

**REVISED APPLICATION FOR THE APPROVAL OF  
RESERVED MATTERS FOR A RESIDENTIAL  
DEVELOPMENT OF 100 DWELLINGS PURUSANT TO  
OUTLINE PLANNING PERMISSION Y/80/16/OUT  
(RESUBMISSION OF Y/19/20/RES)**

**PLANNING STATEMENT ADDENDUM**

**LAND TO THE SOUTH OF FORD LANE/EAST OF  
NORTH END ROAD, YAPTON**

**ON BEHALF OF REDROW HOMES LTD**

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)  
PLANNING AND COMPULSORY PURCHASE ACT 2004**

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## **CONTENTS:**

|                                                 | Page No: |
|-------------------------------------------------|----------|
| 1. INTRODUCTION AND BACKGROUND                  | 1        |
| 2. THE PROPOSED CHANGES                         | 5        |
| 3. RESPONSE TO THE PREVIOUS REASONS FOR REFUSAL | 7        |
| 4. SUMMARY AND CONCLUSIONS                      | 20       |

## **APPENDICES:**

APPENDIX 1 – DECISION NOTICE Y/19/20/RES

APPENDIX 2 – DELEGATED REPORT

APPENDIX 3 – ORIGINAL PLANNING STATEMENT

## 1. INTRODUCTION AND BACKGROUND

1.1 This Addendum Planning Statement has been prepared on behalf of Redrow Homes Limited ("the Applicant"). It relates to a revised application for the Approval of Reserved Matters in respect of Land to the south of Ford Lane and east of North End Road, Yapton ("the application site").

1.2 This revised application follows the decision of Arun District Council ("the Local Planning Authority") to refuse a similar application for the Approval of Reserved Matters (LPA ref: Y/19/20/RES) pursuant to outline planning permission Y/80/16/OUT for a development comprising:

**"Resubmission of outline planning permission Y/60/14 for 4.5 hectares of residential development comprising 3.4 hectares of land for up to 100 dwellings (up to 30 (30%) affordable housing) together with 1.1 hectares of land set aside for public open space and strategic landscaping and 2.2 hectares of public open space and green corridors, with vehicular access from Ford Lane and pedestrian/cycle access from North End Road."**

1.3 The original Reserved Matters (RM) application was received by the LPA on 4<sup>th</sup> February 2020 and validated on 11<sup>th</sup> February 2020. The description of development as validated by the LPA was as follows:

**"Approval of reserved matters following outline consent Y/80/16/OUT for 4.5ha of residential development comprising of 3.4ha of land for the erection of 100 No. dwellings (up to 30 (30%) affordable housing) together with 1.1ha of land set aside for public open space & strategic landscaping & 2.2ha of public open space & green corridors with vehicular access from Ford Lane & pedestrian/cycle access only from North End Road."**

1.4 The means of access was approved at the outline planning application stage and the RM application sought approval for the appearance, landscaping, layout and scale of the proposed residential development.

1.5 Following registration, the application was the subject of a period of consultation with statutory consultees, local residents and other interested parties.

1.6 In March 2020, the UK Government announced a large scale lockdown due to the Covid-19 pandemic. The Applicant took the decision to furlough all staff except directors from 1<sup>st</sup> April 2020, which included the project running team.

- 1.7 Due to the pandemic, the LPA and the Applicant held a virtual meeting on 15<sup>th</sup> April 2020. This was so that the LPA could explain what changes they would require to be able to support the application. Whilst the Appellant did not agree with all the changes being sought by the LPA, in the interests of reaching a negotiated solution, the Applicant committed to prepare and submit revised drawings.
- 1.8 However, the LPA proceeded to refuse the application under delegated powers on 12<sup>th</sup> May 2020 before the drawings could be submitted. Despite requests from the Applicant, the LPA was not willing to agree to an extension of time, as encouraged in the Government's temporary Covid 19 measures, which included:

**"Determination timescales**

**We do not intend to change the determination timescales for planning applications set out in the Development Management Procedure Order 2015, although we acknowledge timescales may not be met in all cases. Developers should be encouraged to agree extensions of time where necessary but retaining the timescales means there is still the option to appeal to the Secretary of State on the grounds of non-determination."** (our emphasis)

- 1.9 The Decision Notice set out four Reasons for Refusal (RfR) which read as follows:

**"1. The applicant has failed to submit information to demonstrate how the development accords with the draft Arun Design Guide Supplementary Planning Document (SPD) which promotes good design in new development through setting out key design objectives including the development of a design rationale which should draw upon the results of a site appraisal in order to justify the reasoning behind key design decisions for the proposed development. Consequently, the development is contrary to Policy D SP1 of the Arun Local Plan, the National Design Guide and the emerging Arun Design Guide SPD by failing to adequately address and achieve good design.**

**2. The proposed layout concentrates higher density development in the western part of the site which appears cramped which is unacceptable in terms of visual appearance and would harm the residential amenity. The housing mix should be SHMA compliant. The siting of the houses would impinge on the Green Corridor. Dwellings are located within the Root Protection Area (RPA) of the lime tree, which is unacceptable in tree protection terms. The rows of car parking lack any tree planting to break up the negative visual impact of the parking spaces, which is visually unacceptable. The apartment buildings are not provided**

with sufficient private amenity space. The quantum of visitor parking spaces is unacceptably low. The proposed layout and design of the development is unacceptable in terms of residential amenity and visual appearance and lack of permeability and it is contrary to Policy D DM1, Policy OSR DM1, Policy ENV DM4 and Policy T SP1 of the Arun Local Plan, Arun District Parking Standards Supplementary Planning Document, January 2020, and the National Planning Policy Framework.

3. Insufficient surface water drainage details have been submitted to fully determine the viability of the proposed surface water drainage scheme, which is incorporated into the proposed layout plan (Drawing No. 042 Rev. D). The development is contrary to Policy W DM3 of the Local Plan and Policy E11 of the Yapton Neighbourhood Plan and the National Planning Policy Framework, as the layout as proposed could lead to flooding on the site and the surrounding area, which would be unacceptable.

4. The layout is unacceptable as it includes large groupings of affordable units clustered in the apartment buildings (plots 64-71 and 72-79), and the terraced houses (plots 80-83 and 54-57) in the western most part of the site, which is contrary to Policy AH SP2 of the Local Plan and the National Planning Policy Framework, which require affordable housing units to be provided in small clusters throughout the development, rather than being over-concentrated in one part of the site, constituting ghettoization."

- 1.10 A copy of the Decision Notice and the Delegated Report are attached at Appendices 1 and 2 respectively.

#### **APPENDIX 1 – DECISION NOTICE Y/19/20/RES**

#### **APPENDIX 2 – DELEGATED REPORT**

- 1.11 The Applicant lodged an appeal following this refusal. The Applicant does not accept that the previous proposals were acceptable for reasons that have already been expressed to the LPA in correspondence and in the appeal documentation that has been lodged with the Planning Inspectorate.
- 1.12 However, and without prejudice to the acceptability of the appeal proposals, the Applicant still wishes to work with the LPA to see if there is a mutually acceptable solution which might mean that the appeal can be avoided. The Applicant expressed a clear desire to negotiate on the previous scheme but unfortunately this was not possible because the LPA refused the RM application before revised drawings could be submitted. It has therefore become necessary to submit a further application to pick up the negotiations from where they we left.

- 1.13 This revised RM application responds to the issues identified in the RfR (i.e. the issues that remain in dispute). As noted above, this application is submitted on a without prejudice basis and any departure from the refused scheme does not represent an acceptance on the part of the Applicant that the appeal proposals are in any way unacceptable.
- 1.14 Correspondence from the LPA following the previous decision<sup>1</sup> repeatedly characterised the required changes as being “minor” and therefore it is hoped that a compromise solution can be found which does not unpick the other elements of the scheme to which the LPA did not object.
- 1.15 To avoid unnecessary duplication, this statement has been prepared as an Addendum, with the original Planning Statement attached at Appendix 3.

### **APPENDIX 3 – ORIGINAL PLANNING STATEMENT**

- 1.16 This allows the addendum to focus specifically on the areas in dispute and the changes that are proposed to overcome the LPA’s previous concerns.
- 1.17 Matters relating to the more general background to the application, site description and location, pre-application engagement, affordable housing statement, and the planning policy framework can be found in the original Planning Statement.

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<sup>1</sup> LPA email to the Planning Inspectorate dated 15<sup>th</sup> June 2020

## **2. THE PROPOSED CHANGES**

- 2.1 The description of development for this latest application remains unchanged from that of the previous application, as the overall scale and nature of the proposals is the same.
- 2.2 The proposed changes instead relate to the detailed design, layout and landscaping of the scheme. To assist Officers and other interested parties, the Applicant thought it would be helpful to identify the main changes so that it is clear how the revised proposals have sought to respond to the previous reasons for refusal. Section 3 provides a more detailed explanation and justification for the changes that have been made or why no changes have been made (as the case may be).
- 2.3 In summary the main proposed changes include:
- a. A reconfiguration of the road and footpaths in the vicinity of the retained Lime Tree (T20), albeit not a RfR previously;
  - b. Reconfiguration of the western part of the site including inter alia:
    - Reorientation of Plots 62-63 to face North End Road;
    - A reduced number of terraced properties at the Orchard Business Park boundary (now Plots 50-57);
    - Relocating terraced/semi-detached properties to the western side of the central POS area (Plots 88-93); and
    - Relocating smaller properties to eastern part of the site (Plots 20-24).
  - c. Alterations to the tenure/mix of the affordable housing in accordance with the requests of the Affordable Housing Officer;
  - d. Alterations to the location of some of the affordable homes as a consequence of relocating some of the smaller terraced properties;
  - e. Private amenity space has been provided for the apartments by re-assigning the landscaped areas around the blocks;
  - f. Increased landscaping is provided around areas of car parking areas;

g. Increased visitor car parking in accordance with the Arun District Parking Standards Supplementary Planning Document; and

h. A new road around Plot 18 towards Plot 100 and additional footpath links.

2.4 Whilst not a validation requirement, the Applicant has also provided a Design Statement to support the application (this formed the basis of RfR 1).

### **3. RESPONSE TO THE PREVIOUS REASONS FOR REFUSAL**

- 3.1 The purpose of this section is to explain how the Applicant has responded to each of the issues raised in the LPA's previous RfR. The four RfR are addressed in turn below.

#### **Reason for Refusal 1**

- 3.2 RfR No.1 is a procedural matter in that it requires further information to demonstrate how the development accords with the draft Arun Design Guide Supplementary Planning Document (SPD). It reads as follows:

**1. The applicant has failed to submit information to demonstrate how the development accords with the draft Arun Design Guide Supplementary Planning Document (SPD) which promotes good design in new development through setting out key design objectives including the development of a design rationale which should draw upon the results of a site appraisal in order to justify the reasoning behind key design decisions for the proposed development. Consequently, the development is contrary to Policy D SP1 of the Arun Local Plan, the National Design Guide and the emerging Arun Design Guide SPD by failing to adequately address and achieve good design.**

- 3.3 As explained in the appeal submission, it is considered that the RfR is not justified but it is not necessary to repeat all the arguments again here. In the interests of reaching an agreed position a Design Statement has been prepared for the purposes of this revised application.
- 3.4 In this case however, the Design Statement must be read in the context that the parameters for access, layout and density of the development are largely fixed by the approved plans and conditions listed in the outline planning permission (OPP).
- 3.5 It is also important to note that whilst the LPA previously raised concerns on some matters of detailed design (as discussed in the context of RfR 2), the Delegated Report (DR) for the previous scheme endorsed many of the design approaches of the scheme in the following terms:
- a. The architecture (appearance of the development) is acceptable (DR pg.19);
  - b. The Conservation Officer was content that the designs are suitable for the character of the wider village (DR pg.17);

- c. Scale and building heights are acceptable (DR pg.13); and
- d. The landscaping and public open space proposals are acceptable (DR pg.10).

3.6 All taken together, the Applicant has demonstrated that the proposed development is of a high-quality design in accordance with Policy D SP1 of the adopted Local Plan, the National Design Guide and the emerging Arun Design Guide.

### **Reason for Refusal 2**

3.7 RfR No.2 raises a number of specific issues relating to the density of a part of the site, housing mix, tree protection, landscaping of parking areas, amenity space for the apartments, permeability and parking standards. The full RfR reads as follows:

**"The proposed layout concentrates higher density development in the western part of the site which appears cramped which is unacceptable in terms of visual appearance and would harm the residential amenity. The housing mix should be SHMA compliant. The siting of the houses would impinge on the Green Corridor. Dwellings are located within the Root Protection Area (RPA) of the lime tree, which is unacceptable in tree protection terms. The rows of car parking lack any tree planting to break up the negative visual impact of the parking spaces, which is visually unacceptable. The apartment buildings are not provided with sufficient private amenity space. The quantum of visitor parking spaces is unacceptably low. The proposed layout and design of the development is unacceptable in terms of residential amenity and visual appearance and lack of permeability and it is contrary to Policy D DM1, Policy OSR DM1, Policy ENV DM4 and Policy T SP1 of the Arun Local Plan, Arun District Parking Standards Supplementary Planning Document, January 2020, and the National Planning Policy Framework."**

3.8 The Applicant would respond as follows:

#### **Density (western part of the site)**

3.9 Condition 4 of the OPP requires the layout of the development to accord with the approved Indicative Layout/Open Space Proposals plan which requires, inter alia, the residential development of up to 100 dwellings to be at a net density of 29 dwellings per hectare (dph).

- 3.10 The previous application was in accordance with the requirements of the OPP and did not exceed 29dph. Similarly, the density of the development proposed in this revised application accords with the 29dph limit.
- 3.11 The Case Officer accepted in the consideration of the previous application that density is an important issue in heritage terms and at this edge of settlement location, and this led to the previous scheme adopting a lower density approach in the more sensitive parts of the site (all of which was endorsed). Furthermore, the Case Officer acknowledged the requirement in Policy D DM1 of the adopted Local Plan to make efficient use of land and that density of large sites should be varied to guard against uniformity [DR pg.8].
- 3.12 Accordingly, it is right that there are different character areas within the site and the density is a contributory factor in creating a sense of place in these areas and avoiding uniformity.
- 3.13 The two apartment blocks which front onto North End Road provide an entrance feature and were commended in design terms in the previous application by enhancing the visual appearance of the western part of the site and providing prominent buildings that function as gateway buildings [DR pg.13]. This arrangement has been retained as part of the proposals in this new application but naturally it increases the density of this part of the scheme.
- 3.14 A balance needs to be struck in terms of different areas of density within the site and the request of the LPA to have smaller house types to meet their housing mix aspirations. The western part of the site lends itself to more dense development given the nature of adjoining development, unlike the other more sensitive edges where there is no adjoining development.
- 3.15 While the RfR asserts that the previous layout concentrated higher density development in the western part of the site and appeared cramped as a result to the detriment of visual appearance and residential amenity, it is pertinent to note that no tangible harm was identified. In the consideration of the previous application the Case Officer concluded:
- a) There was no objection to the heights of buildings;
  - b) There was no objection to any other aspect of the “scale” of the buildings;
  - c) There was no objection to the appearance of the buildings;

- d) Each dwelling had a suitable area of garden;
- e) There was no objection on grounds of overbearing impact;
- f) There was no objection on grounds of overlooking; and
- g) Suitable provision was made for off road car parking.

3.16 Furthermore, there was no objection from the Parish Council on these grounds and of the objections received from local residents (10no. in total) none of them raised this as an issue (or indeed any other design or layout issues).

3.17 The Applicant has considered the LPA's suggestion that some of the smaller properties should be relocated to the northern and eastern part of the site (with some larger properties introduced into the western part), but it is felt that this would erode the character areas by making the scheme overall more uniform and it would undermine the efforts that have been made to create lower density development in the more sensitive parts of the site.

3.18 It remains the opinion of the Applicant that the density of the development and its composition across the site was acceptable in the previously refused scheme. However, in an effort to find a compromise position changes have been made along the boundary to reduce the number of terraced properties and some of these have been relocated or re-orientated as follows:

- a) Reorientation of Plots 62 and 63 to face North End Road;
- b) A reduced number of terraced properties at the Orchard Business Park boundary (now Plots 50-57);
- c) Relocating terraced/semi-detached properties to the western side of the central POS area (Plots 87-92); and
- d) Relocating smaller properties to eastern part of the site (Plots 20-24).

3.19 Hopefully the changes will enable the LPA to withdraw its objection to this element of the scheme.

#### Housing mix

3.20 The proposed housing mix is unchanged from the previous application.

- 3.21 The position of the Applicant on housing mix was set out in Section 8 of the original Planning Statement attached at Appendix 3. The approach taken by the LPA in refusing the previous application was wrong as a matter of law. The Applicant would encourage Officers to seek legal advice on this issue because housing mix does not fall within the definition of any of the RMs that require approval.
- 3.22 The OPP does not specify a particular mix for the open market housing that must be achieved on the site. Nor does the S106 Agreement impose a specific mix.
- 3.23 The Applicant identifies an appeal decision in the original Planning Statement that clearly confirms that the mix of housing to be provided on a site is not a matter to be considered at the RM stage. Should the LPA wish to prescribe a specific mix, this should have been set out in an outline planning condition or in a legal obligation alongside the OPP.
- 3.24 The appeal decision that was referred to is not an “exceptional” appeal decision or some form of outlier. There are a number of other similar decisions which all reach the same conclusion and are provided as part of the submissions made in respect of the current planning appeal. Indeed, the DR does not cite any decisions which reach an opposing conclusion, and nor does it rely upon any legal judgements or advice on this matter to contradict the Applicant’s position.
- 3.25 A planning permission is a legal document and the planning system relies upon the certainty that a planning permission provides to landowners, developers and purchasers. It is not open to the LPA to suggest that there might have been some “oversight” on the part of the Inspector on the housing mix and to then import a new requirement that is not to be found in the decision. To do so is to denigrate from the OPP that has been granted and there is well established case law on such matters.
- 3.26 If there was any oversight (and the Applicant does not accept that there was), then it would have been open to the LPA to challenge the appeal decision when the OPP was granted. The Applicant is not aware of any challenge that was made.
- 3.27 The LPA must therefore accept the Inspector did not consider it necessary to impose a requirement on the housing mix for this site.
- 3.28 As this is a matter of law it is not necessary to deal with matters of policy.

- 3.29 For the avoidance of doubt, the overall housing mix remains the same as that proposed in the previous application and consists of the following:

| Dwelling Type | Number of homes |     |            |     |            |     |
|---------------|-----------------|-----|------------|-----|------------|-----|
|               | Market          |     | Affordable |     | Total      |     |
| 1 bed flat    | 0               | 0%  | 12         | 40% | 12         | 12% |
| 2 bed flat    | 0               | 0%  | 4          | 13% | 4          | 4%  |
| 2 bed houses  | 4               | 6%  | 8          | 27% | 12         | 12% |
| 3 bed houses  | 28              | 40% | 4          | 13% | 32         | 32% |
| 4 bed houses  | 38              | 54% | 2          | 7%  | 40         | 40% |
| <b>TOTAL</b>  | <b>70</b>       |     | <b>30</b>  |     | <b>100</b> |     |

- 3.30 The housing mix between tenures of affordable housing has however changed from the previous application and is discussed in more detail below in response to RfR 4.
- 3.31 Entirely without prejudice to the Applicant's position on this issue, even if housing mix was an issue that could be considered as part of this RM application, the Local Plan through Policy H DM1 and paragraphs 12.2.2 to 12.2.4 makes it clear that each scheme will be considered on a case by case basis and requirements will vary across the District. There is no requirement to be SHMA compliant as erroneously suggested in the RfR.
- 3.32 The affordable mix is capable of being agreed and should no longer be a matter that is in dispute. The proposals respond appropriately to the identified needs.
- 3.33 Insofar as the market housing is concerned, Yapton is a village location suited to the provision of more family housing whilst also providing opportunities for downsizers and those looking to climb the housing ladder. Yapton is not an urban town or a city location which might lend itself to a higher density of development with an increased number of smaller homes.
- 3.34 The SHMA must obviously takes a District-wide view and it provides an average indicative mix. For every higher density scheme in an urban area which often provides more smaller house types and fewer family sized homes, there will be a need for sites on the edges of towns and village locations to deliver schemes with a higher proportion of larger homes(and in character with the existing built form in such locations).
- 3.35 The site itself also lends itself to the proposed housing mix. It responds to the sensitive edges and the need for carefully considered transitions between built

development and surrounding countryside, whilst having regard to the settings of nearby heritage assets.

- 3.36 There appears to be no dispute that the scale and layout of the development overall is largely acceptable, save for the difference of opinion regarding the western part of the scheme where there are concerns about density. Therein lies the problem. That is because if the LPA was to require a mix that is aligned with the SHMA, it will require more smaller homes which will inevitably result in an increase in densities in other parts of the site and that has already caused the LPA to object to the proposals in the past.
- 3.37 The Applicant is firmly of the view that housing mix is not an RM and it would be wholly unreasonable to refuse this RM application on that basis.
- 3.38 In any event (and without prejudice) it is considered that the proposed mix is appropriate in the context of Policy H DM1, as the village location of the site and its individual characteristics lend themselves to the approach that has been followed.

*Siting of housing impinging on the green corridor*

- 3.39 The RfR contends that the siting of the houses would impinge on the Green Corridor.
- 3.40 The approved Illustrative Strategic Landscape/Open Space drawing from the OPP shows a more narrow green corridor through the site and the so called pinch point is little different from this. However, when looked at as a whole the green corridor through the centre of the site proposed in the previous application is a marked improvement on the outline plan.
- 3.41 Accordingly, there is no merit in this part of the RfR and the objection to the road passing through the gap is unreasonable because it will be necessary to cross the POS corridor at some point (as anticipated by the approved illustrative drawing). A similar arrangement has been maintained in the latest application.

*The Lime Tree Root Protection Area*

- 3.42 The Applicant is somewhat confused about the objections in relation to the Lime Tree (T20). It is said that there are dwellings within the RPA of the Lime Tree (Plots 95 – 100) [DR pg.11]. However, none of the dwellings came anywhere

near the RPA of the Lime Tree. If the concern relates to the trees to the rear of Plots 99 and 100 – none of these are Lime Trees. Regardless of the species, there are no buildings within the RPAs of these trees either (T21 and T22).

- 3.43 The Applicant therefore remains content that the proposals in previous application would not have been detrimental to the Lime Tree (or the trees adjoining plots 99 and 100).
- 3.44 However, without prejudice to the above, the Applicant, via their Arboricultural Consultant, has sought to engage with the Council's Tree Officer to try and resolve any concerns in this regard.
- 3.45 It is understood that the LPA consider the Lime Tree to be a Category A tree of potential veteran status and the Council's Tree Officer would expect the RPA (plus a 2m buffer) to be an absolute minimum requirement for this tree. Ideally the LPA would like to see it incorporated into an area of open space and remote from any development such that it can project its veteran status without being subject to any risk mitigation pruning work in the future.
- 3.46 The precise status of the Lime Tree is a matter of debate as the Applicant's Arboricultural Consultant does not consider that it has reached veteran status yet and there is no policy requirement for an extra 2 metre buffer to the RPA.
- 3.47 In any event the Lime Tree will be retained within an area of open space, an area which would be larger than that shown in the approved drawings of the OPP. Furthermore, the layout for the revised scheme now proposed shows a 14.84m buffer from the centre of the Lime Tree, this being the RPA + 2 metres.
- 3.48 It would seem that the LPA also now object to the existing Public Right of Way (PROW) alignment (again not a RfR previously).
- 3.49 This follows a long established alignment which already passes under the canopy of the Lime Tree. Condition 8 of the OPP requires the route to be retained and improved and a scheme for its detailed design and construction will need to be submitted and agreed prior to the commencement of development. Accordingly, there is no scope within the limitations of the OPP for its realignment. The Applicant has proposed changes in the layout of the development for matters it can control in terms of the positioning of dwellings, roads, footpaths, etc, but is unable deviate from the alignment of the existing PROW which needs to remain in

situ. The Applicant is however prepared to discuss and agree the most suitable surfacing arrangements for the PROW when discharging Condition 8.

Tree planting to car parking areas

- 3.50 In the previous application, the Case Officer was concerned that rows of car parking within the development lacked sufficient tree planting to soften the appearance of parked cars.
- 3.51 In response to this concern, the Applicant has provided additional planting in the revised layout. The revised plans show additional tree planting along with other shrub planting as shown on the landscaping drawings provided.
- 3.52 This could have been dealt with by condition previously, but hopefully the revised proposals address the LPA's previous objection.

Apartment private amenity space

- 3.53 In the determination of the previous application, the Case Officer concluded that the two apartment buildings were not provided with sufficient private amenity space which in their opinion was unacceptable in terms of residential amenity.
- 3.54 Whilst amenity space around apartment blocks are is not always used, the proposals have been amended to reassign the landscaped areas around the apartment blocks to private amenity space.
- 3.55 This should overcome the LPA's previous concerns.

Visitor parking

- 3.56 The Arun District Parking Standards SPD (January 2020) recommends at Paragraph 3.3 that visitor parking will be required to be provided at a ratio of 20% of the total number of residential properties.
- 3.57 In the case of the proposed development this would equate to 20 visitor spaces.
- 3.58 Additional visitor parking is now provided and this would meet the requirements of the SPD.

### Permeability

- 3.59 In final part of the RfR, the LPA considered the layout and design of the previous scheme unacceptable due to, inter alia, its lack of permeability. The RfR is however imprecise by failing to explain how and where it would lack permeability.
- 3.60 Following discussions with Officers the scheme has been amended to include a road and additional footpath links around Plot 18 and towards Plot 100.
- 3.61 Officers had concerns about desire lines across the central POS (SW to NE axis) but there is no barrier to this movement but there is a danger of eroding the character and usability of this area if there are too many formal paths and so no change has been made in this regard.
- 3.62 Officers have also suggested that there should be links into the adjoining development adjacent to Orchards Business Park but these not necessary to make this development acceptable. If such a link was necessary then it would have been a requirement of the OPP. In any event no provision is made in the layout of the adjoining scheme to receive a connection.
- 3.63 Regardless of the above it can be seen that the proposals do allow for pedestrian connections to North End Road in between the two apartment blocks and in the vicinity of Plots 62-63.
- 3.64 Overall, the Applicant considers that the proposed development would be suitably permeable and would offer appropriate connections to off-site destinations.

### Summary

- 3.65 The Applicant has revisited the proposals and have sought to respond to the LPA's concerns. Where changes have not been made, the Applicant has provided a reasoned justification. Overall it is considered that the proposals accord with Policies D DM1, OSR DM1, ENV DM4 and T SP1 of the adopted Local Plan and the guidance set out in the Arun District Parking Standards SPD.

### **Reason for Refusal 3**

- 3.66 RfR No.3 relates to drainage and it states:

**"Insufficient surface water drainage details have been submitted to fully determine the viability of the proposed surface water drainage scheme, which is incorporated**

**into the proposed layout plan (Drawing No. 042 Rev. D). The development is contrary to Policy W DM3 of the Local Plan and Policy E11 of the Yapton Neighbourhood Plan and the National Planning Policy Framework, as the layout as proposed could lead to flooding on the site and the surrounding area, which would be unacceptable."**

- 3.67 Surface water drainage is not a reserved matter and a decision maker cannot refuse an RM application for reasons unrelated to the matters that are being applied for.
- 3.68 Drainage is quite properly dealt with through Condition 11 of the OPP. The condition does not require details to be submitted prior to or even alongside the reserved matters application.
- 3.69 The Applicant will pursue this matter separately through an application to discharge Condition 11.

