires that the details of the proposed foul drainage system be agreed prior to the approval of any reserved matter. It is considered that this means that the details should be approved separately and before approval of this application. The applicants have not submitted a discharge of conditions application. They have supplied foul drainage plans with the application but Southern Water have not responded to these details in their consultation response as clearly they are expecting a specific application to discharge the condition.

Condition (13) requires that the reserved matters application be substantially in accordance with the approved wildlife enhancement plan. The application includes an updated ecological walkover survey and a biodiversity net gain statement. The Councils Ecologist has stated no objection.

Condition (26) 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 would mean that at least 56 of the 225 1/2/3 bed dwellings should be part M compliant. Drawing PLN-1-1112 M4(2) confirms that 65 homes (28%) will be designed to meet part M(2) of the Building Regulations. The proposal therefore complies with the condition and with policy H3 of the Yapton Neighbourhood Development Plan.

HERITAGE:

A small rectangular area of the site (the open space between Main Road and the existing hedge) is within the "Yapton, Main Road/Church Road" Conservation Area. This designation also extends south eastwards meaning that the entire north east boundary of the site is either within or adjacent to the Conservation Area. There some listed buildings along the Main Road frontage and the setting of these will be affected.

In addition, the site is crossed by the remnants of the Portsmouth to Arundel Canal and it has been identified that the remains of a former bridge lie in one corner of the site. Finally, Drove Lane itself has been acknowledged as being part of a former historic droving route. It should be noted that this has been adapted to provide vehicular access and features a tarmacadam surface where it runs adjacent to the northern boundary of the site. Nevertheless, Drove Lane, the canal and associated features are considered to be non-designated heritage assets.

Relevant Arun Local Plan (ALP) policies are HER SP1 (The Historic Environment), HER DM1 (Listed Buildings), HER DM3 (Conservation Areas) and HER DM5 (Remnants of the Portsmouth & Arundel Canal). 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 DM3 lists criteria for proposals affecting the setting of a Conservation Area and those relevant are:

(a) New buildings and structures should acknowledge the character of their special environment in their layout, form, scale, detailing, use of materials, enclosure and the spaces created between buildings;
(e) It retains historically significant boundaries, important open spaces and other elements of the area's established pattern of development, character and historic value, including gardens, roadside banks and

verges; and
(f) It does not harm important views into, out of or within the Conservation Area.

In addition, HER DM5 states that development will be permitted where it would not adversely affect the remaining line and configuration of the Portsmouth and Arundel Canal and features along it.

Yapton Neighbourhood Development Plan (YNDP) policy E8 states that development proposals will be required to preserve or enhance the character of those areas. Policy E9 refers to Listed Buildings but only concerns the loss of such buildings and does not refer to impacts on setting. Policy E10 states that proposals that would result in the loss of the remaining structures and/or visible features of the former Portsmouth and Arundel Canal will not be permitted.

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." Section 72 states: "In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

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 is 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 (Drove Lane & the canal), 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.

Heritage impact was considered at the outline stage at which time it was concluded that the proposal would not impact on the significance of Drove Lane, that the line of the canal would remain intact & unaffected and that the proposal would result in 'less than substantial harm' to the Conservation Area and Listed Buildings but that the level of public benefit would outweigh this impact.

It should be noted that this assessment was on the basis that there would be no physical development in the sheep field at the front of the site (being within the Conservation Area & crossed by the canal) and that the boundary with Drove Lane would have open space & landscaping adjacent to it. This situation has not changed. However, the Council was not aware of the existence of the canal bridge remains at the time of the previous outline application.

