

REPORT UPDATE

Application No: Y/93/14/OUT

Reason for the Update / Changes

Reason for Update/Changes:

REPORT AMENDMENTS:

The agenda report states on three occasions that the development will result in the loss of a Sycamore Tree close to the northern boundary. This would have been the case but following amendments to the planning layout, the tree will now be retained. The occasions are as follows:

Page 165 - In the section marked "Trees";

Page 170 - the comments of the ADC Arboriculturist; and

Page 171 - The 3rd paragraph under "Comments on Consultation responses".

On Page 174 under "CONCLUSIONS" > "PROPOSAL & PRINCIPLE", the report states that this "site lies outside of the built up area boundary as defined by both the adopted and emerging Local Plans as is therefore considered to be a countryside location." Whilst this is true, it should be noted that it is proposed to recommend that the settlement boundary around Yapton be re-drawn to include this site within the built up area boundary. Furthermore, Emerging Local Plan Policy SD SP2 states that: "The (built up area) boundaries can be altered by a development plan document or a Neighbourhood Development Plan - providing these do not reduce the coverage of a Built-Up Area Boundary."

ADDITIONAL CONSULTATION RESPONSES:

West Sussex CC Highways were asked for any further comments regarding the amended layout plan. They have stated that:

"I can advise that I have no further comment to make on the proposed layout; the principle of the layout is considered to be acceptable and detailed matters such as visibility splays, parking provision etc would be considered through any subsequent reserved matter application."

Arun DC Landscape Officer has also commented on the amended layout and states that:

"I note that the dwellings have reduced from 40no down to 38no this would reduce the requirement for POS to 2,190m², it is unclear from the drawing what quantity is being provided, maybe clarification could be sought on this. I don't think that the POS being split is too much of an issue although it does require the users to cross the access road if wanting to utilise both areas. It is however located in the centre of the site which is potentially better positioning. Landscaping details could be reserved or conditioned."

The amount of POS provided is 0.234 hectares and therefore exceeds the actual requirement.

ADDITIONAL REPRESENTATIONS:

A Mr Robinson has written in to re-iterate that his previous objections still stand and to state that:

"This is driven more so by the fact that:

report

- a) There is a deviation from the Yapton Neighbourhood Plan with the school drop-off facility linked to this planned development;
- b) Yapton Parish Council and Yapton Primary School have been unable to find a sound resolution to the parent parking problems (passed to ADC to resolve?); and
- c) No resolution or plans to address road traffic speed on this 30mph road.

The Yapton Neighbourhood Plan sets out the next 15 years of potential planning control in the village - as a resident, I just hope that we are not being pushed into rushing decisions without addressing the knock-on impacts."

LEGAL AGREEMENT ISSUES

The report refers to a Section 106 legal agreement which encompasses several contributions as set out within the informative numbered 28 on page 182.

Regulation 123 of the Community Infrastructure Levy (CIL) regulations came into force on the 1st April 2015. This means that the Council will not be lawfully able to grant a planning permission in reliance on a section 106 planning obligation for the funding or provision of an infrastructure project or type of infrastructure where there have already been 5 or more planning obligations have been entered into since the 6th April 2010 which provide for the funding or provision of that specific project or which provide for the funding of that type of infrastructure. Essentially, this prevents the pooling of contributions and means that the Council must ensure that all contributions are for a specific infrastructure project.

If members decide to vote in favour of approving the application, then it is requested that members agree to the negotiations on the final content of the legal agreement to be deferred to the Assistant Director for Planning and Economic Regeneration in order to ensure that the contributions are fully compliant with the CIL regulations. If anything that has been requested is found not to be CIL compliant, then it will be deleted from the recommendation.

However, please note that WSCC Highways have stated that they consider the requested £60,000 to be compliant with the CIL regulations. Their comments are set out in full below:

"We could secure highway works if there was a defined scheme; however there isn't one at this stage. The reason behind the request for a contribution, and agreement with the Parish, is that we are to develop a mutually acceptable County led scheme and the contribution is sought to facilitate this. We consider, and the Developer agrees, that it satisfies the CIL tests in that it is directly related to the development and is essential to make the development acceptable in planning terms as it addresses an issue raised in the Road Safety Audit (relating to parking and potential to restrict visibility). In regard to it being in keeping with scale we have used our contributions calculator to test that it is within the realms of what we would typically request for a development of this scale (£94k, as opposed to the £60k sought) and the value of the contribution is in accordance with the anticipated cost of a scheme of footway enhancements and parking restrictions. An inclusion within the S106 would still give us control as a signatory party and we would not require any additional funding to be pooled to deliver the works scheme."

