

Recommendation Report for Planning Permission

REF NO: Y/98/20/PL

LOCATION: Bonhams Field
Main Road
Yapton
BN18 0DX

PROPOSAL: Erection of 75 No. dwellings with associated parking, public open space & the creation of a new vehicular access. This application affects the character & appearance of the Main Road/Church Road Conservation Area & affects the setting of listed buildings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

75 dwellings consisting of 7 x 1 bed, 37 x 2 bed, 27 x 3 bed and 4 x 4 bed. Twenty-two will be affordable with a tenure mix of 11 Affordable Rented/11 Shared Ownership and these will have the following size mix: 7 x 1 bed, 10 x 2 bed, 3 x 3 bed and 2 x 4 bed. Included in the mix are 2 flats, 2 maisonettes and 1 "Flat over Garage" (FOG). Plots 7, 8, 34-36 and 61-75 will be compliant with M4(2) of Building Regulations therefore being accessible and adaptable to all requirements. The mix is shown on the submitted "Schedule of Accommodation" (Rev M) which also details maximum occupancy levels, tenure and internal floor space.

The site will have access from Main Road in the same location and configuration as Y/1/17/OUT. This has a 6m width, a 2m wide footway on the western side of the carriageway and kerb radii of 8m. It is proposed that dropped kerb and tactile paving points will be provided at the junction at the detailed WSCC s.278 design stage. There will be a new pedestrian access from the site onto Main Road in the south east corner. The layout allows for access onto a third party owned track on the north east boundary in order to potentially allow pedestrian/cycle access into the new development to the north east.

Plots 61-75 on the south eastern side of the site are all single storey, designed to appear as agricultural barns. The remaining dwellings are all two storey in height with no instances of roof level accommodation. A materials schedule has been submitted and proposes the following:

Roof - mix of Rustic Red clay plain tiles & rough cut slate;
Elevations - Henfield Multi, Maplehurst Light Multi Stock, Freshfield Lane First Quality Multi, Feathered edged softwood

timber boarding (plots 61-75), Black Cedral lap classic weatherboard, Rustic Red clay plain tiles (tile hanging); and Detailing - Red bricks, Flint Panelling.

Parking provision is mixed with single/double garages (including some integral), car ports, driveways, parking courts & on-street spaces. The total provision is 172.5 which consists of 15 visitor spaces and 10.5 garage spaces (21 divided by 2 as per the Parking Standards SPD).

Some sections of the Hawthorn & Elder hedgerow (H1) that crosses the site needed to be removed at the southwestern end to facilitate pedestrian and vehicular access across the site. These works have already taken place in association with the extant permission. The application proposes to remove two trees (T12 Hawthorn on the south eastern boundary & T26 Monterey Cypress in the north western corner) which are not considered worthy of retention.

The layout includes 6882.3m² of Public Open Space (POS) but no play provision. The landscaping scheme suggests that 84 trees will be planted with 32 of these being fruit trees predominantly in a small orchard in the POS. Also proposed are hedges, shrub & bulb planting, wildflower planting and grassland. Bat & bird boxes are shown on the landscape drawings.

The layout indicates the location of cycle storage sheds and communal bin storage (albeit that the latter is only applicable for plots 7-8) but there are no elevations so the detail of these would need to be subject to a condition.

The plots have boundaries in the form of 1.8m high timber fencing (with hedgehog holes) and/or 1.8m high brick walls in key locations. The layout features knee rail timber fencing and a small section of retaining wall at the site entrance. No details are supplied of boundary treatments and would need to be agreed through a condition. Existing boundaries remain.

Hard surfacing is proposed to be a mix of new block paving (3 different types), concrete sett rumble strips, flag paving, tarmac and loose gravel. The submitted landscape drawings have not been revised to reflect the minor changes to the layout (relocation & widening of garages) so should not form part of any decision - and conditions would be required in respect of landscaping and boundary treatments.

SITE AREA

3.2 hectares.

RESIDENTIAL DEVELOPMENT DENSITY (NET)

Overall density of 23.4 dwellings per hectare.

TOPOGRAPHY

Predominantly flat, but rises gently in a north/north-easterly direction from Yapton Road.

TREES	There are relatively few trees of moderate to high value, the vast majority of which are confined to the site perimeter and outside of the site. An off-site Oak tree overhanging parking spaces 9 & 10 is subject to a Tree Preservation Order (TPO/Y/1/20).
BOUNDARY TREATMENT	The north and west boundaries are defined by established hedgerow and mature trees. Where it meets Main Road, the western boundary also lies adjacent to an existing row of cottages. Several mature trees line the eastern boundary also, together with a flint wall which forms the boundary of the Main Road Conservation Area. Beyond the flint wall lies a row of properties along North End Road. To the south, the boundary is formed of a combination of fencing and low stone walls at the point where it runs along Main Road. Bonhams Farm complex lies to the south of the site, but north of Main Road, and is contained by a flint wall that runs along the application boundary here.
SITE CHARACTERISTICS	The site comprises an agricultural field formerly used for grazing and immediately abutting the Main Road Conservation Area. The site wraps around Bonhams House, Elms Barn and The Byre but these properties do not form part of the proposed site.
CHARACTER OF LOCALITY	The site is in the settlement boundary of Yapton village. To the east on the corner of North End Road, there is the former Olive Branch public house which has been converted to residential use. Properties on the west site of North End Lane back on to the site. The site is set in an area that has an open character with a mix of large properties in large plots and smaller terraced properties located along Main Road. Residential development is located along the length of North End Road to the east, and along either side of Main Road to the south and west of the site. An established hedgerow runs north to south across the site and towards the eastern end. Main Road serves the village and runs south of the site. The wider village is rural in character, but benefits from GP surgeries and pharmacy, two churches, a village hall and playing fields, Yapton Church of England Primary School, a pub and a small selection of shops (including post office and local convenience store). Barnham railway station is located 2 miles to the west and a regular bus service serves the village. The site has houses backing onto it along the south eastern, southern and western boundaries.

RELEVANT SITE HISTORY

Y/99/20/PL	Variation of conditions following Y/1/17/OUT to reword conditions 12, 14 & 16 as set out in the application covering letter in order to allow for the proposed access
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works to be implemented separately to the rest of the planning permission.

Y/59/20/DOC	Approval of details reserved by condition imposed under Y/1/17/OUT for conditions 5-programme of archaeological work; 6-landscape & layout particulars; 7-Ecological Enhancement and Management Scheme; 8-tree protection measures; 11-exact position of surface water sewer; 17-Soil Resources Plan; 20-Construction Management Plan & 23-lighting strategy.	DOC Part Approved 24-09-20
Y/63/19/RES	Approval of reserved matters following the grant of Y/1/17/OUT for 56 No. dwellings with associated open space & creation of new access. This application affects the character & appearance of the Yapton (Main Road) Conservation Area & affects the setting of listed buildings.	ApproveConditionally 21-02-20
Y/1/17/OUT	Outline Application with some matters reserved for the erection of 56 No. dwellings with associated open space and creation of new access. This application is a Departure from the Development plan & affects the character & appearance of the Yapton (Main Road) Conservation Area.	App Cond with S106 07-12-17

The site benefits from extant permission (Y/1/17/OUT and Y/63/19/RES) for 56 dwellings with access from Main Road. The applicant has discharged some of the conditions on Y/1/17/OUT. Outstanding pre-commencement conditions are 8 (tree protection), 12 (surface water drainage scheme), 14 (surface water maintenance manual) and 16 (foul drainage scheme). Nos 12, 14 & 16 are currently the subject of an application for variation of conditions which is currently in for determination. This has been proposed to allow the access to be implemented separately to the rest of the development.

REPRESENTATIONS

Yapton Parish Council object for the following reasons:

- (a) Inappropriate increase in density in this historically & rurally sensitive location;
- (b) Little pre-application community consultation;
- (c) YPC has met its Parish housing allocation so no need for extra 19 houses;
- (d) Layout fails to respect proximity of listed buildings and historic sight lines;
- (e) Increased density will result in the under provision of designated off road parking leading to increased antisocial parking on verges and pavements;
- (f) The access potentially conflicts with the access to the strategic site opposite; and
- (g) The path connection on the north eastern boundary should be multi user and the area be free of car parking & turning areas.