The applicants have provided a Heritage Compliance Statement (HCS) which advises that it should be read alongside the three previous heritage assessments submitted as part of the approved outline application. It also states that the HCS does not reproduce the detailed heritage analysis provided within the previous Heritage Statements, but instead summarises this analysis in order to consider the potential impact of all reserved matters associated with the planning application. The HCS concludes that:

- the proposals will replace the fields forming part of the setting of the heritage assets, however, the

proposed design measures provide an appropriate transition between the proposals and the heritage assets to mitigate heritage impact where necessary;
- the approach to scale, landscape and planting buffers follows the underlying design ethos and mitigation measures included in the approved outline application;
- the removal of the previously proposed emergency access through the northern parcel of the site and the character of building types proposed will go further to mitigate heritage impact, beyond that achieved as part of the approved outline application; and
- in all cases, the impact of the proposals on the significance of the identified heritage assets will remain the same as the those set out by ADC in the approved outline application.

It is not considered that there will be any direct physical impact on the nearby heritage assets but that the proposal will have an impact on the setting in which such assets (both designed and non-designated) are experienced. However, this is also mitigated by the retention of the hedge alongside the canal, the proposal to leave the 'sheep field' (within the Conservation Area) as is and the fact that Drove Lane is already hard surfaced.

The Conservation Officer considers that the proposal results in less than substantial harm to the heritage assets (and on the lower end of the scale). The Local Planning Authority accepts this view particularly as it reflects the officer advice given on the outline application. 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:

- 300 homes 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;
- new & enhanced public foot & cycle paths available for use by existing & new residents provide safer access between Main Road and Bilsham Road (albeit subject to delivery of the other half of the strategic allocation SD7);
- the developer contributions and other infrastructure improvements as set out in the S.106 Agreement for application Y/92/17/OUT;
- an increase in Council Tax receipts;
- potential 'New Homes Bonus' payments from the Government;
- the creation/maintenance of construction jobs; and
- additional spending by new residents on local goods & services.

The public benefits are of a level that the "less than substantial harm" can be outweighed and that the proposal can be considered in accordance with the NPPF guidance and therefore compliant with the relevant development plan policies.

Separately, the Councils Archaeologist has identified that the remains of the old Drove Lane canal bridge survive as earthworks containing brickwork in a hedgerow on the west side of Drove Lane. This was not previously known when the outline application was approved and the access arrangements agreed. Part of these arrangements were to ensure vehicular access to the nursery/scout-hut and this means that it will not be possible to preserve all of the remains in-situ. The archaeologist does note that the remains of the southern embankment & abutment can be preserved in-situ, whereas the northern section of the bridge remains would be affected by the new access to the nursery & scout hut.

The applicant has agreed to record the structure and relocate the northern part as a feature elsewhere on the site. The archaeologist considers that this can be secured through the second stage of the agreed Written Scheme of Investigation. Nevertheless this would result in direct harm to the canal bridge remains by virtue of their removal from the line of the canal.

Para 197 of the NPPF advises that harm to non-designated heritage assets should be subject to a

balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset. It is preferable to retain the whole of the asset in situ but in the circumstances, it is considered that removal and retention of one half would be appropriate with the other half being left as is. It is considered that the harm to the bridge remains does result in public benefits in respect of improved access to the nursery & scout hut and provision of part of a new cyclist route between Bilsham Road and Main Road. This is considered to outweigh the harm to the existing northern bridge remains

In respect of sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, whilst the setting of such designated heritage assets will be subject to some harm, it is not considered this harm is significant and can be outweighed by the strength of the public benefits. Furthermore, the harm to the non-designated assets is acceptable also on the basis of the public benefits arising from the development.

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.

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 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.

This proposal benefits from an approved Design Code which itself was designed & developed to be in accordance with the parameter plan referred to in condition 3 of Y/92/17/OUT, the NDG and the emerging Arun Design Guide. In addition, the applicant has provided a short statement to respond to the ten started characteristics in the NDP.

It is a requirement that the layout is in accordance with the parameter plan referred to in condition 3 of Y/92/17/OUT and with the Design Code. This requirement is considered to have largely been met. The applicants did also seek pre-application advice in respect of the layout but it was difficult to give a full and proper assessment at that time due to the plan not being coloured or annotated.