#### **Reason for Refusal 4**

- 3.70 RfR No.4 relates to affordable housing, and in particular, the distribution of affordable housing on the application site. The RfR states:

**"The layout is unacceptable as it includes large groupings of affordable units clustered in the apartment buildings (plots 64-71 and 72-79), and the terraced houses (plots 80-83 and 54-57) in the western most part of the site, which is contrary to Policy AH SP2 of the Local Plan and the National Planning Policy Framework, which require affordable housing units to be provided in small clusters throughout the development, rather than being over-concentrated in one part of the site, constituting ghettoization."**

- 3.71 As a starting point, the adopted Local Plan does not define a maximum size of a cluster for affordable housing. The policy text simply refers to "small" clusters and the supporting text to the policy does not provide any clarification or further guidance.
- 3.72 The LPA will be aware that Registered Social Landlords do not like layouts that pepper pot homes sparingly around sites for management reasons. Furthermore, given the need profile for the affordable housing it tends to be that the need is for smaller homes rather than larger ones. The smaller homes are located on the western part of the site for reasons that have already been explained in the consideration of density in RfR No.2 above. The absence of affordable housing of the eastern part of the site does not make the western part any less acceptable.

- 3.73 It is pertinent to note that the Affordable Housing Officer in his consultation response to the previous application did not raise any objections to the clustering of affordable housing. He instead just sought a swap in tenures to include more 3 bed dwellings at the expense of 2 bed dwellings. He concluded on the site layout that "*the amended mix would enable improved pepper*". In other words, this would resolve the objection. There is no suggestion from the Affordable Housing Officer that the clustering of affordable housing was unacceptable and would constitute "*ghettoization*" as it transpired in the RfR.
- 3.74 The tenure swap could have been agreed by condition in the previous application without any changes to the layout. While the Applicant was not afforded that opportunity, the Applicant has accommodated this request within the revised layout proposed in this new application.
- 3.75 The proposed tenure split by property type and size in the previous application comprised the following:

| Dwelling Type | Number of homes   |     |                  |     |
|---------------|-------------------|-----|------------------|-----|
|               | Affordable Rented |     | Shared Ownership |     |
| 1 bed flat    | 12                | 50% | 0                | 0%  |
| 2 bed flat    | 4                 | 17% | 0                | 0%  |
| 2 bed house   | 8                 | 33% | 0                | 0%  |
| 3 bed house   | 0                 | 0%  | 4                | 67% |
| 4 bed house   | 0                 | 0%  | 2                | 33% |
| <b>TOTAL</b>  | 24                |     | 6                |     |

- 3.76 The composition has now been amended to accommodate the request of the Affordable Housing Officer and now consists of the following:

| Dwelling Type | Number of homes   |        |                  |     |
|---------------|-------------------|--------|------------------|-----|
|               | Affordable Rented |        | Shared Ownership |     |
| 1 bed flat    | 12                | 50%    | 0                | 0%  |
| 2 bed flat    | 4                 | 16.67% | 0                | 0%  |
| 2 bed house   | 4                 | 16.67% | 4                | 67% |
| 3 bed house   | 4                 | 16.67% | 0                | 0%  |
| 4 bed house   | 0                 | 0%     | 2                | 33% |
| <b>TOTAL</b>  | 24                |        | 6                |     |

- 3.77 In addition to the above tenure changes, in responding to the LPA's concerns about density, some of the smaller homes that were proposed as affordable housing have also now been relocated such that this has also altered the distribution of the AH properties.
- 3.78 The affordable housing will continue to be visually indistinguishable from the market housing on the site and there would be no issues of integration.

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3.79 The proposed development would therefore be in accordance with Policy AH SP2 of the adopted Local.

#### **4. SUMMARY AND CONCLUSIONS**

- 4.1 This Addendum has been prepared in support of a RM application for 100 dwellings, landscaping and open space, and other ancillary works on Land to the south of Ford Lane and east of North End Road, Yapton.
- 4.2 The application site already benefits from an extant OPP, which established the principle of the proposed development. This set out many of the guiding principles and parameters for the development and the RM applications that would follow.
- 4.3 The original Planning Statement provides the main assessment of the proposed development and this Addendum focusses on the issues raised in the RfR from the previous RM application.
- 4.4 This revised RM application responds to the issues identified in the RfR (i.e. the issues that remain in dispute). The application is submitted on a without prejudice basis and any departure from the refused scheme does not represent an acceptance on the part of the Applicant that the appeal proposals are in any way unacceptable. Instead, the Appellant has remained committed to finding a negotiated, compromise position. Where the Applicant has not made changes, reasons have been given (whether they be legal, procedural or differences of opinion on design and the application of policy and guidance).
- 4.5 The Applicant is very keen to deliver new housing (including the much needed affordable housing) in line with national planning policy and guidance and the Development Plan. The Applicant is aware that the appeal site forms part of the five year housing land supply of the LPA. The recent appeal concerning Land adjacent to Bonhams and Flints, Hoe Lane (APP/C3810/W/19/3236911) found that the LPA was only able to demonstrate a **2.9 year supply**. The supply position is dire on any assessment and the timely delivery of this site will make a valuable contribution towards ensuring that this does not deteriorate further.
- 4.6 The housing land supply position means that the tilted balance is engaged<sup>2</sup>, and the LPA will also be aware of the need to support economic recovery particularly given the severe impact that the Covid 19 pandemic has had both locally and nationally<sup>3</sup>. When the application is viewed through these optics and in

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<sup>2</sup> NPPF paragraph 11d and footnote 7

<sup>3</sup> NPPF paragraph 80

circumstances where the LPA itself characterises the issues with the previous scheme as being relatively “minor” it is hoped that this application can now be approved in its revised form.

- 4.7 As before, the Applicant would welcome and encourage continued dialogue with Officers so that the application can be progressed quickly towards a favourable determination.

**APPENDIX 1**  
**DECISION NOTICE Y/19/20/RES**

**Application for approval of Reserved Matters Following Outline Approval**

**DECISION NOTICE**

**Application Ref: Y/19/20/RES**

**1 To Addressee**

Pegasus Group  
Pegasus House  
Querns Business Centre  
Whitworth Road  
Cirencester  
GL7 1RT

**2 Site Address**

Land to the south of Ford Lane and  
east of North End Road  
Yapton  
BN18 0DS

**3 Description of Development**

Approval of reserved matters following outline consent Y/80/16/OUT for 4.5ha of residential development comprising of 3.4ha of land for the erection of 100 No. dwellings (up to 30 (30%) affordable housing) together with 1.1ha of land set aside for public open space & strategic landscaping & 2.2ha of public open space & green corridors with vehicular access from Ford Lane & pedestrian/cycle access only from North End Road. This application may affect the setting of listed buildings, affects the character & appearance of the Church Lane, Yapton Conservation Area & affects a Public Right of Way.

**4** In pursuance of their powers under this Act and related Orders and Regulations the Council **REFUSE** to approve the development as described in the application and plans for the reasons stated.

- 1 The applicant has failed to submit information to demonstrate how the development accords with the draft Arun Design Guide Supplementary Planning Document (SPD) which promotes good design in new development through setting out key design objectives including the development of a design rationale which should draw upon the results of a site appraisal in order to justify the reasoning behind key design decisions for the proposed development. Consequently, the development is contrary to Policy D SP1 of the Arun Local Plan, the National Design Guide and the emerging Arun Design Guide SPD by failing to adequately address and achieve good design.
- 2 The proposed layout concentrates higher density development in the western part of the site which appears cramped which is unacceptable in terms of visual appearance and would harm the residential amenity. The housing mix should be SHMA compliant. The siting of the houses would impinge on the Green Corridor. Dwellings are located within the Root Protection Area (RPA) of

the lime tree, which is unacceptable in tree protection terms. The rows of car parking lack any tree planting to break up the negative visual impact of the parking spaces, which is visually unacceptable. The apartment buildings are not provided with sufficient private amenity space. The quantum of visitor parking spaces is unacceptably low. The proposed layout and design of the development is unacceptable in terms of residential amenity and visual appearance and lack of permeability and it is contrary to Policy D DM1, Policy OSR DM1, Policy ENV DM4 and Policy T SP1 of the Arun Local Plan, Arun District Parking Standards Supplementary Planning Document, January 2020, and the National Planning Policy Framework.

- 3 Insufficient surface water drainage details have been submitted to fully determine the viability of the proposed surface water drainage scheme, which is incorporated into the proposed layout plan (Drawing No. 042 Rev. D). The development is contrary to Policy W DM3 of the Local Plan and Policy E11 of the Yapton Neighbourhood Plan and the National Planning Policy Framework, as the layout as proposed could lead to flooding on the site and the surrounding area, which would be unacceptable.
- 4 The layout is unacceptable as it includes large groupings of affordable units clustered in the apartment buildings (plots 64-71 and 72-79), and the terraced houses (plots 80-83 and 54-57) in the western most part of the site, which is contrary to Policy AH SP2 of the Local Plan and the National Planning Policy Framework, which require affordable housing units to be provided in small clusters throughout the development, rather than being over-concentrated in one part of the site, constituting ghettoization.

INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.



Neil Crowther  
Group Head of Planning

Case Officer: Michael Eastham

Decision Issued: **12th May 2020**

Arun District Council  
The Arun Civic Centre  
Maltravers Road  
Littlehampton  
West Sussex BN17 5LF

**IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT**

## **APPEALS TO THE SECRETARY OF STATE**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against this planning application decision, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against this planning application decision, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Otherwise, if you want to appeal against this decision then you must do so within 6 months of the date of this notice.

Appeals must be using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <http://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must send notice to the Local Planning Authority and Planning Inspectorate([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details can be found at [www.GOV.uk](http://www.GOV.uk)

## **PURCHASE NOTICES**

If either the local planning authority or the Secretary of State refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for the Park, or in any other case the district council in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town & Country Planning Act 1990.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on

highway land).

## **APPENDIX 2**

### **DELEGATED REPORT**

Recommendation Report for Approval of Reserved Matters Following Outline Approval

|           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| REF NO:   | Y/19/20/RES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| LOCATION: | Land to the south of Ford Lane and<br>east of North End Road<br>Yapton<br>BN18 0DS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| PROPOSAL: | Approval of reserved matters following outline consent Y/80/16/OUT for 4.5ha of residential development comprising of 3.4ha of land for the erection of 100 No. dwellings (up to 30 (30%) affordable housing) together with 1.1ha of land set aside for public open space & strategic landscaping & 2.2ha of public open space & green corridors with vehicular access from Ford Lane & pedestrian/cycle access only from North End Road. This application may affect the setting of listed buildings, affects the character & appearance of the Church Lane, Yapton Conservation Area & affects a Public Right of Way. |

|                              |
|------------------------------|
| <b>SITE AND SURROUNDINGS</b> |
|------------------------------|

|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION      | <p>This application seeks approval of Reserved Matters for 100 dwellings and associated works following the Y/80/16/OUT on land to the south of Ford Lane and east of North End Road, at Yapton. The reserved matters that are being applied for comprise appearance, scale, layout and landscaping.</p> <p>Separate discharge of condition (DOC) applications will be submitted which will cover surface water drainage and foul water drainage, ecology, archaeology, energy, noise, tree protection measures and the submission of a construction management plan.</p> |
| SITE AREA                       | 6.7 hectares                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| RESIDENTIAL DEVELOPMENT DENSITY | 29 dwellings per hectare.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| TOPOGRAPHY                      | Predominantly flat.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| TREES                           | The Lime and Oaks make a significant impact in the landscape and are subject of a Tree Preservation Order (TPO/Y/2/17).                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| BOUNDARY TREATMENT              | The application site includes hedgerows and trees around the periphery of the site.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| SITE CHARACTERISTICS            | <p>A field between North End Road, Ford Lane and footpath FP358. The site is arable farmland with relatively large fields across a relatively flat landform.</p> <p>The southern boundary borders businesses at the Orchard Business Park and rear gardens to several houses along Church Lane. Roughly half the site perimeter adjoins existing</p>                                                                                                                                                                                                                      |

REPORT\_1611(ODS)

development and the other half is next to fields. To the west is North End Road and to the north Ford Lane. To the east is open arable farmland.

**CHARACTER OF LOCALITY**

Essentially ribbon development along North End Road, while most of Ford Lane runs between fields. St. Mary's Church is to the south-east, is listed at Grade I. The churchyard is surrounded by trees which provide dense cover to the rear between the church and the site. The church tower can be seen above the trees from the site and beyond. Two other listed buildings on the south of Church Lane are Church House and Park Lodge, further west on Church Lane.

Outline permission (Y/80/16/OUT) for up to 100 dwellings was allowed on appeal on 15th January 2018. A pre-application enquiry (PAA/85/19/) was submitted relating to a reserved matters application which would be based on Y/80/16/OUT.

**REPRESENTATIONS****REPRESENTATIONS RECEIVED:**

Yapton Parish Council

No objection.

- The housing mix should align with the NP providing family homes and houses for the elderly;
- The 3 storey homes on North End Road should be reduced to 2 storey to be in keeping with the area;
- The LEAP should be re-sited away from the pond;
- All street lighting must be designed to ensure minimum light pollution;
- All garages must be used for parking so as to prevent street / verge parking.

Ten letters of representation have been submitted and a letter from Arun District Bridleway Group objecting to the proposed development on the following grounds:

- Outline permission was refused because it was contrary to the Neighbourhood Plan;
- Yapton has few shops, only one school, poor transport links and no jobs;
- The loss of countryside to more housing is unacceptable;
- Why do we need thousands of new houses in every village including Yapton, Walberton and BEW?
- Further house building will increase the flooding on Ford Lane and North End Road;
- The site entrance is located on a blind bend;
- North End Road is a busy road;
- The cumulative impact of residential development would increase the number of cars on the road;
- Traffic queues at the level crossing would increase in length if the housing development went ahead;
- There would be an unacceptable and unsustainable increase in noise pollution and air pollution;
- The pavements along North End Road are very narrow forcing people to walk on edge or in the road;
- There should be more pedestrian crossings in Yapton;
- The proposed housing is sited in close proximity to Pippin Cottage and Harptree Cottage;
- The existing mature trees on the site boundary would overshadow the development;
- Solar panels and electric vehicle charging points should be incorporated in the development;
- Recycling should be encouraged and designed in with communal collection areas;
- Sufficient parking should be provided to discourage on road parking;
- Houses and gardens should be provided with sufficient storage space for bicycles;
- Cycle routes and paths across the site need to be planned;
- A number of footpaths have been re-routed, destroyed or closed;
- The section of Footpath FP358 along the site boundary should be upgraded to bridleway status;

- The ditch off Church Lane should be culverted and the surface widened where FP357/358/359 merge;
- There are Great Crested Newts in garden ponds on North End Road.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted and issues addressed in the Conclusions section below.

|                      |
|----------------------|
| <b>CONSULTATIONS</b> |
|----------------------|

Conservation Officer  
Highways England  
WSCC Strategic Planning  
Historic England  
Environment Agency  
Natural England  
Sport England South East  
Surface Water Drainage Team  
Environmental Health  
Parks and Landscapes  
Arboriculturist  
Southern Water Planning  
Economic Regeneration  
Planning and Housing Strategy  
Sussex Police-Community Safety  
Engineering Services Manager  
Engineers (Drainage)  
Archaeology Advisor  
NHS Coastal West Sussex CCG  
Strategic Projects  
Ecology Advisor

**CONSULTATION RESPONSES RECEIVED:**

**HIGHWAYS ENGLAND:**

No comments; await the submission of the discharge of condition application for agreed improvements to the A27 Yapton Lane junction.

**LOCAL HIGHWAY AUTHORITY:**

Further information requested but not submitted. The width of the access should measure 4.8m; in parts it is between 4.1 and 4.8m wide. Internal roads where footways are proposed should have footways provided on both sides. Access protection barriers are required at the new sections of footway alongside Ford Lane and the pedestrian connection on North End Road. The two openings proposed to North End Road would require access barriers on the highway and in the site. The recreational area in the south-western corner should include shared-use paths. Visitor parking appears to be under-represented throughout. Details of cycle parking for all properties is required.

**LOCAL HIGHWAY AUTHORITY - PUBLIC RIGHTS OF WAY TEAM**

Further information has been requested but not submitted. At the outline application stage, the Local Highway Authority recommended that as part of any reserved matters application that any PRoW running through the site be considered to provide for shared foot and cycle use. Three Public Rights of Way (PRoW) run through the site - namely FP357, FP358 and FP359. FP357 appears on the plans to measure 2.0m (it should measure a minimum of 3.0m for shared-use) with surfacing, whereas both FP358 and FP359 are not shown measuring more than 1.5m and without surfacing. Bridleway status for these paths would legally permit those on foot, cycle and horse to use the paths, albeit recognising that the paths would need to be upgraded, including connections in-and-out of the site.

**NATURAL ENGLAND:**

No objection. Natural England considers the development would not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

**ADC ECOLOGICAL ADVISOR:**

Object. No protected species surveys have been submitted so it is not possible to establish if protected species are present. Prior to determination, an extended phase one habitat survey is required to determine if there is potential for protected species. If there is potential for protected species then further surveys would be required. These surveys plus any mitigation strategies required would need to be submitted prior to determination. Information on Biodiversity Net Gain needs to be provided prior to determination.

**SPORT ENGLAND:**

No objection.

**ADC HOUSING:**

No objection. To meet the requirements of the Council's Affordable Housing policy the applicant will need to provide 30 affordable dwellings - 24 rented and 6 intermediate. The proposed mix should be amended to include more 3 bed dwellings at the expense of 2 bed units.

**SOUTHERN WATER:**

No objection. Recognises its obligations under the new charging regime to provide capacity in the existing sewerage system to accommodate the needs of the development. Southern Water and the developer will need to work together to review if delivery of the network reinforcement aligns with proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

**ADC DRAINAGE:**

Object. There is insufficient detail submitted to determine the viability of the drainage scheme. Winter groundwater monitoring (October to March) will be required and further winter infiltration testing carried out at agreed locations / depths. Infiltration is expected to be viable in some form. The layout presents significant open spaces to accommodate drainage features and these should be open features where possible. Permeable paving will need to be extended for use in all private driveways. The ditch on the eastern boundary is likely to require maintenance works to it.

**ENVIRONMENTAL HEALTH:**

No objection. Conditions are required regarding the provision of electric vehicle charging points, the submission of a construction management plan, limiting the working hours for construction, the submission of details of the external lighting and a precautionary condition if contamination is discovered on the site.

**HISTORIC ENGLAND**

No comments to make.

#### ADC ARCHAEOLOGICAL ADVISOR

No comments to make on this reserved matters application.

#### ADC CONSERVATION OFFICER:

The site is located in the vicinity of St Mary's Church (Grade I), Church House (Grade II), Park Lodge (Grade II) and The Old Cottage (Grade II); the following Locally Listed Buildings: 1 & 2 Church Cottages, Little Orchard and Yapton Lodge; and Church Lane Conservation Area. A heritage statement has been submitted assessing the significance of the heritage assets and the potential impact of the development upon them. The location of the site is in close proximity to St Marys Church, which is a Grade I Listed Building is a very attractive, unrestored medieval church and to the Church Lane Conservation Area. On balance, the development would have a neutral impact upon the various heritage assets and their settings. This is in part due to the location of the area of open space in the southern section of the site, along with a more considered design of the properties. The application is considered to not cause harm to the significance of the heritage asset or their setting.

#### ADC GREENSPACE:

No objection. The layout includes 1.1ha of land for public open space and strategic landscaping and 2.2ha of public open space and green corridors is supported. The plans propose a super scheme regarding the play offer to be provided in the form of local areas of play (LAPs) and a local equipped area of play (LEAP). Landscape proposals provide a good mix of native and ornamental trees/shrubs. The large, well-located areas of public open space form a pleasant setting.

#### COMMENTS ON CONSULTATION RESPONSES:

Comments noted and issues addressed in the Conclusions section below.

#### POLICY CONTEXT

Designation applicable to site:

Within the Built-up Area Boundary (BUAB) in the Local Plan.

#### DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

|        |                                                             |
|--------|-------------------------------------------------------------|
| AHSP2  | AH SP2 Affordable Housing                                   |
| DDM1   | D DM1 Aspects of form and design quality                    |
| DDM2   | D DM2 Internal space standards                              |
| DSP1   | D SP1 Design                                                |
| ECCDM1 | ECC DM1 Renewable Energy                                    |
| ECCSP1 | ECC SP1 Adapting to Climate Change                          |
| ENVDM4 | ENV DM4 Protection of trees                                 |
| ENVDM5 | ENV DM5 Development and biodiversity                        |
| HERDM1 | HER DM1 Listed Buildings                                    |
| HERDM2 | HER DM2 Locally Listed Buildings or Structures of Character |
| HERDM3 | HER DM3 Conservation Areas                                  |
| HERDM6 | HER DM6 Sites of Archaeological Interest                    |

|        |                                                               |
|--------|---------------------------------------------------------------|
| LANDM1 | LAN DM1 Protection of landscape character                     |
| OSRDM1 | Protection of open space, outdoor sport, comm& rec facilities |
| QEDM1  | QE DM1 Noise Pollution                                        |
| QEDM2  | QE DM2 Light pollution                                        |
| QEDM3  | QE DM3 Air Pollution                                          |
| SDSP1  | SD SP1 Sustainable Development                                |
| SDSP2  | SD SP2 Built-up Area Boundary                                 |
| TDM1   | T DM1 Sustainable Travel and Public Rights of Way             |
| TELSP1 | TEL SP1 Strategic delivery of telecomms infrastructure        |
| TSP1   | T SP1 Transport and Development                               |
| WDM2   | W DM2 Flood Risk                                              |
| WDM3   | W DM3 Sustainable Urban Drainage Systems                      |

|                                                  |                                                    |
|--------------------------------------------------|----------------------------------------------------|
| <u>Yapton neighbourhood plan 2014 Policy BB1</u> | Built-up Area Boundary                             |
| Yapton neighbourhood plan 2014 Policy E1         | Protection of high value agricultural land         |
| Yapton neighbourhood plan 2014 Policy E11        | Minimising the impact of flooding from development |
| 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 H1         | Housing requirement                                |
| Yapton neighbourhood plan 2014 Policy H2         | Dwelling size                                      |
| Yapton neighbourhood plan 2014 Policy PK1        | Parking standards for new residential development  |

## PLANNING POLICY GUIDANCE:

|      |                                     |
|------|-------------------------------------|
| NPPF | National Planning Policy Framework  |
| NPPG | National Planning Practice Guidance |

## 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 Yapton Neighbourhood Plan (NP) 2014 -2029 was made on 5th November 2014. Relevant Yapton NP policies have been taken into account and are addressed in the 'Conclusions' section of this report.

## DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

considerations indicate otherwise."

The proposal does not comply with the Development Plan due to the layout of the development, the negative impact on the existing trees on the site; the large groupings of affordable units clustered in the western most part of the site, rather than in small clusters throughout the development; the lack of surface water drainage information to inform the layout of the site; and no justification has been provided regarding proposed design of the residential development on the site. This would result in a development of unacceptable quality causing harm to the amenities of the occupiers of the development and other material interests.

## **OTHER MATERIAL CONSIDERATIONS**

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

## **CONCLUSIONS**

### **PRINCIPLE**

The principle of residential development on the site was established when Y/80/16/OUT was allowed on appeal on 15-01-2018 for up to 100 dwellings, including up to 30 affordable dwellings.

### **ASSESSMENT**

This reserved matters application seeks to deliver detached and semi-detached houses, terraced houses (town houses) and the two apartment buildings. Key issues to be considered are ones of detail and relate to the layout, design, appearance and landscaping.

### **DESIGN AND FORM OF BUILDINGS**

Policy D SP1 of the Local Plan requires "all development proposals should be of good quality and demonstrate a high standard of design".

Paragraph 124 of the National Planning Policy Framework (NPPF) says: "the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities".

Paragraph 16 of the National Design Guide states: "well-designed places and buildings come about when there is a clearly expressed 'story' for the design concept and how it has evolved into a design proposal. This explains how the concept influences the layout, form, appearance and details of the proposed development. It may draw its inspiration from the site, its surroundings or a wider context. It may also introduce new approaches to contrast with, or complement, its context. This 'story' will inform and address all ten characteristics. It is set out in a Design and Access Statement that accompanies a planning application."

The Arun Design Guide is a draft with consultation undertaken in early 2020 with adoption expected later in the year. The guide promotes good design through setting out key design objectives. It encourages creating a network of streets (F.01), appropriate open spaces (H.03), appropriate external space standards (H.04) and appropriate building design (J.01). Section D.01: (Site Appraisal) of the Arun Design Guide states: "the first step in the design process should be to carry out a detailed appraisal of the development plot and its surrounding context in order to ensure a clear understanding of the site and its wider setting. The appraisal should identify the constraints and opportunities presented by various aspects of the site and its surrounds, which will inform the upcoming development proposal. Major housing and masterplanning projects should approach site appraisal strategically, considering aspects

REPORT\_1011(006)

such as surrounding settlements or landscapes, drainage patterns and transport networks." Section D.02 (Developing a Design Rationale) of the District Design Guide states: "the design rationale should draw upon the results of the site appraisal in order to justify the reasoning behind key design decisions for the proposed development."

A planning statement has been submitted but no Design and Access Statement or document has been submitted demonstrating how the development accords with the 10 characteristics set out in the National Design Guide and the draft Arun Design Guide Supplementary Planning Document (SPD), which promotes good design in new development through setting out key design objectives including the development of a design rationale which should draw upon the results of a site appraisal in order to justify the reasoning behind key design decisions for the proposed development. The development is contrary to Policy D SP1 of the Arun Local Plan, the National Design Guide and the emerging Arun Design Guide SPD.

#### DENSITY

Policy D DM1 (13) of the Local Plan requires: "the density of new housing will make 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. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity".

Paragraph 122(a) of the new NPPF (February 2019) states "planning decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it".

The net density is 29 dwellings per ha, which accords with Condition 4 imposed on Y/80/16/OUT. The density of the development is important in the consideration of the impact on the character of Yapton and its relationship with the adjacent listed buildings, on a site on the edge of the village.

#### SITE LAYOUT, APPEARANCE AND CHARACTER

Policy D DM1(1) of the Local Plan requires the development to "make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding areas, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping and design features".

Policy D SP1 of the Local Plan specifies that development should have been derived from a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness and usability, health and wellbeing and climate change); and the influence these objectives have on the form of the development.

#### Site Access Layout

The layout plan (Drawing No. 042 Rev. D) is based on and accords with the Site Access Drawing Number 130431-10 Rev. A, which is listed in Condition 3 imposed on the outline permission (Inspector's Decision letter (APP/C3810/W/17/3170059). Drawing Number 130431-10 Rev. A includes approved visibility splays along Ford Lane, i.e. 4.5m x 63m to the west and 4.5m x 160m to the east.

The proposed layout plan (Drawing No. 042 Rev. D) does not include the provision of emergency access into the site from North End Road. The ideal location for an emergency access into the site from North End Road would be next to Plot 63.

The access road serving Plots 6, 7, 15-18, 36-45 and 54-58 should measure 4.8m; the access road serving these plots currently measures between 4.1 and 4.8m wide. Internal roads where footways are

proposed should ideally have footways provided on both sides. The proposed internal road hierarchy is not acceptable as it does not measure 4.8m in width and it is contrary to T SP1 of the Local Plan.

#### Layout of Public Open Space and Play Areas

Layout plan (Drawing No. 042 Rev. D) includes the provision of 1.1 ha of ancillary public open space and strategic landscaping and 2.2 ha of public parkland and green corridors, which is acceptable as it accords with Proposed Indicative Layout/open space proposals Drg: 201 Rev. C listed in Condition 4 imposed on Y/80/16/OUT.

Condition 16 imposed on Y/80/16/OUT required the submission of details of the laying out of a minimum 400 square metres area designated as a Local Equipped Area of Play (LEAP) and three Local Areas of Play (LAP), each of at least 100 square metres, and all other amenity areas (other than private gardens) to be provided together with their defined boundaries, means of enclosure, proposed use and items of equipment and other structures to be installed.