53 letters of objection including from a nearby parish council and the local Conservation Area Advisory Committee raising the following objections:

- (1) Site is outside the village boundary/not allocated for housing;
- (2) Loss of agricultural land and conflict with policy SO DM1;
- (3) Transport Statement doesn't meet local validation criteria;
- (4) Transport Statement doesn't have previous TRICS output data for the original 56 dwellings;
- (5) WSCC Highways have asked for additional info but not provided;
- (6) Significant increase in traffic;
- (7) Increased highway safety issues due to the location of the access;
- (8) Inadequate parking;
- (9) Inadequate pedestrian facilities;
- (10) 35% increase in density is inappropriate;
- (11) Overdevelopment;
- (12) Increased harm to Conservation Area, Listed Buildings and general historic character + harm will be substantial;
- (13) Development (plots 1 & 2) too close to the road;
- (14) Plot 1 design is 'housing estate like' and over dominant;
- (15) Use of flint panelling needs to be carefully controlled;
- (16) Light pollution / lighting should be low level only;
- (17) Significant increase in noise & other pollution;
- (18) Significant increase in off-site flooding due to runoff;
- (19) Will lead to further crime in the village;
- (20) Existing infrastructure can't cope;
- (21) Loss of wildlife using the site;
- (22) Inadequate pre-application community consultation, also resident opinions ignored;
- (23) Developer previously promised low density & high quality;
- (24) Permission for 56 homes does not set a precedent as development plan has changed since;
- (25) There are number of conditions not yet discharged on the previous planning permission;
- (26) Cumulative impacts with other approved committed development in Yapton area;
- (27) Already unsold 750 properties in Yapton;
- (28) Affordable housing provision is not actually affordable;
- (29) ADC exerted pressure on WSCC Highways to respond favourably;
- (30) ADC put pressure on developers to propose more homes / ADC advised developer of local need for smaller properties;
- (31) Impacts & harm significantly and demonstrably outweigh the housing benefits of this development;
- (32) No plans supplied that show the impact of buildings on Listed Bonhams Farm House, nor the conservation area, from the road; and
- (33) Southern Water and the Conservation Officer object to the development.

COMMENTS ON REPRESENTATIONS RECEIVED:

The following comments are offered in response to the Yapton Parish Council objections:

- (a) Density and character are considered in the report conclusions;
- (b) There is no requirement under planning policy to carry out community consultation;
- (c) There remains a shortfall in housing land supply across the district and it is necessary to give due consideration to proposals for new housing, particularly in sustainable edge of settlement locations;
- (d) Heritage is considered in the report conclusions;
- (e) Parking provision has been revised and as the report conclusions will show, there is a slight overprovision versus the Councils requirements;

- (f) The access is virtually opposite one of two new accesses to the strategic site serving up to 550 homes. The principle of an access in this location has been established by the current permission; and
- (g) The Local Authority agrees the connection should allow for pedestrian/cycle movements, however, it is material in respect of the connection being adjacent to road/parking that this is the same situation as the existing permission.

In respect of the resident objections, matters relating to the principle of development, agricultural land, increased traffic/highway safety, parking, density/character, design, heritage assets, pollution, flooding/drainage, infrastructure and biodiversity (items (1), (2), (6) - (18), (20) & (21) will be considered in the report conclusions. The following comments respond to the remaining resident objections:

- (3) This has been responded to separately direct with the objector. The scope of the Transport Assessment was agreed before submission with WSCC Highways (who have the role of assessing the document). It is accepted it does not fully meet the requirements set out in the local validation criteria but it is not considered that the application should have been invalidated for this reason;
- (4) Noted. WSCC Highways state that "Whilst it would be beneficial for the previous TRICs output data to be included the LHA are mindful that this was provided and agreed under Y/1/17/OUT"
- (5) The information has been provided and WSCC Highways provided further comments;
- (19) This is not borne out by the comments of Sussex Police;
- (22) There is no requirement under planning policy to carry out community consultation;
- (23) Noted;
- (24) It is accepted there has been a material change in the Development Plan and in respect of other policy considerations. The existing permission is considered to set a precedent as subject to discharge of some outstanding conditions, it can be implemented and it is only necessary to consider the impact of the additional 19 homes;
- (25) Noted;
- (26) Cumulative impacts are taken into account particularly in respect of highway safety;
- (27) Noted, no evidence is provided to indicate where these are and if this relates to dwellings that are built or planned;
- (28) The affordable housing provision may not be considered to be as affordable as desired but it would meet the definition of affordable housing;
- (29) There has been no contact between the Local Planning Authority and WSCC Highways other than to request their consultation advice;
- (30) There has been no contact between the planning department and the developer prior to the submission to request more homes or the inclusion of smaller homes;
- (31) Noted. The NPPF presumption in favour of sustainable development test will be applied at the end of this report;
- (32) This is not a planning application validation criteria. However, such plans have been provided in response to the objections (20062-C104 Rev A "Streetscene comparison"); and
- (33) Consultation comments are summarised below. Neither Southern Water nor the Conservation Officer object.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - No objection subject to condition to ensure that no more than 60 dwellings are complete before the strategic improvements works to the A27/Yapton Lane junction have been completed.

NATURAL ENGLAND - Do not make any comments.

SOUTHERN WATER - No objection. Can facilitate foul sewerage disposal for the site. Request an informative.

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

WSCC HIGHWAYS - Initially stated that the principle of the access arrangements, as previously agreed, are suitable for the additional units. However, requested more information including confirmation the previous RSA applies to the revised scheme; full site access proposals; dropped kerb tactile paving points & detailed visibility splays suitable to previously recorded 85th percentile speeds/the raw speed survey data; details of non-car connectivity; and additional car parking and garage widening. This information has been provided and Highways stated in their response of 16 December that the proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. They therefore raise no objection subject to conditions.

WSCC FIRE & RESCUE - No objection subject to conditions to secure fire hydrants. Have concerns with the layout in respect of how far a fire vehicle would need to reverse and whether road surfaces are such that can support fire vehicle weight.

ADC CONSERVATION OFFICER - the development results in "less than substantial harm" in accordance with para 196 of the NPPF (2019) and it will be necessary to consider the public benefits that the development may achieve as part of the application assessment. Full comments on the Councils website but the following comments are noted:

- Not fully clear how the elevations reflect older more characterful properties in the village/Conservation Area;
- Appears to be a mix of more standard housing types taken from a typical sub-urban development;
- This is unfortunate, as there is a great opportunity to provide for a high-quality development reflecting the local character of the village, at this key edge of settlement site;
- Plots 55-60 are essentially modern terraced houses but use of materials could make them acceptable;
- The use of traditional materials would help to soften the impact of the buildings;
- The site plan creates the feeling of a modern housing estate which fails to successfully integrate into the existing built form and historic grain of the village as can be seen in the conservation area;
- The proposal maintains the open space around two of the closest listed buildings, which is positive;
- This open space should be wide enough to ensure an acceptable distance to the heritage assets and should be carefully landscaped with mature trees found locally;
- A good number of properties would be visible from the road, the conservation area and in the context of the listed buildings; and
- Their size, and height, when compared to the listed buildings, will mean that they would appear to be somewhat larger than some of these assets, and clearly visible in their context. This will be harmful to the settings of the listed buildings and not fully mitigating by planting.

ADC DRAINAGE ENGINEERS - holding objection as it has not been evidenced there is adequate space for drainage in the layout and the layout cannot be agreed. Request the following is provided:

1. Winter infiltration testing must be completed at the depth of the proposed infiltrating structures and above peak groundwater level. This testing must be completed fully in accordance with BRE DG 365.
2. Revised drainage strategy based upon the findings of point 1.
3. The drainage strategy must ensure all storage/infiltration features are provided above peak recorded groundwater levels and that all infiltration devices, including diffuser blocks are located at least 5m from buildings and the adopted highway.

Standard conditions can be imposed should it be decided to grant permission.

ADC ENVIRONMENTAL HEALTH - No objections. Request an air quality assessment is submitted. Request conditions be imposed regarding construction management, construction hours of working, external lighting, internal & external residential noise levels, land contamination and electric vehicle charging provision.