The proposed layout has been thoroughly assessed and is generally acceptable in terms of how it follows the Design Code in respect of: the street patterns, road hierarchies, character areas, density & scale, Public Open Space (POS) locations and foot & cycle paths. However, there are concerns with the specifics of the layout and these are set below:

- At pre-application stage it was requested that the Central Green area of POS be a larger area so it became more of a feature to the housing surrounding it. This has not been addressed and remains a concern. It should also be noted that there is a shortfall in the amount of POS (as discussed elsewhere) and this strengthens the argument for a greater area of space here;
- There are concerns with the siting of SuDS ponds in the Green Link (as discussed elsewhere). In addition, there is a concern with the proposed edge treatments of this space. Whilst the north-eastern edge of the main section has houses fronting onto a footpath, the opposite (south-western) edge has a much harder edge with boundary railings onto a road/parking spaces. It was requested at pre-application stage that the treatment of both sides of this space be consistent. There is a further concern that the value of this space is diminished by the road south of plots 160 & 203 that cuts across it. Finally, it was requested at pre-application stage that the Green Link have its own cycle path to provide cycle access between the main cycle way and Drove Lane. This is not apparent from the submission;
- There are objections from the Councils Affordable Housing Manager and from the Parish Council as to the clustering of affordable housing within the site. It is clear from the submitted tenure plan that the affordable housing provision (90 dwellings) is within two similarly sized clusters and that all four apartments building are solely for affordable accommodation. Therefore, whilst the affordable houses are tenure blind in appearance (undistinguishable from market housing), the 3 storey apartment buildings on the site will clearly stand out. In addition, the boundary treatments plan sets out that all affordable dwellings will have 1.2m chain link fencing separating their rear gardens whereas market housing has 1.8m timber fencing and this further differentiates these dwellings from the others. It should be noted that ALP policy AH SP2 states that "Affordable housing must be visually indistinguishable from market housing with large groupings of single tenure dwellings or property types avoided". This was raised at pre-application stage;
- It is not considered that the individual bin stores dotted around the apartment buildings are appropriate from a design point of view. The preference is for communal bin stores tucked away/as a part of a building and therefore not overly visible in the public realm;
- At pre-application stage it was requested that plot 86 should be reoriented so that it fronts onto the Central Green and therefore reflect the other neighbouring houses (plots 83-85 & 98). This has not been addressed and remains a concern; and
- The Design Code indicated a new footpath extending roughly NE from the area of plots 8/14 through to Main Road and this has not been shown. However, such a route would cut across the line of the historic former canal and is unlikely to be acceptable. Therefore, this is not a significant concern.

In respect of scale, it is noted that buildings on the site are predominantly two storeys with only the four apartment buildings being higher (these have a third storey in the roof). The location of the four apartment buildings are considered to be generally acceptable as they are either within the centre of the site or otherwise away from the site edges such that they will have limited visibility from existing residential occupiers/surrounding public routes. The proposed scale was also accepted and set by the approved Design Code.

The Design Code set out a design rationale for the appearance of the houses in each of the three

character areas on the site. These areas are "Canal Green" (which fronts the Conservation Area), Drove Park (broadly the central third of the site) and Drove Field (the third bordering the agricultural land to the south-western edge).

It is noted that there are instances of the same house type in different character areas, however, the elevation drawings make it clear that those in each character area have their own identity based on the different typologies in the Design Code. These cover building materials, roof types, roof features, bay windows, eaves detailing, chimneys, porches, window & door styles and boundary treatments. It is considered that proposed hard and soft development in each of the character areas is distinctive.