Furthermore, we have received further advice from WSCC's Strategic Planning Division as regards the CIL compliance of the requested education, fire & libraries contributions. In summary:

- * Education - To be spent on equipment & facility improvements to Yapton Primary School. The maximum of 5 pooled infrastructure contributions has not yet been reached;
- * Libraries - To be spent on increasing the stock at Littlehampton Library (i.e. new books, audio books etc). The maximum of 5 pooled infrastructure contributions has not yet been reached; and
- * Fire & Rescue - To be spent on converting existing smoke/fire alarms into specialist non-standard alarms for visually or audibly impaired people (such as the elderly & other vulnerable populations) within the Parish of Yapton. These alarms will have direct links to call centres.

Officers Comment:

No changes are made to the recommendation sheet but members are reminded of the request made above to agree to defer agreement of the final content of the legal agreement to the Assistant Director for Planning and Economic Regeneration in order to ensure that the contributions are fully compliant with the CIL regulations. In the event that agreement on the content of the legal agreement is not reached after 3 months, then the application will be refused on the grounds of failure to provide the required contributions to local infrastructure.

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

Y/93/14/OUT

Recommendation Report for Outline Consent

REF NO: Y/93/14/OUT

LOCATION: Land North of Yapton C of E Primary School
North End Road
Yapton

PROPOSAL: Outline application for the erection of 38 dwellings to comprise 6 No. 4-bed houses, 20 No. 3-bed houses, 10 no. 2-bed houses and 2 no. 1-bed houses each with a garage and parking space, together with the means of access off North End Road

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The description now reads 38 dwellings whereas originally 40 were applied for.

report

This is an outline application with all matters reserved except for access which will be taken from a new access point approximately 20m from the existing point of access. An indicative site layout plan shows a potential layout with each dwelling having a garage and/or parking space(s). The drawing also shows the following:

- * A 4.5m wide landscaped buffer along the western boundary (this was originally only 3m wide);
- * Replacement/new hedgerow along the eastern, northern and part southern boundaries;
- * Two areas for public open space located either side of the internal road and totalling approximately 2,304m²;
- * Retention of the existing public footpath No. 329 along the southern boundary;
- * Diversion of the existing public footpath No. 326 through the site;
- * A 2.0m footway along part of the eastern site frontage; and
- * The potential for a footpath link into the school grounds.

Other changes to the drawing as originally submitted include a reduction in the amount of hardstanding, having the dwellings along the eastern edge now fronting onto North End Road (previously they backed onto the main road frontage) and ensuring compliance with the Councils internal & external space standards policies.

SITE AREA

1.64 hectares.

RESIDENTIAL DEVELOPMENT DENSITY

This is an outline application without siting details but the description of development does now specify 38 dwellings and so the density would be 23.1 dwellings per hectare.

TOPOGRAPHY

Predominantly flat.

TREES

The development will result in the loss of a Sycamore Tree situated in the northern section of the site. There are additional trees within the site boundaries.

BOUNDARY TREATMENT

Mix of 1m high post & wire fencing,

	predominantly field maple (Acer Campestre) mix hedge and small trees.
SITE CHARACTERISTICS	This is a large grassed field currently used for the grazing of horses. The site is relatively featureless save for a small temporary timber horse shelter.
CHARACTER OF LOCALITY	The site lies on the edge of the settlement. There is a school to the south, the road to the east, a couple of dwellings which are rural in character to the north and further agricultural (arable) fields to the west. There is a large B1/B8 business use on the other side of Yapton Road.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Yapton Parish Council

YAPTON PARISH COUNCIL:

Initial response stated: "NO OBJECTION. We would like to see significant improvements made to the vehicle drop off arrangements for children at the school as indicated in the extract below from Policy SA1 of the Yapton Neighbourhood Plan"

The comments then quote paragraph 6.11 of the Yapton Neighbourhood Plan: "The configuration of the site in general, and the design of the vehicular access in particular, provides an opportunity to address several issues. These include the development of a drop-off point for cars being used to bring children to and from the school, safe pedestrian routes between the site and the remainder of the village, and the potential to allow revised access arrangements to the school. On the latter point the configuration of the site could usefully address potential issues surrounding the longer term expansion and/or modification of the school. These issues will need to be discussed both with Arun District Council, and with West Sussex County Council as both the education authority and the highway authority."

Yapton Parish Council were re-consulted following advice from both WSCC and the School that a drop off parking area was not required. At a meeting held on the 31st of March 2015, Yapton Parish Council resolved to add the following as an addendum to their previous comments:

"Addendum to original comments on Planning Application Y/93/14/OUT sent on 23rd December 2014.