ADC LANDSCAPE OFFICER - the layout appears to be overdeveloped with the following comments:

- The area of Public Open Space (POS) exceeds the Councils size requirements;
- The off-site play provision is agreeable and reflects discussions with the Parish Council;
- The proposed community orchard is welcomed;
- The proposal looks very cramped and over developed, particularly in the north/west portion of the site which now accommodates many of the smaller additional units;
- Landscaping is well thought out but more landscaping will be required in the POS areas to increase biodiversity & habitat. This can be agreed through a condition;
- Financial contributions would be sought towards playing pitches and ancillary/built facilities, swimming pools, arts and sports halls;
- Existing vegetation to the site perimeter would need to be protected/retained and potentially enhanced;
- Pedestrian and cycle routes in the development should be a design feature and should make a meaningful connection to outside of the site; and
- Further information will be required regarding biodiversity net gain.

ADC HOUSING STRATEGY & ENABLING MANAGER - Object to the 50/50 tenure split as it does not accord with policy AH SP2 of the Local Plan.

COUNCILS ARCHAEOLOGIST - No objection. The archaeological evaluation of this site was secured via condition 5 on Y/1/17/OUT and this has resulted in the discovery of deposits of archaeological interest whose significance has been preserved via a second stage area investigation. No further archaeological intervention is warranted.

COUNCIL'S ECOLOGIST - No objection. Requests conditions to secure retention/enhancement of hedges for bats/Dormice, protection of retained hedges during construction, secure details of the lighting scheme, survey for badgers & hedgehogs at the start of construction, secure the construction site to prevent access by small mammals, secure the mitigation set out for foxes/reptiles and protect birds nests. Requires a condition to ensure the biodiversity enhancements recommended in the Ecology Update Survey and Mitigation Strategy (Sept 2020) are incorporated into the landscaping scheme.

No responses from Environment Agency, NHS, WSCC Surface Water Drainage or the ADC Tree Officer.

COMMENTS ON CONSULTATION RESPONSES:

WSCC FIRE & RESCUE - The applicant has not responded to these concerns however it is material that the road layout has not significantly altered beyond that which already has planning permission.

ADC CONSERVATION OFFICER - The applicant has the following comments in response:

- The dwellings located within the setting of the listed buildings and Conservation Area remain materially the same as the consented scheme (Y/63/19/RES);
- The only difference with plots 1-8 concerns 2 & 3 which were a single unit, now a pair of semi-detached houses;
- Plots 55-60 remain the same in layout & design/appearance; and

- The heights, scale, massing and materials of dwellings visible from Main Road remain very similar to the consented scheme.

ADC DRAINAGE ENGINEERS - The applicant has been made aware that if this layout is approved without the winter monitoring groundwater data and if it subsequently becomes clear the drainage condition cannot be agreed due to the layout not providing sufficient space then they will need to submit a new Reserved Matters application as the Local Planning Authority would not be able to agree such changes through the Non Material Amendment process. As such, the application can be determined without the drainage information and despite the objection of drainage engineers.

ADC LANDSCAPE OFFICER - This site is subject to CIL and a S.106 can only be used to secure on-site mitigation/affordable housing. As there is no desire for on-site play provision, this and any other local play/leisure improvements would have to be funded from the CIL pot. The Local Authority cannot be certain what proportion of the CIL money would go to what projects except that 25% of the CIL has to be allocated to the Parish Council.

ADC HOUSING STRATEGY & ENABLING MANAGER - The applicant considers the 50/50 tenure split reflects the percentage secured on the outline permission and it would be inconsistent to require a different split for this application. It is noted that the previous split was set following the comments in June 2016 by the "Housing Strategy and Enabling Manager" in response to a pre-application advice request. He stated that "The tenure of the affordable housing must be negotiated with the Council's Housing Strategy and Enabling Manager but currently most schemes are being agreed on the basis of 50% rented and 50% intermediate housing. This was before the adoption of the Arun Local Plan. As this is a new application, it is considered that it should be determined in accordance with current planning policy and that the previous permission does not set a precedent for a different tenure mix.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
Part within Conservation Area (the very south eastern corner);
Part adjacent to Conservation Area;
Area of Special Control of Adverts;
Tree Preservation Order ref TPO/Y/1/20;
Adjacent to three Grade II Listed Buildings;
Lidsey Drainage Catchment Area;
CIL Zone 2;
Current & Future Flood Zone 1;
Part within 1:1000 Surface Water Flooding Area (the very south eastern corner); and
Grades 1/2 Agricultural Land.

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
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation

ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERDM6	HER DM6 Sites of Archaeological Interest
HERSP1	HER SP1 The Historic Environment
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
SKILLSSP1	SKILLS SP1 Employment and Skills
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SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

Yapton neighbourhood plan 2014 Policy BB1

Yapton neighbourhood plan 2014 Policy H2	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy H3	Dwelling size
Yapton neighbourhood plan 2014 Policy E1	Dwellings appropriate for the needs of older people
Yapton neighbourhood plan 2014 Policy E3	Protection of high value agricultural land
Yapton neighbourhood plan 2014 Policy E4	Protection of natural habitats
Yapton neighbourhood plan 2014 Policy E5	Minimising the environmental impact of development
Yapton neighbourhood plan 2014 Policy E8	Enhancement of biodiversity
Yapton neighbourhood plan 2014 Policy E9	Conservation Areas
	Listed Buildings and Buildings or Structures of Character

Yapton neighbourhood plan 2014 Policy E11

Minimising the impact of flooding from development

Yapton neighbourhood plan 2014 Policy PK1

Parking standards for new residential development

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities
SPD2	Conservation Areas

POLICY COMMENTARY

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

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

The Neighbourhood Development Plan

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

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

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

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

The proposal is considered to conflict with relevant Development Plan policies in that it will overdevelop the site to the detriment of the existing historical and low density edge of settlement character. In

addition, the proposal fails to accord with affordable housing policy, fails to comply with the requirements of the agricultural land policy, fails to comply with policy on housing mix and fails to consider the impacts on the development on the Lidsey Drainage Area.

Part of the site is within a Conservation Area and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act states:

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

The proposal is considered to comply with this in that it proposes a good sized buffer of planted public open space within the part of the site that is within the Conservation Area and also proposes a mix of further planted public open space and single storey buildings of agricultural design in the parts of the site that border with the Conservation Area boundary.

Section 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal is considered to comply with this in that it proposes good sized buffer areas of planted public open space between new built development and the three listed buildings which adjoin the site.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan and these are explored in the Conclusions section.

CONCLUSIONS

KEY ISSUES:

The following are considered to be key issues:

Principle;
Agricultural Land;
Highway Safety & Parking;
Heritage;
Archaeology;
Housing Mix;
Landscape, Character, Density & Design;
Residential Amenity;
Internal & External Space Standards;
Waste Management;
Pollution;
Flooding, Water Pollution & Surface Water Drainage;
Foul Drainage;
Energy & Climate Change;
Biodiversity;

Trees;
Affordable Housing;
Lifetime Homes;
Public Open Space & Play;
Supporting Infrastructure; and
NPPF Presumption in Favour of Sustainable Development.

PRINCIPLE:

The site is a former agricultural field located on the edge of Yapton in the settlement boundary as defined by the Arun Local Plan (ALP). The site is outside of the boundary set by the current Yapton Neighbourhood Development Plan (YNDP) and subject to countryside policy.

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

Policy SD SP1 of the ALP states: "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 (NPPF)." Policy SD SP2 states that development within the Built Up Area Boundary (BUAB) will be permitted, subject to consideration against other policies of the ALP.

The National Planning Policy Framework (NPPF) advises that planning decisions should promote and support the development of under-utilised land, especially if this would help to meet identified needs for housing (para 118 (d)). Para 123 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities, and ensure developments make optimal use of the potential of each site.

The Council is currently unable to demonstrate a 5 year NPPF compliant Housing Land Supply (HLS) with the current supply at 3.3 years (as per the 2019/20 Annual Monitoring Report). For this reason, it is necessary to give due weight to proposals that seek to maximise the potential of sites, particularly those already with permission in the BUAB.