Layout plan (Drawing No. 042 Rev. D) and the Detailed Play Provision Plans include the location of the LEAP and the three LAPs; together with the details of the play equipment proposed to be provided in the LEAP and LAPs. The LEAP is located in the large area of green space in the southern part of the site. Information has been submitted on the defined boundaries and means of enclosure of the LEAP and the three LAPs, and it consequently complies with Condition 16. Careful consideration has been given to the siting of the play features ensuring they are safe and appropriately located and that the play equipment provides a range of play experiences for children and young people.

The outline application Proposed Indicative Layout & Open Space Proposals Plan (Drawing No. 201C) identified a 32m wide open space buffer along the east boundary and an 85m wide buffer along the south boundary, adjacent to rear gardens of houses on Church Lane. Layout plan (Drawing No. 042 Rev. D) includes a 32m wide open space buffer along the east boundary and an 85m wide buffer along the south boundary. Part of the 32m wide open space buffer along the east boundary accommodates the site access road, but this is considered to be acceptable.

Layout plan (Drawing No. 042 Rev. D) shows a good amount of public open space along the east periphery of the development, which would allow the retention of significant trees along this boundary; together with the provision of a central area of public open space (i.e. Green Corridor). Provision has been made on the layout plan (Drawing No. 042 Rev. D) for connecting pathways in the public open space in the south and east parts of the site for internal movement which would link into the existing footpath network beyond, providing good access for pedestrians and cyclists.

The layout plan shows a larger area of open space (i.e. the Green Corridor) on either side of the existing footpath that runs through the site than was shown on Drawing 201 Rev. C: "Proposed Indicative Layout/open space proposals" referred to in Condition 4 in the outline permission. The larger area of open space is considered to be acceptable, as it would create both a sense of place and a sense of arrival for anyone walking or cycling through the site on the existing footpath.

The layout plan (Drawing No. 042 Rev. D) shows the majority of houses fronting onto areas of public open space. However, the proposed layout of the dwellings on plots 32, 35, 40 and 41 is unacceptable as the Green Corridor at this point is cut-off by the roads crossing it; and the road bisects the line of the footpath, as this would impair the flow of movement by cyclists and walkers by the siting of the houses too close to the footpath; and the siting of the houses would impinge in visual terms on the Green Corridor, creating a visual pinchpoint.

#### Landscape Layout

The Illustrative Strategic Landscape & Open Space Proposals (Drawing No. 202 Rev B), which was

REPORT\_1611(006)

listed in Condition 3 of the outline permission sets out the indicative framework for the location of the strategic landscaping on the site. The Illustrative Strategic Landscape & Open Space Proposals (Drawing No. 202 Rev. B) included the planting of strategic landscaping along the boundary of the site with Orchard Business Park, and along the eastern boundary of the development, which would help to screen views of the proposed housing when viewed from Church Farm and St Mary's Church.

The strategic landscaping along the northern, western and southern boundaries of the site and along the eastern boundary of the proposed housing as identified on the Illustrative Strategic Landscape & Open Space Proposals plan (Drawing No. 202 Rev. B), which was approved at the outline planning stage has been followed through, wherever practicable, and is considered to be acceptable.

A full landscape scheme has been submitted with the application in the form of a Coloured Landscape Plan, Boundary Treatment Plans, Tree Setting Out Plans, Detailed Planting Plans and Plant Schedule and Maintenance Specification Details, detailing species choice, position, densities and size at time of planting. The planting has been plotted in plan and list form showing the location of the trees and shrubs with quantities proposed, densities and size at time of planting and in relation to the trees and vegetation to be retained and enhanced. Landscaping details ensure the setting is not compromised visually and the proposed residential development is appropriate to its setting. The planting would be sufficient in height with a mix of tree and shrub species that are sufficiently fast growing to provide a year' round interest. The screening to adjacent dwellings would provide a good mix of native species, which when planted would establish quickly to form a balanced and appropriate planting scheme. In accordance with Policy D DM1 of the Local Plan.

#### Layout of Houses and Apartments

Layout plan (Drawing No. 042 Rev. D) ensures the houses and apartments are located in the areas identified for residential development on the Indicative Layout/open space proposals Drawing 201 Rev. C which was listed in Condition 4 which was imposed on Y/80/16/OUT.

However, the layout appears to focus the higher density developments on the west part of the site, towards North End Road; with the lower densities comprising detached houses focussed towards the south and east of the site. The concentration of higher density developments on the west part of the site, towards North End Road is unacceptable as existing residential development along North End Road is not high density and the development would be out of character with the existing density of housing in the immediate area. The current layout has led to a cramped layout on the west part of the site. The layout is unacceptable.

The run of large 4-bed houses from plots 24 to 32 inclusive appear regimented. If the number of 4 bed houses were reduced across the site, it would ensure a range of house types could be accommodated on the part of the site that fronts onto the open space that bounds the south and east parts of the site and towards the adjacent farmland.

Houses on plots 15, 16, 17 and 18 do not form an inherent part of the block of housing comprising plots 1 to 14 inclusive; and there is no vehicular and pedestrian access around the whole block which is unacceptable in terms of permeability

Layout plan (Drawing No. 042 Rev. D) turns its back on residential development currently under construction on the Crayfern development of 10 houses on Orchard Business Park to the south and west of the site. No connectivity is shown between the site and the housing on Orchard Business Park. The road on the Crayfern site immediately south of the site provides an opportunity to create a connection between the two developments and this should be explored. The row of Leylandii Cypress along the south west part of the site has the potential for shading and could cause high hedge issues with the proposed layout.

Layout plan (Drawing No. 042 Rev. D) includes apartment buildings on the west boundary, adjacent to North End Road. The two apartment buildings (plots 64 to 71 and plots 72 to 79) form gateway features for anyone accessing the site on foot or cycling from North End Road. The two apartment buildings need to include active frontages along the western elevation facing North End Road and on the eastern elevation facing the main part of the site. The apartment buildings are located in a prominent gateway position, visible from North End Road and the western elevations of both apartment buildings need active frontages facing out onto North End Road and gables incorporating architectural features that enhance the appearance of the buildings, due to the large scale of the apartment buildings; and avoid blank elevations on the northern and southern elevations.

Layout plan (Drawing No. 042 Rev. D) includes details of refuse collection points for each house and the two apartment buildings, together with details of the refuse vehicle tracking within the site, which are also considered to be acceptable. The apartment buildings (plots 64 to 71 and plots 72 to 79) are provided with bin and cycle stores that are attached to the apartment buildings.

Since the outline permission was granted, the LPA has adopted guidance on the provision of electric vehicle charging points. As such, if reserved matters are approved, a condition is requested for the provision of Electric Vehicle (EV) charging points within the site.

#### Root Protection Areas of Trees

All of the trees on the site that are protected by a Tree Preservation Order (TPO/Y/2/17), with the exception of one lime tree, have been incorporated into open space or landscape buffer zones on the proposed layout plan (Drawing No. 042 Rev. D). The lime tree is a category A tree of potential veteran status and so it is unacceptable to see it confined within the development. As a general principle of design, careful consideration should be given to the layout of the proposed development beneath the canopies of the established trees and the potential for further tree growth. With such a large and open site, greater emphasis is required in terms of site layout on removing future 'pressure to prune the retained trees. The houses on plots 95-100 incur into the root protection area (RPA) of the lime tree.

There is a considerable amount of trees and hedgerow about the perimeter of the site, including substantial linear groups of Leyland cypress which provide valuable screening. Any trees in particular along the boundaries, which adjoin neighbouring land could provide potential valuable screening and should be retained. Their future growth and influence over any adjacent residential property should be a major consideration in respect of shading and ongoing maintenance requirements. The established Leylandii hedge in the south west part of the site adjoining Orchards Business Park has the potential for shading and could in time cause high hedge issues with the location of the housing shown on Drawing No. 042 Rev. D. Any trees that are removed should be replaced with native species for biodiversity purposes and to ensure that the site fits into the semi-rural setting.

#### Layout of Surface Water Drainage Features

Surface water drainage information has been submitted in a Drainage Statement, a Surface Water Catchment Plan and an Overland Flow Routes Plan. Surface water drainage features include an attenuation basin in the southern part of the site and a large swale running along part of the eastern boundary, shown on Drawing No. 042 Rev. D; together with details of underground storage crates. Surface water drainage features do not comprise useable open space.

The surface water drainage for the site has not been agreed in advance of the submission of this application. ADC Drainage Engineers state there is insufficient detail submitted with the application to fully determine the viability of the drainage scheme proposed which is incorporated into the proposed layout plan. Winter groundwater monitoring (October to March) will be required and then further winter infiltration testing carried out at agreed locations / depths. Infiltration is expected to be viable in some

form. Consequently, the development is contrary to Policy W DM3 of the Local Plan and Policy E11 of the Yapton Neighbourhood Plan and the National Planning Policy Framework.

#### **Pumping Station Layout**

Layout plan (Drawing No. 042 Rev. D) includes the provision of a pumping station in the south west part of the site adjoining Orchards Business Park. No elevational details of the pumping station or the associated boundary treatment have been submitted with this application. However, it is considered that the details of the pumping station, including its boundary treatment could be conditioned.

#### **Layout of Footways / Cycleways**

Three Public Rights of Way (FP357, FP358 and FP359) run through the site. Layout plan (Drawing No. 042 Rev. D) includes a green corridor which runs diagonally across the site from north west to south east, following the line of one of the public footpaths. A further path running NE-SW across the central green/play area is required to provide a path on a desire-line for pedestrians and should be incorporated into the layout of the development; and the LEAP in the southern part of the site should include shared-use paths for a choice of users.

Condition 8 of Y/80/16/OUT requires details to be submitted and approved prior to the commencement of development for the retention and improvement of PROW FP357, FP358 and FP359. All public footpaths should be widened to measure a minimum of 3.0m wide for shared foot and cycle use and be surfaced; and this will be achieved through the submission of a discharge of condition application.

The Local Highway Authority is requesting access protection barriers both in the application site and on the public highway at the new sections of footway alongside Ford Lane and the pedestrian connection on North End Road which, in turn, leads to off-site footway improvements along this road; to protect users and be designed to cater for those who are mobility impaired and those with pushchairs. The two openings proposed to North End Road require access protection barriers on the highway and in the site. The details and provision of access protection barriers could be conditioned.

#### **Parking Layout and Provision**

The car parking layout is predominantly on plot, but with courtyard parking serving the two apartment buildings in the western part of the site.

The rows of car parking spaces in the west part of the development shown on Drawing No. 042 Rev. D, serving plots 46-49; 54-57; 59-63; 84-90 and the two parking courts serving the apartment buildings comprising plots 64-71 and 72-79 (inclusive) lack tree planting to break up the negative visual impact of the parking spaces, which is visually unacceptable.

Drawing No. 042 Rev. D shows 2 car parking spaces per dwelling. In addition to the 2 on-plot parking spaces per dwelling, there are 59 garages in the development - 31 detached garages and 28 integral garages. The Arun District Parking Standards SPD, January 2020 counts garages as half a space. Consequently, the quantum of car parking proposed on the layout plan is in line with the recommendations in Table 3.1 of the SPD. The dimensions of the garages measure 6.0m by 3.0m, and the size of the garages is therefore considered to be acceptable.

Visitor parking appears to be under-represented in the layout. Visitor parking is in the form of 7 lay-by spaces located in the eastern part of the development. The number of visitor spaces required on site are recommended in paragraph 3.3 of the Arun District Parking Standards SPD which states "visitor parking will be required to be provided at a ratio of 20% of the total number of residential units. For example, if there were 100 dwellings proposed, in addition to the allocated residents parking, 20 visitor spaces should be provided". The quantum of visitor parking spaces is unacceptably low and contrary to Arun District Parking Standards SPD, January 2020.

Cycle parking is provided for the two apartment buildings in secure cycle stores which would be located in single storey buildings attached to the apartments. Drawing No. 042 Rev. D does not include provision of garden sheds in rear gardens for the storage of bicycles; only the provision of garages. The proposed levels of cycle parking for properties is unacceptable. The submission of details regarding the provision/appearance of garden sheds for the storage of bicycles could be conditioned.

The quantum of residential parking spaces is acceptable and complies with the Arun District Parking Standards SPD, January 2020; but visitor parking spaces are unacceptably low, contrary to the District Parking Standards SPD and Policy T SP1(d) of the Local Plan; and that secure cycle storage provision should be conditioned

#### SCALE AND BUILDING HEIGHTS

Policy D DM1(14) of the Local Plan says: "the scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement".

The predominance of two storey dwellings is in keeping with the character of existing development including the two storey houses along North End Road and ensures that the development reflects the built form and massing, in this part of Yapton. The two apartment buildings on the western boundary of the site are 3 storeys high on the western wings. Three storey elements of the apartment buildings enhance the visual appearance of the western part of the development, and provide prominent buildings that function as gateway buildings into the site from North End Road; as the two buildings would have sufficient scale and height next to the highway.

Consequently the proposed residential development complies with Policy D DM1 of the Local Plan.

#### RESIDENTIAL AMENITY

Policy D DM1(3) of the Local Plan says: "have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

The siting of the houses and apartments would ensure that there would be no materially adverse overlooking or overbearing impacts on existing houses along North End Road.

The development would be acceptable on the residential amenities of neighbouring properties because there would be no materially adverse overlooking or overbearing impacts given the distance to the site boundary and the siting of the houses and apartments along North End Road.

The proposed development complies with Policy D DM1(3) of the Local Plan in terms of impact on neighbouring residential amenity.

#### AFFORDABLE HOUSING

The provision of affordable housing is not set out in the S106 Unilateral Undertaking which accompanied the Y/80/16/OUT. It was recommended at the time that the outline planning application was presented to the Development Control Committee that the provision of affordable housing should be dealt with by means of a condition, rather than in a S106 Agreement.

It is proposed that thirty dwellings would be affordable (i.e. 30% affordable provision), which equates to 24 rented and 6 intermediate (shared ownership), which would be in compliance with Policy AH SP2 of the Local Plan).

The affordable dwelling mix in Policy AH SP2 of the Local Plan is:

1 bedroom: 35 - 40%  
2 bedroom: 35 - 40 %  
3 bedroom: 15 - 20%  
4+ bedroom: 5 -10%

Condition 6 imposed on the outline permission required not less than 30% of the total number of dwellings approved at reserved matters stage be affordable; 80% of the affordable dwellings shall be social rented and 20% intermediate (shared ownership) housing.

The proposed affordable dwelling mix comprises:

12 x 1 bed flats;  
4 x 2 bed flats;  
8 x 2 bed houses;  
4 x 3 bed houses; and  
2 x 4 bed houses.

The ADC Housing Officer has requested an amended mix to include more 3 bed dwellings at the expense of 2 bed, as follows:

Affordable Rented (80%)

12 x 1 bed flat  
4 x 2 bed flat  
4 x 2 bed house  
4 x 3 bed house

Intermediate: shared ownership (20%)

4 x 2 bed house  
2 x 4 bed house

The amended mix would enable improved pepper potting of affordable dwellings through the site; which could be achieved by converting dwellings 46-49 to rented and dwellings 80-83 to intermediate (shared ownership).

The ADC Housing Officer has requested that due to the affordability of rented accommodation the rent should not be set higher than 90% of Local Housing Allowance (LHA) levels. In addition to ensure sufficient dwellings are accessible for those on the Council's Housing Register it would be anticipated that 50% of the rented units are set at rent levels of no higher than 65% of open market value.

Policy AH SP2 says: "affordable housing must be visually indistinguishable from market housing with large groupings of single tenure dwellings or property types avoided. Affordable housing units shall be permitted in small clusters throughout development schemes."

The development needs to comply with Policy AH SP2 of the Local Plan in terms of clustering. The proposed layout includes large groupings of affordable housing clustered in the apartment buildings (plots 64-71 and 72-79), the terraced properties (plots 80-83 and 54-57) in the western most part of the site. The affordable units need to be broken up into smaller clusters that are pepper potted throughout the development; and this is linked to the issue with the layout of the site.

The layout is unacceptable due to large groupings of affordable units clustered in the west of the site. Consequently, the development is contrary to Policy AH SP2 of the Local Plan and the NPPF, which require affordable housing units to be provided in small clusters throughout the development.

**HOUSING MIX**

Policy HDM1 provides for a mix of housing to meet local needs and requires that all housing development should provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand. It is important to highlight that 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 (12.2.4) continues to acknowledge that the final mix will be the negotiated on a site by site basis, having regard to the most up to date SHMA.

The 2012 SHMA was the subject of an update in 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 GL Hearn 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 housing by size and tenure for the District.

The development comprises the following market (70 dwellings) and affordable (30 dwellings) mix:

- 12 x 1 bed dwellings;
- 16 x 2-bed dwellings;
- 32 x 3-bed dwellings;
- 40 x 4-bed dwellings.

Policy H2 of the Yapton NP 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;
- 4+ bed dwellings: 5-10% of all dwellings".

The number of 1-bed dwellings (12%) complies with Policy H2 of the Yapton NP; however, the number of 2-bed dwellings (16%) is less than the percentage quota for 2-bed dwellings in Policy H2; the number of 3-bed dwellings (32%) is less than the percentage quota for 3-bed dwellings in Policy H2; and the number of 4 bed dwellings (40%) is considerably higher than percentage quota for 4+ dwellings in Policy H2.

The number of 2-bed and 3-bed dwellings needs to be increased to comply with Policy H2 of the NP; and the number of 4-bed dwellings needs to be reduced considerably.

The applicant has provided an interesting appeal decision (APP/Z1510/W/19/3222599 - Land adjacent to Colne House, Station Road, Earls Colne, CO6 2LJ) in Appendix 4 of the planning statement to justify why the housing mix should be developed in non-compliance with Policy H2 of the NP. The Inspector found:

"6. When this appeal was lodged it is evident that there was a dispute between the parties about whether or not the mix of houses (i.e. the number of houses of different sized) could be determined as part of the reserved matter. However, it is apparent from evidence submitted with the appeal that matters to be determined in respect of this appeal relating to scale and appearance cannot be considered to be synonymous with housing mix".

"7. Furthermore, the parties agreed that there is no planning condition or legal obligation attached to the varied outline permission which could manage the mix of market homes. Evidence that refers to other appeal decisions or legal opinions provided by the appellant confirms that in order to manage housing mix it would have been necessary for the Council to impose a specific condition on the outline planning permission. The mix of housing to be provided is therefore not a matter that I need to address in the context of this appeal".

The LPA is not aware whether this Inspector's Decision has been challenged. The LPA considers that the lack of a condition on the housing mix at the outline stage (Y/80/16/OUT) could have been an oversight on the part of the Inspector; and it is unreasonable for the applicant to include this 'exceptional' appeal decision in an attempt to waive this issue of SHMA compliancy.

The development comprises detached, semi-detached and terraced houses and 2 apartment buildings which provide for variety not only in housing size but type. The overall market and affordable mix provides for a range of dwelling sizes from 1, 2, 3 and 4 bed flats and houses. The proposed development delivers just under half of the overall scheme as 2 and 3 bed dwellings (i.e. 48 dwelling). This is consistent with the objectives of the SHMA in providing a focus on family housing across a range of housing sizes and types whilst also providing a proportion of smaller 1 bed units overall. Notwithstanding the Inspector's decision referred to above (Appeal Ref. APP/Z1510/W/19/3222599 - Land adjacent to Colne House, Station Road, Earls Colne, CO6 2LJ), the current proposal includes 40% 4 bed units compared to the recommended proportion of 10-15% in the SHMA update; and the number of 4 bed units needs to be reduced considerably so as to comply with the SHMA update.

Regardless of the Inspector's decision, the proposed housing mix does not accord with Policy H DM1 of the Local Plan, Policy H2 of the NP or the SHMA due to the high number of 4 bed units.

#### HERITAGE ASSETS

Policy HER DM1 of the Local Plan says: "proposals affecting statutory Listed Buildings will be required to preserve or enhance the historic character, qualities and special interest of the buildings" and "protect and where possible enhance the setting of the building". (Policy HER DM1(a) and (e).

Policy HER DM3 of the Local Plan says: "in order to preserve or enhance the character or appearance of the Conservation Area, planning permission will normally be granted for proposals within or affecting the setting of a Conservation Area, provided that it does not harm important views into, out of or within the Conservation Area".

Policy E8 of the Yapton NP says: "within the Church Lane and Main Road / Church Road Conservation Areas development proposals will be required to preserve or enhance the character of those areas. Development proposals and extensions and alterations to existing buildings and structures will be expected to be suitably designed for the context within which they are set; and ensure that the scale and massing of buildings relate sympathetically to the surrounding area; and use traditional and vernacular building materials to respect the context of the development concerned."

Paragraph 190 of the NPPF (February 2019) requires great weight to be given to the conservation of heritage assets. Any harm resulting from the proposed development should be weighed against the public benefit in accordance with paragraph 196 of the NPPF (February 2019). Paragraph 196 of the NPPF says that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum value".

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 says: "In the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"

A heritage statement has been provided with this reserved matters application. There are 3 types of designated heritage assets which are located adjacent to this site:

1) St Mary's Church (Grade I), Church House (Grade II), Park Lodge (Grade II) and The Old Cottage (Grade II) Listed Buildings;

REPORT\_1611(006)

- 2): 1 & 2 Church Cottages, Little Orchard and Yapton Lodge Locally Listed Buildings; and  
3) Church Lane Conservation Area.

There are a number of heritage assets in close proximity to the site. Of specific interest to this application are St Mary's Church (Grade I) and the Conservation Area. Church Lane Conservation Area covers a small and tightly defined area around the church and contains a limited number of houses. The layout of the conservation area means that the older buildings within the conservation area are located close to some more modern houses and bungalows on the north side of Church Lane, which provide some separation between the conservation area and the site. The other heritage assets which have been identified based on a map-based assessment are located so as to not be directly affected by the proposed development.

The new houses would be set back from Church Lane and the associated heritage assets through the creation of a new area of open space. The open space continues into the site following the route of one of the existing footpaths so as to make a feature of it. Such a proposal would have the benefit of moving the housing further away from the conservation area, whilst also forming a pleasant transition area between it and the main part of the development. It also allows for the church tower to remain a feature of views from within the site, whilst not harming the setting of the church which is contained more within the churchyard and surrounding Conservation Area. The intention to include a number of areas of open space within the development will have a positive impact upon its character, which will better attempt to reflect this part of the village. The design of houses closest to the Conservation Area and the church appear to be based on the designs of properties constructed in the early to mid C20. At present, the development along the northern side of Church Lane are of a similar age in terms of their construction date, so this approach would appear to be acceptable. The designs are somewhat suitable for the character of the wider village.

The development would have a neutral impact upon the various heritage assets and their settings. This is in part due to the location of the area of open space in the southern section of the site, along with a more considered design of the properties. The application does not cause harm to the significance of the heritage asset or their setting.

Having had regard for the principles established in the outline permission, the consultation response from the ADC Conservation Officer summarised above, together with the layout of the development on the site and the location of the Yapton Conservation Area, the design of the buildings and their proximity; it is considered the development would continue to have a negligible / no direct harm to the significance of the designated heritage assets than that established in the outline planning permission and found to be acceptable, in accordance with paragraph 196 of the NPPF.

The development is acceptable and complies with Policy HER DM1 of the Local Plan in terms of impact on listed buildings and Policy HER DM3 of the Local Plan in terms of impact on the Conservation Area; Policy E8 of the Yapton NP, the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), in that it protects the setting of Listed Buildings and Church Lane Conservation Area.

#### **BIODIVERSITY**

Policy ENV DM5 of the Local Plan says: "development schemes shall seek to achieve a net gain in biodiversity and protect existing habitats on the 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".

Policy E5 of the Yapton NP says: "in order to retain and encourage biodiversity, flood attenuation ponds should, where possible, be included in the design of development proposals and these should

incorporate links and corridors for wildlife. If this is not possible, then other forms of Sustainable Urban Drainage Systems (SuDS) should be provided."

Condition 17 imposed on the outline permission required the submission of updates to the existing Phase 1 Habitat Survey and any necessary protected species surveys undertaken no less than 12 months prior to the commencement of development and measures to avoid or mitigate ecological impacts. Details of ecological enhancements are required to be submitted to the LPA and approved in writing prior to the commencement of development, in accordance with Condition 17.

Due to the size and location of the development it is recommended that the updates to the existing Phase 1 Habitat Survey are undertaken by a trained ecologist to determine the presence of protected species within the site and the impact the residential development would have on the surrounding environment. It was recommended that all of the above points be addressed in an application for the Discharge of Conditions (DOCs).

The Council's Ecological Advisor objected as no protected species surveys have been submitted with the reserved matters application. However, the ecological information will be submitted in a discharge of condition application.

#### **NOISE POLLUTION**

Policy QE DM1 of the Local Plan and the NPPF emphasise that noise sensitive development will not be permitted if its users would be affected by noise by proposed noise generating uses.

In terms of noise pollution, Environmental Health have requested that conditions be imposed regarding the submission of a construction management plan and limiting the working hours for construction. These conditions were imposed by the inspector at outline planning stage, in compliance with Policy QE DM1 of the Local Plan and the NPPF.

Environmental Health have requested the submission of details of the external lighting and a precautionary condition if contamination is discovered on the site. These conditions were imposed by the inspector at outline planning stage.

#### **EXTERNAL SPACE STANDARDS**

Drawing No. 042 Rev. D) shows all houses with rear gardens that measure at least 10m in length, which is acceptable to ensure adequate amenity space is provided. The two apartment buildings are not provided with sufficient private amenity space on Drawing No. 042 Rev. D, which is unacceptable in terms of residential amenity.

The site layout includes 20m back to back stand-off distances and 11m side on back distances, which are considered to be acceptable.

#### **INTERNAL SPACE STANDARDS**

Policy D DM2 of the Local Plan sets out that the LPA 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.

The floor plans of each dwelling / apartments where it specifies the number of bedrooms, the occupancy and the square metres of floor space have been cross referenced with the Nationally Described Space Standard (NDSS) table (Table 1). The minimum gross internal floor areas of all of the houses and the apartment buildings on the application site comply with Policy D DM2 and meet the NDSS requirements.

#### **CLIMATE CHANGE**

Policy ECC SP1 of the Local Plan says: "The Council will support development which is located and appropriately designed to adapt to impacts arising from climate change such as the increased probability of tidal and fluvial flooding; water stress; health impacts as a result of extreme temperatures and a decline in the quality of habitats and richness in biodiversity". Policy ECC SP2 of the Local Plan says: "All major developments must produce 10% of the total predicted energy requirements from renewable or low carbon energy generation on site, unless it can be demonstrated that this is unviable".

The proposed east/west orientation of houses on Plots 8, 16-18, 24-29, 36-39, 80-83 and 92-100 inclusive would ensure maximum solar gain and would comply with Policy ECC SP1 of the Local Plan. The north/south orientation of the remaining houses and the two apartment buildings on the site would not ensure maximum solar gain and would not comply with Policy ECC SP1 of the Local Plan.

The layout of the houses and apartments on the application site was predicated on the indicative framework which was set out in Condition 3 which was imposed on Y/80/16/OUT and comprised the Proposed Indicative Layout & Open Space Proposals (Drawing No. 201C) and Illustrative Strategic Landscape & Open Space Proposals (Drawing No. 202B). The majority of dwellings are orientated north/south and therefore, on balance the layout makes all reasonable endeavours to achieve maximum solar gain.

#### SUMMARY

This reserved matters application seeking approval for appearance, scale, layout and landscaping is considered to be unacceptable for the following reasons.

The proposed development is architecturally acceptable. However, the applicant has failed to submit information to demonstrate how the development accords with the draft Arun Design Guide Supplementary Planning Document (SPD) which promotes good design in new development through setting out key design objectives including the development of a design rationale which should draw upon the results of a site appraisal in order to justify the reasoning behind key design decisions for the proposed development. Consequently, the development is contrary to Policy D SP1 of the Arun Local Plan, the National Design Guide and the emerging Arun Design Guide SPD by failing to adequately address and achieve good design.