In the Canal Green area, buildings are all 2 storeys in height and vary between detached and terraced types. Built forms vary in depth, spacing and facade arrangements. Some buildings have wide, flat frontage others with facade articulation, some with fairly broad facades and others very narrow. The varied depths of the buildings also adjust the heights of the roof along with facade articulation varying the roofscape. Key buildings are proposed at movement junctures but it is considered that all buildings will have a sense of individuality. Buildings materials draw from features in the conservation area and around Yapton. Materials are predominantly red brick with historic forms of detailing such as quoins, splay bays and flint work. Each building will have different arrangements to reinforce individuality.

However, there is a concern with those particular houses within Canal Green that face towards the Conservation Area (plots 1-8 & 14-21). The plans suggest that this streetscene will feature only 3 different house types (MOR, ELL & BEW) repeated in a formal manner along this frontage. It is considered that more subtle design changes and informal placement would better enhance this key frontage/edge of the Conservation Area.

In the adjoining Drove Park area, the buildings are mostly 2 storeys in height and vary from detached to terraced types but including 4 instances of 2.5 storey apartment buildings. Built forms vary in depth, spacing and facade arrangements. As with Canal Green, there is a mix of wide, flat frontage others with facade articulation, broad facades and very narrow. Key buildings are again located at movement junctures. There is a stronger sense of uniformity in this area but all buildings will retain a sense of individuality. Buildings materials will be more contemporary - predominantly red brick with dark grey detailing and regular use of light coloured boarding. Detailing including square bays at ground floor is included.

Lastly, in the Drove Field area, the buildings are all 2 storeys in height being mostly detached in form. There are also some semi-detached and short terraces are used on Lanes. Built forms vary in depth and most have fairly broad facades. The varied depths of buildings also vary the heights of the roof along with facade articulation further varying the roofscape. Key buildings are located at movement junctures. The buildings will have an identifiable form that defines this area. Buildings materials will draw from agricultural references in the local area and so feature a mic of red brick, quoins, black boarding. Adjacent plots will also often have different arrangements to reinforce individuality.

It is considered that the Design Code has been followed in terms of how the houses/buildings, roads, public realm and landscaping have been designed.

Overall, there are concerns with how the layout will function and appear for future residents and with how it will be seen visually in the context of its surroundings. It is considered that some of the concerns could be resolved through design amendments but that some also require more significant changes to the layout which would best achieved through a lower number of dwellings.

It is considered that the proposal fails to comply with the ALP policies D DM1 & AH SP2, the emerging Arun Design Guide SPD and the NDG.

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.

The Councils supplementary planning document (SPD) "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out requirements for on-site public open space (POS) and play provision.

It is noted that the amounts of POS and play were not set by the outline permission but that a contribution of £32,727.27 to an offsite Neighbourhood Equipped Area for Play (NEAP) was included in the S.106 Agreement. Together with the contribution for application Y/91/17/OUT, this equated to a total of £60,000.

On the basis of the off-site NEAP contribution, it is considered that the on-site play space requirements should be discounted. It is clear that the offsite NEAP contribution was derived from a proposal from one of the applicants which set out that the cost of an off-site NEAP was £50-60K. It was then agreed that the Multi Use Games Area (MUGA) figures be used in the calculation as a NEAP could be a MUGA. A MUGA is typically 40m x 20m therefore 800m2 in area and costs £185,000 in total (including associated fencing). It was therefore agreed that the on-site play space requirements be discounted by the percentage of the off-site contributions versus actual costs of a MUGA.

In this case, the BDW NEAP contribution is £32,727.27 and this represents 18.2% of the cost of a MUGA (£185,000). Therefore, the on-site play requirements are discounted by 18.2% (a 145.6m2 reduction) resulting in a requirement for 3484.4m2 of on-site play space on this site. This amount must be added to the open space requirement as they are two separate requirements.

In terms of the POS requirement, it is considered that the development should provide at least the minimum Open Space requirements as detailed in the SPD which is 21,120m2 and that this is demonstrated to be all useable space. Therefore, the overall space requirement is 24,604.4m2 (or 2.46ha).