There are no in principle objections to further development of the site but in order to demonstrate compliance with policies SD SP1 and SD SP2, it is necessary to consider all other policy requirements and assess whether the proposal represents sustainable development. These issues are explored further in the rest of this report.

AGRICULTURAL LAND:

The site is not currently used for agriculture but was formerly used for grazing of livestock and shares a boundary on the north west side with arable land. As per figure 2 of the YNDP, the site is classified as part Grade 1, part Grade 2 agricultural land. It is therefore best and most versatile agricultural land.

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

The NPPF advises that planning decisions should recognise the economic and other benefits of the best and most versatile agricultural land.

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

It is considered the need for the additional 19 houses alongside the 56 already approved to boost the Council's severe housing land supply shortfall is such that the loss of the grade 2 agricultural land can be outweighed particularly as the land is not currently used for agriculture and was formerly only used for grazing.

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

The applicant state they would accept a condition requiring a soil resource plan but has not provided any documents required by the ALP policy. As such, the proposal is in conflict with policy SO DM1.

YNDP policy E1 states "Planning permission will be refused for development on grade 1 and grade 2 agricultural land unless: (1) it involves the granting of planning permission for the development of the housing allocations identified in this Plan (Policy SA1 and Policy SA2); or (2) it involves the granting of planning permission for any additional housing sites required by Policy H1 to meet objectively assessed housing needs in the Plan area." Policy H1 allows for a buffer of an additional 20% of the ALP housing requirement of 100 dwellings for the Yapton Neighbourhood Plan area. This has been exceeded through previous permissions (including the 56 homes permitted on this site). The proposal conflicts with YNDP policy E1

It is material that the site already benefits from permission for a housing development and this revised scheme does not propose the development of any additional agricultural land. The approval represents a viable fall back position as, subject to the discharge of 4 conditions, it can be lawfully commenced, thus preventing any further agricultural use of the land.

It is material that in an appeal concerning a nearby site in Yapton which concerned a refusal on the loss of grade 2 agricultural land (Y/20/18/OUT), the Inspector stated that although adjacent land was used for the growing of crops, there was no evidence that the site itself would in future be so used.

The Inspector stated that whilst this does not in itself justify the loss of the land, it does act to reduce the level of environmental and economic harm that would be caused by its development. The Inspector considered the loss of grade 2 agricultural land represented only moderate harm and decided that the benefits of the proposal including economic & social benefits alongside the contribution to the housing land supply shortfall outweighed the moderate harm to the loss of the grade 2 land. That appeal was allowed. It is considered that the same judgement can be applied to this site.

In conclusion, whilst there is clear conflict with the relevant development plan policies, the material considerations identified above indicate that permission may be granted despite the conflict.

HIGHWAYS SAFETY & PARKING:

The application proposes the same road access as the approved scheme. Additionally, there will be pedestrian access onto Main Road in the south east corner and provision for a link onto the adjacent private track on the north eastern boundary. This enable future access across this track into an adjacent development. This is currently shown as a footpath link but could be subject to a condition to ensure the access point is wide enough to also accommodate cyclists and include signage to warn users of agricultural traffic on the track. It should also be noted that the track is privately owned and so this link is all dependant on the rights being secured through other legal means to cross it.

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

Policy T DM1 requires development be located in easy access of established non-car transport modes/routes, contribute to the improvement of such routes & facilities and contribute towards the provision of a joined-up cycle network and Public Rights of Way network. There are no YNDP policies related to highway safety or non-car modes of transport.

The layout does comply with policy T SP1 and that the location of the site means that residents will be able to walk, cycle or use public transport to reach nearby shops, facilities and services. The future provision for a car/cycle link into the adjacent development to the north east would provide for an alternative means of access to the Yapton Primary School and the forthcoming new secondary school at nearby Ford.

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

WSCC Highways do not object to the principle of the access or to its intensification. They also have no concerns with the internal layout, with the parking provision or the pedestrian links to adjacent land.

In respect of parking, T SP1 states: "The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking". YNDP policy PK1 does set out required parking standards but this now has lower weight due to the adoption in 2020 of the Arun Parking Standards SPD.

The Parking Standards SPD sets out a need for 154 allocated spaces and 15 visitor spaces (169 total). Following revisions, the proposal provides 147 allocated open spaces (including some car ports), 21 allocated garage spaces and 15 visitor spaces. As garages are treated as half a space each in the SPD, the total provision is 172.5 - 3.5 spaces over the requirement resulting in compliance with the SPD.

It is a material consideration that the access is in the same position and has the same design as the approved scheme for 56 dwellings. It has been shown there is no conflict with relevant policies. The proposal can be determined in accordance with the development plan in respect of these matters.

HERITAGE:

The site lies partly in the Yapton Conservation Area & partly adjacent to its boundary. It part adjoins the curtilages of three Grade II Listed Buildings (Bonhams Barn, Bonhams Farmhouse & Laburnum Cottages). There are further Grade II Listed Buildings in the area including The Yapton Free Evangelical Church (near the junction of Main Road & North End Road to the south east of the site), The Old Malthouse (opposite the curtilage of Bonhams House) and Stakers Farmhouse (located north east of the site and fronting onto North End Road).

The relevant ALP policies are HER DM1 (Listed Buildings) and HER DM3 (Conservation Areas). HER DM1 requires that proposals protect the historic character, qualities and special interest of the buildings and also, where possible, enhance their setting. HER DM3 lists criteria for proposals within or affecting the setting of a Conservation Area and those relevant are:

- (a) New buildings and structures should acknowledge the character of their special environment in their layout, form, scale, detailing, use of materials, enclosure and the spaces created between buildings;
- (e) It retains historically significant boundaries, important open spaces and other elements of the area's established pattern of development, character and historic value, including gardens, roadside banks and verges; and
- (f) It does not harm important views into, out of or within the Conservation Area.

The proposal complies with policies HER DM1 and HER DM1 as the layout has been designed to provide good sized buffers of public open space and landscaping to the existing adjoining Listed Buildings. The part of the site that is in the Conservation Area is designated as landscaped public open space. The south eastern boundary of the site is the edge of the Conservation Area and does have buildings adjacent to it. However, these have been specially designed to be single storey and in an agricultural barn style in order to preserve/enhance the historic/rural character of this part of the site.

Yapton Neighbourhood Development Plan (YNDP) policy E8 requires developments either preserve or enhance the character of Conservation Areas. In addition, development proposals will be expected to be suitably designed taking account of the local character/context and use traditional/vernacular building materials. YNDP Policy E9 refers to Listed Buildings but only concerns the loss of such buildings and does not refer to impact on setting. The proposal complies with policy E8 and materials can be carefully controlled through planning conditions.

It is necessary to consider guidance in the NPPF which sets out several steps when considering impact on heritage assets. Para 189 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 190 requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that may be affected by a proposal. The Local Planning Authority must consider the level of harm associated with the proposal and decide whether there is any harm and if so, whether this is 'less than substantial harm' or 'substantial harm'. It is necessary to counterbalance harm with the level of public benefits associated with the proposal (set out in paras 193-196).

The applicant has provided a Heritage Statement which provides information in accordance with the relevant paragraphs of the NPPF 2019 described above. The Statement concludes that the revised proposal, even with an increase in unit numbers, would maintain the special interest of the nearby heritage assets and cause no further harm to their significance or setting

The Conservation Officer assessed the proposal (comments set out in full on the Councils website and summarised elsewhere in this report). The Conservation Officer considers the proposal results in some

harm but the level is less than substantial. Therefore, para 196 of the NPPF is brought into play and this states that "this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".

According to the Planning Practice Guidance, such benefits should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, they do not always have to be visible or accessible to the public to be genuine public benefits. Public benefits may include sustaining or enhancing the significance of a heritage asset and the contribution of its setting, reducing or removing risks to a heritage asset and securing the optimum viable use of a heritage asset in support of its long term conservation. It is considered the proposal results in the following public benefits .