The proposed layout concentrates higher density development in the western part of the site which appears cramped which is unacceptable in terms of visual appearance and would harm the residential amenity. The housing mix should be SHMA compliant. The siting of the houses would impinge on the Green Corridor. Dwellings are located within the Root Protection Area (RPA) of the lime tree, which is unacceptable in tree protection terms. The rows of car parking lack any tree planting to break up the negative visual impact of the parking spaces, which is visually unacceptable. The apartment buildings are not provided with sufficient private amenity space. The quantum of visitor parking spaces is unacceptably low. The proposed layout and design of the development is unacceptable in terms of residential amenity and visual appearance and lack of permeability and it is contrary to Policy D DM1, Policy OSR DM1, Policy ENV DM4 and Policy T SP1 of the Arun Local Plan, Arun District Parking Standards Supplementary Planning Document, January 2020, and the National Planning Policy Framework.

There is insufficient surface water drainage detail submitted to fully determine the viability of the drainage scheme proposed, which is incorporated into the proposed layout plan (Drawing No. 042 Rev. D). Winter groundwater monitoring (October to March) will be required and then further winter infiltration testing carried out at agreed locations / depths. Infiltration is expected to be viable in some form. Consequently the proposed development is contrary to Policy W DM3 of the Local Plan and Policy E11 of the Yapton Neighbourhood Plan and the NPPF.

The layout is unacceptable as it includes large groupings of affordable units clustered in the apartment buildings (plots 64-71 and 72-79), and the terraced houses (plots 80-83 and 54-57) in the western most part of the site, which is contrary to Policy AH SP2 of the Local Plan and the NPPF which require affordable housing units to be provided in small clusters throughout the development.

It is therefore recommended that this reserved matters application is refused.

## **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.

## **SECTION 106 DETAILS**

There were two Unilateral Undertakings imposed at the outline planning stage.

The first Unilateral Undertaking dated 22nd December 2016 contains planning obligations regarding fire hydrants, highways contribution, a library contribution, primary education contribution, sports hall contribution, swimming pool contribution and a contribution to artificial pitches.

The second Unilateral Undertaking dated 14th December 2017 contains planning obligations regarding a fire and rescue contribution, secondary education contribution and further education contribution.

## **RECOMMENDATION**

REFUSE

- 1 The applicant has failed to submit information to demonstrate how the development accords with the draft Arun Design Guide Supplementary Planning Document (SPD) which promotes good design in new development through setting out key design objectives including the development of a design rationale which should draw upon the results of a site appraisal in order to justify the reasoning behind key design decisions for the proposed development.

Consequently, the development is contrary to Policy D SP1 of the Arun Local Plan, the National Design Guide and the emerging Arun Design Guide SPD by failing to adequately address and achieve good design.

- 2 The proposed layout concentrates higher density development in the western part of the site which appears cramped which is unacceptable in terms of visual appearance and would harm the residential amenity. The housing mix should be SHMA compliant. The siting of the houses would impinge on the Green Corridor. Dwellings are located within the Root Protection Area (RPA) of the lime tree, which is unacceptable in tree protection terms. The rows of car parking lack any tree planting to break up the negative visual impact of the parking spaces, which is visually unacceptable. The apartment buildings are not provided with sufficient private amenity space. The quantum of visitor parking spaces is unacceptably low. The proposed layout and design of the development is unacceptable in terms of residential amenity and visual appearance and lack of permeability and it is contrary to Policy D DM1, Policy OSR DM1, Policy ENV DM4 and Policy T SP1 of the Arun Local Plan, Arun District Parking Standards Supplementary Planning Document, January 2020, and the National Planning Policy Framework.
- 3 Insufficient surface water drainage details have been submitted to fully determine the viability of the proposed surface water drainage scheme, which is incorporated into the proposed layout plan (Drawing No. 042 Rev. D). The development is contrary to Policy W DM3 of the Local Plan and Policy E11 of the Yapton Neighbourhood Plan and the National Planning Policy Framework, as the layout as proposed could lead to flooding on the site and the surrounding area, which would be unacceptable.
- 4 The layout is unacceptable as it includes large groupings of affordable units clustered in the apartment buildings (plots 64-71 and 72-79), and the terraced houses (plots 80-83 and 54-57) in the western most part of the site, which is contrary to Policy AH SP2 of the Local Plan and the National Planning Policy Framework, which require affordable housing units to be provided in small clusters throughout the development, rather than being over-concentrated in one part of the site, constituting ghettoization.
- 5 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

## **APPENDIX 3**

### **ORIGINAL PLANNING STATEMENT**

**APPLICATION FOR THE APPROVAL OF RESERVED  
MATTERS FOR A RESIDENTIAL DEVELOPMENT OF  
100 DWELLINGS PURUSANT TO OUTLINE  
PLANNING PERMISSION Y/80/16/OUT**

**PLANNING STATEMENT  
(INCLUDING AFFORDABLE HOUSING STATEMENT &  
STATEMENT OF PRE-APPLICATION ENGAGEMENT)**

**LAND TO THE SOUTH OF FORD LANE/EAST OF  
NORTH END ROAD, YAPTON**

**ON BEHALF OF REDROW HOMES LTD**

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)  
PLANNING AND COMPULSORY PURCHASE ACT 2004**

Pegasus Group

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## CONTENTS:

|                                            | Page No: |
|--------------------------------------------|----------|
| 1. INTRODUCTION                            | 1        |
| 2. BACKGROUND                              | 2        |
| 3. SITE DESCRIPTION AND LOCATION           | 5        |
| 4. STATEMENT OF PRE-APPLICATION ENGAGEMENT | 7        |
| 5. THE PROPOSED DEVELOPMENT                | 11       |
| 6. AFFORDABLE HOUSING STATEMENT            | 12       |
| 7. PLANNING POLICY FRAMEWORK               | 16       |
| 8. ASSESSMENT                              | 33       |
| 9. SUMMARY AND CONCLUSIONS                 | 44       |

## APPENDICES:

APPENDIX 1 – APPEAL DECISION

APPENDIX 2 – YAPTON NEWS ARTICLE

APPENDIX 3 – RESPONSES TO NEWSLETTER ARTICLE

APPENDIX 4 – EARLS COLNE APPEAL DECISION

## 1. INTRODUCTION

- 1.1 This Planning Statement accompanies an application for the approval of reserved matters which has been submitted on behalf of Redrow Homes Ltd ("the Applicant").
- 1.2 The application site has the benefit of outline planning permission which was granted on appeal in January 2018 (application ref: Y/80/16/OUT; appeal ref: APP/C3810/W/17/3170059).
- 1.3 In summary, this application seeks reserved matters approval for 100 dwellings and other associated works. A detailed description of development proposals is set out in Section 5 of this Statement.

### The Purpose and Content of the Planning Statement

- 1.4 This Planning Statement sets out the background to the application and identifies the planning policy framework within which it should normally be considered.
- 1.5 This Planning Statement identifies the key planning issues that will need to be considered during the application process and explains how the development proposals have responded to the site specific constraints and outline planning permission opportunities.
- 1.6 **Section 2** outlines the background to the application. **Section 3** provides a description of the site and its surroundings. **Section 4** describes the engagement undertaken by the Applicant with the Local Planning Authority (LPA) and the local community prior to the submission of the application. **Section 5** sets out a description of the development proposals. **Section 6** provides an Affordable Housing Statement for the development proposals. **Section 7** provides a summary of the relevant planning policy and guidance at a national and local level. **Section 8** then provides an assessment of the main planning issues and provides a reasoned justification for the development that is being proposed. Finally, the summary and conclusions are set out in **Section 9**.

## 2. BACKGROUND

- 2.1 Outline planning permission Y/80/16/OUT (hereafter referred to as "the OPP") was refused permission on 16<sup>th</sup> February 2017 but subsequently allowed on appeal on 15<sup>th</sup> January 2018 (appeal ref: APP/C3810/W/17/3170059) for a residential development comprising the following:

**"Resubmission of outline planning permission Y/60/14 for 4.5 hectares of residential development comprising 3.4 hectares of land for up to 100 dwellings (up to 30 (30%) affordable housing) together with 1.1 hectares of land set aside for public open space and strategic landscaping and 2.2 hectares of public open space and green corridors, with vehicular access from Ford Lane and pedestrian/cycle access from North End Road."**

- 2.2 The OPP was granted subject to 17 no. planning conditions. A copy of the appeal decision is attached at in Appendix 1.

### APPENDIX 1 – APPEAL DECISION

- 2.3 The OPP was granted will all matters other than means of access reserved for subsequent approval.
- 2.4 Condition 1 of the OPP identifies that the reserved matters applications should include details of:
- Appearance;
  - Landscaping;
  - Layout; and
  - Scale.
- 2.5 The approved plans are set out in Condition 3 and the development is expected to be carried out in accordance with these plans. The approved plans comprise:
- 200B – Location Plan;
  - 201C – Proposed Indicative Layout/Open Space Proposals;
  - 202B – Illustrative Strategic Landscape/Open Space Proposals; and
  - 130431-10A – Means of access.

- 2.6 The principle of development and the maximum scale parameters of the development cannot be reconsidered at reserved matters stage. The purpose of reserved matters applications is to agree the finer grain of detail for the layout of the site and the design and external appearance of the buildings within them.
- 2.7 Condition 4 requires the layout details submitted pursuant to Condition 1 to accord with the Indicative Layout/Open space Proposals and shall include:
- 4.5ha of residential development comprising up to 100 dwellings on 3.4ha at a net density of 29 dwellings per hectare (dph);
  - 1.1ha of ancillary public open space and strategic landscaping laid out within the area marked A on approved drawing 201C; and
  - 2.2ha comprising public parkland and green corridors laid out within the area marked B on approved drawing 201C.
- 2.8 A number of the pre-commencement planning conditions have been factored into the design of the development hereby proposed which include:
- Condition 6 requires a scheme for the provision of affordable housing to be submitted and agreed. The affordable housing shall consist of not less than 30% of the total number of dwellings of which 80% shall be social rented and 20% intermediate housing;
  - Condition 11 requires a sustainable drainage scheme to be submitted and agreed;
  - Condition 15 requires details of the proposed means of foul water sewerage disposal to be submitted and agreed;
  - Condition 16 requires the laying out of:
    - 1 x LEAP with a minimum area of 400sqm;
    - 3 x LAPs each with a minimum area of 100sqm;
    - All other amenity areas to be provided on site.
  - Condition 17 requires the development to be carried out in accordance with the recommendations set out in the Extended Phase 1 Habitat Survey

by Corylus Ecology submitted with the outline planning application. This shall include updates to the existing Phase 1 Habitat Survey and any necessary protected species surveys undertaken no less than 12 months prior to the commencement of development and measures to avoid or mitigate ecological enhancements.

2.9 There are other conditions which require the submission of information prior to works commencing on site or the dwellings being first occupied.

2.10 The OPP was also accompanied by 2 x Unilateral Undertakings (UU) under Section 106 of the Town and Country Planning Act 1990.

2.11 The UU dated 22<sup>nd</sup> December 2016 contains the following planning obligations:

- Artificial Pitches contribution;
- Fire hydrants;
- Highways contribution;
- Library contribution;
- Primary Education contribution;
- Sports Hall contribution;
- Swimming Pool contribution.

2.12 The UU dated 14<sup>th</sup> December 2017 contains the following planning obligations:

- Fire and Rescue contribution;
- Secondary Education contribution; and
- Further Education contribution.

### **3. SITE DESCRIPTION AND LOCATION**

- 3.1 The application site is located at the village of Yapton which lies between Barnham, Littlehampton and Bognor Regis. Yapton has a range of services within walking distance of the site, including two GP surgeries and a primary school. It has a small business base. The nearest railway station is two mile away at Barnham. The village is served by bus routes from Littlehampton to Bognor Regis and Chichester and from Yapton to Bognor Regis. There is a level crossing on North End Road as it heads out of the village to the north.
- 3.2 The site comprises a 6.7 hectare field between North End Road, Ford Lane and public footpath 358. There is essentially ribbon development along North End Road while most of Ford Lane runs between fields. The southern boundary to the site also borders the businesses at the Orchard Business Park and the rear gardens to several houses along Church Lane. It follows that roughly half the site perimeter adjoins existing development and the other half is next to other fields.
- 3.3 Public footpath 357 crosses the application site diagonally from its south-eastern tip (where it joins public footpath 358) to the north-western corner where it connects to Ford Lane. Public Footpath 358/359 starts in Church Lane as a narrow twitten and continues in a straight line northwards towards its junction with Ford Lane along the eastern boundary of the site and the historic field boundary. Footpaths 356 and 359 continue these paths beyond the site.
- 3.4 The site lies within the Chichester to Yapton Coastal Plain whose characteristics include low lying flat open landscape and long views. At a local level, the site's character type is intensive arable farmland with relatively large fields across relatively flat landform. The site comprises agricultural land which is classified as being of Grade 2 quality – the LPA raised no objection to the loss of agricultural land in the previous appeals.
- 3.5 The site is not subject to any surface water flood risk as it is situated in Flood Zone 1, as classified by the Environment Agency, and foul water drainage can be disposed of via the Ford Wastewater Treatment Works which serves this part of Yapton.
- 3.6 St. Mary's Church, believed to date from the late 12<sup>th</sup> to early 13<sup>th</sup> centuries is a Grade I listed building. The churchyard is surrounded by trees which provide particularly dense cover to the rear between the church and the application site.

The church tower can be seen above the trees from the site and beyond. Two other listed buildings on the south side of Church Lane are Church House, across the road from the church lych gate, and Park Lodge, further west along Church Lane.

- 3.7 The Yapton (Church Lane) Conservation Area is tightly drawn around the church, Church Farm House and the two listed buildings on the south side of Church Lane. Church Farm House is an unlisted residential property. The application site touches the northern boundary of the Conservation Area where it borders part of the extended garden to Church Farm House beyond the churchyard.

#### 4. STATEMENT OF PRE-APPLICATION ENGAGEMENT

4.1 Prior to the submission of the application, the Applicant engaged in pre-application discussions with the Council in July 2019 to introduce the detailed proposals for the site following their selection as preferred bidder since the OPP was granted. The Council provided their pre-application advice in September 2019, following a meeting in August 2019 and their comments have been taken into consideration in the preparation of the development proposals.

4.2 In addition the Applicant met with the Parish Council in October 2019 to discuss the principles of the layout, and following the meeting published an article in the November issue of the Yapton News to publicise the development proposals within the local community – alongside another article for a proposed scheme by the Applicant on Land to the South of Maypole Lane/west of North End Road, Yapton (45 units). The newsletter was distributed within the community on the 14<sup>th</sup> and 15<sup>th</sup> November 2019. The article provided a background to the site, an introduction to the proposals and inviting any interested parties to submit comments by email by the 27<sup>th</sup> November 2019. A copy of the article is attached at Appendix 2.

#### APPENDIX 2 – YAPTON NEWS ARTICLE

4.3 In total 11 no. responses were received for the two articles and all the comments have been taken into account by the Applicant and their consultants in finalising the development proposals for the respective sites.

4.4 The below table summarises the responses received in respect of the proposed development and how the Applicant has responded:

| Comments                                                                          | Applicant response                                                                                                                                                                                                                                                                          |
|-----------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Principle of development</b>                                                   |                                                                                                                                                                                                                                                                                             |
| No more houses should be built in Yapton.                                         | OPP was granted in January 2018 and approved the construction of up to 100 dwellings on the application site. No more dwellings are proposed than allowed by the OPP.                                                                                                                       |
| Chose to live in a village not a town. Yapton is slowly losing its village image. | The development has been sensitively designed in accordance with the approved plans from the OPP. The proposed development will therefore be in-keeping with the character of the area and at the same time provide much needed market and affordable housing within the District where the |

| Comments                                                                                                      | Applicant response                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                               | OPP acknowledged the housing shortage as being severe.                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Layout and Design</b>                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| The site layout drawing does not show other new homes currently being built.                                  | The purpose of the article was to show the development being proposed on the application site. The comments are however noted and will be reflected in the drawing package supporting the application.                                                                                                                                                                                                                                                   |
| New dwellings being constructed too close to existing properties.                                             | The proposed development is required to comply with the OPP to provide a net site density of 29 dph within a defined area on the site. The development has however been designed so that it is compatible with existing properties in the area. This includes providing appropriate separation distances between properties which will ensure that the amenities of existing and future residents are not harmed in terms of outlook, light and privacy. |
| Potential amenity issues due to proximity to existing properties – noise, light, loss of outlook and privacy. |                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Understand that the OPP requires a green buffer to screen the houses in Church Lane.                          | Strategic landscaping and open space is provided in accordance with the approved plans from the OPP.                                                                                                                                                                                                                                                                                                                                                     |
| Not clear where the 2 and 3 storey dwellings will be located on the site.                                     | The drawing package supporting the application details provides details on building heights. However, only two buildings have partial 3 storey elements to form a gateway into the site from North End Road.                                                                                                                                                                                                                                             |
| Not clear where the play areas will be located and what they will include.                                    | The drawing package supporting the application details provides details on the location of the proposed play areas.                                                                                                                                                                                                                                                                                                                                      |
| <b>Highways and Transportation</b>                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Excessive amount of traffic will be generated by the new housing and existing roads are unable to cope.       | In determining the appeal for the OPP, the Inspector considered the impact of the development on the operation and safety of the road network. It was found that the proposed vehicular access and volume of traffic generated by the development would be acceptable.                                                                                                                                                                                   |
| Site access is in a dangerous position.                                                                       | Access was approved as part of the OPP. The position of the approved                                                                                                                                                                                                                                                                                                                                                                                     |



| Comments                                                                                                     | Applicant response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                              | <p>site access has been carefully considered and the reserved matters submission application proposes to relocate the site access further eastwards along Ford Lane.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p>Request that public rights of way to be provided are multi-user routes, not just footpaths/cycleways.</p> | <p>Condition 8 of the OPP requires details to be submitted and agreed prior to the commencement of development for, inter alia, the retention and improvement of public rights of way routes 357, 358 and 359.</p> <p>These existing routes that run through the site are designated as footpaths. The proposed development has incorporated these routes into its layout and will be available to use by pedestrians and cyclists only.</p> <p>The scheme of improvements to be agreed under Condition 8 will represent a benefit over the existing conditions that will be available to enjoy by not just residents of the new development but also existing residents that reside in the wider settlement.</p> |
| <p>Is there any plan to install a footpath around the site?</p>                                              | <p>As noted above, the layout of the approved development has incorporated the existing public rights of way that run through the site. These links will therefore be safeguarded and the proposed development will also provide a pedestrian/cycle link to North End Road so that residents will be integrated into the settlement and have a choice of routes to and from the wider area.</p>                                                                                                                                                                                                                                                                                                                   |
| Infrastructure                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <p>What are the provisions for new doctor surgeries and schools? Existing facilities unable to cope.</p>     | <p>Part of the OPP there are two UUs which set out various planning obligations that the Applicant will need to adhere to. Neither of the UUs require a contribution towards doctor surgeries but they do require financial contributions to be made towards the expansion of Yapton Primary School and St Philip Howard Catholic School (including its Sixth Form).</p>                                                                                                                                                                                                                                                                                                                                          |

| Comments                                                                        | Applicant response                                                                                                                                                                                                                                                                                                          |
|---------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| There are no jobs in the local area for new residents and not many local shops. | In determining the appeal for the OPP, the Inspector found that Yapton is a sustainable location and the proposal represented a sustainable form of development. He found that the economic benefits of construction jobs and increased expenditure within the local economy weighed in favour of the proposed development. |
| <b>Misc</b>                                                                     |                                                                                                                                                                                                                                                                                                                             |
| When will construction of the development commence?                             | Subject to the approval of this Reserved Matters application and the discharge of the relevant pre-commencement planning conditions, it is anticipated that a start on site will commence in October 2020.                                                                                                                  |
| Suggest that the local council/schools name roads of new developments.          | Noted. Road naming will be confirmed by Arun District Council.                                                                                                                                                                                                                                                              |

- 4.5 For completeness, and in the interests of openness, a copy of each response received is provided at Appendix 3.

### APPENDIX 3 – RESPONSES TO NEWSLETTER ARTICLE

## 5. THE PROPOSED DEVELOPMENT

5.1 This application seeks the approval of reserved matters for a residential development comprising the following:

- Erection of 100 dwellings with a mix of property types and sizes;
- 30% provision of affordable housing – 30 no. units comprising a tenure mix of 80% affordable rented and 20% shared ownership;
- Car parking and garages;
- Internal access roads, footpaths, parking and circulation areas;
- 1.1 hectares of public open space and strategic landscaping;
- 2.2 hectares of public parkland and green corridors – to include on-site attenuation features;
- Hard and soft landscaping; and
- Other associated infrastructure and engineering works.

5.2 As required by the OPP, the proposals have regard to the approved drawings relating to layout/open space, strategic landscape/open space and means of access.

5.3 The application proposals provide 4.5 hectares of residential development comprising 100 dwellings which will have a density of 29 dph based on the net developable area of 3.4ha. The development would provide for a mix of house types and tenures as follows:

| Dwelling Type | Number of units |     |            |     |            |     |
|---------------|-----------------|-----|------------|-----|------------|-----|
|               | Market          |     | Affordable |     | Total      |     |
| 1 bed flat    | 0               | 0%  | 12         | 40% | 12         | 12% |
| 2 bed flat    | 0               | 0%  | 4          | 13% | 4          | 4%  |
| 2 bed houses  | 4               | 6%  | 8          | 27% | 12         | 12% |
| 3 bed houses  | 28              | 40% | 4          | 13% | 32         | 32% |
| 4 bed houses  | 38              | 54% | 2          | 7%  | 40         | 40% |
| <b>TOTAL</b>  | <b>70</b>       |     | <b>30</b>  |     | <b>100</b> |     |

5.4 The height of the dwellings will range between 2 and 3 storeys.

## **6. AFFORDABLE HOUSING STATEMENT**

6.1 Condition 6 of the OPP requires a scheme for the provision of affordable housing as part of the development to be submitted and approved prior to the commencement of development.

6.2 Condition 6 reads in full:

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

**i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of the total number of dwellings approved at reserved matters stage of which 80% shall be social rented and 20% intermediate housing;**

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

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

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

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

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

6.3 This following sub-sections provide the necessary details relating to affordable housing at the site.

### Quantum

6.4 The scheme includes the provision of 30 units of affordable housing which makes up 30% of the proposed scheme consistent with the requirements of Condition 6.

### Type

- 6.5 The type of affordable properties to be provided broadly reflects the range of house types and sizes proposed on the application site. The affordable properties comprise a range of 1 and 2 bedroom flats and 2, 3 and 4 bedroom houses.

### Housing Mix

- 6.6 The mix for the affordable units will consist of the following:

- 12 x 1 bed flats;
- 4 x 2 bed flats;
- 8 x 2 bed houses;
- 4 x 3 bed houses; and
- 2 x 4 bed houses.

### Tenure

- 6.7 The tenure split for the affordable housing will comprise:

- 80% affordable rented; and
- 20% shared ownership.

- 6.8 The Housing Officer at the pre-application stage accepted that the tenure could be amended from social rented to affordable rented.

- 6.9 The proposed tenure split by property type and size is as follows:

| Dwelling Type | Number of units   |     |                  |     |
|---------------|-------------------|-----|------------------|-----|
|               | Affordable Rented |     | Shared Ownership |     |
| 1 bed flat    | 12                | 50% | 0                | 0%  |
| 2 bed flat    | 4                 | 17% | 0                | 0%  |
| 2 bed house   | 8                 | 33% | 0                | 0%  |
| 3 bed house   | 0                 | 0%  | 4                | 67% |
| 4 bed house   | 0                 | 0%  | 2                | 33% |
| <b>TOTAL</b>  | 24                |     | 6                |     |

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Design

- 6.10 It is standard practice that the affordable housing will be designed in order that it is “tenure blind”. That is to say that the quality in the design and materials of the affordable housing will be no less than that of the open market housing.

Distribution

- 6.11 The affordable housing has been distributed in appropriately sized clusters and integrated with the open market housing, in an appropriate way to respond to the changing density across the site.
- 6.12 The location of the affordable units is shown on the Affordable Housing Plan that forms part of the drawing package submitted with the application.

Timing

- 6.13 The proposed affordable housing will be delivered alongside the open market housing and further details will be provided in the Affordable Housing Scheme to be submitted under Condition 6 prior to the commencement of development.

Discussions with Providers

- 6.14 The Applicant is in the process of discussing the affordable housing on the site with a number of registered providers.
- 6.15 This will progress in parallel with the consideration of this reserved matters application and further details will be provided in the Affordable Housing Scheme to be submitted under Condition 6 prior to the commencement of development.

Affordability

- 6.16 Further details will be provided in the Affordable Housing Scheme to be submitted under Condition 6 prior to the commencement of development with regard to the arrangements to ensure that the affordable housing provision remains affordable for both first and subsequent occupiers of the affordable housing.

Occupancy Criteria

- 6.17 Similarly, the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy

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criteria shall be enforced will be provided in the Affordable Housing Scheme to be submitted under Condition 6 prior to the commencement of development.

## **7. PLANNING POLICY FRAMEWORK**

7.1 This section refers to relevant national planning policy and guidance as well as Development Plan policies that provide the planning policy framework within which this application should normally be considered.

7.2 It deals with the following layers of policy and guidance:

- National Planning Policy Framework;
- Planning Practice Guidance & National Design Guide; and
- The Development Plan.

### **National Planning Policy Framework**

7.3 National policy is set out in the Government's National Planning Policy Framework (NPPF) published in July 2018, with minor clarifications made in February 2019. This replaced and updated the previous NPPF 2012.

#### *Introduction*

7.4 Paragraph 1 explains how the NPPF sets out the Government's planning policies for England and how these should be applied.

7.5 Paragraph 2 explains that planning law requires applications for planning permission to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Framework is a material consideration in planning decisions.

#### *Achieving Sustainable Development*

7.6 Paragraph 7 explains the purpose of the planning system is to contribute to the achievement of sustainable development.

7.7 Paragraph 8 sets out three overarching objectives to achieving sustainable development, namely: economic, social and environmental. These are interdependent and need to be pursued in mutually supportive ways.

#### *The Presumption in favour of sustainable development*

7.8 Paragraph 10 confirms that at the heart of the Framework is a presumption in favour of sustainable development.

- 7.9 Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. Paragraph 11 continues to state that for decision-taking this means:

**“(c) Approving development proposals that accord with an up-to-date development plan without delay; or**

**(d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date <sup>(7)</sup>, granting permission unless:**

**(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed <sup>(6)</sup>; or**

**(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”**

- 7.10 Paragraph 12 confirms that the NPPF does not change the statutory status of the Development Plan as the starting point for decision making.

#### *Decision-making*

- 7.11 Paragraph 7 explains that LPAs should approach decision on proposed development in a positive and creative way. Decision-makers at every level should seek to approve applications for sustainable development where possible.

- 7.12 Paragraph 47 reaffirms that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. It goes on to say that decisions on application should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the Applicant in writing.

#### *Delivering a sufficient supply of homes*

- 7.13 Guidance in relation to housing is provided at paragraphs 59 to 79. The Government’s clear and over-arching requirement is to significantly boost the supply of housing to meet identified needs and to promote growth. Paragraph 59 states:

**“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific**

**housing requirements are addressed and that land with permission is developed without unnecessary delay." (our emphasis)**

7.14 It is important to recognise that the Government is keen to improve the supply of housing and this will require LPAs to assist in bringing suitable sites forward for development at the earliest opportunity in the plan period.

7.15 The Council is relying upon the delivery of units from this site in their five year housing land supply, as published in the December 2019 Annual Monitoring Report (AMR). Appendix 3 of the AMR anticipates that 100 units will be delivered at the site with 80 units in 2021/22 (50 open market & 30 affordable) and 20 units in 2022/23 (remainder of open market).

*Promoting healthy and safe communities*

7.16 Paragraph 91 requires plans and decisions to aim to achieve healthy, inclusive and safe places which promote social interaction, are safe and accessible and which are designed to support and enable healthy lifestyles.

7.17 The importance of access to a network of high quality open space and opportunities for sport and physical activity for the health and well-being of communities is set out in paragraph 96 with protection being afforded to existing facilities and rights of way set out in paragraphs 97 and 98.