The Planning Committee of Yapton Parish Council met on the 31st March 2015 to discuss whether or not it wished to vary its original response to the Planning Application Y/93/14/OUT which was submitted to the local planning authority on the 23rd December 2014.

The Committee resolved to confirm its support to the Planning Application No. Y/93/14/OUT, but wished to add an addendum to its original comments.

The Committee had reflected on recent discussions with representatives of the School, the Highways and Education Authority, and the developer's agent for the site adjacent to the School on North End Road. Whilst not wanting to see any major departure from the approved Neighbourhood Plan, the Committee realised that matters had moved on and the requirement for a drop-off point, as referred to in the neighbourhood plan, was not supported by the School or the Highway Authorities.

In supporting the application the Committee was keen to support the introduction of various initiatives under an agreed Safer Routes to School Programme at the front of the school as opposed to an on school site drop off facility which the Committee now understands could quickly become congested at drop off and pick up times. The Committee recognised that any proposed improvements will not address the existing congestion issues observed by the community, but it will serve to enhance safety for pedestrians and other vulnerable road users who need to access the school. West Sussex County Highways have suggested that improvements to the crossing point and on road markings / restrictions, together with pavement widening is likely to best meet the needs of the school community.

The Committee hopes that this approach alongside the on-going support and commitment from the school's leaders (through the delivery of their Travel Plan) will help to improve perceptions of safety and build confidence in sustainable travel choice.

To assist with the funding of the suggested improvements, the Committee is keen for the Planning Authority to secure Section 106 funds from the development of the housing scheme specifically earmarked for the design and installation of the proposed improvement works.

The Planning Committee also agreed that the newly formed Parish Council, following the local elections in May, should commence discussions with all relevant parties, including the local County Councillor and MP, to try to find possible solutions to the ongoing congestion in the area, including investigating the possibility of identifying capital funding from the County Local Committee if they decide that the resolution of this issue is a community priority."

LOCAL RESIDENTS:

In addition, the application has attracted 9 letters of objection which include the following comments:

- * Increased demand for parking/traffic movements and danger to schoolchildren;
- * Inadequacy of school to accommodate new schoolchildren;
- * Inadequacy of doctors surgeries to accommodate new patients;
- * Inadequacy of local sewers;
- * Proposal is twice the number in the Neighbourhood Plan;
- * 40 dwellings will be an overdevelopment of the site;
- * A courtyard layout would be more appropriate;
- * The access will be hazardous;
- * Conflicts with school parking;
- * No footpath on western side of Yapton Road;
- * No landscaping shown;
- * Issue with how the Transport Statement has calculated average speeds;
- * Insufficient car parking proposed;

- * The public open space will be reduced by the link to the school;
- * Loss of a greenfield & creation of ribbon development;
- * Insufficient local employment opportunities; and,
- * No demand for new houses in Yapton.

In addition, one member of the public has highlighted a number of recent permissions for dwellings in the Yapton area which total 18 homes and a number of schemes that are still being determined (9 potential homes) and considers that if the 9 potential homes are approved that this will underline that a substantially sized development is not required on/near North End Road.

Comments on Representations received:

It is accepted that the proposal will develop a greenfield site and that it represents a form of ribbon development but the Neighbourhood Plan has identified a demand for houses in the Yapton area and has identified this site as having the potential to provide for part of the overall housing target. It should be noted that paragraph 6.16 of the Neighbourhood Plan states that "The site is considered to be suitable to accommodate approximately 35 dwellings". The site as applied for is larger than the allocation within the Plan (in that it extends eastwards encompassing the full extent of the field) but only proposes 38 dwellings. It is therefore not twice as many as stated within the Plan.

It is considered that issues relating to parking, access and congestion are covered by the responses of the Highways Agency and West Sussex Highways. In addition, those issues relating to the inadequacy of local facilities are covered by West Sussex County Councils recommendations in respect of financial contributions towards local facilities. It is also noted that Southern Water do not raise any objection regarding the adequacy of local sewers.

Design, layout and landscaping are all reserved matters and the purpose of the indicative layout is to demonstrate that the site can accommodate the proposed number of dwellings alongside the public open space and other elements of the scheme. The current proposed amount of public open space is approximately 2210 metres squared and it is not considered that a footpath into the school will significantly reduce this total.

It is accepted that 22 houses have recently been approved in the centre of Yapton (on land rear of the Co-op). However, the fact remains that the proposal is for a site designated for residential development in the Neighbourhood Plan and it is assumed that the Plan took account of permissions that had already been granted or were in the pipeline. The 9 potential dwellings relate to windfall sites which are current applications and cannot be considered as approved.

