

Recommendation Report for Planning Permission

REF NO: Y/99/13/

LOCATION: Land to the North & East of St Marys Church
Yapton

PROPOSAL: Outline application for 10.5 hectares of residential development (comprising up to 250 dwellings (30% to be affordable) together with ancillary open space and landscaping), 14.9 hectares of public open space development to be laid out as public parkland and landscaped green corridors, vehicular access from Ford Lane (The means of access) - This is a Departure from the Development Plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION Outline application for 10.5 hectares of residential development comprising up to 250 dwellings (30% to be affordable) together with ancillary open space and landscaping; and 14.9 Hectares of publically accessible informal parkland together with green pedestrian/cycle corridors and landscape buffers.

The application is submitted in outline with the layout, appearance, scale, and landscaping for the development proposed reserved for later approval. The proposed access and the principle of development are the only issues under consideration.

SITE AREA 25.4 hectares

RESIDENTIAL DEVELOPMENT DENSITY Approximately 27 dwellings per hectare in the area for housing (excluding the area provided as public open space).

TOPOGRAPHY Predominantly flat.

TREES There are a number of trees along the perimeters of the site. Most significantly along the southern boundary of the site adjacent to the conservation area.

BOUNDARY TREATMENT Western boundary to North End Road is a mixture of trees and mature hedging separating the site from the highway.

Northern Boundary to Ford Road is primarily open with a low grassed ditch separating the site from the road.

Eastern Boundary of the site is marked by an existing light hedge which separates the site from further countryside to the east.

Southern Boundary to Downview Close is marked by a mixture of closed board fencing and hedges.

Western Boundary to Yapton Recreational Ground and Church Farm is marked by a mixture of fencing, trees and bushes.

Southern Boundary to Orchard Business Park is tall mature evergreen trees while the boundary to the properties along the northern side of Church Lane and to St Mary's Church is a mixture of mature deciduous trees and hedgerows.

SITE CHARACTERISTICS

The site is roughly "7" shaped and is located to the north and east of Yapton village. The site comprises 3 fields separated by hedging and trees.

There are three public footpaths which cross the site from the southern boundary with Church Lane. Travelling north-west footpath no357 crosses the open field and connects with Ford Road adjacent to the junction with North End Road and Maypole Lane. Travelling north, public footpath 358 runs adjacent to the field boundary and links to Ford Road and continues on the opposite side of the road to North End. Travelling north-east from the settlement boundary the public footpath crosses the open field, passes behind a private dwelling and then turns north across Ford Lane.

The site currently comprises Grade 2 Agricultural Land which appears to be used for arable crop farming. There are no existing buildings agricultural or residential on the site.

The levels change across the site from a high point to the north to a low point adjacent to Yapton Recreational Ground, however the changes are not significant and the site appears reasonably flat.

To the north of the site on the opposite side on Ford Lane are open agricultural fields with views northwards towards the South Downs National Park and long distance views of Arundel. Ford Airfield lies to the east and southeast of the site separated from the site boundary by approximately 700 metres.

Yapton Village lies primarily to the south and east of the site. Immediately to the west of the development parcels is the existing business park. Residential properties on

Church Lane lie immediately to the south of the western development parcel. Yapton Conservation Area lies immediately adjacent to this part of the site. Included in the Conservation Area is the Grade 1 listed St Mary's Church, Grade II Studio Church House and Grade II Park Lodge. The Conservation Area includes a significant area of the curtilage of St Mary's Church. Further south from St Mary's Church is Church Farm which lies immediately to the west of the proposed area of public open space. There is a listed Grade II manorial dovecote in the curtilage of the farm.

CHARACTER OF LOCALITY

The site is rural in character and is closely related to the open farmland to the east, and north.

RELEVANT SITE HISTORY

No comments.