*Promoting sustainable transport*

7.18 The NPPF recognises that transport policies have an important role to play in facilitating sustainable development. Relevant to this application, the NPPF states that development should only be prevented on highway grounds under paragraph 109:

**"...if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." (our emphasis)**

7.19 Paragraph 110 then continues to set out the requirements for all applications in this context, stating:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public**

**transport services, and appropriate facilities that encourage public transport use;**

- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;**
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;**
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and**
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.**

7.20 The Inspector concluded in his appeal decision that there would be no conflict with para 32 of the Framework (now known as para 109) and nor was it demonstrated that highway safety would be unacceptably compromised [IR para 37].

7.21 The proposed layout for the application site has locate land uses in accordance with the approved Indicative Layout & Open Space Proposals plan so that they are accessible and provide a network of roads, cycleways and footpaths which assist with this and which encourage sustainable means of travel.

*Making effective use of land*

7.22 Paragraph 117 confirms that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

7.23 As part of the approach to securing the efficient use of land, the NPPF continues at paragraph 122 to set out the approach to ensuring appropriate densities requiring decision makers to have regard to the following aspects:

**“Planning policies and decisions should support development that makes efficient use of land, taking into account:**

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;**
- b) local market conditions and viability;**

c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;

d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and

e) the importance of securing well-designed, attractive and healthy places."

- 7.24 In the case of the application proposals, the principle of development has already been firmly established through the OPP. The planning conditions of the outline permission guide the composition of uses at the site and set the net density to be achieved within the residential areas. The approved parameters plan provide for a significant number of dwellings at the site alongside large areas of public open space, green corridors and strategic landscaping.

*Achieving well-designed places*

- 7.25 Guidance on design is set out at paragraphs 124 to 132. Paragraph 124 sets out the importance of good design in sustainable development and that planning policies should be clear about design expectations as this is essential to achieving well designed places.

- 7.26 Paragraph 127 seeks to ensure that developments:

**"Planning policies and decisions should ensure that developments:**

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

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);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development

**(including green and other public space) and support local facilities and transport networks; and**

**f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”**

7.27 The guidance at 130 summarises the approach advising that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. It goes on to state that conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

7.28 The reserved matters application is accompanied by a Design Statement that recognises the importance of good design and the steps taken to provide a high quality and well designed development.

*Meeting the challenge of climate change, flooding and coastal change*

7.29 Paragraphs 148-169 advises LPAs when determining planning to applications they should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding.

7.30 Condition 11 of the OPP requires the Applicant to provide and implement an appropriate drainage strategy at the site and thereafter managed and maintained in accordance with approved details. Similarly, Condition 15 requires the Applicant to provide appropriate foul water sewerage at the site which is to be implemented before the dwellings are occupied. Drainage details are shown on the Odyssey drawings submitted as part of the application.

*Conserving and enhancing the natural environment*

7.31 Paragraph 170 explains that the planning system should contribute to and enhance the natural and local environment by amongst other things protecting and enhancing valued landscapes and minimising impacts on biodiversity and providing net gains in biodiversity where possible. Further guidance on biodiversity issues is set out in paragraph 175.

- 7.32 Condition 17 requires the development to be carried out in accordance with the recommendations of the Extended Phase 1 Habitat Survey submitted with the outline planning application. Further details are required to be submitted under Condition 17 prior to the commencement of development. A Biodiversity Checklist is submitted as part of the application.

*Conserving and enhancing the historic environment*

- 7.33 Paragraph 189 explains that in determining planning applications LPAs should require applicants to describe the significance of any heritage assets affected. The level of detail should be proportionate to the assets importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 7.34 Paragraph 192 identifies the key issues that need to be considered. It states that:-

**"In determining planning applications, local planning authorities should take account of:**

- **the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;**
- **the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and**
- **the desirability of new development making a positive contribution to local character and distinctiveness."**

- 7.35 When considering development proposals that could harm a heritage asset or its setting the guidance at paragraphs 195 and 196 is applicable. Paragraph 195 relates to substantial harm, which does not arise in this case. Paragraph 196 relates to "less than substantial harm" and states:

**"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."**

- 7.36 Paragraph 197 relates to the consideration of a non-designated heritage asset which a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

7.37 The Inspector in his report for the planning appeal identified that the Secretary of State (SoS), in determining an appeal for a previous identical application, accepted that:

- there would be no harm to heritage assets including the setting of the Grade I St Mary's Church;
- subject to reserved matters, the scheme would preserve the appearance and character of the Yapton Conservation Area; and
- archaeological interests could be safeguarded through the imposition of a suitable condition.

7.38 The LPA did not take issues with any of these conclusions at the planning inquiry and the Inspector found that there was no substantive evidence presented by third parties to resile from the conclusions of the previous Inspector or the SoS [IR paras 10 & 11].

7.39 The reserved matters application has been prepared to preserve the appearance and character of the Yapton Conservation Area and Condition 14 of the OPP secures the implementation of a programme of archaeological work at the site, to include an assessment of the potential to encounter previously unknown archaeology and its potential significance.

7.40 A Heritage Statement prepared by Terence O'Rourke is submitted as part of this application and is considered in more detail under Issue 10 in Section 8 of this Statement.

### **Planning Practice Guidance**

7.41 In March 2014 the Government issued revised and updated Planning Practice Guidance (PPG). This new national planning guidance is intended to provide a simplified and clear guide to the planning system, making it more accessible and easier to keep up to date. It supersedes a plethora of existing technical guidance.

### **National Design Guide**

7.42 In October 2019 the Government published the National Design Guide (NDG) to illustrate how well-designed places that are beautiful, enduring and successful

can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools. In addition to informing development proposals and their assessment by LPAs, it supports paragraph 13 of the NPPF which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way in functions.

### **The Development Plan**

7.43 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. At the time of writing the Statutory Development Plan comprises the:

- Arun Local Plan 2011-2031; and
- Yapton Neighbourhood Plan 2014-2029.

### **Adopted Arun Local Plan**

7.44 The Arun Local Plan was adopted in July 2018 and covers the plan period up to 2031. Policies relevant to the consideration of this application include:

7.45 **Policy SD SP1 (Sustainable development)** sets out a presumption in favour of sustainable development stating that:

**"When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements..."**

7.46 **Policies SD SP1 (Built-up Area Boundary)** and **C SP1 (Countryside)** relate to the approach to development proposed within and outside the established settlement boundaries across the District. For the purposes of the application site, it is located within the settlement boundary of Yapton.

- 7.47 **Policy H DM1 (Housing mix)** advises that the Council will seek a mix of dwelling types and sizes, to include affordable housing units, that adhere to the latest Homes and Communities Agency design guidance. For developments of 11 units or more the Council shall require a balanced mix of market and affordable dwelling sizes including family sized accommodation based on the most up to date SHMA recommendations. The tenure mix for development schemes shall be negotiated on a case by case basis taking any necessary viability considerations into account. Developers shall have regard to the most up to date version of the SHMA. Over the Plan period a proportion of the housing provided should be of a type that meet the needs of older people, as identified in the most recent SHMA. Such housing could be provided as part of the general mix of one and two bedroomed homes but should be designed to meet the needs of older people.
- 7.48 In terms of the proposed scheme, the affordable mix for the site is set out in the Affordable Housing Statement in Section 6 of this Statement and housing mix and the needs of older people is discussed in more detail at Issue 2 in Section 8 of this Statement.
- 7.49 **Policy AH SP2 (Affordable housing)** advises for all developments of 11 residential units or more the Council will require a minimum 30% of the total number of units proposed on site to be provided as affordable housing on the same site in the first instance. It goes on to advise that the Council will negotiate the affordable housing tenure mix, require affordable housing to be visually indistinguishable from the open market housing, large groups of single tenure dwellings or property types to be avoided, affordable housing units to be provided in small clusters, a specific affordable housing mix to be applied, etc.
- 7.50 In the case of the proposed scheme, an Affordable Housing Statement is provided at Section 6 of this Statement which demonstrates consistency with Condition 6 of the OPP and thereby compliance with Policy AH SP2 of the adopted Local Plan.
- 7.51 **Policy D SP1 (Design)** advises that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Development proposals should have been derived from: a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness, usability, health and wellbeing, climate change mitigation and habitats); and the

influence these objectives have on the form of the development. Furthermore, **Policy D DM1 (Aspects of form and design quality)** also applies and provides the development management criteria that will be used for the consideration of any application for development.

- 7.52 The reserved matters application provides a comprehensive drawing package which sets out a development that makes an efficient use of the land within the parameters of the OPP and responds positively to the characteristics of the site and local area.
- 7.53 **Policy D DM2 (Internal space standards)** advises the LPA will require internal spaces to be an appropriate size to meet the requirements of all occupants and their changing needs.
- 7.54 **Policy HWB SP1 (Health & Wellbeing)** states that all development shall be designed to maximise the impact it can make to promoting healthy communities and reducing health inequalities. Regard shall be had to, inter alia, providing or contributing to the necessary infrastructure to encourage physical exercise and health, including accessible open space, sports and recreation facilities (including outdoor fitness equipment) and safe, well promoted, walking and cycling routes. While **Policy OSR DM1 (Open Space, sport & recreation)** requires housing development to contribute towards open space provision.
- 7.55 The proposed scheme will provide over 3 hectares of land within the application site for use as public open space, parkland and green corridors, a LEAP and three LAPs for children play, the retention of existing public rights of way and creation of new footpaths and cycleways for public use.
- 7.56 **Policies ECC SP1 (Adapting to climate change)** and **ECC SP2 (Energy and climate change mitigation)** deal with adapting to the impacts of climate change and energy efficiency measures.
- 7.57 The development will include a range of energy efficiency measures as discussed under Issue 7 in Section 8 of this Statement and site specific measures such as SUDS which demonstrate compliance with the requirements of these conditions.
- 7.58 **Policies T SP1 (Transport and Development)** and **Policy T DM1 (Sustainable Travel and Public Rights of Way)** advise that the Council will ensure that developments provide safe access on to the highway network,

contributes to highway improvements, promote sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network, and ensure the ease of movement, prioritising safe pedestrian and cycle access to the green infrastructure network.

7.59 The Inspector in his report [IR para 10] for the planning appeal identified that the Secretary of State (SoS), in determining an appeal for a previous identical application, accepted that:

- the site was in a sustainable location; and
- through control of the reserved matters the development could be well-integrated, legible and permeable by walking and cycling.

7.60 Access to the site has already been approved as part of the outline planning application and a safe means of the access for vehicles will therefore be provided from Ford Lane. A pedestrian/cycle access will also be provided from North End Road along with the retention of existing PROWs and new footpaths/cycleways within the site.

7.61 The drawing package for the application illustrates the access and movement opportunities for vehicles, pedestrians and cyclist across the site along with the level and location of parking provision to be provided. Cycle parking will also be provided for the dwellings within their curtilage.

7.62 A Travel Plan is required to be submitted by Condition 12 of the OPP which will encourage the use of sustainable modes of transport. Furthermore, the UUs secure an appropriate highway contribution towards promoting a TRO for a 20mph speed limit in the vicinity of Church Lane and Condition 13 ensures the delivery of improvements to the A27/Yapton Lane junction.

7.63 The following development management policies concern the historic environment:

- **HER SP1 – The historic environment;**
- **HER DM1 – Listed Buildings;**
- **HER DM2 – Locally Listed Buildings or Structures of character;**

- **HER DM3 – Conservation Area;** and
- **HER DM6 – Sites of Archaeological Interest.**

7.64 As mentioned previously, the Inspector found in the appeal decision – as confirmed by an earlier Inspector and the SoS – that there would be no harm to heritage assets including the setting of the Grade I St Mary’s Church. Condition 14 secures the safeguarding of archaeological interests and, subject to reserved matters, the appearance and character of the Yapton Conservation Area can be preserved.

7.65 The proposed scheme has been sensitively designed to ensure that the appearance and character of the Yapton Conservation Area is preserved and an application to discharge Condition 14 to include an Archaeological Mitigation Strategy will be submitted alongside or following the determination of the reserved matters application.

7.66 A Heritage Statement prepared by Terence O’Rourke is submitted as part of this application and is considered in more detail under Issue 10 in Section 8 of this Statement.

7.67 The following policies concern the natural environment:

- **ENV SP1 – Natural Environment;**
- **ENV DM4 – Protection of trees;** and
- **ENV DM5 – Development and biodiversity.**

7.68 Condition 17 of the OPP requires the development to be carried out in accordance with the recommendations set out in the Extend Phase 1 Habitat Survey. The condition requires updates to the survey prior to the commencement of development and measures proposed to avoid or mitigate ecological impacts and provide ecological enhancements.

7.69 Ecological matters are discussed in more detail under Issue 9 in Section 8 of this Statement.

7.70 In terms of trees, Condition 5 of the OPP requires a plan of existing trees subject to a TPO to be retained and protect during the course of the development.

Furthermore, details of new trees, shrubs and hedging are to be provided along with a landscape management plan detailing, inter alia, the long term management and maintenance programme.

7.71 Accordingly, a landscaping scheme is submitted as part of the reserved matters application which includes the identification of the existing trees on the site to be retained by the proposed development in addition to the strategic landscaping that will be provided. In preparing these details regard has been given to the approved Illustrative Strategic Landscape & Open Space Proposals plan from the OPP.

7.72 In terms of flood risk and drainage, the following policies are relevant:

- **W DM1 – Water supply and quality;**
- **W DM2 – Flood risk; and**
- **W DM3 – Sustainable Urban Drainage Systems.**

7.73 Condition 11 of the OPP requires the Applicant to provide and implement an appropriate drainage strategy at the site and thereafter managed and maintained in accordance with approved details. Similarly, Condition 15 requires the Applicant to provide appropriate foul water sewerage at the site which is to be implemented before the dwellings are occupied. Details of the drainage strategy for the site are submitted in support of the application.

7.74 Furthermore, a sufficient water supply will be provided to all occupiers of the site and the Applicant proposes to introduce into the design water efficiency measures that will meet the optional standards of less than 110 litres/person/day.

7.75 A number of amenity related policies relevant to the proposal include:

- **QE DM1 – Noise pollution;**
- **QE DM2 – Light pollution; and**
- **QE DM3 – Air pollution.**

7.76 The proposed scheme has been sensitively designed to ensure there would be no significant loss of sunlight, privacy and outlook or unacceptable noise and disturbance to existing properties and land users in the area.

7.77 Condition 10 of the OPP also requires a Construction Method Statement to be submitted and approved prior to the commencement of development. This will ensure during the construction phase of the development that suitable arrangements are in place to control, inter alia, the emission of dust and dirt, and appointing a named person who shall be available to deal with any complaints that may arise.

7.78 Other policies relevant to the proposals include:

- **WM DM1 (Waste Management)** – sustainable constructions methods and practices will be used by the Applicant to make use of the opportunities to re-use and recover materials on site and minimise the off-site disposal of waste. The development has also been designed to ensure suitable kerbside collection arrangements of waste is available for all properties along with areas for the safe storage of bins;
- **SKILLS SP1 (Employment and Skills)** – for residential developments of more than 50 homes, an employment and skills plan is required to be submitted in relation to the construction phase of the development; and
- **TEL SP1 (Strategic delivery of telecommunications infrastructure)** – all new residential developments must be designed to be connected to high quality communications infrastructure to ensure that fibre optic or other cabling does not need to be retrofitted.

#### Yapton Neighbourhood Plan

7.79 The Yapton Neighbourhood Plan (NP) was adopted in October 2014 and covers the plan period from 2014 to 2029.

7.80 **Policy H1 (Housing Requirement)** set out a minimum requirement for Yapton in accordance with the now adopted Arun Local Plan but, as above, the site already benefits from an OPP for up to 100 dwellings and the policy is not relevant to the reserved matters application.

7.81 **Policy H2 (Dwelling Size)** sets out a housing mix for developments of 15 or more dwellings for open market and affordable units as follows:

- 1-bed dwellings: 10-15% of all dwellings;

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

7.82 The affordable mix for the site is set out in the Affordable Housing Statement in the previous section of this Statement and housing mix is discussed in more detail at Issue 2 in Section 8 of this Statement.

7.83 **Policy PK1 (Parking standards for new residential development)** states that for all new residential developments, the following standards should apply for the provision of off-road parking:

- 1 bed house/flat - 1 off-road car parking space;
- 2 bed house/flat - 2 off-road car parking spaces;
- 3 bed house/flat - 2 off-road car parking spaces;
- 4 bed house/flat - 3 off-road car parking spaces;
- 5+ bed house/flat – 4 off-road car parking spaces.

7.84 The parking arrangements for the site is set out on the Parking Plan that forms part of the drawing package that accompanies the application showing the quantum proposed and the location of spaces.

7.85 Other relevant policies in the adopted Neighbourhood Plan, as identified in the pre-application advice, include:

- **Policy E1 – Protection of high value agricultural land;**
- **Policy E4 – Minimising the environmental impact of development;**
- **Policy E5 – Retention and enhancement of biodiversity;**
- **Policy E6 – Green Infrastructure and development;**
- **Policy E11 – Minimising the impact of flooding from development.**

- 7.86 The requirements of these policies reflect those in the similar policies contained in the adopted Local Plan that have already been considered.

Supplementary Planning Documents

- 7.87 The Council has published in October 2019 two Supplementary Planning Documents (SPDs) which are due for adoption in mid-January 2020:

- **Open Space, Playing Pitches, Indoor and Built Sports Facilities SPD;** and
- **Parking Standards SPD.**

- 7.88 The former provides guidance on, inter alia, the design principles of new provision. Minimum size and buffer zones are suggested different typologies of open space and play space. Together with principles for designing successful play spaces and quality guidelines for open spaces. These measures are derived from guidance published by the Fields in Trust and Sport England.

- 7.89 While the latter aims to provide guidance across the County on parking standards and to update the standards that were adopted in 2010. Notable provisions include expected levels of provision for new residential developments, recommended levels of cycle provision, and all new houses with a driveway and garage will be required to provide active EV charging points.

## **8. ASSESSMENT**

8.1 The OPP has already established the principle of 4.5ha of residential development on the application site for up to 100 dwellings at a net site density of 29 dph.

8.2 The purpose of the reserved matters application is to now agree the details for the layout of the site, the design of buildings, how roads and footpaths will address connectivity and permeability, and how the built up areas and open spaces will be landscaped.

8.3 This section of the Planning Statement addresses the key issues which are likely to arise during the course of the application. These include:

- **Issue 1 – Principle of development**
- **Issue 2 – Housing Mix**
- **Issue 3 – Layout**
- **Issue 4 – Access and Movement**
- **Issue 5 – Scale and Appearance**
- **Issue 6 – Landscaping and Trees**
- **Issue 7 – Sustainable Design and Construction**
- **Issue 8 – Flood Risk and Drainage**
- **Issue 9 – Biodiversity**
- **Issue 10 – Heritage**

8.4 Affordable housing is dealt with as a separate matter in Section 6 of this Statement.

### **Issue 1 – Principle of Development**

8.5 The principle of residential development at the site was established when OPP Y/80/16/OUT was allowed on appeal in January 2018 for up to 100 dwellings, including up to 30 affordable dwellings (i.e. 30% affordable provision).

- 8.6 The reserved matters application hereby submitted is consistent with the OPP in that it proposes a development of 100 dwellings and the requisite level of affordable housing at 30% and appropriate tenure split.
- 8.7 The principle of residential development is therefore already established and the purpose of this application is to consider the approval of the reserved matters of appearance, landscaping, layout and scale within the context the approved plans of and the planning conditions attached to the OPP.

### **Issue 2 – Housing Mix**

- 8.8 The OPP does not specify a particular mix for the open market housing that must be achieved on the site. Nor does the S106 Agreement impose a specific mix.
- 8.9 The LPA confirmed at the pre-application stage that Policy H DM1 of the adopted Local Plan 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 supporting text at paragraph 12.2.4 advises that the final mix will be negotiated on a site by site basis, having regard to the most up to date SHMA.
- 8.10 It is however noted that Policy H2 of the NP requires development of fifteen or more dwelling to provide a mix of dwellings sizes (market and affordable) that fall within the following types:
- 1 bed – 10-15%;
  - 2 bed – 25-35%;
  - 3 bed – 45-55%; and
  - 4+ bed – 5-10%.
- 8.11 The proposed housing mix for the development is set out in a table at Paragraph 5.3 of this Statement and it differs from that required by the NP. In these circumstances the Applicant is required to justify why the proposed housing mix should be developed on the site in non-compliance with Policy H2 of the NP.
- 8.12 A recent appeal decision has considered whether or not the mix of houses could be determined as part of the reserved matters. The Inspector in that case found:

**"6. When this appeal was lodged it is evident that there was a dispute between the parties about whether or not the mix of houses (i.e. the number of houses of different sizes) could be determined as part of the reserved matters. However, it is apparent from evidence submitted with the appeal that matters to be determined in respect of this appeal relating to scale and appearance cannot be considered to be synonymous with housing mix.**

**7. Furthermore, the parties agree that there is no planning condition or legal obligation attached to the varied outline permission which could manage the mix of market houses. Evidence that refers to other appeal decisions and legal opinions provided by the appellant confirms that in order to manage housing mix it would have been necessary for the Council to impose a specific condition on the outline planning permission. The mix of housing to be provided on the site is therefore not a matter that I need to address in the context of this appeal."**

8.13 The outcome of this appeal confirms that the mix of housing to be provided on a site is not a matter to be considered at the reserved matters stage. Should the LPA wish to prescribe a specific mix, this should have been set out in a planning condition or legal obligation to the OPP. As explained above, there is no such requirement in the OPP for this site.

8.14 A copy of the appeal decision is attached at Appendix 4.

#### **APPENDIX 4 – EARLS COLNE APPEAL DECISION**

8.15 In the case of this reserved matters application, the Applicant is therefore not required to comply with the housing mix set out in Policy H2 of the NP and nor the objectives of the SHMA as indicated by Policy H DM1 of the adopted Local Plan.

#### **Issue 3 – Layout**

8.16 The drawing package submitted with this application sets out the detailed design of the proposed development working from the basis of the approved plans of the OPP relating to layout, open space, strategic landscaping and access.

#### *Density*

8.17 The development achieves a net density of 29 dph in accordance with Condition 4(i) of the OPP.

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*Amenity*

- 8.18 The layout design ensures that the development does not have an adverse impact on the amenities of existing and future occupants. All rear gardens will be a minimum of 11m in length to ensure adequate amenity space.

*Parking*

- 8.19 The parking layout is set out of the Parking Plan that forms part of the drawing package submitted with the application.
- 8.20 All proposed houses (both open market and affordable) have been provided with a minimum of 2 spaces per dwelling. Furthermore most open market units have also been provided with a detached or integral garage. For the apartments, courtyard parking is provided within the development blocks which has been designed so that they have their own sense of place and will serve only a few units, thus creating a private well defined area with good surveillance.
- 8.21 All of the allocated parking for each dwelling is located on-plot and visitor parking spaces have also been provided within the development.

*Open Space*

- 8.22 The amount of open space required within the layout of the development is set by Condition 4 of the OPP. The proposals accord with the quantum stated with the provision of 1.1 hectares of public open space and strategic landscaping and 2.2 hectares of public parkland and green corridors. The latter includes attenuation features.
- 8.23 The approved Proposed Indicative Layout & Open Space Proposals drawing from the OPP requires a 32m wide open space buffer to be provided along the eastern boundary of the site and a 85m wider buffer along the southern boundary of the site adjacent to the rear gardens of houses on Church.
- 8.24 These buffers are largely achieved by the proposed development with one exception at the access to the site where the 32 meter wide buffer is not achievable. The approved access drawing has been used to inform the position of the site access as proposed in this application, which causes the access to sit within the 32 meter buffer. Except for this minor deviation, the 32 metre wide

buffer of open space is achieved, or exceeded along the eastern boundary of the site.

#### *Play Areas*

- 8.25 In accordance with the requirements of Condition 16 of the OPP, a LEAP and three LAPs are provided within the layout of the development to cater for the needs of the existing and new community at the site. The LEAP measures 600 sqm and the three LAPs measure 300 sqm which is in accordance with the respective quantum for each typology as set out in Condition 16.

### **Issue 4 – Access and Movement**

- 8.26 The means of access to the site was approved in the OPP off of Ford Lane which runs along the northern boundary of the site. Condition 3 lists the approved access drawing (ref: 130431-10A) as an approved plan and Condition 7 requires, inter alia, the detailed design and construction drawings for the means of access/egress onto Ford Lane to be submitted and approved prior to the commencement of development.
- 8.27 The approved access drawing from the OPP has been used to inform the location of the site access which is proposed slightly further eastwards along the northern boundary off of Ford Lane. The proposed access point is considered to be a more appropriate location which offers a safe means of access to and from the site with adequate visibility splays in both directions along Ford Lane.

#### *Movement*

- 8.28 The site layout shows the disposition of land uses and the proposed structure for movement within the development. A well connected movement network, accessible by all users, is proposed which helps ensure that all areas of the development are easy to navigate, safe and secure. The movement hierarchy clearly defines the main routes and helps achieve a permeable layout. The approved Proposed Indicative Layout & Open Space Proposals plan from the OPP has helped shape the proposals.
- 8.29 The development of a pedestrian/cycle network within the site is seen as an integral part of the transport infrastructure for the site. Connections to the wider

network will allow users of all ages and abilities to move safely and conveniently between all points of the development and surrounding area.

### **Issue 5 – Scale and Appearance**

- 8.30 The drawing package submitted with this application sets out the detailed design of the proposed development working from the basis of the approved plans of the OPP relating to layout, open space, strategic landscaping and access.

#### *Scale*

- 8.31 As previously stated, the development proposals achieve a net density of 29 dph in accordance with the parameters of the OPP.
- 8.32 As discussed, a variety of house types, tenures and sizes are provided which will assist in creating a balanced community as a variety of households can be accommodated thereby minimising the potential of social exclusion.
- 8.33 The proposed density has been set by Condition 4 of the OPP and given the context of the site the formation of differing densities across the development including higher density towards the existing settlement boundary and lower densities near landscape sensitive areas along the eastern and southern edges of the site.

#### *Building Heights and Massing*

- 8.34 The proposed development is comprised by predominantly two storey properties with two three storey apartment blocks located on the western edge of the site adjacent to North End Road. A Massing Plan forms part of the drawing package that accompanies the application. The density of the development reduces from west to east across the site with larger properties in more spacious plots located to the eastern edge of the scheme to minimise the impact of new development to the wider landscape.
- 8.35 In terms of a variety in the heights and massing of the residential buildings, this is achieved through the use of a range of house types and apartments, and sizes ranging from smaller units to 3-4 bedroom detached houses.

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*Continuity and Enclosure*

- 8.36 Development plots will be defined by a range of boundary treatments including walls, fences, timber bollards, estate railings and hedging, depending upon their location, in order to clearly define public and private spaces.
- 8.37 Key frontages such as those following the main route through the development will be particularly prominent and critical to the appearance of the development. Particular attention has been paid to the massing and architectural style of these buildings, so that they contribute positively to the quality and character of the new development.

*Appearance*

- 8.38 In terms of appearance, the drawing package that accompanies includes a House Type Brochure which shows the detailed design and architectural style of the proposed dwellings, apartments blocks and garages to be constructed.
- 8.39 This is supplemented by the Materials Plan which sets out the palette of materials to be used in the construction of the development and how the materials will be used across the site. Furthermore, the Enclosures Plan submitted sets out the type of boundary treatments which will be used to define the boundaries of the properties with particular attention to those that will face onto the public realm.
- 8.40 A Street Scenes drawing is provided to assist visualise the appearance of the proposed development across a number of points within the development.