The application proposes 2.55ha of POS however this includes several SuDS features some of which will be permanently wet and some of which will only be wet at certain times of the year. The Local Planning Authority stated at pre-application that the SUDS features cannot be considered as useable POS. The officer report for the outline permission stated that on the basis that the SUDS features would be dry most of the time, it had been adequately demonstrated that the application site can accommodate the level of development proposed whilst still providing adequate open space provision. However, the report then went on to state that this would be a matter for full approval and further consideration at reserved matters stage.

The applicant has advised that the SuDS features take up 0.37Ha of POS leaving 2.18Ha. This has been checked by calculating the surface areas of the proposed detention basins (ponds) and then adding these together, and it is considered to be an accurate figure.

Therefore, the overall situation is that the scheme provides 2.18ha of all year round useable POS (including play spaces) which is 0.28ha (2,800m2) short of the requirements. It should be noted that at the pre-application stage, the Local Planning Authority expressed a desire that the Central Green area of

POS be larger and more of feature and had this of been followed then the shortfall would be less. There are also separate concerns with the presence of the SuDS ponds in the Green Link extending north west from the Central Green. It is considered that when these are wet they will diminish the usability of this space for those residents living nearby.

In respect of play provision, the requirements are for 1 Locally Equipped Area for Play (LEAP) and 2 Local Areas for Play (LAP) with the additional space requirements being met by informal 'buffer' area spaces. The application does show the location of a LEAP but does not indicate any LAP's. Whilst it is noted that the S.106 agreed with application Y/92/17/OUT separately requires the approval of details of play areas, it is considered that the locations of all of these should be shown on the proposed layout plans.

It is considered that there is conflict with ALP policy OSR DM1 and the Council's Open Space SPD in respect of the shortfall in the amount of POS and play provision. It is considered that the POS areas (particularly the Central Green & Green Link) should be made larger and more useable all year round.

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.

Several trees on the site are protected by TPO but these are all within the tree belt along the south east boundary and are not at risk from development. There are tree protection measures built into condition 8 of the outline permission which require that an Arboricultural Method Statement and Tree Protection Plan be submitted prior to commencement of each phase.

The submission includes detailed landscape drawings and these have been assessed by the Councils landscape officer who considers them to represent a well-designed scheme. The officer notes that the POS areas around the periphery will form a pleasant setting to the development and that the Green Link through the site will aid wildlife and enhance biodiversity. The application proposes to plant 380 new trees as well as 400m of new hedgerow plus plants, shrubs and other vegetation features. It is considered that the proposed 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 and flint in key public realm locations.

There is one minor concern in that the submitted landscape plans refer to a Measured Works Schedule but this has not been provided. This document is said to provide the details of the various seed mixes to be used in the ground level vegetation in the POS and landscaped areas. This has been requested but not provided.

However, it is considered that there is sufficient information to make a determination on the landscaping aspects of the proposed development and that there are no conflicts with any of the development plan

policies.

OTHER MATTERS:

(A) Housing Mix

ALP policy HDM1 provides for a mix of housing to meet local needs and requires all housing development should 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 rented and intermediate/starter homes. This element of the mix is to be in separately agreed through an Affordable Housing Statement required through the terms of S.106 Agreement attached to the outline permission. The S.106 does state that the mix should include 75% Affordable Rented and 25% Intermediate and the layout satisfies this requirement.

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.

It is also noted that Yapton Parish Council have a preference for more smaller housing to provide for the elderly village demographic.

The proposed development comprises the following mix (expressed as the number and % of market only units (210) and also the number and % of market & affordable combined (300)):

- 1 / 17 x 1 bed dwellings (0.5% / 6%);
- 41 / 81 x 2-bed dwellings (26.7% / 27%);
- 99 / 127 x 3-bed dwellings (51.1% / 42% );
- 69 / 75 x 4-bed dwellings (8.9% / 25%).