Finally, with regard to the amended Yapton Parish Council comments, it is clear that the local community through their elected representatives, the Parish Council, have now indicated that the drop off parking area requirement in the Neighbourhood Plan policy can be waived and that the proposed financial contribution will be an acceptable alternative.

CONSULTATIONS

Highways Agency
WSCC Strategic Planning
Environment Agency
Planning and Housing Strategy
Sussex Police-Community Safety
Engineering Services Manager

Engineers (Fluvial Flooding)
Parks and Landscapes
Arboriculturist
Southern Water Planning
NHS Coastal West Sussex CCG
Parks and Landscapes
Environmental Health
WSCC Strategic Planning
WSCC Strategic Planning

Consultations responses received:

West Sussex Health Authority - no comments received.

Sussex Police - no comments received.

Environment Agency - "Having screened the planning application with regard to the development type and location of the proposal, I can confirm that we have no objection to the proposal as submitted. Please be aware all applications between 0-5 hectares within flood zone 1 shall be left to the Local Planning Authority to provide comments. We recommend you also consult and liaise with the Lead Local Flood Authority (LLFA) regarding the surface water aspects of this site."

Highways Agency - No objection. Recommend conditions.

Southern Water - No objection. Recommend a condition regarding the disposal of foul and surface waters.

WSCC Highways - Initial comments:

No objection subject to conditions and a S.106 Agreement to secure a financial contribution of £60,000 to be paid to WSCC to deliver a scheme of 'Safer Route to School' improvements associated to the Yapton CE School on North End Road Yapton. Full text of response below:

"Vehicular Access

The proposed site access takes the form of a priority junction with the site access road forming the minor arm. Visibility splays have been based on the recorded 85th percentile speed along North End Road in accordance with the methodology set out in the Design Manual for Roads and Bridges (DMRB) and Manual for Streets (MfS). In accordance with 1.3.6 and 1.3.7 of MfS2 it is considered appropriate for MfS visibility parameters to be used. Splays of 2.4m x 76m to the north and 2.4m x 67m to the south are considered to be appropriate and should be secured by condition.

A Road Safety Audit: Stage 1 has been undertaken on the proposed site access arrangements. A problem relating to an uneven vehicle cross-over has been accepted and the cross-over will be reinstated as part of the footway works. A problem relating to obstruction of visibility and consideration of alternative junction control, such as a mini-roundabout, was not accepted by the Designer. The reasons behind this position have been reviewed by the WSCC Lead Safety Auditor and WSCC Improvements Manager through an 'Exception Report' in accordance with Highway Directive 19/03. This has been accepted and signed approval granted by the LHA. As part of the proposed development the Applicant has indicated that they will be willing to offer

some land to the adjacent school, to provide additional staff car parking, in addition to a contribution towards a scheme of highway works in the vicinity of the school to that would be progressed by the WSCC Safer Routes to School Team. This would be considered a necessity in supporting the measures set out in the Exception Report to manage on street parking on the approach to the site access. Further commentary is made on this aspect later in the report.

Trip Generation and Capacity

The LHA are satisfied that the proposed trip rates are a robust and reflective of the anticipated trip generation of the site. The parameters used to establish the trip rates accord with TRICS 'Best Practice Guidance'.

The number of vehicular movements associated with the proposed development does not exceed the threshold where detailed junction analysis would be required. The LHA are satisfied that the proposed development would not have a material impact on the operation of the local highway network.

Non-Vehicular Access

The primary attractors for non-vehicular trips are located to the south of the site and include Yapton village, school, public house etc. The Applicant proposes to tie into the existing network by way of a 2m footway across the site frontage that connects into the site. Frequent bus services are available within 200m of the site including route 66 and route 700.

There are no cycle facilities in the immediate vicinity of the site although more confident cyclists could use the carriageway where speeds and volumes are such that it is not considered unreasonable to do so.

Land and S106 Contribution

As referenced earlier in this report, the RSA has raised a concern in regard to parking in the visibility splay. As part of the Exception Report it was identified that some land would be made available for use by the school as additional staff parking. This land should be marked up on a plan and secured via a Section 106 Agreement.

In addition and to support a reduction on demand for on-street parking, particularly during school drop off and pick up times, the WSCC Safer Routes to School Team are progressing a scheme of access improvements. A contribution towards this scheme is sought from the Applicant in order to address the parking issues identified in the RSA and to accord with the Neighbourhood Plan that highlighted that the development is allocated on the basis of enhancements to North End Road and school access.