**Issue 6 – Landscaping and Trees**

- 8.41 The landscaping proposals have been informed by the approved Proposed Indicative Layout & Open Space Proposals and Illustrative Strategic Landscape & Open Space Proposals plans from the OPP and the requirements of Condition 5.
- 8.42 The details provided have been carefully prepared to be sensitive to the local landscape character, assist in habitat creation, improve the urban edge and provide opportunities for recreation.
- 8.43 The drawing package includes a suite of landscaping details including, inter alia, an overall Landscape Plan for the site which sets out the existing trees and hedgerows to be retained and proposed planting across the site, a series of

Detailed Planting Plans for the residential plots and public realm, and a Landscape Maintenance and Management Specification for the protection and enhancement of the landscape fabric of the site.

## **Issue 7 – Sustainable Design and Construction**

8.1 The Applicant is committed to constructing the proposed development in a sustainable and responsible way. A package of climate change and energy measures have been incorporated into the development. These include:

- The Applicant operates a robust Sustainable Procurement Policy which emphasises the legal and sustainable sourcing of building materials;
- The construction specification for the proposed development will achieve A+-C ratings when assessed against the Building Research Establishments Green Guide;
- The Applicant will prepare and operate a Site Waste Management Plan during the construction of the development to minimise wastage;
- Eco sanitary ware and flow restriction devices will be installed in every property. A water consumption less than 110 litres per person per day will be achieved;
- The construction specification of every home will include high levels of insulation, an efficient gas condensing boiler, energy efficient light fittings and white goods installed or offered to purchasers with an energy efficiency rating of A+/A;
- The scheme will provide significant areas of green infrastructure and sustainable urban drainage systems to help meet the challenge of climate change;
- Pollution during the construction phase will be minimised through the adoption of best practice measures with respect to waste, dust and air pollution; and
- Every home will be provided with the relevant waste and recycling receptacles and space for their storage.

## **Issue 8 – Flood Risk and Drainage**

- 8.2 The application site is located within Flood Zone 1 where the Environment Agency considers that the site has a low probability of flooding (having a less than 1 in 1,000 annual probability of river or sea flooding).
- 8.3 Condition 11 of the OPP requires details of the implementation, maintenance and management of a sustainable drainage scheme to be submitted to and approved by the LPA. While in terms of foul water sewerage, Condition 15 requires details of the proposed means of disposal to be submitted and approved. In both cases, details are required to be submitted prior to the commencement of development.
- 8.4 Arrangements for the disposal of foul and surface water drainage are an integral part of the design of the development and Odyssey have prepared a Preliminary Engineering Layout drawing which is submitted as part of the application and shows the proposed foul and surface water drainage arrangements for the site.
- 8.5 These include an infiltration basin with granular soakaways towards the south of the site, cellular soakaways to the north and centrally located within the site, swales broadly along the eastern boundary of the site, and an on-site pumping station which will dispose foul water to the Ford Wastewater Treatment Works which serves this part of Yapton.

## **Issue 9 – Biodiversity**

- 8.6 As required by the OPP under Condition 17, the development is to be carried out in accordance with the recommendations set out in the Extended Phase 1 Habitat Survey prepared by Corylus Ecology. This includes updates to the existing Phase 1 Habitat Survey and any necessary protected species surveys undertaken no less than 12 months prior to the commencement of development and measures to avoid or mitigate ecological impacts and provide ecological enhancements.
- 8.7 An application to discharge Condition 17 will be submitted at a later date but as part of this reserved matters application, the following ecological measures are being incorporated into the design of the development:
- Inclusion of bird and bat boxes on retained trees, and, where possible suitable facing facades of proposed houses;

- Creation of new habitats, including around the surface water attenuation basin; and
- Expansion of existing habitats, particularly along the southern and eastern boundaries, with additional native planting proposed.

### **Issue 10 – Heritage**

8.8 The Inspector in his report for the planning appeal identified that the Secretary of State (SoS), in determining an appeal for a previous identical application, accepted that:

- there would be no harm to heritage assets including the setting of the Grade I St Mary's Church;
- subject to reserved matters, the scheme would preserve the appearance and character of the Yapton Conservation Area; and
- archaeological interests could be safeguarded through the imposition of a suitable condition.

8.9 The LPA did not take issues with any of these conclusions at the planning inquiry and the Inspector found that there was no substantive evidence presented by third parties to resile from the conclusions of the previous Inspector or the SoS [IR paras 10 & 11].

8.10 Condition 14 of the OPP secures the implementation of a programme of archaeological work at the site, to include an assessment of the potential to encounter previously unknown archaeology and its potential significance.

8.11 The reserved matters is accompanied by a Heritage Assessment prepared by Terence O'Rourke which includes an archaeological assessment.

8.12 The assessment concludes that:

- In order to satisfactorily determine the archaeological resource across the site prior to development commencing, it has been agreed in consultation with James Kenny, as archaeology advisor to the LPA, to commission a suitably qualified archaeological contractor to produce a scope of works, referred to as a Written Scheme of Investigation (WSI), for the trench

evaluation of the site. The WSI will be submitted as part of the requirements to discharge Condition 14;

- The detailed proposals as presented in this application preserve the qualities of the site that are of value to the designated heritage assets to the south on the edge of the historic centre of Yapton. For St Mary's Church, the appreciation of the church in its rural setting on the edge of the modern village in views from the footpath across the site is preserved as part of the new framework of landscaped open spaces within the development. The informal areas to the south and east of the site provide a significant physical and visual buffer between the new development and the church group, and the footpath is framed by the central space and the southern development edge.
- The value of the site area to the Church Lane Conservation Area is limited to its role as part of a rural setting to the modern village that dominates the small historic building group. The development proposals reflect the village character, with a preponderance of open space and landscape planting providing new landscaped areas, the reinforcement of site boundaries, and visual screening of some existing development.

## **9. SUMMARY AND CONCLUSIONS**

- 9.1 This Planning Statement has been prepared in support of a reserved matters application for 100 dwellings, landscaping and open space, and other ancillary works on Land to the south of Ford Lane and east of North End Road, Yapton.
- 9.2 The application site already benefits from an extant OPP, which established the principle of the proposed development. This set out many of the guiding principles and parameters for the development.
- 9.3 In summary it is considered that the proposals can be supported for the following reasons:
- The site already benefits from an extant OPP for a residential development of 100 dwellings;
  - The application is supported by more detailed information on design which is in accordance with the approved plans from the OPP relating to layout, open space and strategic landscaping – except for the position of the site access off of Ford Lane which has been moved slightly eastwards to provide a safe means of access/egress;
  - The application is supported by drainage details specific to this site;
  - The application is supported by ecological measures specific to this site; and
  - The application proposes a package of sustainable design and construction measures in order to achieve high environmental standards.
- 9.4 The Applicants are very keen to deliver new housing (including the much needed affordable housing) in line with national planning policy and guidance and the Development Plan.
- 9.5 The Applicant would therefore welcome continued dialogue with Officers and other stakeholders so that the application can be progressed towards a favourable determination.

## **APPENDIX 1**

### **APPEAL DECISION**

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## Appeal Decision

Inquiry held on 14 December 2017

Site visits made on 13 December 2017 and during the course of the Inquiry

**by Philip J Asquith MA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 January 2018**

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**Appeal Ref: APP/C3810/W/17/3170059**

**Land to the south of Ford Lane/east of North End Road, Yapton, Arundel, BN18 0DS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Keith Langmead Ltd against the decision of Arun District Council.
  - The application Ref. Y/80/16/OUT, dated 17 November 2016, was refused by notice dated 16 February 2017.
  - The development proposed is described as the 'resubmission of outline planning application Y/60/14 for 4.5 hectares of residential development comprising 3.4 hectares of land for up to 100 dwellings (up to 30 (30%) affordable housing) together with 1.1 hectares of land set aside for public open space and strategic landscaping and 2.2 hectares of public open space and green corridors, with vehicular access from Ford Lane and pedestrian/cycle access only from North End Road'.
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### Decision

1. The appeal is allowed and planning permission is granted for 4.5 hectares of residential development comprising 3.4 hectares of land for up to 100 dwellings (up to 30 (30%) affordable housing) together with 1.1 hectares of land set aside for public open space and strategic landscaping and 2.2 hectares of public open space and green corridors, with vehicular access from Ford Lane and pedestrian/cycle access only from North End Road at land to the south of Ford Lane/east of North End Road, Yapton, Arundel, BN18 0DS in accordance with the terms of the application Ref. Y/80/16/OUT, dated 17 November 2016, and the plans submitted with it, subject to the conditions set out in the attached schedule.

### Application for costs

2. At the Inquiry applications for costs were made by Keith Langmead Ltd against Arun District Council and by Arun District Council against Keith Langmead Limited. These applications are the subject of separate Decisions.

### Procedural Matters and Background

3. The application was in outline with all matters other than means of access reserved for subsequent approval.

4. The application is identical to that which was previously refused, for multiple reasons, by the Council in 2014<sup>1</sup>. That decision was appealed, with the appointed Inspector recommending that planning permission should be granted. However, the Secretary of State in determining the 'recovered' appeal dismissed the appeal principally on the basis of conflict with out-of-date Policy BB1<sup>2</sup> of the made Yapton Neighbourhood Plan (YNP)<sup>3</sup>.
5. Since that decision, it is acknowledged by the Council that the housing land supply position within the district has materially worsened. It recognises that sites like the appeal site, identified in the Council's Housing and Employment Land Availability Assessment as deliverable sites in sustainable settlements such as Yapton, are needed to provide urgently-required market and affordable housing.
6. This position is underpinned by a recent appeal decision<sup>4</sup>. In his decision of October 2017 the Secretary of State, agreeing with the Inspector who held an Inquiry, allowed the appeal against the refusal of 108 dwellings on a site off Burndell Road, Yapton, despite conflict with YNP Policy BB1. In that appeal the Secretary of State acknowledged that the proposal would conflict with Policies GEN2 and GEN3 of the Arun District Local Plan (ADLP), which deal with settlement boundaries and countryside protection respectively, as well as YNP Policies BB1 and H1<sup>5</sup>. However, in acknowledging that as Policies GEN2, GEN3 and BB1 are out-of-date, and that as the district's housing land supply was only 1.9 years, he considered these policies carried limited weight.
7. The Secretary of State went on to accept that the Burndell Road proposal would conflict with paragraph 198 of the National Planning Policy Framework (the Framework). This states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted. However, like the Inspector, he considered the circumstances were not normal because of the severe housing shortage that existed in light of a substantially revised objectively assessed need. As such, the conflict carried limited weight.
8. Against this background, the Council now has no 'in principle' objection to the current Ford Lane proposal. Despite the failure between the appellant and the Council to agree any Statement of Common Ground, considerable common ground as to the acceptability of the present scheme does exist, as is clear from the evidence and as confirmed at the Inquiry. This includes the acknowledgement that whilst the scheme conflicts with the same development plan policies as referred to in the Burndell Road appeal, the proposal accords with the Framework in principle and that there are material considerations that justify the grant of permission despite this conflict<sup>6</sup>.

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<sup>1</sup> Ref. Y/60/14/OUT

<sup>2</sup> The YNP defines a built-up area boundary, with Policy BB1 stating that development proposals outside the boundary will not be permitted apart from in a narrow range of circumstances. The appeal site falls outside the built-up boundary and the development is not within any of the exceptions listed in the policy.

<sup>3</sup> Appeal Ref: APP/C3810/A/14/2228260

<sup>4</sup> Appeal Ref: APP/C3810/V/16/3158261

<sup>5</sup> Policy H1 of the YNP deals with the housing requirement for Yapton. It notes that the minimum housing requirement over the period 2014 to 2029 will be established by the emerging Arun Local Plan (LP). It further notes that additional allocations will be made if the emerging LP requires such action or if identified housing sites do not proceed.

<sup>6</sup> It is also accepted that the emerging LP should be accorded only limited weight given its present stage on the road to adoption.

9. It is further recognised that there is an inability to demonstrate a five-year housing land supply, as required by paragraph 47 of the Framework, and that there is a serious shortfall<sup>7</sup>. As such, policies for the supply of housing in the ADLP and the YNP are agreed to be out-of-date, and the 'tilted balance' in Framework paragraph 14 applies. It is also agreed that other relevant policies of the ADLP are out-of-date. In accordance with the Framework, the presumption should be one of granting planning permission unless the impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole.
10. The Secretary of State, in determining the appeal regarding the previous identical application, accepted that: the site was in a sustainable location; subject to mitigation the proposal would not cause any significant harm to the landscape or to biodiversity; the loss of countryside and productive agricultural land counts against the scheme but that the weight given to this and to conflict with policy in the ADLP and the YNP should take into account the fact that such land would be lost to housing both under YNP allocations and elsewhere in any event if the district's housing needs are to be met; there would be no harm to heritage assets, including the setting of the Grade I St Mary's Church; subject to reserved matters, the scheme would preserve the appearance and character of the Yapton Conservation Area; archaeological interests could be safeguarded through the imposition of a suitable condition; through control of reserved matters the development could be well-integrated, legible and permeable by walking and cycling; and, overall, the environmental effects would be neutral.
11. In respect of the present appeal the Council does not take issue with any of these conclusions. Certain representations from interested persons and parties have sought to argue that there would be harmful impacts in respect of some of the above matters that were previously considered. Nonetheless, from what I have read, seen on my visits, and heard at the Inquiry, I do not consider there is any substantive evidence to persuade me to resile from the conclusions of the previous Inspector or the Secretary of State on these matters.

## **Main Issues**

12. At the outset of the Inquiry I identified three main issues to be considered. These were:
  - whether adequate provision would be made towards the infrastructure requirements arising from the proposed development;
  - the impact on the living conditions of future occupiers of the site from potential noise generated within the adjacent Orchard Business Park; and
  - the impact of the proposal on the operation and safety of the road network.
13. The above were identified on the basis of the Council's four reasons for refusal. The Council's second reason for refusal was that there was a failure to demonstrate that the proposal would not have an adverse impact on trees on the site. However, the Council provided no evidence on this matter and it was

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<sup>7</sup> The Council claims a 2.07-year supply, whilst the appellant considers this to be a 1.9-year supply. The difference is immaterial given that whichever figure is accepted the shortfall is very significantly below the required five-year supply.

accepted by its planning witness that adequate protection for the trees<sup>8</sup>, which are now subject to a Tree Preservation Order<sup>9</sup>, could be secured by the imposition of a suitable condition. I have no reason to disagree.

## Reasons

### *Infrastructure provision*

14. The appellant indicated that it was intended to provide a further Unilateral Undertaking (UU) under s. 106 of the Town and Country Planning Act 1990 to supplement that which had already been provided with the application and which contained obligations believed to be necessary at that time. This second UU would secure additional financial contributions towards secondary and further education facilities and a fire and rescue contribution, as requested by West Sussex County Council (WSCC), and which would be compliant with the Community Infrastructure Levy Regulations 2010. Arun District Council confirmed at the Inquiry that contributions towards the infrastructure requirements for which it remained responsible (such as playing fields) were acceptable to it.
15. An executed second UU was submitted and, as a consequence, the Council no longer pursued its reason that the proposal failed to take account of the full requirements for infrastructure that would be generated by the development. Whilst I discuss the various obligations in more detail below, I am satisfied that as a result of this second UU, in combination with that submitted with the application, the development would make appropriate and necessary provision for infrastructure.

### *Living conditions as a result of noise*

16. Part of the appeal site borders the Orchard Business Park. Uses there fall within Use Classes B1 and B8<sup>10</sup>, with one building having a D1 use. Potential noise disturbance for the future occupiers of dwellings within the appeal site was not an issue that arose in respect of the 2014 application or its subsequent appeal.
17. The Council indicated that it had received three separate noise complaints as a result of activity on the Business Park since the initial 2014 application had been dealt with. This prompted the Council's relevant Environmental Health Officer to request information from the applicant to consider whether or not a detrimental impact on living conditions of future residents would be likely to arise from activities on the Business Park.
18. Response was made on behalf of the appellant having checked the planning history for the Business Park. This indicated that none of the uses permitted there are ones that are noise generating for the purposes of national Planning Practice Guidance (PPG) or are ones whose operation would result in detriment to a residential area by reason of noise. Conditions also exist restricting hours of operation. Requests were made on behalf of the appellant to have sight of the nature of the three complaints made but redacted copies of these were only tardily provided by the Council. It is clear that these complaints were resolved, with the Council not needing to take significant action.

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<sup>8</sup> Trees situated on the eastern site boundary and a single Common Lime within the body of the site.

<sup>9</sup> TPO Y/2/17 (Year 2017)

<sup>10</sup> Town and Country Planning (Use Classes) Order 1987 (as amended)

19. At the Inquiry it became common ground between the Council and the appellant that the issue of potential noise could be addressed through the imposition of a condition requiring, if necessary, the proposal's layout and dwelling design to be subject to a scheme of mitigation at the appropriate reserved matters stage. On the above basis I accept that this would provide a suitable means of addressing this issue.

*The impact of the proposal on the operation and safety of the road network*

20. The Council's relevant refusal reason was on the basis that there had been a failure to demonstrate that the proposal would not have an adverse impact on the road network. This was founded on the absence of an update to the Traffic Assessment (TA) that had been undertaken for the previous application on the site to take account of the period between the TA's preparation in June 2014 and the submission of the application now subject to this appeal.
21. The current proposal is identical to that previously considered at appeal. Both the Inspector and the Secretary of State considered the scheme then in terms of its proposed means of access and highway impact to be acceptable, subject to the imposition of appropriate conditions. The matter that has now exercised both WSCC, as local highway authority, and Highways England (HE), whose responsibility is the strategic road network, and therefore by extension the Council, was the absence of an update to the TA. The concern is that in the absence of such an update to address the scope for changes in circumstances on the road network, both individually and cumulatively, there is an inability to assess whether there would still be no detriment. Whilst WSCC's concerns relate to the wider highway network, HE's concerns principally relate to impact on the A27/Yapton Lane junction, some 3km north of the appeal site and, specifically, impact on eastbound right-turning from the A27.
22. The appellant's position is that it was unnecessary to update the TA since there have been no material changes in circumstance that could not be adequately addressed through the imposition of appropriate conditions. Prior to the Council's determination of the application the appellant had indicated to the Council that it considered the information then being requested by WSCC and HE as consultees was not relevant, necessary and material to the determination given the planning history and other available information.
23. There is no disagreement that the design of the proposed vehicular access onto Ford Lane remains acceptable or that the volume and distribution of traffic generated by the development would be the same as considered before. Appropriate mitigation was previously agreed. The various matters that the witnesses for WSCC and HE consider should have been addressed (and a stance adopted by the Council) are considered in turn below.
24. In relation to the Burndell Road appeal, the Inspector recorded at paragraph 92 that *'the highway authority is satisfied that traffic flows through Yapton have reduced since the opening of the A259 Felpham Relief Road (the eastern section of the Bognor Regis Relief Road (BRRR)). Key junctions such as Oyster Catcher and Comet Corner were reassessed to take account of this. Some traffic flows will increase marginally at the junctions and some flows will reduce marginally. The changes would be so small as to be imperceptible on a day-to-day basis'*.

25. WSCC's witness accepted that it was appropriate for the appellant to rely on the local highway authority's position noted in the Burndell Road case. The Secretary of State's decision allowing this appeal and agreeing with the Inspector was made as recently as 13 October 2017. I am fully aware of the Yapton Parish Council's view, endorsed by other objectors, that it is considered there has been a noticeable increase in traffic in Yapton since the opening of the BRRR. However, I have seen no substantive evidence to support such assertions. In light of this, I consider it is perfectly reasonable for the present appellant to be able to rely on the conclusion of the Inspector and the Secretary of State in respect of the Burndell Road scheme, based on the opinion of the local highway authority, in respect of the impact of the opening of the BRRR.
26. Having regards to general traffic growth, the TA assessed this between 2014 and 2024. As accepted by the WSCC witness, for the present application the TA covers what would be the opening year (2019) and five years from the date of the application (2021). I agree with the appellant that the HE witness's view that traffic growth should have been assessed until 2031 – the end of the emerging LP period – is inappropriate. Furthermore, for HE it was conceded that its view that assessment should have included sites that are proposed to be allocated within the emerging LP was incorrect and contrary to advice within the PPG as to the scope and content of TAs<sup>11</sup>. Also, both highway witnesses for the Council accepted that the only dwellings actually provided in Yapton since 2014 were built following permissions listed as committed development and assessed in the TA.
27. These witnesses also conceded that it was not appropriate or fair for the TA to have considered the development of up to 108 dwellings at Burndell Road since this only became a commitment on the granting of permission on appeal in October 2017. For WSCC it was also noted that it was only reasonable to take account of commitments pre-November 2016, when the current appeal application was made. It is noteworthy anyway that from its consultation response on the Burndell Road scheme, the local highway authority considered the impact of up to 108 dwellings on the local highway network would be minimal.
28. There has been criticism of the appellant for a failure to assess 115 dwellings granted permission in Yapton since 2014. The appellant carried out analysis of permissions granted to explain why it was correct and appropriate that these were not assessed. The reasons included the fact that the sizes of some of the developments fell below the threshold for assessment in the County's Transport Assessment Methodology, some were assessed by WSCC/HE as having no wider impact on the road network, and there was no certainty of some sites proceeding within three years of November 2016 (the date of submission of the present application at appeal). Having regard to this latter point, this follows extant guidance in the PPG<sup>12</sup>. This notes that TAs and Transport Statements may be required to assess the impact of adopted local plan allocations which have the potential to impact on the same sections of the transport network, together with other directly relevant committed development, where there is a reasonable degree of certainty they will proceed within the next three years.

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<sup>11</sup> PPG paragraphs 42-015-20140306 and 42-014-20140306

<sup>12</sup> PPG ID:42-015-20140306

The appellant's analysis was not challenged by witnesses on behalf of the Council.

29. An analysis of permissions carried out by HE in the context of the appeal, when examined in detail at the Inquiry and cross-referred to the analysis done by the appellant, showed that only permissions for a total of either only four or, at most, 14 dwellings could properly have been included in the TA as commitments. The absence of the addition of the likely trip generation that could result from this quantum does not in my view amount to a substantive undermining of the robustness of the TA.
30. A further element that WSCC considered should have been included in an updated assessment was the implication of the change from single to full barriers on the railway level crossing on North End Road, about half a kilometre to the north of the appeal site. At the Inquiry it was indicated that such a conversion could increase the 'downtime' of the barriers, with implications for the lengths of queuing traffic. However, there are no details of such a scheme or the changes to downtime, Network Rail's position in not raising objections to the current appeal proposal being that such barriers only may be installed in May 2018. On this basis I accept the appellant's argument that it would have been neither fair nor appropriate to be criticised for not assessing the effects of full barriers during the period between the submission of the two applications on the appeal site. The TA is clear that traffic generated by the appeal proposal would not materially add to queues and delays for drivers based on the current downtimes.
31. As far as accident data are concerned, the TA provided information up to August 2014, which shows Yapton is not an area with a high accident record. The appellant's interrogation of a WSCC website indicates that there are no records of accidents in the vicinity of the appeal site's proposed vehicular access onto Ford Lane, or the suggested pedestrian/cycle access onto North End Road, between August 2014 and November 2016. The Burndell Road appeal decision makes no reference to any unacceptable accident record within Yapton.
32. Having regard to the A27/Yapton Lane junction, the safety and capacity of this was addressed in the TA and proposed works were agreed at the previous appeal. These works were to be secured by the imposition of Grampian-style conditions. The TA sets out that the junction improvements are not required as a result of the traffic generated by the appeal scheme but were agreed to be provided in response to a direction from the Highways Agency (as was)<sup>13</sup>, which specified the conditions to be imposed.
33. HE's concern relates to the potential for queuing back on the main carriageway of traffic wishing to make a right turn into Yapton Lane. The Highways Agency had also required the same improvement works to the junction for a permitted scheme for 173 dwellings on land north of Burndell Road, Yapton (a Persimmon development). This development has been completed without the condition having being implemented, a somewhat surprising state of affairs had there been a serious pre-existing safety concern regarding the junction's operation. At the Inquiry there was acceptance by the HE witness that the accident history of the junction was not significant.

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<sup>13</sup> Highways England is the successor organisation to the Highways Agency with regards the strategic highway network.

34. Also, the HE witness accepted that the Arun Transport Study of 2016 shows that, in the context of proposals for almost 2,000 new dwellings in Yapton and Ford within the emerging LP, HE had expressed no safety, capacity or environmental concerns with regards this junction. Nor had it identified the junction as needing any improvement to accommodate this level of growth.
35. This junction could be brought up to a requisite standard through the implementation of a condition. This could be carried out in pursuance of the Persimmon development (as noted above), in relation to a proposal for residential development to the east of Tye Lane, Walberton, for which there is a resolution to grant permission for 175 dwellings subject to a s.278 agreement, or in relation to the appeal proposal. If the works were carried out pursuant to either the Persimmon scheme or the Tye Lane scheme there would be no requirement for the appeal proposal to provide any improvements since the work would have been done. The provision of a Grampian condition, which is discussed further below, would give flexibility to ensure any necessary work met the existing circumstances at the appropriate time.
36. The insistence on an update to the appellant's TA is further undermined by the seemingly inconsistent dealing with other recent housing schemes in Yapton. For example, HE's position in its consultation response in respect of a 56 dwelling proposal at Bonhams Fields raised no objections, indicating that such a quantum would be unlikely to have any noticeable traffic impact on the safe and efficient operation of the A27. This conclusion was reached without any of the assessment of matters that were being called for in respect of the appeal proposal, the Transport Statement provided with that scheme assessing nothing other than its own traffic generation.
37. In conclusion on this issue, in the circumstances discussed above, the absence of an update to the previous TA is not a serious shortcoming when the evidence indicates there have been no substantive changes in circumstances since the determination of the earlier appeal on the site that would undermine the previous assessment and conclusions. The Council has not provided any evidence to state that the appeal proposal would conflict with ADLP Policy GEN 7<sup>14</sup>. It has not demonstrated conflict with paragraph 32 of the Framework which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe. Nor has it shown that highway safety would be unacceptably compromised.

#### *Other matters*

38. The Parish Council accepts the need for Yapton to expand but considers this should be on the basis of such expansion being shaped by the community, through the medium of an updated YNP, and not by speculative development proposals. I am aware that it wishes to progress with an update to review the Plan's built-up area boundary in order to accommodate additional housing over and above the current YNP allocations, and I note its frustration that this is not likely to occur before the adoption of the emerging LP.
39. In an effort to gauge opinion as to where the community would find additional housing acceptable, a questionnaire survey, with a response rate of 9%,

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<sup>14</sup> Insofar as GEN 7 is relevant to highways matters in its seeking to ensure development is of a high quality and layout, the policy is permissive providing, amongst other matters, that the development allows for the safe movement of pedestrians and vehicles, giving priority to pedestrians.

- indicated that further growth along the northern boundary of the village, including the appeal site, was felt to be undesirable by a considerable majority.
40. Nevertheless, whilst I recognise the desire, and indeed importance, of local communities being able to shape their futures, I consider such views as expressed in the survey can be accorded only little weight, particularly against the background of the very recent decision on the Burndell Road appeal. Here the Inspector stated that to wait for the YNP to be updated following on from the adoption of the emerging LP would result in significant delay in the provision of housing locally when there is an acute and severe under-supply. There is an increased objectively assessed need for housing, with the Council encouraging planning applications on sites, such as the appeal site, that have been identified as suitable for housing in its Housing and Employment Land Availability Assessment.
  41. The Burndell Road Inspector noted that time was passing and there is a critical imperative to get the housing market moving within the district given the local situation and the national housing shortage. She further noted that to delay until after the adoption of the emerging LP and allocations through a review of the YNP would seriously harm deliverability of housing locally, including affordable homes.
  42. The Secretary of State agreed with the Inspector's conclusions and, as already noted above, whilst agreeing that the Burndell Road site would conflict with Policies GEN2 and GEN3 of the ADLP and BB1 of the YNP, confirmed that these were out-of-date; given the shortfall in housing land supply he considered these policies carry limited weight.
  43. There is no evidence to suggest that the prospect and timing of any review of the YNP has changed since the Burndell Road appeal. I acknowledge the frustration felt by the local community, particularly given the work put into producing the YNP. Nonetheless, given the Secretary of State's clear conclusions on the Burndell Road appeal, it is my view that the same conclusions as to the weight to be accorded to the above policies applies in the current case.
  44. Having regards to the benefits of the scheme, I have no reason to come to a differing conclusion to the Inspector and the Secretary of State in considering the first appeal on this site. This was that the provision of up to 100 dwellings, up to 30% of which would be affordable (and for which there is an acknowledged need), would be benefits to which considerable weight should be given.
  45. This should also be seen within the context of a severe housing shortage and where the Secretary of State has recently concluded in the Burndell Road appeal that there the provision of up to 108 dwellings would make a significant contribution to market and affordable housing in the district. A similar quantum of housing on the present appeal site would be an equally significant contribution and would represent a social benefit of addressing the needs of present and future generations of residents.
  46. There would also be certain economic benefits to the local economy in terms of the creation of direct and indirect construction jobs associated with the development, together with household expenditure in the local economy once the dwellings were occupied, to which I accord moderate weight.