REPRESENTATIONS

Representations received:

Yapton Parish Council

Yapton Parish Council - Objection

- ? Proposal is located on grade 1 agricultural land
- ? Development sites will be isolated from the village and facilities
- ? Lack of detail to assess impact on the rural landscape
- ? Area has experienced surface water flooding in recent times
- ? Yapton Neighbourhood Plan Group were not consulted prior to the submission of the application
- ? There is no urgent need for affordable homes in Yapton
- ? Existing health care provision is inadequate
- ? Lack of primary school places in yapton
- ? The loose grouping of buildings contrasts with the Conservation Area character
- ? Existing agricultural fields contribute to enhancing the character and setting of the Conservation Area
- ? There are few employment opportunities in the village
- ? Because of the unreliability of the bus service, travel would be by car. Transport is not sustainable from the application site
- ? Yapton level crossing is a serious problem and this application must not be allowed to compound the situation

The Five Villages Society - Objection

- ? Overwhelming demands on the social cohesion of the village communities
- ? Education, medical and infrastructure facilities are limited in Yapton
- ? Outside built up area boundary
- ? Currently high grade food producing agricultural land
- ? Size of development would dominate scale of village
- ? No call for further housing

- ? Access onto Ford Lane has no footpaths
- ? Does not accord with the Yapton Neighbourhood Plan

124 letters of objection

- ? Proposals not supported by key policy criteria and evidence base
- ? Proposals disregard emerging Local Plan
- ? Applicant failed to participate in Neighbourhood Plan process
- ? Site provides an essential setting for the Conservation Area and settlement
- ? Inappropriate incursion into the countryside visually isolated from the natural settlement boundary
- ? Rural quality of area would be lost to the detriment of the character of the Conservation Area
- ? Wholly inappropriate location for housing development of this scale
- ? Sufficient sites allocated for housing to satisfy need for housing in next 5 years
- ? Application devoid of basic detail
- ? Village does not have adequate community facilities to support new families
- ? Proposed development would add to already severe congestion
- ? Little in the way of employment in immediate area
- ? Ford Lane is narrow and windy and suffers from constant erosion
- ? Primary school site offers no room for expansion and has inadequate car parking facilities
- ? Ground struggles to cope with inadequate drainage system
- ? Development will cause destruction of mature trees and hedgerows
- ? Will destroy historical area of Yapton
- ? Yapton is notorious for flooding
- ? Productive farmland should be retained for food production
- ? Barn Owls regularly quarter this land
- ? Development would lose grade 1 agricultural land
- ? The site is not sustainable. Area has poor infrastructure and facilities
- ? Yapton is a small rural village and 250 homes will change its character
- ? Applications in Yapton identify a total of 587 dwellings outside the settlement areas
- ? Volume of traffic would increase considerably
- ? North End Road crossing causes significant delays
- ? Proposals are too dense
- ? 250 dwellings would generate closer to 1,000 vehicle movements a day
- ? Existing road network insufficient to accommodate the development
- ? Will severely impact upon heritage assets, including Grade I Listed church
- ? Will result in a loss of amenity for walkers using rights of way
- ? Site does not comply with saved Local Plan policies or the NPPF and ignores the findings of the Options for Growth and SHLAA's
- ? Proposals are a departure from the development plan
- ? Application is speculative, premature, at the wrong time, not reflecting the community's needs or its social and cultural well-being
- ? Application clearly fails to demonstrate any tangible benefit to the community

322 Postcard objections

Petition signed by 26 persons objecting to the development

Petition signed by 120 persons objecting to the development

One letter of support

- ? Seems a good area to develop and may prevent further development in future
- ? Would benefit the locals who are in need of homes

Comments on Representations received:

No comments.