- 75 homes (increase of 19 on the existing permission) to make a modest contribution to the Councils current housing land supply shortfall;
- 22 new affordable dwellings to help meet future needs;
- new housing suitable for families, couples & older people;
- new public open space available for use by existing & new residents;
- new orchard trees which may be picked by residents;
- an increase in Council Tax receipts;
- a large CIL contribution;
- potential 'New Homes Bonus' payments from the Government;
- the creation/maintenance of construction jobs;
- additional spending by new residents on local goods & services; and
- provision of a potential link to an adjacent development in order to facilitate alternative safer foot/cycle access between Main Road and North End Road.

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

It is necessary to consider the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66 states that: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority .. , shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." It is considered that the proposal does preserve the setting of the adjacent/adjoining Grade II Listed Buildings.

Section 72 states: "In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area." It is considered that the proposal does both preserve and enhance the Conservation Area.

It is considered that the proposal complies with relevant development plan policies, NPPF guidance and with relevant sections of the Planning (Listed Buildings and Conservation Areas) Act 1990. The representation of residents are noted but must be weighed against the advice of the Councils Conservation Officer.

ARCHAEOLOGY:

The site does not lie in a designated archaeological notification area but has been subject to an archaeological investigation associated with the previous application.

ALP Policy HER DM6 states that where a site on which development is proposed has the potential to include heritage assets with archaeological interest, permission will only be granted where it can

be demonstrated that development will not be harmful to the archaeological interest of these sites. The policy requires that a desk based archaeological assessment be submitted with the application although it is noted that this is not listed as a planning application validation requirement.

There is no relevant YNDP policy. The NPPF states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

The applicant has not provided any new archaeological reports and there is conflict with ALP policy HER DM6 and with the NPPF. It is material that the site has been subject to an archaeological evaluation (a copy of this has been provided). This resulted in the discovery of deposits of archaeological interest whose significance have been preserved via a second stage investigation. The Councils Archaeologist advises that no further archaeological intervention is warranted.

Whilst there is conflict with ALP policy HER DM6 and with the NPPF, the previous investigation is a material consideration which indicates that permission may be granted despite the conflict.

HOUSING MIX:

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

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

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

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

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

The development comprises the following mix as expressed as the number and % of market only units (53) and also the number and % of market & affordable combined (75):

- 7 / 14 x 1 bed dwellings (13% / 26%);

- 37 / 47 x 2-bed dwellings (70% / 62%);
- 27 / 30 x 3-bed dwellings (51% / 40%);
- 4 / 6 x 4-bed dwellings (7% / 8%).

It is clear from the analysis that there is conflict with both the ALP and YNDP policies in respect of the mix of 1, 2 & 3 bed properties but only conflict with the ALP in respect of 4 bed properties.

The applicant states in their "Statement of Community Involvement" that they were advised by an Arun DC Housing Officer that the greatest need is for 2 bed (4 person) accommodation, preferably houses, followed by 1 bed (apartments/houses) and 3 bed houses. This prompted a review of the consented scheme and is the reason why the application has been submitted. The applicant have not indicated who gave this advice or in what context it was offered.

Without such information it is difficult to give this any weight as a material consideration and therefore, it has to be determined that the proposal is in conflict with both of the development plan policies.

LANDSCAPE, CHARACTER, DENSITY & DESIGN:

The application proposes to add 19 dwellings to a permitted scheme. The general layout, block structure, large area of Public Open Space (POS) and the scale & layout of the part of the site comprising plots 61-75 remains as before. The changes are solely to the part of the site that is north west of the existing dividing hedge. The design, scale & layout of those plots facing the listed buildings (55-60 - formerly 36-41) remains the same.

The additional 19 units are achieved by replacing larger homes with smaller ones. Indeed, the previously approved mix had 4 x 1 bed dwellings (7%), 22 x 2-bed dwellings (39%), 19 x 3-bed dwellings (34%) and 11 x 4-bed dwellings (20%). The mix as discussed above has a greater proportion of 1, 2 and 3 bedroom dwellings and a reduction in the number of 4 bed dwellings.

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

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

ALP policy LAN DM1 states: "Development throughout the plan area should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas."

Para 127 of the NPPF states "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)." Para 122 states planning decisions should support development that makes efficient use of land but the desirability of maintaining an area's prevailing character and setting should be considered. Para 130 states that permission should be refused for development that fails to take the opportunities

available for improving the character and quality of an area and the way it functions.

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

The Design Guide suggests a density of 15-25 for detached/semi-detached houses in village locations but states that density should decrease with distance from the centre of a settlement, to ensure that development relates sensitively to its setting and addresses the edges of the site in a positive way. It states that this is particularly important to development which is adjacent to the settlement particularly when these are open fields.

The National Design Guide (NDG) has full weight as a material consideration in the determination of this application. This states that achieving a well-designed place comes about through making the right choices at all levels, including the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials and their detailing. It sets out ten characteristics of beautiful, enduring and successful places: Context, Identity, Built Form, Movement, Nature, Public Spaces, Uses, Homes & Buildings, Resources and Lifespan. The applicant does not specifically respond to these characteristics in the submission.

It is accepted that several areas of the scheme remains the same as per that approved in February 2020 by Y/63/19/RES. This includes the site layout, block structure, POS areas, the scale & layout of the part of the site comprising plots 61-75 and the design, scale & layout of those plots facing the listed buildings (55-60). In addition, the building heights, house designs and materials are also essentially the same or similar to the approved scheme. Therefore, it is not considered that any concerns should be raised with these aspects (except where discussed below).

However, the Local Planning Authority do have a concern with the increase in the number of dwellings and what this does to the formerly spacious nature of the development layout. It is noted the addition of the 19 dwellings increases the site density from 17.5 to 23.4. Furthermore, when only the part of the site to the north west of the hedge is considered (as the other part is not changing), the density increases from 18.8 to 27.5 (based on an area of 2.18ha). It is considered that this is a significant increase and is not appropriate to this edge of settlement location. This is even more important given that the character of this locality is defined by the existing heritage assets.

The low density approach to the existing approved scheme was carefully negotiated at the outline application stage with input from the Council's heritage advisers. In particular, the scheme was designed to ensure that it would be acceptable in terms of the approach into the village & the Conservation Area (from west to east).

The Conservation Officer is of the opinion that the layout creates the feeling of a modern housing estate which fails to successfully integrate into the existing built form and historic grain of the village as can be seen in the conservation area. It is considered that this is out of character, especially for a key edge of village location such as this. This view is shared by the Parish Council and several local residents. Furthermore, the Council's Landscape Officer considers that the proposal looks very cramped and over-developed.

There are clear views into this site from Main Road. The applicant states that mature trees, hedgerow and existing built development limits views of the site from most other viewpoints. The applicant has

provided a Streetscene drawing that includes a comparison of the scheme versus the approved (albeit just for the section between plot 1 and Bonhams House). This shows there will be changes to the view most notably the additional new upper floor and roof bulk. This suggests a denser form of development than as approved.

Notwithstanding that the layout and block structure is essentially the same, there are some concerns with how the layout works in respect of the relationship of houses to parking spaces as set out below:

- (1) Plots 6 & 8 have 1 space to the front and 1 to the rear;
- (2) Plots 19 & 20 have their spaces to the front of plots 21-22;
- (3) Plots 21 & 22 have their spaces to the rear of plot 23;
- (4) Plots 21-23 & 25/26 have their spaces within a rear parking court;
- (5) Plots 34 & 36 have 1 space to the front and 1 on the opposite side of the road;
- (6) Plot 51 have its parking spaces to the rear whereas adjoining plots 53-54 have theirs to the front;
- (7) Plot 52's spaces are to the rear but located either side of 51's spaces; and
- (8) Plot 55-60 spaces are in a large rear parking court well away from the houses (however, this is the same situation as was approved by Y/63/19/RES).

Points (1) - (7) result in situations which will be less than ideal for future residents and potentially harm their amenities. This was not the case with the previous scheme and therefore, these issues only arise due to the increase in dwellings thus being a further indicator of the overdevelopment of the site. In addition, whilst not a concern, it is unusual to have two spaces in a tandem arrangement with the front ones covered by a car port (plots 25 & 26).