The WSCC Total Access Demand calculator has been used to calculate the value of the contribution, which provides a calculation based on the number of dwellings and parking spaces to ensure that it is in keeping with the scale of development to comply with CIL tests. On the basis of up to 40 dwellings and 93 spaces a contribution of £94k would typically be sought. However, mindful that land is being offered by the Applicant a reduced contribution of £60k plus land is considered to be reasonable. Given the consultation periods associated with the implementation of a scheme linked to school access and the possible requirement of Traffic Regulation Orders it is requested that the funds can be held for a period of 5 years, and that these are provided to WSCC at commencement of development in order to progress and implement the improvements at the earliest possible opportunity given that they are linked to the site access strategy."

Subsequently WSCC confirmed that there is no need for any land to be allocated for the school for staff parking as the required £60,000 will pay for works sufficient to overcome the problems in terms of congestion at School pick up and drop off times. These works will include new road markings (e.g. School Keep Clear), safety improvements to pedestrian routes in the area and potentially additional parking spaces in the surrounding area.

WSCC Local Development Division - Request contributions in respect of Primary Education (£93,217), Libraries (£8,359), Fire & Rescue (£922) and Fire Hydrants (1 hydrant).

ADC Housing Strategy - "The applicants are proposing that the development comprises of 30% (11 units) affordable housing which complies with the Council's Affordable Housing Policy. The proposed tenure split of 7 social rented units and 4 intermediate housing units is acceptable. The proposed dwelling mix as is acceptable. There is a good demand for affordable housing in this area."

ADC Drainage Engineers - "The applicant states that surface water is to be disposed of to soakaways. Please apply standard conditions ENGD2A and ENGD5A."

ADC Arboriculturist - Object to the application on the basis that no tree protection details have been submitted. Also commented on the Sycamore tree to be removed and states that a Tree Preservation Order on this tree would be defensible.

ADC Landscapes - No objection. State that: "With the number of houses on this proposal exceeding 15, this would require as a minimum 2304m² which is allowed for and would also trigger the need for onsite local area play (LAP)". The LAP should include facilities mainly for 4-6 year olds and be a low key games area with seats. Furthermore that the area of Public Open Space will either need to be handed over to the local authority along with a commuted sum of £12,000 or if held by the developer, then a management plan will be required to detail the management regime & responsibility.

It is also requested that the reserved matters application be accompanied by details of landscaping and tree protection including in relation to any trees which border the site. Finally, concern is raised as to the adequacy of the depth of the landscaped buffer and the space available for boundary hedgerow planting.

ADC Environmental Health - no objections.

Comments on Consultation responses:

It should be noted that this is an outline application with all matters save for access reserved for a later submission. Therefore, it is not necessary for the applicant, at this time, to provide any details in respect of landscaping or tree protection.

Regarding the WSCC request for a contribution towards highway works, this is considered to meet the Community Infrastructure Levy (CIL) compliance tests in that it is necessary to make the development acceptable in planning terms, are in keeping with the scale of the development and are directly related to it. Arun do not participate in the Total Access Demand (TAD) scheme and hence the reduced figure of £60,000.

In respect of the Tree Preservation Order recommendation from the Council's Arboriculturist in respect of the Sycamore tree, it is noted that the Tree's tempo score of 13 falls within the range of "TPO defensible" (a score of 11-14) and not in the higher range for Definitely merits TPO

(15+). The tree itself is seen against a backdrop of other trees to the north of the site and it is therefore not considered that its loss would be significantly adverse to the amenity of the area.

All other comments are noted.

POLICY CONTEXT

Designation applicable to site: Outside the Built Up Area Boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>DEV17</u>	Affordable Housing
	<u>DEV18</u>	Affordable Housing Outside the Built Up Area
	<u>GEN3</u>	Protection of the Countryside
	<u>GEN5</u>	Provision of New Residential Development
	<u>GEN9</u>	Foul and Surface Water Drainage
	<u>GEN12</u>	Parking in New Development
	<u>GEN20</u>	Provision of Public Open Space within New Development
	<u>GEN28</u>	Trees and Woodlands
	<u>GEN29</u>	Nature and Conservation Across the District
Publication Version of the Local Plan (October 2014):		C SP1 Countryside
		D DM1 Aspects of Form and Design Quality
		D DM2 Internal Space Standards
		D DM3 External Space Standards
		D SP1 Design
		ECC SP2 Energy and Climate Change Mitigation
		ENV DM4 Protection of Trees
		ENV DM5 Development and Biodiversity
		H DM1 Housing Mix
		H SP1 Strategic housing, parish and town council allocations
		H SP2 Affordable Housing
		OSR DM1 Open Space, Sport and Recreation
		T SP1 Transport and Development
		W DM3 Sustainable Urban Drainage Systems
Yapton neighbourhood plan 2014 Policy BB1		Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E11		Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy E3		Protection of natural habitats
Yapton neighbourhood plan 2014 Policy E4		Minimising the environmental impact of development
Yapton neighbourhood plan 2014 Policy E5		Enhancement of biodiversity
Yapton neighbourhood plan 2014 Policy H1		Housing requirement
Yapton neighbourhood plan 2014 Policy H2		Dwelling size
Yapton neighbourhood plan 2014 Policy H3		Dwellings appropriate for the needs of older