Although the application states that the mix aligns with the SHMA, this is not borne out by the above assessment. Furthermore, the mix is only compliant with the 2 bed ratio set out in the YNDP. As such,

there is conflict with both of the development plan policies.

(B) 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 it is considered that there are no conflicts with the guidance on back-to-back distance but there are many instances of back-to-side being less than 14m. Some of these could be mitigated through the use of conditions to ensure flank windows are obscure glazed/fixed shut and/or to restrict permitted development rights for extensions. The Design Guide currently has substantial weight but is intended as guidance only therefore it is not appropriate to rigidly follow the SPD. As such, it is considered that such shortfalls are acceptable.

It is also considered that a greater distance than 21m should be achieved between the rears of plots 35-46 and the rears of the existing bungalows on Tack Lee Road. This is partly due to the difference in the number of storeys but also due to the proposals to raise the ground levels on this part of the site. According to the submitted plans, plots 35-47 will have floor levels of between 0.4 & 0.55m higher than ground levels. It is also noted that their gardens appear to between 0.05 and 0.1m higher than the existing land level.

There is a further concern with plot 47 which has a first floor flank bathroom window which faces onto the rear garden of 60 Tack Lee Road. Whilst this could be obscure glazed, there would remain a fear of being overlooked for what is an existing private space. It is also noted that plot 47 will have a raised floor level and is very close to 60's garden therefore potentially resulting in shading and a sense of overbearing. All other existing residential properties are either far enough away or benefit from existing landscape screening (such as between plot 70 & 60 Tack Lee Road).

It is also noted that several new properties (plots 35-50, 61-65, 193 & 194, 235 & 236, 245-249 and 251-259) will have 1.2m chain link fencing to separate their back gardens. It is not clear why such boundary treatments have been chosen as it will mean that these rear gardens are not private spaces. It should also be noted that all of these plots are affordable housing units whilst market housing all have 1.8m high timber fencing.

There is a serious concern with the relationship of proposed dwellings to existing adjacent residential occupiers and also a concern with the privacy of rear gardens to some of the plots. As such, there is considered to be conflict with ALP policies D DM1 and QE SP1. It is considered that changes to the scheme such as fewer dwellings could result in a better relationship with existing residential properties.

(C) 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. This requires a total of 675 allocated spaces and 60 visitor spaces.

The advice of WSCC Highways is summarised above and is clear that they do not consider that they have sufficient information to make a detailed assessment of the proposed layout. This makes it not possible to advise of compliance with policies T SP1 or T DM1. In respect of parking provision, the layout proposes a total of 637 allocated spaces (note that garages are treated as half a space as per the SPD therefore this total has been adjusted down) and 83 visitor spaces.

Therefore, the proposal has a shortfall (-18) in allocated spaces but the opposite is true of both visitor spaces (+18) and the overall provision (+5). As the visitor spaces would be available to residents, it is not considered that there would be any conflict with the Parking Standards SPD.

Given that the site layout respects & enhances existing public rights of way and provides new foot and cycle paths through and around the housing layout, there is some compliance with Policy T DM1. However, it is not possible to demonstrate complete compliance with this policy as there is no cycle route through the Green Link to Drove Lane (as was requested at pre-application stage) and WSCC Highways have some concerns with the footway provision at the site access, with the treatment of the cycle route, with the priority of cyclists and pedestrians within the layout and with footway provision generally within the layout.

It is considered that 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.

Overall, there is a small conflict with policy T DM1 but none with the Arun Parking Standards SPD. It is not possible to make a determination on the items required by T SP1 so not possible to demonstrate compliance with this policy.

(D) 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.

(E) Surface Water Drainage

It should be noted that this is a separate matter as drainage is covered by conditions 9, 10 & 11 on 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 allowed within for the 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 surface water drainage plan which shows a mix of surface water sewers, drains & gulleys, modular storage, detention basins (ponds), soakaways, permeable paving and swales. The majority of the detention basins (ponds) are within the POS to the edges of the site but also within the Central Green POS and within the Green Link POS which extends roughly north west from the Central Green towards Drove Lane.