CONSULTATIONS

Environment Agency
Southern Water Planning
WSCC Strategic Planning
Engineering Services Manager
Engineers (Fluvial Flooding)
Southern Water Planning
Highways Agency
NHS Property Services
Network Rail
Natural England
Sussex Police-Community Safety
English Heritage
Parks and Landscapes
Council's Arboriculturist
English Heritage
Cultural Development
Planning and Housing Strategy
Head of Planning Policy & Cons
Conservation Officer
Env. Amenities & Comm. Safety

Consultations responses received:

Southern Water

- ? Proposed development would increase flows to public sewerage system and there is currently inadequate capacity to service the proposed development.
- ? Additional off-site sewers or improvements to existing sewers will be required to provide capacity
- ? Suggest informative
- ? Alternative means of surface water drainage are required
- ? Suggest condition requiring details of foul and surface water to be agreed prior to commencement

WSCC (highways) - More information

- ? Certain elements of the proposal such as access should be considered in detail. Additional information is required.
- ? Pedestrian access to the site is currently achieved via a series of public rights of way
- ? Current frequency of bus services (66) do not necessarily fit well with peak hour travel. The 700 service provide a half hourly service although the closest stops are some 1,200m south of the site
- ? Not all visibility requirements are shown on the proposed access
- ? Traffic speed data is required to demonstrate that visibility splays are suitable
- ? Dimensions of the right turn lane, footway and swept paths are required
- ? Developer should give consideration to issues and potential highway alignments which might

form part of Yapton railway crossing feasibility study

- ? Entrance from North End Road should also be safety audited at this stage
- ? Further information on trip distribution required
- ? Insufficient information submitted to show the impact on two nearby railway crossings
- ? A Non-Motorised User Report should be submitted
- ? Improved routes to bus stops servicing the 700 service are required
- ? A pedestrian route from the top of the site through the eastern side of the site connecting to King George Recreation Ground would be sought
- ? More information required on proposals to improve Church Lane

WSSC (Infrastructure)

- ? Financial contributions required for library infrastructure, Fire & Rescue, Primary, secondary and 6th form education

Environment Agency

- ? No objections subject to condition in respect of surface water drainage

WSSC (Ecology)

- ? No ecological objection subject to conditions to maintain the proportion of green space and ensure that entirety of green infrastructure is ecologically functional

WSSC (Landscapes)

- . No landscape and visual impact assessment to quantify the degree of harm caused by the proposals.
- . Proposal will affect the character of the area and impact upon those viewing the landscape.
- . Proposals will cause an unacceptable level of harm causing visual impact and negatively affecting the character of the area.

WSSC (Archaeology)

- . Application does not provide sufficient information to establish impact in line with NPPF paragraph 128.
- . Recommends a programme of field evaluation to take place prior to the determination of the application.

Cultural Development

- ? Contributions required for swimming pools, sports halls and artificial pitches required.

Natural England

- ? Application does not consider application poses any likely or significant risk to features of the natural environment for we would otherwise provide more detailed response.
- ? Proposal could present opportunities to secure green infrastructure as well as opportunities to introduce measures that are beneficial to wildlife

Natural England (2nd Response 19/02/2013)

- . Based on the information provided with the planning application, it appears that the proposed development comprises approximately 25.4 hectares of agricultural land which appears to be classified as 'best and most versatile' (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system).
- . As the applicant has not undertaken detailed soil surveys of the site, an agricultural land classification and soil survey of the land should be carried out.

. The provisional soil grade map to which the applicant has referred is not suitable for site specific decision as it is only accurate to the nearest 80ha, hence more detailed survey is required.

Highways Agency

? Directs that planning permission not be granted in the period up to 26 March 2014

Sussex Police

? Disappointed that there were no details of design and layout within the design and access statement.

? Should demonstrate how crime prevention measures have been considered

CPRE Sussex

? Application should be refused in the interests of maintaining the primacy of the Local Plan policies

Arun District Council Historic Buildings Adviser

. fundamental issue is impact of the development on the setting of the conservation area and Grade I listed St Mary's Church

. Lack of supporting evidence or assessment of impacts.

. information submitted not compliant with requirements of NPPF paragraph 128

. public footpaths leaving the conservation area to the north have long views to the horizon and the South Downs National Park and to Arundel Cathedral and Castle.

. Footpaths are historic routes.