The applicant supplied a landscaping scheme but it should be noted that these drawings have not been revised to reflect the minor changes to the layout (relocation & widening of garages) so would not form part of any decision - and as such, a condition would be required in respect of landscaping. However, the plans do detail the planting of 84 new trees (with 32 of these being new fruit trees predominantly in a small orchard within the POS), new hedges, shrubs, wildflower & grassed areas. The Councils Landscape officer has no objections to the principle of the landscaping scheme except that more actual planting will be required at the detail stage.

It is material that several areas of the scheme are the same as the permitted scheme. The increase in the number of dwellings results in changes to the character and usability of the development. It is considered that this results in harm to local character and to the amenities of future residents and there is conflict with ALP policies D DM1 & D SP1, with the NPPF, the National Design Guide and the emerging Arun Design Guide.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity". There are no YNDP policies in respect of residential amenity issues. It is noted that para 127 of the NPPF states that developments should provide a high standard of residential amenity for existing and future users.

It is not possible to make a judgement on these aspects without reference to detailed guidance. The Council has an emerging Design Guide SPD which completed its initial consultation period, was modified in response to the comments received and has undergone a further 4 week consultation period in accordance with regulations 12 & 35 of the Town & Country Planning (Local Planning) (England)

Regulations 2012 (as amended). It is considered to have substantial weight but has yet to be formally adopted and is intended as guidance. Therefore, any conflicts with the guidance need to be considered carefully.

The Design Guide includes guidance on interface distances between houses and sets out the following:

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

There are no standards given for either front to side, side to side or front to back.

The layout shows a distance of 26m (at the closest point) between the cottage associated with Elm Barn (The Byre) and a greater distance to the flanks of Elm Barn (46m) and Bonhams House (50m). Notwithstanding the change in ground levels (plots 38-41 will have a FFL of 6.5m compared to a ground level of 6.13 at the boundary with Elm Barn), the distances are considered acceptable and along with the proposed tree planting will effectively minimise any harm from overlooking. This is the same situation as per the approved scheme. The distance between the single storey barn style dwellings and the existing dwellings are varied but at least 29m. Finally, the distance between the rears of plots 1 & 2 and the flank of "Denzil" (in the NW corner) is around 15.5m.

The layout has been checked in respect of the relationships between future occupiers and it is considered that there are no conflicts with the guidance on back-to-back distances but there are several shortfalls in respect of rear to side relationships. These being:

- Rear of Plot 11 to side of plots 9/10 (Maisonettes) = 10.5m
- Rear of Plot 32 to side of 34 is 12.8m
- Rear of plots 49 & 50 to side of 51 is around 10m in both cases.

However, subject to the use of obscure glazing to plots 9, 10 & 34 (as the affected windows are all secondary/non-principal), there would be no harm to residential amenity. Plot 34 has no flank windows. There are also some issues with front-to-front distances:

- Plot 11 to plot 28 is 14.5m
- Plots 42/43 to plot 50 is 15.5m
- Plots 44/45 to plot 49 is 15.5m
- Plot 46 to plots 47/48 is 13.5m

It is not considered that these deficiencies are significant to warrant refusal on their own particularly as the Design Guide is intended as guidance and is not yet adopted. However, the deficiencies when considered as a whole, do lend weight to an argument that the proposal is an overdevelopment of the site. Boundary treatments are considered to be appropriate but would need to be agreed by condition.

There are some conflicts with the emerging Design Guide which is considered to have substantial weight but is yet to be adopted and intended only as guidance. A flexible approach can be employed particularly in this case as there are no amenity distance concerns with existing residential properties. Nevertheless, there were no concerns in respect of the scheme already permitted and it is clear these new concerns are the result of the increase in dwellings. All relevant planning considerations have been taken into account but none are of sufficient weight to overcome the shortfalls identified through in respect of the Design Guide.

INTERNAL & EXTERNAL SPACE STANDARDS:

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

The accommodation schedule provides a breakdown of the internal floor areas for all of the dwellings. A sample of the plans have been checked for accuracy with no concerns. The schedule demonstrates that 96% of the scheme meets the standards. The exceptions are 3 two storey, 3 bed, 5 person houses which are 8m² short (85m² vs 93m²). These houses are designated as affordable. The policy states the national standards provide guidance therefore, there is no requirement to comply precisely. However, the shortfall is not insignificant.

There are no policies in the ALP or YNDP relating to garden sizes, however, the emerging Arun Design Guide sets out standards for garden sizes as follows:

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

The layout has been checked and it is clear that not all gardens are 10.5m deep. The following appear to be less than 10.5m: 33 (8.5m) and 1-4, 42-43 & 59-60 (9.5m). Plots 1 & 4 are considered to be acceptable as they have very wide gardens and there are no concerns with the interface distance to "Denzil". However, plots 33, 42-43 & 59-60 do not benefit from such mitigation and it is considered that this shortfall will result in harm to the amenities of future residents. This is a further indicator of overdevelopment.

There is also a concern in respect of plots 7/8 (flats) which have only a shared garden space which is approximately 29m² in area (so around 30m² short of the communal requirement and there is no private defensible space). This again is an indicator of overdevelopment. The other flatted plots (9, 10, 24) are considered acceptable as they have their own private garden areas all far exceeding the 3m² private space requirement.

Most of the dwellings provide a 2m deep front garden. The exceptions are 11 (1.7m), 35-36 (less than 1m) and 61-75 (zero front garden space). However, plots 61-75 are the same as was previously permitted and the addition of front gardens would harm their aesthetic. The other shortfalls are considered to be insignificant in respects of the overall picture of compliance.

The emerging Design Guide is considered to have substantial weight as guidance only but is yet to be formally adopted. Therefore, any conflicts with the guidance need to be considered carefully. The Local Planning Authority considers that the shortfall in the size of some garden and private amenity areas compared to the guidance will result in harm to the amenities of future residents.

The National Design Guide states that well-designed homes and buildings should provide good quality internal and external environments for their users, promoting health and well-being (para 123) and that the NPPF states that developments should provide a high standard of residential amenity for existing and future users (para 127). It is considered that these concerns lend further weight to the argument that the proposal is for too many dwellings as a lesser number could resolve the identified concerns. All relevant

planning considerations have been taken into account but none are of sufficient weight to overcome the shortfalls identified through in respect of the Design Guide.

WASTE MANAGEMENT:

ALP policy WM DM1 states that new residential development, will be permitted provided that it is designed to ensure that kerbside collection is possible for municipal waste vehicles. There are no relevant YNDP policies or NPPF guidance on waste management.

WSCC raise no concerns with refuse vehicles accessing the site from Main Road and it is material that the access is the same as the existing approved scheme. There are some comments regarding the fact that there is no vehicular link between plots 46/47 and 67-75 but it is also material that the internal road layout is the same as the existing approved scheme. The reason why there is no link is that there is a strong desire to maintain as much of the existing hedge across the site in order to minimise harm to the Conservation Area and split the site into two different character areas.

With the exception of plots 7/8 & 24, bin stores and collection points are not indicated (so would need to be controlled by condition). However, there is nothing in the layout to suggest that kerbside collection will not be possible and therefore no conflict with Policy WM DM1.

NOISE, LIGHT & AIR POLLUTION:

ALP policy QE DM1 states that residential development likely to experience noise from road must (a) be supported by a noise exposure category (NEC) assessment and designed to ensure that residents will not be adversely affected by noise; and (b) consider both the likely level of exposure at the time of application and any increase that might be reasonably expected in the foreseeable future.

Policy QE DM2 states new outdoor lighting should not have any adverse impact on neighbouring uses or the wider landscape, particularly with regard to the South Downs International Dark Sky Reserve designation. Light levels should be the minimum required for security and working purposes.

Policy QE DM3 states all major development must assess the likely impacts of the development on air quality and mitigate any negative impacts by ensuring that development is accessible by public transport, by foot & cycle, installing electric charge points and improving the local highway network. The NPPF states that air quality must be considered at the design stage and incorporate appropriate and effective mitigation (so cannot be reserved to condition). It is noted that there are no relevant YNDP policies on pollution.

The Councils Environmental Health officer (EHO) raised no objections regarding noise pollution being an issue for existing residents. Conditions are recommended to ensure the new dwellings are not adversely affected by any nearby sources of noise but it is not considered that there are any particularly noisy developments nearby. The EHO raises no concerns regarding light pollution and considers that this can be controlled by condition (the Councils ecologist also requests a condition but to protect bats not residential properties).