*Unilateral Undertakings and conditions*

47. The UU submitted with the application contains obligations to make contributions to a range of facilities provided both by Arun District Council and WSCC. These include contributions for facilities at Littlehampton Leisure Centre, those towards library provision, primary education (for the expansion of Yapton Primary School), the promotion of a Traffic Regulation Order for a 20mph speed limit in the vicinity of Church Lane and, at the developer's own expense, the installation of fire hydrants. These were contributions and provisions considered acceptable by the previous Inspector and likewise found to be so by the Secretary of State.
48. In addition to the above, the appellant submitted a second UU to be read alongside the first. This includes additional contributions for fire and rescue purposes (the provision of equipment to control access and smoke penetration), and towards the expansion of both secondary and further education facilities of the St Philip Howard Catholic School at Barnham. These contributions have been agreed with WSCC. I am satisfied that all the obligations are necessary to make the development acceptable and would meet the tests set out in Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010.
49. So far as conditions are concerned, it is my view that the majority of those that were considered at the previous appeal, and were deemed reasonable and necessary to make the development acceptable by both the Inspector and the Secretary of State, are equally applicable now. In this regard Condition 1 is needed to ensure reserved matters are considered and approved by the local planning authority, whilst condition 2 is to accord with the requirements of s.92 of the Town and Country Planning Act 1990. Condition 3 is to ensure development is carried out in accordance with the permitted drawings. Condition 4 is imposed for the same reason and to ensure the timely delivery of the proposed public parkland<sup>15</sup> and green corridors.
50. Condition 5 is required to ensure appropriate landscape details are submitted and approved and landscaping is delivered in a timely manner, together with protection of the trees within the site that are subject to a TPO. Condition 6 is needed to ensure the provision of affordable housing and its subsequent retention, whilst conditions 7 and 9 secure the timely delivery of highway improvements for the protection and safety of road users and residents. Condition 8 ensures that enhancements to footpaths and cycle routes are delivered. A Construction Method Statement is secured by Condition 10 to safeguard highway safety and provide protection of living conditions. Condition 11 is imposed to ensure an appropriate drainage strategy is implemented, whilst Condition 12 provides for the agreement of a Travel Plan, to encourage the use of sustainable modes of transport.
51. Having regards to Condition 13, I have noted the suggestions by the Council, HE and the appellants. I have imposed what is a Grampian-style condition that I consider would ensure that the A27/Yapton Lane junction is improved in a manner whereby additional traffic that might be generated as a result of the

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<sup>15</sup> Although the application form refers to 2.2 hectares of 'public open space and green corridors', the accompanying Proposed Indicative Layout & Open Space Proposals drawing 201 C refers to 2.2 ha of proposed public parkland and green corridor.

proposed development would not have any deleterious impact on the junction's safe operation.

52. Condition 14 is necessary to ensure that the archaeological potential of the site is appropriately investigated and a mitigation strategy implemented, if necessary. Condition 15 is imposed to ensure that appropriate foul water sewerage is implemented before dwellings are occupied. To ensure suitable play areas for children resident in the development are provided in an appropriate and timely manner Condition 16 is imposed.
53. Condition 17 is necessary to protect the ecological interest of the site and to enhance biodiversity. Although included within the previous Inspector's report I do not consider it to be necessary for a condition to be imposed specifying the restriction of the development to 100 dwellings. The terms of the application clearly specify that the development is up to 100 dwellings and so this number could not be exceeded, making a condition to this effect superfluous.
54. As already discussed above in relation to protection from noise, any condition deemed to be necessary would be more appropriately imposed at the reserved matters stage regarding layout and design.
55. At the Inquiry the Council suggested a number of additional conditions. That relating to the need for approval of materials and finishes is not necessary since this would be dealt with at the reserved matters stage. I have added to suggested Condition 10 (the need for the agreement of a Construction Method Statement) the requirement for agreement of the working hours of operational and construction vehicles on the site, in order to safeguard residential amenity. Condition 17 obviates the need for the Council's suggested condition regarding ground or vegetation clearance works in the bird nesting season.
56. A condition is suggested to secure a 10% reduction in energy use. Although the Framework has a core planning principle of support for the transition to a low carbon future, the Council was not able to indicate at the Inquiry that its suggested condition had any specific local planning policy backing for the reduction suggested. In this absence, I am not convinced that such a condition would be reasonable or necessary over and above the need for compliance with appropriate Building Regulations.
57. Other suggested conditions relating to street lighting, car and cycle parking are unnecessary as these would be covered by reserved matters applications, the location of a fire hydrant would be covered by Building Regulations, and the prevention of surface water discharge onto the public highway would be controlled under highways legislation.

*Overall conclusions and the planning balance*

58. Having regard to the main issues identified: the proposal would make adequate provision for necessary infrastructure; the living conditions of future occupiers of the development could be adequately safeguarded against adverse noise impacts from the adjacent Orchard Business Park; and the scheme would not be likely to impact adversely on the operation or safety of the road network.
59. The proposal would not accord with ADLP Policies GEN2 and GEN3 or YNP Policies H1 and BB1. The scheme would therefore not be in accordance with the development plan overall. However, the most relevant Policies GEN2,

GEN3 and BB1 are out-of-date and, given the district's housing land supply is only around two years, I consider these policies carry only limited weight.

60. Where relevant policies are out-of-date, paragraph 14 of the Framework states that planning permission should be granted unless any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework as a whole, or policies in the Framework indicate development should be restricted.
61. The proposal, which is in a sustainable location, would make a significant contribution to both market and affordable housing within the district where it is acknowledged the housing shortage is severe. I give this considerable weight, whilst the economic benefits of construction jobs and increased expenditure within the local economy attract moderate weight.
62. In accordance with paragraph 198 of the Framework, an application that conflicts with a NP that is in force should not normally be granted. However, circumstances are not normal because of the severe housing shortage. Like the Secretary of State in his determination of the Burndell Road appeal, I consider this conflict carries limited weight. There are no other specific policies within the Framework which indicate that the development should be restricted.
63. Given the controls that would be operative through imposed conditions, and the provisions of the obligations contained within the UUs, any adverse impacts of the proposal do not significantly and demonstrably outweigh the identified benefits. The proposal would represent a sustainable form of development. Overall, there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan. As such, I conclude that the appeal should succeed and planning permission be granted.

*P J Asquith*

INSPECTOR

### **Schedule of Conditions**

- 1) Details of appearance, landscaping, layout, and scale, (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority (LPA) before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the LPA before the expiration of three years from the date of this permission. The development hereby permitted shall begin before the expiration of one year from the date of approval of the last of the reserved matters to be approved.
- 3) This permission relates to the following submitted plans:
  - Location Plan Drg: 200B
  - Proposed Indicative Layout/open space proposals: Drg 201C
  - Illustrative Strategic Landscape/open space proposals: Drg 202B
  - Means of access Drg: 130431-10A

- 4) The layout details submitted pursuant to Condition 1 shall accord with Proposed Indicative Layout/open space proposals Drg: 201C, and shall include:

- i) 4.5 hectares (ha) of residential development comprising up to 100 dwellings on 3.4 ha at a net site density of 29 dwellings per ha and 1.1 ha of ancillary public open space and strategic landscaping laid out within the area marked A on Drg: 201C and;
- ii) 2.2 ha comprising public parkland and green corridors laid out within the area marked B on Drg: 201C.

No more than 30 dwellings shall be constructed unless or until the proposed 2.2 ha of public parkland and green corridors has been laid out in accordance with the approved details.

- 5) The landscaping details submitted pursuant to Condition 1 shall include:

- i) a plan showing the existing trees subject to TPO/Y/2/17 to be retained, together with details of measures for their protection during the course of development;
- ii) the species, number, sizes and position of new trees, shrubs and hedging to be planted and details of any grassed or other planted areas, including seeding with an appropriate native British wildflower flora mix;
- iii) measures to enhance biodiversity; and
- iv) a landscape management plan detailing a programme for the implementation, long term management and maintenance of the 1.1 ha of ancillary public open space and the 2.2 ha of public parkland.

No more than 50 dwellings shall be occupied unless and until the landscaping has been implemented in accordance with the approved details and any trees, shrubs or hedging plants which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless otherwise approved in writing by the LPA.

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

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of the total number of dwellings approved at reserved matters stage of which 80% shall be social rented and 20% intermediate housing;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing (if no Registered Social Landlord is involved);
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

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

- 7) No development shall commence until detailed design and construction drawings for the means of access/egress onto Ford Lane as shown on the submitted Drg: 130431-10A (including street lighting) and the proposed improvements to North End Road as shown on the submitted Drg Nos. 130431-04B and 130431-05B within the Transport Assessment of June 2014, including bus stops, pedestrian facilities and street lighting along and across North End Road, have been submitted to and approved in writing by the LPA and no part of the development shall be commenced until these means of access have been constructed in accordance with the approved detailed design and construction drawings.
- 8) No development shall commence until detailed scheme, design and construction drawings for the retention and improvement of public rights of way routes 357, 358 and 359, together with the provision of new cycle and new pedestrian routes through the site and to North End Road, have been submitted to and approved in writing by the LPA. No dwellings shall be occupied until the improvements and new pedestrian and cycle routes have been implemented and constructed in accordance with the approved detailed scheme, design and construction drawings and any legal requirements, as may be necessary.
- 9) No development shall commence until detailed design and construction drawings, including provision of a Stage 1 Road Safety Audit for the proposed improvements to the Lake Lane/Yapton Lane junction as shown on the indicative Drg: 130431-09A within the Transport Assessment of June 2014, have been submitted to and approved in writing by the LPA and no more than 50 dwellings shall be occupied until the junction modifications have been constructed in accordance with the approved detailed design and construction drawings.
- 10) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the LPA. The Statement shall provide for (but not necessarily be limited to):
  - i) vehicle parking for site operatives and visitors, and on-site turning space;
  - ii) loading and unloading of plant and materials;
  - iii) storage of construction plant and materials;
  - iv) erection and maintenance of security hoarding, including decorative displays and facilities for public viewing as appropriate;
  - v) wheel washing facilities;

- vi) measures to control the emission of dust and dirt during construction;
- vii) the location of any site huts/cabins/offices;
- viii) routing of construction vehicles to and from the development site;
- ix) details of any temporary traffic management works required to construct any of the works;
- x) details of signage on the approaches to the site warning of the presence of construction vehicles and associated activities on or close to the public highway;
- xi) details of the Construction Design Management Co-ordinator and site foreman, including contact details (and out-of-hours contact details);
- xii) evidence of community involvement and/or public consultation prior to any works being carried out; and
- xiii) details of the hours of operation of all operational and construction vehicles on the site.

Details of how measures will be put in place to address any environmental problems arising from any of the above shall be provided. A named person shall be appointed to deal with complaints and shall be available on site and their availability made known to all relevant parties.

The Statement as approved shall be adhered to at all times throughout the construction period.

- 11) No development shall take place until details of the implementation, maintenance and management of a sustainable drainage scheme have been submitted to and approved in writing by the LPA. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
  - i) a timetable for the scheme's implementation; and
  - ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for the adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
- 12) No part of the development shall be occupied until a Travel Plan, including a timetable for implementation and periodic review, has been submitted to and approved in writing by the LPA. The Travel Plan shall be implemented as approved.
- 13) No development hereby permitted shall take place until a detailed scheme of highway works for improvement to the A27/Yapton Lane junction has been submitted to and approved in writing by the LPA and no more than 50 dwellings of the development hereby permitted shall be occupied until the completion of the approved improvements to the A27 junction with Yapton Lane.
- 14) Development shall not commence until a programme of archaeological work has been implemented and completed in accordance with a written Archaeological Mitigation Strategy document to be submitted to and approved in writing by the LPA. This should include an historic environment desk-based assessment, to include an assessment of the potential to encounter previously unknown archaeology and its potential significance. The Mitigation Strategy shall outline appropriate specific methodology and include commitments to:

- i) carry out on-site archaeological investigation in accordance with an agreed project design. This shall include but not be limited to archaeological field-walking and geophysical survey, in order to inform any trial trenching;
  - ii) use the results of trial trenching together with the results of other assessment to identify areas that warrant further archaeological investigation in advance of development as appropriate, such as open excavation or an archaeological watching brief;
  - iii) preserve in situ and intact non-designated archaeological heritage assets that are demonstrably of equivalent significance to Scheduled Monuments (with reference to Historic Environment guidance in Paragraphs 132, 133 and 139 of the National Planning Policy Framework);
  - iv) fully investigate, record, analyse and report, to a specification to be submitted to and approved in writing by the LPA, and to a standard proportionate to their significance, archaeological heritage assets that unavoidably will be affected adversely by development-related ground excavations; and
  - v) prepare and implement satisfactory procedures to communicate the findings of archaeological investigation to the local community, including involvement in community archaeological projects where appropriate.
- 15) Construction of the development shall not commence until details of the proposed means of foul water sewerage have been submitted to and approved in writing by the LPA. No dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.
- 16) Details of the laying out of a minimum 400 sq m area designated as a Local Equipped Area of Play (LEAP) and three Local Areas of Play (LAP), each of at least 100 sq m, and all other amenity areas (other than private gardens) to be provided on site together with their defined boundaries, means of enclosure, proposed use and items of equipment and other structures to be installed shall be submitted to and approved in writing by the LPA. No more than 50 dwellings shall be constructed unless or until the amenity areas including the LEAP and at least two LAPs have been laid out in accordance with the approved details.
- 17) The development hereby permitted shall be carried out in accordance with the recommendations set out in the Extended Phase 1 Habitat Survey prepared by Corylus Ecology and submitted with the planning application. This shall include updates to the existing Phase 1 Habitat Survey and any necessary protected species surveys undertaken no less than 12 months prior to the commencement of development and measures to avoid or mitigate ecological impacts and provide ecological enhancements. Details shall be submitted to the LPA and approved in writing prior to the commencement of development.

(End of the conditions schedule)

## **APPEARANCES**

### FOR THE APPELLANT

Graeme Keen, of Counsel

instructed by Phoenix Planning Consultancy

He called

Paul Collins BA (Hons) Dip TP MRTPI

Phoenix Planning Consultancy

### FOR THE LOCAL PLANNING AUTHORITY

Felicity Thomas, of Counsel

instructed by Arun District Council

She called

Fiona Fitzgerald

Senior Environmental Health Officer, Arun District Council (ADC)

Peter Hayward BEng (Hons) CEng  
MICE MCIHT DMS

Director, Island Highway & Transport Consultants Limited, on behalf of West Sussex County Council

Neil Crowther

Group Head of Planning, ADC

David Bowie BSc (Hons) MCIHT

Managing Consultant, Transportation Department, Atkins, on behalf of Highways England

David Innes BA (Hons) Dip TP MRTPI

Director, Blueprint Planning & Development Limited, on behalf of ADC as a retained planning consultant within the Strategic Development Team

### INTERESTED PERSONS

Victoria Newman

Chair of Yapton Parish Council Planning Committee

Patricia Wales

Local resident

Elaine Cordingley

Local resident

Andy Faulkner

Local resident, former Chairman of Yapton Neighbourhood Plan Group

John Mills

Local resident

**DOCUMENTS** (handed in at the Inquiry, all prefixed INQ)

1. Drawings forming part of the application
2. Drawings included within the Transport Assessment
3. Redacted copies of noise complaints made to ADC
4. Highways England consultation response, dated 3 November 2017
5. Letter from the ADC Head of Planning Policy and Strategic Development to Town and Parish Clerks, dated 18 November 2016
6. Draft of second s.106 Unilateral Undertaking on behalf of the appellant
7. Appellant's opening statement
8. Council's opening remarks
9. Yapton Parish Council's additional statement
10. Elaine Cordingley's statement
11. Patricia Wales's statement
12. Copy of letter from ADC to the Rt Hon Nick Gibb MP and Mr Gibbs's response to John Walker
13. John Mills's statement
14. List of the appellant's appendices
15. Andy Faulkner's statement
16. Copy of the appellant's Appendix 3
17. Bundle of photographs from Mr Bowie (Highways England) of traffic at the A27/Yapton Lane junction
18. Plan showing the Bognor Regis Relief Road
19. Copy of the judgement regarding Mayowa-Emmanuel v Royal Borough of Greenwich [2015] EWHC 4076 (Admin)
20. Extract from the PPG, paragraph 21a-006-20140306
21. Explanation of WSCC Fire and Rescue Service requirements for s.106 contributions
22. Copy of letter from Philip and Mary Kinnersley to the Head of Planning Policy and Strategic Development, ADC, dated 15 December 2016
23. Signed s.106 Unilateral Undertaking, dated 14 December 2017
24. List of suggested conditions
25. Highways England suggested condition regarding A27/Yapton Lane mitigation
26. Council's closing submissions
27. Appellant's closing submissions
28. Statement from Elaine Cordingley
29. Costs application on behalf of the appellant
30. Costs application on behalf of the Council

## **APPENDIX 2**

### **YAPTON NEWS ARTICLE**

# Yapton News

NOVEMBER 2019

Issue No 99



# LAND TO THE WEST OF NORTH END ROAD AND SOUTH OF MAYPOLE LANE, YAPTON

## RESERVED MATTERS APPLICATION FOR 45 DWELLINGS

### INTRODUCTION

**This is the second of two reserved matters applications that Redrow Homes is currently in the process of preparing – the other being Land to the south of Ford Lane and east of North End Road.**

The application is being made pursuant to a Section 73 permission granted in June 2018 for up to 45 dwellings that varied an existing outline planning permission. The principle of development has therefore already been established and the reserved matters application will seek approval of the finer details relating to layout, scale, appearance and landscaping.

### THE SITE

**The site is 1.87 hectares in size which includes the strip of land forming the access on to Maypole Lane. The site comprises a paddock and is predominantly flat with hedgerows and trees along the boundaries. There is a collection of buildings that front onto North End Road that have been used as stables.**

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

### THE PROPOSALS

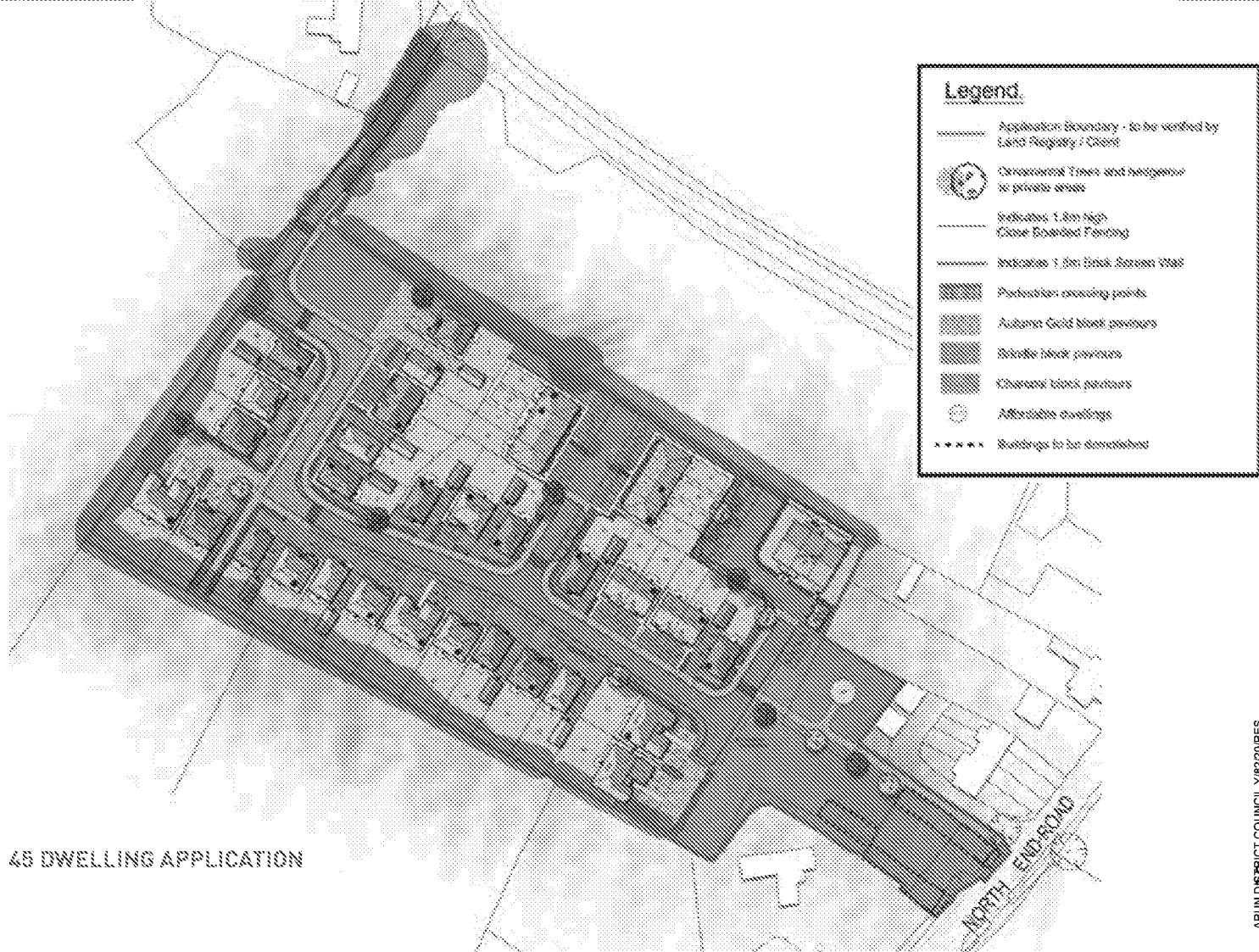
**The approved plans from the outline planning permission provide the framework within which the proposed development has been designed including the vehicular access, arrangement of uses within the site and location of public open space.**

The main components of the scheme include:

- Demolition of existing stable buildings that front onto North End Road;
- 45 new homes which will comprise a range of 1, 2, 3 and 4 bedroom properties;
- 30% of the housing will be affordable housing – 14 units in total (75% rented and 25% shared ownership);
- Off-street parking to all properties and garages will be provided to all 3 and 4 bed dwellings;
- Vehicular access to the site to be taken off of Maypole Lane to the northern boundary;
- Pedestrian and cycle link to be provided to North End Road and potential future link to land to the south;
- Public open space including a play area for children;
- Drainage features to be incorporated into the design of the site to ensure surface water is managed in a sustainable way, while reducing the risk of flooding to the site and elsewhere;
- Measures to avoid or mitigate ecological impacts arising from the development; and
- The provision of ecological enhancements throughout the site.

A plan of the proposed site layout is provided to illustrate the proposals which have been sensitively designed to provide a high quality and sustainable development.

# 45 DWELLING APPLICATION



# LAND TO THE SOUTH OF FORD LANE/EAST OF NORTH END ROAD, YAPTON

## RESERVED MATTERS APPLICATION FOR 100 DWELLINGS

### INTRODUCTION

**Redrow Homes are currently in the process of preparing a reserved matters application for a new residential development on land to the south of Ford Lane and east of North End Road.**

The application is being made pursuant to an outline planning permission granted in January 2018 for up to 100 dwellings. The principle of development has therefore already been established and the reserved matters application will seek approval of the finer details relating to layout, scale, appearance and landscaping.

The application forms the first of two reserved matters applications that Redrow Homes will be submitting to Arun District Council – the other being Land to the west of North End Road and south of Maypole Lane.

### THE SITE

The site comprises a 6.7 hectare field between North End Road, Ford Lane and a public footpath (No.358). A public footpath (No.357) crosses the site diagonally from its south-eastern tip (where it joins public footpath 358) to the north-western corner where it connects to Ford Lane. A plan is provided to show the location of the site in Yapton.

### THE PROPOSALS

The approved plans from the outline planning permission provide the framework within which the proposed development has been designed including the vehicular access, arrangement of uses within the site, location of public open space and strategic landscaping.

The main components of the scheme include:

- 100 new homes which will comprise a range of 1, 2, 3 and 4 bedroom dwellings;
- 30% of the housing will be affordable housing, including 75% rented and 25% shared ownership;
- Building heights to be predominantly 2 storeys in height with some 3 storey properties;
- Off-street parking to all properties and garages will be provided to all 3 and 4 bed dwellings;
- Vehicular access to the site to be taken off of Ford Lane to the northern boundary;
- Pedestrian and cycle link to be provided to North End Road and all existing public rights of way to be retained;
- Extensive areas of public open space including equipped play areas for children;
- Sustainable urban drainage features to be incorporated into the design of the site to ensure surface water arising from the development is managed in a sustainable way, while reducing the risk of flooding to the site and elsewhere;
- Measures to avoid or mitigate ecological impacts arising from the development; and
- The provision of ecological enhancements throughout the site.

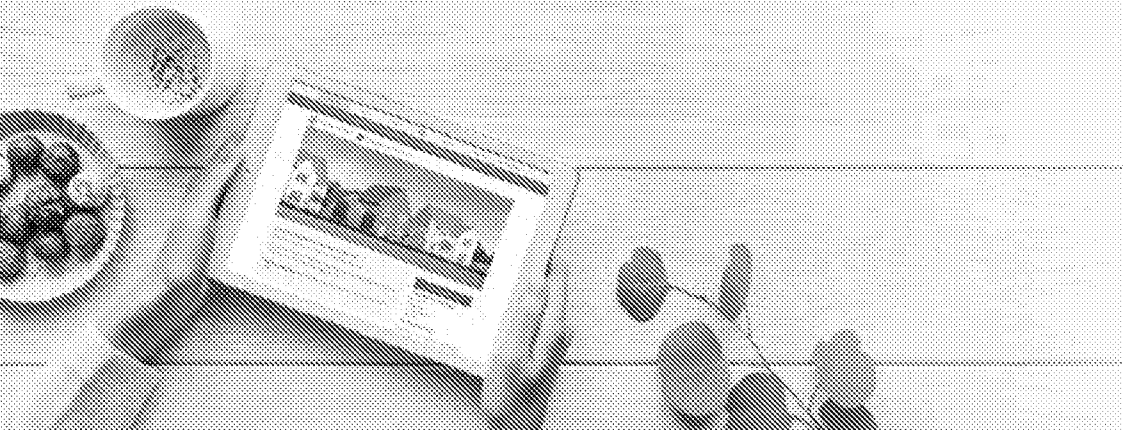
A plan of the proposed site layout is provided to illustrate the proposals which have been sensitively designed to provide a high quality and sustainable development.



## 100 DWELLING APPLICATION

### Legend

- Application Boundary - to be verified by Land Registry / Olsed
-  Ornamental Trees and hedgehog to private areas
- Indicates 1.8m high Close Boarded Fencing
- Indicates 1.5m Brick Screen Wall
-  Pedestrian crossing points
-  Autumn Gold Stone pavements
-  Shale stone pavements
-  Chert stone pavements
-  Affordable dwellings



## WHAT HAPPENS NEXT

Your views are important to us and we would appreciate if you could take the time to review the proposals and provide us with your comments prior to the submission of the application to the Council. If you wish to comment, please send these to us by 27th November 2019 to the following email address:

**[yapton@pegasusgroup.co.uk](mailto:yapton@pegasusgroup.co.uk)**

All comments received will be carefully reviewed and considered by the development team in the process of finalising the design for the proposed development.