It is also apparent from the submission that levels are to be raised across the site, most notably in the central areas and to the edges of the site bordering existing residential properties. The applicant has stated that this is unavoidable due to the need to facilitate surface water runoff to the site edges and away from the boundary with Tack Lee Road.

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. Condition 9 of Y/92/17/OUT requires that the drainage scheme be agreed prior to approval of any reserved matter. It is considered that this means that the details should be approved separately and before approval of this application. Given the objection, it is not considered possible to agree these details whilst any approval of the Reserved Matters would then create a breach of condition 9.

As drainage is subject to separate agreement, it is not possible to say whether there is conflict with the relevant policies. However, it is clear that there is presently insufficient information to demonstrate that the layout can be achieved whilst also ensuring sufficient drainage capacity.

The Local Planning Authority also considers there to be harm arising from the quality/quantity of the POS (particularly the Central Green & Green Link) in that the value of these areas are diminished due to the extent of drainage features required. This is discussed elsewhere in this report.

(F) Biodiversity

Condition 13 of Y/92/17/OUT requires that the reserved matters be substantially in accordance with the 'Habitat and Ecological Enhancement Management Plan (November 2017) - LLD1320-ECO-EDS'.

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 existing hedges around the site are retained. In respect of ENV DM5, the submission includes a new ecological walkover survey and a biodiversity net gain statement. The latter states that it has been prepared in accordance with the Defra Biodiversity Metric 2.0 (September 2019). The document reports a loss of 5.4% for habitat but a 108% gain for hedgerows.

The high percentage gain for hedgerows is due to the retention of most of the existing hedges and the creation of over 400m of new native species-rich hedge. In addition, several wildlife enhancement measures are proposed including bird & bat boxes on dwellings & retained mature trees, log piles/compost heaps, hedgehog gaps in fences to about 20% of fences. The applicant considers that the net gain that can potentially be delivered by the development is likely to be positive overall. 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 also noted that only 1 tree is due to be felled on the site and even then only if it becomes diseased. The amount of new tree planting will therefore also contribute to biodiversity net gain. According to the detailed landscaping scheme, approximately 380 new trees will be planted.

It is considered that the reserved matters proposal is substantially in accordance with the Habitat and Ecological Enhancement Management Plan and also in accordance with the relevant development plan policies.

(G) 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. A sample of the plans have been checked for accuracy with no concerns. The schedule demonstrates that all of the dwellings meet or 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.

The accommodation schedule provides the rear garden areas in m2 but not the depths and also does not quantify balcony areas. The layout has been checked and it is clear that some gardens are not the full 10.5m deep but that most are in excess of 10m. The following appeared to be less than 10m: 65, 87, 93, 144, 151, 156 & 157, 208 & 209, 225 & 226, 245-249. The instances of gardens only being 10m long is acceptable as the Design Guide allows for flexibility in the overall approach. However, it is considered that those instances where less than 10m is achieved is a concern and will harm the amenities of future residents.

Front garden depths are not provided by the schedule and following an assessment, it is clear that several dwellings do not provide a 2m deep front garden. These being: 22-24, 35-46, 61-65, 68, 76-83, 87-89, 108-110, 144-151, 156-159, 163 & 164, 166-173, 194, 197-200, 204-206, 208-210, 220 & 221, 223-226, 235 & 236, 245-247, 250 & 251, 257 & 258 and 274 & 275 (note that there are differences in the depths of these and distances have been measured from the house front to the edge of the public realm). There is nothing in the approved Design Code which would explain why certain front gardens do not meet this requirement.