Yapton neighbourhood plan 2014 Policy PK1

Yapton neighbourhood plan 2014 Policy SA1

people
Parking standards for new residential
development
Land north of Yapton CE Primary School

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Arundel; Angmering; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; and Yapton. The Yapton Neighbourhood Development Plan was made on 5th November 2014.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

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

PROPOSAL & PRINCIPLE

This is an outline application with means of access details only. Although a site layout plan has been submitted, siting is not a matter for determination at this time. Therefore, the layout is considered to be indicative only and it has only been submitted to demonstrate that the 38 dwellings as applied for can be accommodated within the site. With the number now set at 38, the local planning authority will retain control as to the maximum number of dwellings to be built on the site, the amount of public open space and the level of financial contributions/number of affordable houses.

This site lies outside of the built up area boundary as defined by both the adopted and emerging Local Plans as is therefore considered to be a countryside location. However the majority of the site area is designated as a housing allocation/settlement extension within the adopted Neighbourhood Plan. Therefore, provided that the proposal accords with the relevant Neighbourhood Plan Policy then the proposal will be considered to be acceptable in principle and it will then be necessary to assess it against normal development control criteria such as highway impacts, character/appearance and residential amenity.

It is also noted that the NPPF states at paragraph 49 that: "Housing applications should be considered in the context of the presumption in favour of sustainable development."

YAPTON NEIGHBOURHOOD PLAN POLICY SA1

Yapton Neighbourhood Plan Policy SA1 states that:

"Planning permission will be granted for residential development on 1.06 hectares of land to the north of Yapton CE Primary School subject to the following criteria:

- * the provision of a range of house types and in accordance with Policy H2 and Policy H3 of this Plan; and
- * the provision of publicly accessible green space within the site; and
- * the introduction of landscaping on both the western boundary of the site and along the eastern boundary of the site fronting onto North End Road; and

- * the provision of appropriate vehicle access into the site from North End Road which incorporates pedestrian access along the eastern edge of the site, and a drop-off area for cars bringing children to and from Yapton CE Primary School; and
- * the retention of public footpath (329) running through the southern part of the site and its incorporation into the layout of the site; and
- * the retention of the public footpath (326) running diagonally through the site or its diversion within the site and the incorporation of the eventual route into the layout of the site."

The proposed site is larger than the 1.06 hectares defined by the Policy. It is understood that the allocation was based on a site put forward in the Strategic Housing Land Allocations Assessment (SHLAA) from 2012. The applicant had wanted to extend the size of the site allocation during the neighbourhood plan process but was unable to do so due to the request being made too late in the process. However, the Inspector who examined the Yapton Neighbourhood Plan stated in his report that:

"Agents acting for the site owners suggest that the site should be extended to take in the full extent of the field. This would increase the site area to 1.53 hectares. I can understand the approach proposed in this representation. However it is beyond my role to include new or extended sites as part of my proposed modifications. Nevertheless the longer term extension of this site to its natural western boundary may represent an appropriate option either for a review of the neighbourhood plan or for the granting of planning permission pursuant to Policy H1 of the Plan (as modified)."

It is considered that this gave a clear 'steer' as to the acceptability of extending the site allocation westwards. The final Neighbourhood Plan Allocation was set at 35 dwellings and so although the proposal involves a larger area of land, it only proposed 3 more dwellings and this is considered to be an acceptable number.

Furthermore, it is considered that the proposal as shown on the submitted indicative layout largely complies with Policy SA1. The exception to this is that there is no space shown for the parking needs of the school. However, it has become clear that neither the School nor WSCC want the 'kiss and drop' area that is specified by the Policy and that WSCC consider the better solution to be a scheme of highway improvements to improve pedestrian safety along North End Road. This could include improved school crossing points, refurbished & potentially extended road markings backed by a 24/7 no stopping/no waiting restriction, and the widening of footpaths on the school frontage/opposite the school. The £60,000 contribution may be added to via other funds but the £60,000 alone would certainly cover both the design and the build of a set of improvements to be agreed. This approach has also been supported by the Parish Council.