. Agricultural landscape facilitates open and un-hindered views across the countryside

. Proposed siting and scope of the scheme will block long views of the downs and other heritage assets and impact on the immediate historical and agricultural context of the village.

. Development will fail the test to 'preserve or enhance' the setting as required by the NPPF

English Heritage

. Local planning authorities should require an applicant to describe the significance of heritage assets including the contribution made by their setting in line with NPPF para 128

. Level of detail provided by the applicant falls well short of what should be required to make a meaningful assessment of impact on heritage assets.

- Views to the church tower are possible from surrounding footpaths and roads providing a local landmark.

. Surrounding arable fields clearly assist in understanding the building as a rural parish church and contribute positively to its significance.

Arun District Council Conservation Officer

. Lack of supporting information

. Impact on heritage assets

. Setting of the heritage asset includes views of the church and views into and out of the conservation area.

. Surrounding fields provide a rural context to both the grade I listed church and the Conservation Area.

Comments on Consultation responses:

Comments from the various consultees are noted.

POLICY CONTEXT

Designation applicable to site:

- Outside the Built Up Area Boundary
- Setting of Listed Buildings
- Setting of Yapton Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN11	Inland Flooding
	GEN12	Parking in New Development
	GEN14	Public Transport
	GEN15	Cycling and Walking
	GEN18	Crime Prevention
	GEN2	Built-up Area Boundary
	GEN20	Provision of Public Open Space within New Development
	GEN21	Renewable Energy
	GEN22	Buildings or Structures of Character
	GEN29	Nature and Conservation Across the District
	GEN3	Protection of the Countryside
	GEN32	Noise Pollution
	GEN33	Light Pollution
	GEN34	Air Pollution
	GEN7	The Form of New Development
	GEN8	Development and the Provision of Infrastructure
	GEN9	Foul and Surface Water Drainage
	DEV17	Affordable Housing
	AREA17	Sites of Archaeological Interest
	AREA2	Conservation Areas
	AREA3	The Setting of Arundel

Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):

C SP1 Countryside
 D DM1 Aspects of Form and Quality
 D SP1 Design
 ECC DM1 Renewable Energy
 ECC SP1 Adapting to Climate Change
 ECC SP2 Energy & Climate Change Mitigation
 ENV SP1 Natural Environment
 ENV DM4 Protection of Trees
 ENV DM5 Development and Biodiversity
 GI SP1 Green Infrastructure & Development
 H DM1 Housing Mix
 HER DM1 Listed Buildings
 HER DM3 Conservation Areas
 HER DM6 Sites of Archaeological Interest
 HER SP1 The Historic Environment
 H SP2 Affordable Housing
 HWB SP1 Health & Wellbeing
 LAN DM1 Protection of Landscape Character
 LAN DM2 The Setting of Arundel
 NR DM1 Natural Resources & Minerals Safeguarding
 OSR DM1 Open Space, Sport & Recreation
 QE DM1 Noise Pollution

QE DM2 Light Pollution
QE DM3 Air Pollution
QE SP1 Quality of the Environment
RET SP1 Hierarchy of Centres
SD SP1 Sustainable Development
SD SP2 Built -Up Area Boundary
SO DM1 Soils
W DM1 Water Supply & Quality
W DM2 Flood Risk
W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

XXX6 Interim Affordable Housing Policy

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- ? the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- ? the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- ? the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit

and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is not considered to comply with relevant Development Plan policies in that it would have have a materially adverse effect on setting of the Yapton Conservation Area, an adverse effect on the setting of the Grade I listed St Mary's Church, and a deleterious effect on the character of the area.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

INTRODUCTION

Outline planning permission is sought for the principle of development and access of land at North End Road, Yapton for up to 250 residential units. It is also proposed to change the use of agricultural land on the southern end of the site to countryside open space.

At this stage the only matters formally for consideration is the principle of development and access.

NPPF

The NPPF was published in March 2012. This framework is the most recently adopted national policy and is an important material consideration in this case.