The flatted properties consist of house types 1BM, 2BM, 2BF, ALV & SEV and the following is an assessment of their external amenity spaces:

- 1BM & 2BM (purpose built flats). Ground floor flats have small gardens behind approx. 1m hedges. These spaces appear to be at least 3m2 but also have bin stores within some of them and cannot be said to be private due to the low hedge. They are also immediately adjacent to parking spaces and pedestrian footways. The upper floor flats have 3m2 balconies. These flatted buildings have no communal amenity space.
- 2BF (3 instances of flats over parking spaces - plots 195, 196, 260). These have no private spaces associated with them.
- ALV (1 instances of a flat above an undercroft driveway - plot 115). This has no private space associated with it.
- SEV (1 instances of a flat above an undercroft driveway - plot 155). This has no private space associated with it.

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 considers that the shortfall in garden sizes will

result in harm to the amenities of future residents. It is also noted that the National Design Guide states that well-designed homes and buildings should provide good quality internal and external environments for their users, promoting health and well-being (para 123). This is a further indicator that the development site cannot accommodate 300 dwellings.

(H) 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 22 on the outline permission requires the approval of measures to reduce energy conservation and achieve a 10% annual energy reduction. 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.

It is noted that WSCC have asked for details of electric vehicle provision but again this is already by a condition on the outline permission (25) and so it is not reasonable to insist upon such details at this stage.

SUMMARY:

It is considered that there are several issues with the layout which together combine to demonstrate that it is not possible to achieve 300 dwellings on this site (noting that the outline permission was for "up to 300"). It is considered that a lower number together with other changes could demonstrate compliance with a greater number of policies.

In addition, there are issues with the application submission which have not been resolved and which prevent certain aspects from being assessed. It is considered that the issues with the proposal are in respect of highway safety, housing mix, residential amenity (existing & future residents), layout & appearance, provision of private amenity space, provision of cycling routes, location and design of affordable housing and provision of public open space & play areas.

It is considered that despite the significant benefits of the development, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits and it is recommended that a resubmission is made for a lesser number of units in order to resolve the concerns as expressed.

## 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.

## 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

REFUSE

1 By reference to the amount of public open space & play, the amount of amenity space to the apartment buildings/other flatted forms of development, the size of private rear gardens afforded to certain residential dwellings, the mix of housing sizes, the relationship of new housing to existing residential properties, the interface distances between proposed dwellings, the treatment of bin stores for the communal buildings, the size and treatment of the two centrally located public open space areas and the lack of a cycle path through the Green Link area of public open space; the proposal does not achieve a high standard of design quality and represents an overdevelopment of the site in conflict with Arun Local Plan policies OSR DM1, D DM1, H DM1, H SP2, T DM1, QE SP1; Yapton Neighbourhood Development Plan policy H2, the "Open Space, Playing Pitches, Indoor and Built Sports Facilities" SPD, the emerging Arun Design Guide SPD and the National Planning Policy Framework and National Design Guide.

2 The proposed layout is unacceptable having regard to the large clusters of affordable housing, the failure to ensure that all dwellings are tenure blind and the separation of only affordable housing gardens with chain-link fences. The proposal does not ensure that the affordable housing is visually indistinguishable from market housing and the proposal is therefore contrary to Arun Local Plan policy AH SP2, the emerging Arun Design Guide SPD and the National Planning Policy Framework.

3 Insufficient information has been provided to adequately demonstrate that the proposal would fully prioritise sustainable transport modes and would not have an unacceptable impact on highway safety and the proposal is therefore in conflict with Arun Local Plan policies T DM1 and T SP1 and the National Planning Policy Framework.

4 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 determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

5 INFORMATIVE: If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

6 INFORMATIVE: It should also be noted that insufficient information has been provided to adequately demonstrate that the proposed layout provides for a sufficient surface water drainage system to ensure that there will be no flooding to new and existing adjoining residents & land users. However, as this is a matter for consideration by a discharge of condition, it is not appropriate to include this as a refusal reason.