WSCC Highways have also assessed the proposed means of access into the site. They find the proposal to be acceptable and have recommended the imposition of conditions. The proposal has also been assessed by the Highways Agency who also recommend approval subject to conditions.

OTHER MATTERS

As stated above, this is an outline application with means of access only. Therefore, it is not necessary to consider any of the other reserved matters at this time. These being external appearance, layout, scale and landscaping. However, it is important to ensure that there is

sufficient space within the site to accommodate the development as applied for. The originally submitted layout was considered to be unacceptable for a number of reasons. However, the applicant has amended the drawing in order to:

- * Increase the width of the buffer planting strip along the western boundary from 3m to 4.5m;
- * Slightly increase the total area of public open space from 2200m² to 2304m² (which now satisfies the requirements);
- * Reduce the amount of shared hardstanding;
- * Remove the instances of garage blocks;
- * Ensure that dwellings will front onto North End Road (previously they backed onto the road frontage);
- * Ensure that the dwellings and the amount of private amenity space broadly comply with the Council's emerging internal and external space standards; and
- * Remove the proposed footpath from behind the houses on the western edge of the site.

These changes demonstrate that 38 dwellings can be provided whilst adhering to the Council's current planning policies.

It is not considered that there are any residential amenity issues arising from the application. Although there are houses to the north of the site, the relationship to these will be flank to flank and conditions can be applied at the reserved matters stage to prevent overlooking from secondary windows.

The proposal will result in the loss of 1 tree on the northern boundary. However, it is not considered that this has any significant amenity value and its loss will be mitigated through the addition of trees and the western landscaped buffer to be agreed at the reserved matters stage.

SUMMARY

The proposed development is to cover a larger area than as agreed by the Neighbourhood Plan. However, the Inspector who examined the Neighbourhood Plan gave a clear steer as to the acceptability of the westward extension of the site. Furthermore, the proposal only actually seeks consent for 3 more dwellings than the number stated in the Neighbourhood Plan. The layout is now considered to be acceptable and demonstrates that 38 dwellings can be provided whilst adhering to the Council's current planning policies.

The scheme has been assessed by West Sussex Highways who raise no objection. Furthermore, Yapton Parish Council support the scheme and consider that the proposed transport contribution is an acceptable alternative to the school parking drop off area.

It is therefore recommended that this application is approved subject to the following conditions and also subject to the signing of a Section 106 to be prepared to cover the items listed below.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

A Section 106 legal agreement is currently being prepared and will include the following provisions:

Highways & Parking

A financial contribution of £60,000 to be paid to WSCC to deliver a scheme of 'Safer Route to School' improvements associated to the Yapton CE School on North End Road, Yapton.

WSCC Contributions

- (1) Education (£93,217);
- (2) Library (£8,359);
- (3) Fire & Rescue (£922); and
- (4) 1 Fire Hydrant.

Public Open Space/Play

An area of public open space (POS) of 2304m² in size and including an on-site local area play (LAP) facility. This will be subject to one of the following:

- (a) a management plan for the forward maintenance of the POS & LAP which details the management regime and responsibility; or
- (b) where the POS & LAP is to be handed over post practical completion, a commuted sum payment of £12,000 for future maintenance.

(the applicant has not yet stated their preferred option)

Affordable Housing

30% (11 units) affordable housing (tenure split of 7 social rented units and 4 intermediate housing units).

The S.106 shall be completed within 6 months of the date of this Committee. If it is not completed then the decision shall be deferred to the Assistant Director of Planning & Economic Regeneration to refuse the application for the lack of an appropriate S.106 Agreement.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 The permission hereby granted is an outline permission under Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance; and
- (d) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3 The development hereby approved shall be carried out in accordance with the following approved plans insofar as they relate to the proposed access:

Indicative Layout Ref YAP/DR/1 Rev 1 (A4 in colour);
Indicative Layout Ref YAP/DR/1 Rev 1 (A3 in black & white);
Red Edged Location Plan Ref YAP/DR/2/A;
Swept path analysis 2014/2270/002 Rev A; and
Proposed access arrangement 2014/2270/001 Rev C.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 4 No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority. A 'statement of detail' shall be submitted setting out details of proposed windows and doors, details of the depth of recess/reveal from the brickwork, sills and lintels, brick bonding, brick detailing, eaves detailing and rainwater goods. The materials and 'statement of details' so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in details in

the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 5 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders), and
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with the National Planning Policy Framework.

- 6 No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved planning drawing.

Reason: In the interests of road safety in accordance with the National Planning Policy Framework.