The EHO does request consideration be given to air quality issues. The site is not near to any designated Air Quality Management Area therefore there is no requirement under QE DM3 for an air quality assessment. In response to policy QE DM3, it is considered that the site is accessible by public transport and the occupiers can walk or cycle to access local shops, facilities & services. The proposal includes two pedestrian connections onto Main Road and also facilitates a future link to adjacent development thus potentially providing alternative & safer access to the primary school and to North End Road. Conditions would also be used to secure electric vehicle charge points.

It is material to note the site has permission for 56 dwellings however, in any case, there are not considered to be any conflicts with the relevant policies.

FLOODING, WATER POLLUTION & SURFACE WATER DRAINAGE:

According to Council records, the majority of the site does not lie in an area at risk from current or future flooding. The exception is a small area at the very south eastern corner of the site (proposed as POS and crossed by a new pedestrian footpath) which is at risk from surface water flooding based on a 1:1000 year event. This represents an extremely low risk and does not necessitate any mitigation measures. The Environment Agency has not responded to the consultation request but in any case, their remit is in respect of flooding from rivers and the sea.

ALP Policy W DM3 (Sustainable Urban Drainage Systems) states: "To increase the levels of water capture and storage and improve water quality, all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development, at an early stage of the design process." It also sets out several requirements in respect of information to support drainage schemes including winter groundwater monitoring, winter infiltration testing and climate change allowances. Policy W DM1 seeks to protect existing water supplies from foul & surface water discharges.

YNDP Policy E11 requires developments be designed and constructed to minimise the overall level of flood risk in the parish; and provide appropriate surface water drainage.

The applicant provided a Flood Risk Assessment, Proposed Drainage Plan and details of the construction of drainage features. A permeable hard surfacing scheme is proposed with underground storage and then infiltration to the ground. The surface water scheme includes mitigation to ensure surface water is suitably treated and so any pollution risk is adequately managed prior to discharge.

The Councils Engineers raised a holding objection on the basis that it has not been demonstrated that there is adequate space for drainage in the layout and they cannot agree to the layout as proposed. Without winter infiltration testing it is not possible to be certain the underground storage areas will be above peak ground water levels. The applicant does not currently have this data and cannot resolve the drainage concerns.

However, it is material that on the previous Reserved Matters approval (Y/63/19/RES) it was agreed that the layout could be approved without the support of drainage engineers. This was on the basis that planning conditions would control the detailed surface water drainage scheme and if it was found that there was insufficient drainage for the layout, then a further application would need to be lodged to agree a new layout. That permission was approved with an informative stating that:

"The applicant should note that this layout has been approved without the requested winter monitoring groundwater data and therefore if it subsequently becomes clear that the drainage conditions cannot be agreed due to the layout not providing sufficient space for drainage then a new Reserved Matters application will need to be submitted as the Local Planning Authority will not be able to agree such changes through the Non Material Amendment process."

It is considered that the same approach can be used on this application and this outweighs the potential conflicts with the relevant policies.

FOUL DRAINAGE:

The site is affected by the Lidsey Treatment Catchment Area designation and ALP policy W DM1 requires that a drainage impact assessment is provided. This is required to assess the cumulative impacts of surface & foul drainage, how these can be safely disposed of and their impact on flood storage capacity and flows resulting from the Lidsey treatment works during times of flood. Policy W DM1 also requires that all major developments demonstrate, that adequate drainage capacity exists, can be provided as part of the development or that facilities can be upgraded prior to the completion and occupation of development. There are no relevant YNDP policies.

The application proposes to connect to the existing main sewer which runs underneath Main Road (discharging to it using a gravity fed system). Southern Water have commented that they can facilitate foul sewerage disposal for the site. However, the applicant has not submitted the required drainage impact assessment and therefore, there is conflict with policy W DM1. It is material that the previous planning permission was approved without this assessment however, this application proposes an additional 19 dwellings, representing a 35% increase and so it is not considered that the policy conflict can be outweighed by the previous approval.

ENERGY AND CLIMATE CHANGE:

ALP policy ECC SP2 requires that all new residential and commercial development must be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. In addition, ECC SP1 requires that new development be designed to adapt to impacts arising from climate change. There are no relevant YNDP policies.

The application is not accompanied by details of any measures to respond to climate change. It is appropriate to reserve such details to be agreed through planning conditions and on this basis, there is no conflict with the relevant development plan policies. It is also material that the previous reserved matters approval (Y/63/19/RES) took the same approach and imposed a planning condition.

BIODIVERSITY:

The submission includes an Ecological Survey and Mitigation Strategy. This identified the presence of nesting birds on site, populations of slow worm, the presence of a number of bat species foraging & commuting around the site/local area and various vegetation and habitats on the site. It found badger populations in the local area although none on site. The mitigation strategy identifies a number of recommendations to be incorporated within the scheme to address the identified ecological features that will be impacted by the development.

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

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

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

The Council's Ecologist has not raised any objections providing that conditions are imposed to ensure

that various mitigation measures are adhered to. The Ecologist considers the measures set out in the Mitigation Strategy are such that the application demonstrates a biodiversity net gain.

The development requires the felling of two trees and required the removal of a small section of hedgerow which has already happened. Notwithstanding that this is the same situation as the permitted scheme, this is more than compensated for by the planting of 84 new trees (with 32 of these being new fruit trees predominantly in a small orchard in the POS). Some of the new trees are sandwiched between areas of hardstanding and these may not be practical in the long term but overall, there is a clear net gain in terms of new vegetation. Existing natural boundaries and important trees are retained.

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

TREES:

The development requires the felling of two trees and removal of a small section of hedgerow which has already taken place. The applicant supplied an Arboricultural Impact Assessment and accompanying Tree Protection Plan.

These demonstrate the TPO Oak Tree is unaffected and that all retained trees have sustainable relationships with buildings/gardens. It is material that the site layout is largely the same as per the permitted scheme with the only real difference in respect of trees being the addition of plot 9/10 closer to an existing off-site tree.

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

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

The Councils Tree Officer has not commented on the application. The Tree Officer responded to Y/63/19/RES and stated approval could be given subject to conditions. Noting the largely similar layout, it is not considered the Tree Officer would object to this scheme, although this cannot be confirmed. It is considered the proposal complies with the relevant policies in that the two trees to be removed are low quality, that the TPO tree is respected and that existing and the vast majority of existing trees are retained.

Therefore, notwithstanding the material consideration that is the permitted scheme, there is no conflict with the relevant policies.

AFFORDABLE HOUSING:

Developments over 11 residential units require a minimum provision of 30% affordable housing on site as per ALP policy AH SP2. The policy also states that the Council will negotiate the affordable housing tenure mix on development sites from an initial position of 75% rent and 25% intermediate housing. Further, that affordable housing units will be permitted in small clusters throughout development schemes and should be visually indistinguishable from market housing with large groupings of single tenure dwellings or property types avoided. There is no relevant YNDP policy.

The application proposes 22 affordable dwellings with a tenure mix of 11 Affordable Rented & 11 Shared Ownership. These are in the following sizes: 7 x 1 bed, 10 x 2 bed, 3 x 3 bed and 2 x 4 bed. The

submitted Design & Access Statement sets out that the affordable houses are pepper-potted throughout the site and will be tenure blind to ensure they are indistinguishable from the market dwellings. The Local Authority agrees that they are tenure blind.

In respect of clustering, it is noted that none of the plots in the south eastern part of the site are affordable (these are however M4(2) compliant - see the following section of this report), therefore the 22 affordable homes are within the 50 dwelling part of the site which means that although they are close to each other, they cannot be described as being in large clusters.

The applicant proposes a 50/50 tenure mix and this is in conflict with policy AH SP2. The applicant states that it would be inconsistent to require a different split for this application as 50/50 was accepted on the previous application. Whilst this previous permission has been accepted throughout this report as a material consideration, it is not considered that it would apply to this policy conflict as the previous decision was made prior to the adoption of the current Local Plan. There has been no attempt by the applicant to negotiate down from the 75/25 starting position.