45dwg P19-0575 / 100dwg P19-0572 | October 2019

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Produced by Pegasus Planning Group

## **APPENDIX 3**

### **RESPONSES TO YAPTON NEWS ARTICLE**

Rob Riding

From: [REDACTED]  
Sent: 19 November 2019 12:22  
To: Rob Riding  
Subject: Planning objection comment

|                 |           |
|-----------------|-----------|
| Follow Up Flag: | Follow up |
| Flag Status:    | Completed |

[illegible]

## Rob Riding

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From: [REDACTED]  
Sent: 19 November 2019 13:20  
To: Rob Riding

Follow Up Flag: Flag for follow up  
Flag Status: Completed

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Rob Riding

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From: [REDACTED]  
Sent: 19 November 2019 19:30  
To: Rob Riding  
Subject: Land South of Ford Lane /East North End Rd 45 Dwelling Application

Follow Up Flag: Flag for follow up  
Flag Status: Completed

To whom it may concern...

As a resident of the [REDACTED]  
[REDACTED] can you answer the following points please?

1. What materials will be used for the boundaries alongside our drive and behind our garages? If wooden fencing who is responsible for future maintenance/ replacement ? (the images in the Yapton News are not clear)
2. What type of street lights will be use, with regard to light pollution? Will they be on a timer or on all night?
3. Who is responsible for the upkeep of the green spaces?
4. Will the materials from the demolished buildings (flint and Slate) be recycled and or re-used?
5. How close to our boundary will any 3 story dwellings be?
6. What will happen to the bus stop?
7. Will Maypole Lane be widened and a footpath put in?

Thank you

[REDACTED]

[REDACTED]



## Rob Riding

---

From: [REDACTED]  
Sent: 22 November 2019 10:44  
To: Rob Riding  
Cc: [REDACTED]  
Subject: Ford Lane - 100 dwellings

Follow Up Flag: Follow up  
Flag Status: Completed

As requested I have reviewed your proposals as outlined in the Yapton News and make a few comments below.

1. Your drawing does not show the Crayfern houses currently being built on North End Road, beside the Orchard Business Park. It would be helpful if these were added so it is possible to see the density of housing proposed in the neighbourhood.

2. My understanding is that in the Outline Planning permission approved by the Inspector, there is to be a verdant 'buffer' to shield the houses in Church Lane. I can't see that on your proposed plans. I believe the trees are supposed to be planted prior to any building begins.

3. Its not clear to me where are the 2 and 3 storey dwellings. Currently as you drive along Ford Road there is a beautiful view of fields, open sky and the Church in the distance. The banks are quite high so 3-storey dwellings would be extremely imposing. Equally, people living in Church Lane would not want to be overlooked by tall dwellings.

4. Play areas are mentioned, but its not clear to me exactly where they are and what that entails i.e. is it just green space or do you plan to install a playground with swings etc?

5. Do you intend to put in any sort of pavement around the site? For example, there is currently no pavement in Ford Lane where there is no speed restriction and plenty of traffic. The crossroad of Ford Lane and North End Road is currently dangerous and no pavement or crossing. Is there any plan to make this area safe for families and children, especially children on bicycles?

6. I don't know what, if any, Section 106 Agreement between the original owner and the Council has been implemented. Perhaps you can enlighten me on this score. The main concern is the obvious increase in population and the squeeze on school places, doctor's surgeries etc. Currently the parking at school times on North End Road (which is now a mud bath on the grass verge) and all the way down Church Lane means it is difficult to drive in and out of Church Road and Church Lane at those times.

7. It does appear that the houses will be varied rather than one sort of block of ugly houses like the new houses at Tangmere. If the character of the village is to be changed and our green fields and views demolished, then it would be appreciated if there could be some sensitivity and charm in any new development.

8. If planning is approved, when are you likely to start the building work and how long is it anticipated to take?

I am copying this to [REDACTED] of the Parish Council Planning Committee as I am sure you are in contact with her and most probably my few concerns are already being discussed and there will be a satisfactory outcome.

Many thanks for giving us the opportunity to comment.

[REDACTED]



## Arun District Bridleways Group

Please reply to:

To: Redrow Homes  
Part of the Pegasus Group  
Submitted via email to [REDACTED]

23 October 2019

Dear Sirs

**Re: Your Sites (1) West of North End & South of Maypole Lane, Yapton**  
**(2) East of North End & South of Ford Lane, Yapton**

In liaison with Yapton Parish Council, and as a Yapton resident myself, I have been trying very hard as part of the planning process around the many sites that have come forward in the village to redress the current negligible provision for safe off-road routes available to cyclists and horse riders. Unfortunately, virtually every public right of way on the coastal plain recorded upon the Definitive Map is only of footpath status. The lack of routes at bridleway status on the coastal plain is outlined in the West Sussex Rights of Way Management Plan 2018-2028, in West Sussex Transport policy and Arun District Transport policy. Yapton PC invited me to be on the Steering Group for the revision of the Yapton Neighbourhood Plan which is underway at the present time, and this new plan will contain a map of desired multi-user routes.

The vast increase in traffic upon the local roads now means that the situation is critical. Therefore, wherever possible, we would like to see routes provided that are available to all on a non-discriminatory basis, to both enable greater opportunities for leisure pursuits suitable to a rural village and sustainable transport options.

Yapton looks to be losing several small stables or livery yards to development. Your site (1) above is one of these. When this happens, those people who previously kept their horses there are forced to find other places, putting increased pressure on local availability. It would therefore be very kind if Redrow would do something to help the local equestrian community to thrive to help redress this. In that regard, may I please request that the “potential future link to land to the south” is a bridleway, not just a walk and cycle path. Yapton PC have been actively negotiating this with Seaward and others. This will enable equestrians and others to avoid the narrow and busy North End Road which is very dangerous, particularly at school drop off and collection times. Where they emerge from your site onto Maypole Lane, they can use the bridleway railway crossing north of the Maypole pub to Lake Lane, or return to North End Road further north where it is less congested.

Turning now to your site (2) above, south of Ford Lane. Equestrians have a scheme entered on the West Sussex County Council Walk & Cycle Strategy as scheme E1, which is a multi-user bridleway route north from Church Lane to enable people to access Binsted, Walberton and onwards to the South Downs National Park. Currently such routes are entirely lacking. The southern end of this route is along FP 358, along the line of trees through the green space of your site. Again, if Redrow could see their way to making a multi-user route through their site and via an upgraded FP 358 to bridleway status between the two highways Yapton Lane and Ford Lane that would make a very valuable and appreciated contribution towards achieving this E1 route.

Thank you for the opportunity to comment upon these two sites. I very much hope that Redrow will be amenable to making these changes which will have an overall and long lasting benefit to Yapton residents.

Please note in relation to points made in this letter, the West Sussex County Council Rights of Way Management Plan

[https://www.westsussex.gov.uk/media/11362/row\\_management\\_plan.pdf](https://www.westsussex.gov.uk/media/11362/row_management_plan.pdf)

(in particular pages 6, 7 and the two paragraphs at the bottom of page 9),

and the current Arun District Local Plan

<https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n12855.pdf&ver=12995>

see para. 15.1.1 on page 225, (which refers also to the West Sussex Transport Plan), the need for bridleway routes between the coast and the SDNP, and para. 15.2.5 on page 229, referring to the aspiration of making the district exceptionally good for things that are best off road like ... horse riding & cycling.

Please do not hesitate to contact me if I can provide any further assistance.

Yours sincerely



– Arun District Bridleways Group

**From:** [REDACTED]  
**To:** Bob Riding  
**Subject:** Comments on proposed development at Yapton  
**Date:** 25 November 2019 23:47:57

---

Dear Sir or Madam,

RE: Land to the South of Ford Lane/East of North End Road, Yapton.

I am writing with regard to the above development proposal as published in the "Yapton News."

We are the owner/occupiers of [REDACTED]. I am also writing to you on behalf of [REDACTED] who live in the adjoining property, [REDACTED]. Our two households are on the [REDACTED] boundary of the development area.

We moved here over 35 years ago looking for a more rural way of life. We chose these properties for their location on the outskirts of the village, and particularly for the beautiful outlook over open fields where we could walk our dogs. Having no immediate neighbours made this an ideal residence for the peace and privacy that we all desired.

I am sharing this information in order to help you to understand how devastating your proposals are for our families. They are, in fact, the worst possible.

Given that ours are the only properties [REDACTED] I find it quite astonishing that you would consider building right up to and all around our boundaries - especially when there is an abundance of undeveloped land to the east and south where these properties could be sited without discomforting anybody.

The text accompanying your outline states that this layout has been "sensitively designed." I respectfully submit that this is hardly the case.

Should this development go ahead as proposed, I also have concerns about possible sources of conflict with proximal neighbours.

We have several large mature trees on the boundaries and I can foresee the inevitable leaves/light issues.

We use solid fuel for our primary heating (North End Road is not on the gas main) and I do a lot of logging with a chainsaw and log-splitter. This will certainly be a noise-nuisance to neighbours.

I also use the workshop next door for working with wood and metal.

The "paddock" adjacent to [REDACTED] is no longer used for ponies and is now kept as a rough lawn. This needs cutting with a tractor-mower weekly from Spring to Autumn.

I can foresee that all these essential activities are going to be unpleasant - possibly intolerable - for close neighbours.

Selling up and moving elsewhere is not an option for us as [REDACTED] are both in their eighties and in frail health and, realistically, I doubt if there would be much interest in period cottages with an ongoing building-site at the bottom of the garden for an indeterminate number of years. Effectively, we are stuck.

In conclusion, I hope you will look kindly on the issues I have raised and respectfully request that you consider reassessing the layout of this development to accommodate the needs of our households. At the very least, I would hope that the two properties immediately to the rear of [REDACTED] garden could be relocated, thus preserving something of the outlook and privacy to which they are accustomed.

Thanking you for your kind attention.

Yours faithfully.

A solid black rectangular box used to redact the signature of the sender.

**From:** [REDACTED]  
**To:** Bob Riding  
**Subject:** planning application for development off Maypole lane  
**Date:** 26 November 2019 21:46:28

---

Dear Sir/Madam,

I am writing as a concerned resident of Maypole Lane, with regards to both the access required, and the nature of the increased traffic, resulting from the proposed development which will lead to an extra hundred cars travelling backwards and forwards on a single country lane, without any footpath for the pedestrians and a current speed limit of sixty mph.

There is limited width for normal cars let alone any construction traffic. There are no laybys and vehicles often struggle to pass each other, and currently our driveway is the only hard surfaced passing place in the whole of Maypole lane.

There have as yet been no plans shown to cater for this extra volume of traffic, and considering the Maypole Pub (the only pub in Yapton) attracts many walking pedestrians, this is a matter of real concern.

Many dog walkers and cyclists use Maypole lane to cross the pedestrian railway crossing at the end of Maypole lane in order to get to lake lane.

Any lorries currently have to reverse down Maypole lane as there is no place for them to turn round. This obviously causes a level of chaos in the lane.

What I would like to understand why with a perfectly good access on North End Road via the stables, with very good visibility splays, you have chosen to use this for pedestrian and cycle access only.

Surely it would be sensible to consider shared access between the stables and Maypole lane onto the development.

Also, your plan only caters for a pedestrian and cycle link between yours and the future neighbouring development to the South. Why is there no vehicular access? Surely it would be practical to link the sites.

I would really appreciate your feedback on these concerns,

Yours faithfully,

[REDACTED]

**From:** [REDACTED]  
**To:** [Bob Riding](#)  
**Subject:** North End Road/Maypole Lane Development  
**Date:** 26 November 2019 19:28:55

---

Dear Sir/Madam

Please find below our views with the above proposed development:-

- There is no proposed footpath along Maypole Lane for pedestrians that are using the Maypole Inn, using the footpath that crosses the railway (this is frequently used by people working at the nurseries in Lake Lane). This is also a regular route for dog walkers and cyclist alike.
- There are no proposed laybys down Maypole Lane.
- Drivers currently use our driveway (Croft Cottage) as a layby as this is the only hardstanding area that drivers are able to pass.
- Maypole Lane is currently a single track lane and is not suitable for another 80 cars that the development would bring.
- Maypole Lane is currently a 60MPH speed limit which would be dangerous with the extra traffic.
- I strongly feel that vehicular access should be directly off North End Lane by the old stables and pedestrian/cycle access would be better suited to Maypole Lane.
- The crossroad junction Maypole Lane/Ford Lane/North End Road is currently dangerously busy at peak time, especially when the train gates are down for an extended period. This causes gridlock on a daily basis already.
- Currently any articulated lorries have to reverse down Maypole Lane, which causes congestion at the crossroads. This would be exacerbated with construction traffic if the access is granted for Maypole Lane.

Kind regards

[REDACTED]

Sent from [Mail](#) for Windows 10

**From:** [REDACTED]  
**To:** Bob Riding  
**Subject:** Street Buildings, North End Road, Yapton  
**Date:** 27 November 2019 15:34:01

---

Dear Sirs

I am writing in response to the article that appears in the November issue of Yapton News inviting comments on your pre-application consultation for a reserved matters application relating to this site.

I should firstly say that, as the only information shown in the article is a small scale layout plan, this is not really adequate to enable other than general observations on what you propose.

It is hoped that the houses will be designed in a sympathetic style, with high quality external finishes that reflect the character of this part of the village. I would like to see stock brick and/or flint faced elevations with clay tiled roofs throughout, to include the garages.

In my opinion the access at the north western corner of the site onto Maypole Lane looks somewhat tortuous and of minimal width to adequately serve a development of 45 dwellings, although I appreciate that outline permission was granted on the basis of a 5.5m wide shared access in this position. However, condition 7 of the outline consent required the provision of passing spaces in Maypole Lane and I cannot see any such provision on the small scale layout plan that has been published. Maypole Lane is very narrow, with a restricted width of adopted highway, and it must be questioned whether there is adequate width to enable such passing places to be provided within the confines of the highway.

It is noted that there are to be pedestrian and cycle links, both onto North End Road and through to any adjoining development to the south. With regard to the latter, it would be a great benefit if the access to the south was for a multi-user route, to include use as a bridleway as well as for pedestrians and cyclists and that such a route should extend through all the developments along the west side of North End Road from Maypole Lane to the B2233 Main Road at the southern end.

In view of the limited information supplied, this is all I feel I can say at this stage but would appreciate receiving greater details in due course once they have been worked up.

Regards.

[REDACTED]

**From:** [REDACTED]  
**To:** [Bob Eiding](#)  
**Subject:** Road Names.  
**Date:** 02 December 2019 13:38:56

---

Hi. Some while ago, Arun District Council sent a memo to Yapton PC regarding road names.

It suggested local councils/schools could suggest naming roads on new developments. Our local Primary School (I am a Govenor) is very interested for the children to take part. Is this possible and if so how would they go about it?

One of the suggestions is ' Names of Yapton Men ' killed in the two world wars.

Regards [REDACTED]

**From:** [REDACTED]  
**To:** [Bob Riding](#)  
**Subject:** Yapton development proposals  
**Date:** 18 January 2020 17:24:56

---

Dear Sirs

I note your designs for 2 developments in Yapton as published in Yapton News Nov 2019.

Comments as follows:

**Land to south of Ford lane -**

Design- it is disappointing to note that there are no provision for single storey bungalows at this development. With an increasing elderly population and desire to remain in own homes it would be beneficial if these were allowed for in the development. It would also ensure that the views to the South Downs could still be enjoyed. Perhaps a series of dormer bungalows with downstairs accommodation and bathrooms could be provided.

For the same reason of views it is not desirable to have 3 storey buildings unless they are positioned towards North End Road and the Business Park.

The houses shown at the south end of the site are facing the rear of the properties in Church Lane. I can't reference the numbers as the drawing is too small. This is highly undesirable and see no reason why they could not be turned through 90 deg to face north-east.

It is not clear what is planned for the green space at the south end of the site. Is it to be landscaped with trees/shrubs?

It is difficult to ascertain the design of the buildings, but there is a lot of red colour. A modern 'town' design does not sit harmoniously with the rural landscape and the conservation area and church which leads to/from the site. More muted colours of grey and buff with some rendering and flint would be more appealing in this landscape.

**Land to west of North End Road and south of Maypole Lane -**

Access - I note that the proposed access is to Maypole Lane. This is currently a narrow lane with no passing places and is used extensively for visitors to The Maypole public house and the dwellings further along the lane. There is no mention of improving Maypole Lane to accommodate the increased traffic flow.

Connectivity - this site is one of 5 developments planned for North End Road in a line going south towards the B2233.

In order for the habitation to connect together there should be a footpath at the southern boundary which would eventually join with the footpath network behind the primary school and continue across each development to the B2233.

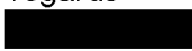
Otherwise the residents are 'cut-off' from the surrounding countryside and only have North End Road to walk along.

Ecology - it is not clear whether additional tree planting will be included in the scheme which should be a necessity.

I realise that these comments should have been submitted earlier, but

circumstances prevented this.

regards

 (Yapton resident)

## **APPENDIX 4**

### **EARLS COLNE APPEAL DECISION**

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## Appeal Decision

Site visit made on 16 July 2019

**by M Heron BA (Hons) MA MRTPI BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 20<sup>th</sup> September 2019**

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**Appeal Ref: APP/Z1510/W/19/3222599**

**Land adjacent to Colne House, Station Road, Earls Colne CO6 2LT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for consent, agreement or approval to details required by condition of a planning permission.
  - The appeal is made by Mr Phillip Wright (CALA Homes (North Home Counties) Ltd) against Braintree District Council.
  - The application Ref 18/02004/REM, is dated 26 October 2018.
  - The development proposed is described as 'reserved matters (appearance, landscaping, layout & scale) planning application pursuant to outline planning permission ref: 17/00140/VAR for the construction of 56 dwellings with associated open space, landscaping, new access road, and highway improvements.'
- 

### Decision

1. The appeal is allowed and planning permission is granted for the reserved matters (appearance, landscaping, layout & scale) pursuant to outline planning permission ref: 17/00140/VAR for the construction of 56 dwellings with associated open space, landscaping, new access road, and highway improvements at land adjacent to Colne House, Station Road, Earls Colne CO6 2LT in accordance with the terms of the application, Ref 18/02004/REM, dated 26 October 2018, subject to the conditions set out in the attached schedule.

### Application for Costs

2. An application for the full award of costs was made by Mr Phillip Wright (CALA Homes (North Home Counties) Ltd) against Braintree District Council. This application is the subject of a separate decision.

### Preliminary Matters

#### *Background*

3. Outline planning permission for the erection of 56 dwellings with associated open space, landscaping, new access road and highway improvements was originally granted in 2016 under application Ref. 15/00934/OUT. This permission was then varied through application Ref. 17/00140/VAR to amend the list of approved plans to ensure that the red line application boundary and access detail shown were consistent across such approved plans. The application for reserved matters which is the subject of this appeal relates to this varied application. The description on the application form was therefore: 'application for variation of condition 25 of approved application 15/000834/OUT – to amend the list of approved plans.' However, this does not

adequately reflect the appeal that is before me. I have therefore used the description of development given on the appeal form in my formal decision.

4. Application Ref 18/02004/REM appears to have followed the submission of another, largely identical, reserved matters application<sup>1</sup> (henceforth referred to as 'the duplicate application') made pursuant to the same varied outline permission. Planning permission for this duplicate application was granted by the Council on 20 May 2019.

#### *Revised Plans*

5. The appellant submitted additional and revised plans with the appeal. These show an amended design for two apartment blocks to match those approved through the duplicate application. They also provide further clarity on matters such as landscaping, floor levels and boundary treatments. The Council has had the opportunity to comment on these revised plans and it does not object to their inclusion in my assessment. I therefore do not consider that any party would be prejudiced by my acceptance of them, and I have determined the appeal based on these revised plans.

#### *Outstanding Matters*

6. When this appeal was lodged it is evident that there was a dispute between the parties about whether or not the mix of houses (i.e. the number of houses of different sizes) could be determined as part of the reserved matters. However, it is apparent from evidence submitted with the appeal that matters to be determined in respect of this appeal relating to scale and appearance cannot be considered to be synonymous with housing mix.
7. Furthermore, the parties agree that there is no planning condition or legal obligation attached to the varied outline permission which could manage the mix of market houses. Evidence that refers to other appeal decisions and legal opinions provided by the appellant confirms that in order to manage housing mix it would have been necessary for the Council to impose a specific condition on the outline planning permission. The mix of housing to be provided on the site is therefore not a matter that I need to address in the context of this appeal.
8. The second matter that remained to be resolved between the parties related to the design of the two apartment blocks. Whilst this would have been a matter to be addressed in this decision, the Council has now confirmed that the revised plans are acceptable. It has therefore withdrawn its objection to the design of these buildings.
9. Taking all of the above into account, there are now no areas of dispute between the two main parties. The Council has therefore withdrawn its objection to the current scheme and has invited me to allow the appeal. I will therefore move on to consider conditions the Council has suggested should be attached to the permission after taking account of other relevant representations and considerations.

---

<sup>1</sup> 18/00371/REM

### *Other Consideration – Historic Environment*

10. The evidence before me shows that a small part of the site falls within the Earls Colne Conservation Area (CA) and that there are several nearby listed buildings. I have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of this CA and the setting of nearby listed buildings.
11. Consistent with the Council's assessment of the duplicate application, I consider that the proposal would result in some minor harm to the CA. This would be predominately as a result of the introduction of the modern urban form of some of the house types which would be somewhat incongruous with the adjacent historic environment. This harm would be less than substantial within the meaning of the National Planning Policy Framework (the Framework). However, consistent with the Council's assessment of the duplicate application, I find that the economic and social public benefits associated with the provision of 56 houses would outweigh this less than substantial harm. Consequently, I am satisfied that the proposal would be acceptable in this regard.

### *Other Representations*

12. Neighbours raise concerns about open space provision, flood risk and living conditions. I consider these in turn below.
13. The proposal would afford two distinct parcels of dedicated public open space. The indicative layout shows that this would be accessible from within the site, as well as from existing pedestrian links. I also have no substantive evidence to show that the quantum of this open space would be unacceptable. Moreover, the proposal would not alter the mechanism for the ownership, management and maintenance of open space secured under the S106 agreement associated with the outline permission. Overall, the Council does not object to the layout in terms of the provision of open space and I see no reason to conclude otherwise.
14. In terms of flood risk, I note that the Lead Local Flood Authority (LLFA) originally issued a holding objection to application Ref 18/02004/REM. However, the Council appears to be considering various drainage aspects under a separate application<sup>2</sup> to discharge relevant conditions on the original outline permission. In addition, the evidence before me shows that the LLFA did not object to the surface water drainage scheme approved under the duplicate application. Neither did it object to this proposal during the appeal process. I am therefore satisfied that drainage experts have assessed this proposal and see no reason to set aside their technical assessment. Consequently, I consider that the proposal would be acceptable in terms of flood risk.
15. Turning to living conditions at neighbouring properties, the proposed layout appears to comply with the design guidance of the Council. In addition, although the access road to Plots Nos. 46 and 47 may have been moved northwards, there is still a considerable distance between this and existing neighbouring properties to the east. Consequently, the proposal is unlikely to result in significant levels of noise and disturbance to the living conditions at these properties. Overall, the Council has raised no objection to the impacts of

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<sup>2</sup> 18/00372/DAC

the appeal proposal on the living conditions at neighbouring properties. I have no substantive evidence before me which leads me to a different conclusion on this matter.

### **Conditions**

16. The Council has requested that the same conditions imposed on the duplicate permission are carried forward to this decision. The appellant appears to be content with this approach and I have considered them having regard to the tests set out in paragraph 55 of the National planning Policy Framework. I have amended the wording where necessary in the interests of clarity, simplicity and enforceability.
17. As well as a condition specifying the approved plans, I have added a condition identifying which reserved matters have been approved for the sake of clarity and certainty. I have imposed conditions requiring landscaping to be appropriately implemented, managing the position and colour of aërials and satellite dishes and ensuring that meter cupboards are not installed on the principle elevations of buildings. I have also combined two conditions from the duplicate application's decision notice (conditions three and five) into one condition which will ensure that relevant service intakes and soil and waste plumbing are not visible. These conditions are all necessary in the interests of the character and appearance of the area, including that of the CA.
18. Conditions requiring the bicycle parking facilities to be provided prior to first occupation of the development and ensuring visitor car parking spaces are provided prior to the occupation of the 50<sup>th</sup> dwelling are required. This is in the interests of highway safety and to secure sufficient parking to ensure the development functions effectively in the future. This includes ensuring that garages at several plots remain available for parking vehicles.
19. Furthermore, exceptional circumstances for a condition removing permitted development rights for the enlargement of, or additional windows, doors, rooflights or dormer windows on the eastern elevations of Plots 46 and 47 exist in the interests of the privacy of the occupants of neighbouring properties.
20. I have not imposed conditions requesting details of floor levels, boundary treatments, landscaping along the eastern site boundary and external doors at Plots 19-26. This is because sufficient details are shown on the drawings specified in the plans condition. Similarly, the approved drawings provide adequate details about the materials to be used for the external surfaces of the development. A separate condition relating to materials is therefore not necessary.

### **Conclusion**

21. For the reasons set out above, I will allow the appeal, subject to the conditions set out in the attached schedule.

*M Heron*

INSPECTOR

## **Schedule of Conditions**

- 1) The following reserved matters pursuant to the planning permission Ref 17/00140/VAR are hereby approved: appearance, landscaping, layout and scale.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 668.001 Rev 04, 668.200 Rev 52, 668.201 Rev 17, 668.202 Rev 18, 668.203 Rev 09, 668.204 Rev 09, 668.205 Rev 09, 668.206 Rev 07, 668.207 Rev 06, 668.208 Rev 06, 668. 209 Rev 06, 668.210 Rev 07, 668.211 Rev 07, 668.212 Rev 07, 668.213 Rev 03, 668.214 Rev 05, 668.215 Rev 05, 668.216 Rev 05, 668.217 Rev 15, 668.218 Rev 12, 668.219 Rev 21, 668.220 Rev 13, 668.221 Rev 04, 668.222 Rev 03, 668.223 Rev 06, 668.226 Rev 11, 668.227 Rev 06, 668.229 Rev 03, 668.230 Rev 06, 668.231 Rev 03, 668.236 Rev 05, 668.238 Rev 00, 668.239 Rev 00, 668.240 Rev 00, 668.241 Rev 00, 668.242 Rev 00, 668.243 Rev 00, 668.244 Rev 00, 668.246 Rev 00, CALA21645-13 (Sheets 1-5) and CALA21645-14 (Sheets 1-4).
- 3) All service intakes, with the exception of gas, as well as soil and waste plumbing shall be run internally and shall not be visible on the external elevations of any building hereby permitted.
- 4) All buildings containing flats shall be equipped with a communal TV and radio aerial and satellite dish in positions to be submitted to and approved in writing by the local planning authority. On all buildings, satellite dishes shall be of dark coloured mesh unless fixed to a light coloured, rendered wall, in which case a white dish shall be used. Satellite dishes shall not be fixed to the street elevations of buildings or to roofs.
- 5) Meter cupboards shall not be installed on the principle elevation of any dwelling hereby permitted.
- 6) Prior to the first occupation of the development hereby approved, the bicycle parking facilities shall be constructed in accordance with the approved plans and shall be retained thereafter for the lifetime of the development.
- 7) The garages at Plots 6, 43, 44 and 49 hereby permitted shall be kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no enlargement of, or additional windows, doors, rooflights or dormer windows shall be constructed on the eastern elevation of Plots 46 and 47.
- 9) Prior to the first occupation of the 50<sup>th</sup> dwelling of the development hereby approved, the visitor car parking spaces shall be provided in accordance with the approved plans and shall be kept available at all times for public parking.
- 10) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become

seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

### **End of Schedule of Conditions**