- 7 No part of the development shall be first occupied until visibility splays of 2.4 metres by 76m to the north and 2.4m by 67 metres to the south have been provided at the proposed site vehicular access onto North End Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety in accordance with the National Planning Policy Framework.

- 8 Construction of the dwellings shall not commence unless and until details of the proposed means of foul and surface water disposal have been submitted to an approved by the Local Planning Authority, in consultation with Southern Water. The approved scheme shall be implemented prior to the occupation of the first dwelling and thereafter be retained and maintained in good working order.

Reason: In order to provide for a satisfactory method of the disposal of foul and surface water in accordance with Policies GEN7 and GEN9 of the Arun District Local Plan.

- 9 The landscape details referred to in Condition 1 shall include details of all existing trees and hedgerows on the land indicating which are to be retained and which removed. Development shall be carried out in accordance with the approved details. No hedge or tree shall be felled, uprooted or otherwise removed before, during or after the

construction period except where removal is indicated on a plan approved by the local planning authority.

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

- 10 The landscape details referred to in Condition 1 shall include full details of the position, design, materials, height and type of boundary treatment to be provided. The boundary treatment shall be provided to each dwelling before the dwelling is occupied or in accordance with the approved phasing plan. Development shall be carried out in accordance with the approved details.

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

- 11 The landscape details referred to in Condition 1 shall include a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas other than privately owned domestic gardens. The landscape management plan shall be implemented in accordance with the approved details.

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

- 12 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the local planning authority [as a part of the reserved matters submissions required by condition 2]. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: In order to seek to achieve high levels of energy efficiency in accordance with the aims of the NPPF.

- 13 Construction of the dwellings shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details. The system shall thereafter be retained and maintained in good working order.

Reason: To ensure that the proposed development is satisfactorily drained in accordance

with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 14 Construction of the dwellings shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturers recommended design life. Upon completed construction of the SuDs System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure the efficient maintenance and on going operation of the SuDs system and to ensure the best practice in line with guidance set out in 'The SuDs Manual' CIRIA publication ref: C697 Chapter 22.

- 15 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with policies GEN7 and GEN31 of the Arun District Local Plan.

- 16 The development hereby permitted shall not proceed until details of the proposed foul drainage and means of disposal have been submitted to and approved by the Local Planning Authority, in consultation with Southern Water, and no dwelling shall be occupied until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority. The development shall not be carried out other than in accordance with such details.

Reason: To ensure satisfactory disposal of water and reduce the risk of flooding in accordance with policies GEN7 and GEN9 of the Arun District Local Plan.

- 17 The reserved matters shall include provision of a public open space and amenity areas within the site. The layout details submitted in compliance with Condition 1 shall define the boundaries of such areas, their proposed use, the items of equipment, means of enclosure and all other structures to be installed. Development shall be carried out in accordance with the approved details and shall be provided in accordance with the agreed phasing details.

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

- 18 No development shall take place until details of laying out, timetable for provision and future maintenance of the area shown on the approved plans for on site Public Open Space have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the informal open space, which is considered a necessary part of the development, is provided to an acceptable standard within an agreed timescale in accordance with policies GEN7 and GEN8 of the Arun District Local Plan.

- 19 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 20 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have the provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year storm event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are available.
- 21 INFORMATIVE: The applicant/developer shall enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.
- 22 INFORMATIVE: Please ensure that the reserved matters application includes details of tree protection measures for any hedges or trees which are outside of but which border the site.
- 23 INFORMATIVE: Should any protected species or evidence of any protected species be found prior to or during the development, all works must stop immediately and an ecological consultant or West Sussex County Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of this advice and provided with the contact details of a relevant ecological consultant.
- 24 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 25 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological

consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

- 26 INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact the Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 27 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to the following provisions:

Highways & Parking

A financial contribution of £60,000 to be paid to WSCC to deliver a scheme of 'Safer Route to School' improvements associated to the Yapton CE School on North End Road, Yapton.

WSCC Contributions

- (1) Education (£90,982);
- (2) Libraries (£8,159);
- (3) Fire & Rescue (£900); and
- (4) 1 Fire Hydrant.

Public Open Space/Play

An area of public open space (POS) of 2304m² in size and including an on-site local area play (LAP) facility. This will be subject to one of the following:

- (a) a management plan for the forward maintenance of the POS & LAP which details the management regime and responsibility; or
- (b) where the POS & LAP is to be handed over post practical completion, a commuted sum payment for maintenance of per annum for 16 years.

(the applicant has not yet stated their preferred option)

Affordable Housing

30% (11 units) affordable housing (tenure split of 7 social rented units and 4 intermediate housing units).