As such, there is conflict with the policy and the application is not supported by the Councils Housing Strategy & Enabling Manager. Due to this issue, it has also not been possible to initiate a S.106 Agreement to secure the necessary affordable housing provision which results in further policy conflict.

LIFETIME HOMES:

YNDP Policy H3 requires that 25% of the 1, 2 & 3 bed dwellings must be delivered to Lifetime Home standards. There is no relevant ALP policy. Lifetime Home standards no longer exist and the equivalent current standard is in part M of the Building Regulations. The proposal includes 19 dwellings which will be built to M4 (2) Category 2 Accessible and Adaptable Homes standards and this equates to 26.7% of the total 1, 2 & 3 bed dwellings on the site. The application states that these M4 (2) homes build upon Lifetime Homes guidance, and will include a degree of access and adaptability enabling the elderly or frail to stay in their own home for longer. Therefore, there is no conflict with YNDP policy H3.

PUBLIC OPEN SPACE & PLAY:

ALP policy OSR DM1 requires that housing developments provide sufficient public open space, playing pitch provision and indoor sport & leisure provision. In addition, policy HWB SP1 seeks to ensure that new development is designed to maximise the impact it can make to promoting healthy communities and reducing health inequalities. This is even more important in the current climate world with nationally imposed lockdowns confining people to their homes and immediate surroundings.

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

The layout includes 6882m² of POS which exceeds the requirement (5289m²). This is the same amount as per the permitted scheme and so in both cases, represents an over-provision. The POS comprises of the green landscaped space between the listed buildings & new houses and in the south eastern corner. This also includes a small community orchard.

The proposal requires 908m² play space in addition to the POS (so 6187.5m² combined). The overall quantum of POS exceeds the combined requirement however no specific play areas are provided. It is apparent from submissions by the Landscape Officer and applicant that there is no local desire for on-site play provision so none has been provided.

Instead, it is proposed that a contribution be provided for the Parish Council to improve facilities elsewhere. However, as the site is liable for CIL, it is not possible to use a S.106 to provide a targeted contribution and instead, the Parish will need to decide how best to spend the 25% contribution (£237,825) that they receive from the CIL collected for this scheme. As such, there is conflict with policy OSR DM1 and the SPD in that there is no guarantee of any play provision.

However, it is material that the scheme proposes an over-provision of POS such that the play requirement could be considered to be met by open space. It is also material, that occupiers will be able to walk/cycle to reach nearby play areas (including the proposed facilities on the adjacent development (Stakers Farm/Land North of Yapton Primary School). Furthermore, that the previous permitted scheme did not include an on-site play area. Finally, it should be noted that the addition of a play area would need to be within the POS areas and may result in greater harm to the Conservation Area of Listed Buildings. On this basis, it is considered that the conflict with the policy can be overcome.

SUPPORTING INFRASTRUCTURE:

ALP policy INF SP1 states: "The Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development to meet the needs of occupiers and users of the development and the existing community" and "Any on-site provision or financial contribution required to address unacceptable impacts must meet the statutory tests for planning obligations required by Regulation 122 of the Community Infrastructure Regulations 2010." There is no relevant YNDP policy.

The introduction of CIL means that it is no longer possible to secure financial contributions for off-site projects through a Section 106. This development is CIL liable and is liable for a contribution of £951,300.00 (minus any relief subsequently applied for) which would be collected upon the commencement of development.

Infrastructure providers such as WSCC and the NHS can then make a bid for a portion of the CIL payments collected to spend on their own projects. The Parish Council will be provided a portion of the CIL receipts (£237,825) and the CIL payment will go towards providing the infrastructure that the district needs to support existing and future development. On this basis, there would not be any conflict with ALP policy INF SP1.

SUSTAINABLE DEVELOPMENT & NPPF PRESUMPTION:

Policy SD SP1 "Sustainable Development" states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. There is no relevant YNDP policy. However, the NPPF is relevant and paragraph 8 states that in order to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

Para 11 of the NPPF then sets out the application of the 'presumption' for sustainable development which is triggered where the Council's policies most important for determining the application are out-of-date. The Council can currently demonstrate a Housing Land Supply (HLS) of 3.3 years and as such there is a significant shortfall and its policies most important for determining applications for residential development are considered to be out of date. To be able to benefit from the presumption, the proposal must be assessed as being sustainable development and this assessment should consider environmental, social and economic factors.

The site is in the built up area boundary defined by the ALP (having been included following the approval of the previous outline application, Y/1/17). The site is a field on the edge of the settlement of Yapton but

there is further committed residential development to the north east (108 homes) and across Main Road to the south west (up to 550 homes). There are existing dwellings bordering the site on Main Road. As such the site is considered to be in a sustainable village location and it is not necessary to use a vehicle to access local shops, bus stops, schools, services and facilities.

The proposal would result in the loss of Grades 1/2 agricultural land but would also generate social and economic benefits in the form of:

- 75 homes (increase of 19 on the existing permission) to make a modest contribution to the Councils current housing land supply shortfall;
- 22 new affordable dwellings to help meet future needs;
- new housing suitable for families, couples & older people;
- new public open space available for use by existing & new residents;
- new orchard trees which may be picked by residents;
- an increase in Council Tax receipts;
- a large CIL contribution*;
- potential 'New Homes Bonus' payments from the Government*;
- the creation/maintenance of construction jobs;
- additional spending by new residents on local goods & services; and
- provision of a potential link to an adjacent development in order to facilitate alternative safer foot/cycle access between Main Road and North End Road.

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

The social and economic benefits when considered as whole are considered to be low to moderate given that this application only actually proposes 19 dwellings (when compared to the existing permission).

On balance the proposal does meet the economic social and environmental aspects of sustainable development and the presumption in favour of sustainable development is engaged. This states that permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

This report finds that the proposal results in several policy conflicts and overall is considered to be an overdevelopment of the site resulting in harm to the existing character of this historical / low density edge of settlement location and harm to the amenities of future residents. Notwithstanding the benefits identified, the scale of these is not considered to significantly and demonstrably outweigh the harm caused by the proposal.

SUMMARY:

The principle of development on site is acceptable having regard to the fact that the site is in the settlement boundary as defined by the ALP and it is material that permission exists for 56 dwellings and this is capable of being implemented within the set timescales. There remain policy conflicts which are not resolved by this material planning consideration. Furthermore, the intensification of this site results in harm to the character of the area and harm to the amenities of future occupiers.

It is accepted that the Council can only demonstrate a 3.3 year housing land supply and that the NPPF presumption in favour of sustainable development must be considered. However, this assessment concludes that the adverse impacts of granting this planning permission would significantly and

demonstrably outweigh the benefits and as such it is recommended that the application be refused for the following reasons.

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 positive impact on the protected characteristics (disability and age) through the provision of accessible homes.

RECOMMENDATION

REFUSE

- 1 The proposal constitutes an over-intensive use of the site and a unsatisfactory form of development resulting in significant and demonstrable harm to the historical, semi-rural & low density character of this edge of settlement location. This is borne out by the increased site density, cramped nature of the layout, the relationship of parking spaces to dwellings, the internal size of certain homes, the size of private amenity spaces and interface distances between buildings. The proposal is therefore in conflict with Arun Local Plan policies D SP1, D DM1, D DM2, the NPPF and the National Design Guide.
- 2 The proposal fails to achieve an appropriate housing size mix resulting in harm to the future provision of housing to cater for specific needs in conflict with policy H DM1 of the Arun Local Plan and policy H2 of the Yapton Neighbourhood Development Plan.
- 3 The affordable housing tenure mix fails to comply with Arun Local Plan Policy AH SP2 and on this basis, it has not been possible to agree a legal agreement in order to secure the delivery of the affordable housing requirements. This results in harm to the future provision of affordable housing in the district.
- 4 Insufficient information has been provided to enable the Local Planning Authority to assess the impact of the development on the ability of the foul sewerage network to accommodate surface and foul water flows from the development resulting in harm to the amenities of local people due to flooding and is therefore in conflict with policy W DM1 of the Arun Local Plan.

- 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. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.
- 6 INFORMATIVE: If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.