The National Planning Policy Framework sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 7 sets out the three dimensions to sustainable development, such that the planning system needs to perform an economic role, a social role and an environmental role. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently.

Paragraph 14 confirms that, at the heart of the guidance is a Presumption in Favour of

Sustainable Development. For decision taking, this presumption in favour means that planning applications that comply with the development plan must be approved without delay. Secondly, where the development plan is absent, silent or out of date, planning permission should be granted unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole; or specific policies in this framework indicated development should be restricted".

Paragraph 215 of the NPPF ensures that the Arun District Local Plan 2003 carries weight as a development plan document and due weight can be given to the plan according to the level of consistency with the NPPF and the various policies within the Framework. The weight of the Local Plan policies can be assessed according to their level of consistency of the relevant policies within the National Planning Policy Framework.

DEVELOPMENT PLAN (2003 Local Plan)

The 2003 Local Plan Proposals Map identifies that the application site is located outside of the existing built-up area of Yapton. As such, saved policies GEN2 and GEN3 are relevant.

Saved policies GEN2 and GEN3 seek to focus development within the built-up areas, and safeguard the land outside the built up areas (referred to as the countryside for policy purposes). The built up area boundaries were drawn for the purposes of defining the built up areas and countryside having regard to the need to identify within the built up areas (or on allocated sites) the required number of dwellings for the plan period (up to 2011).

These policies and boundaries should be afforded significantly less weight if the Council is unable to demonstrate that it is able to make adequate provision for housing post 2011. This has been reflected in a number of recent appeal decisions. For example, whilst the principles of GEN3 (protection of the countryside) are timeless, the Inspector for the Grenyers Field proposals (December 2012) concluded that these policies (GEN2 & 3) were in conflict with the NPPF as they have not been adjusted to take account of changing housing requirements. As such, limited weight can be afforded to these policies in the context of the proposed scheme since the Council does not have a strategy for the delivery of housing post 2011.

- ASSESSMENT (CONSIDERATION OF KEY ISSUES)

The main issues are considered to be the Principle of Development, Landscape Impact and Impact on the Character of the Area, Impact on Yapton Conservation Area, Impact on Grade I listed St Mary's Church, Sustainability of the Location for Housing Development, Provision of Affordable Housing and Provision of Proposed Parkland, Green Corridors, and Improved Footpaths.

An assessment of technical issues including scale and appearance, residential amenity, Highways and Access, impact on Ford and Yapton Level Crossings, flood risk, archaeology, ecology and S106 matters.

PRINCIPLE OF DEVELOPMENT

The Arun District Local Plan 2003 shows the site lying within the countryside and outside the built up area boundary. Within this area only certain categories of development are allowed as an

exception to the general policies of restraint that apply. The proposal does not fall into one of these exceptions listed in Policy GEN3 of the District Local Plan. The site is not allocated for housing within any adopted development plan documents and as such, the application is contrary to local plan policy GEN3.

Para 14 of the NPPF sets out the presumption in favour of sustainable development, and states that, where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:

- "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole; or
- Specific policies in this Framework indicate development should be restricted".

The housing policies of the Arun District Local Plan are out-of-date because they do not provide for housing beyond 2011. Whilst the District Council is preparing an Arun District Plan, this has yet to be submitted to the Planning Inspectorate for examination, and its proposed housing strategy has not yet been agreed and tested. Therefore, whilst the proposals are contrary to policy GEN2 and GEN3 of the adopted Arun Local Plan, it is not considered that they carry sufficient weight to justify a reason for refusal on its own. It is also unknown at this time where the Council will seek to accommodate housing growth in the period post 2011 and sites cannot be ruled out at this time.

Para 49 of the NPPF states:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites."

Para 216 of the NPPF does allow decision makers to give weight to relevant policies in emerging plans, but this depends on their stage of preparation, the extent to which unresolved objections to relevant policies remain and the degree of consistency of relevant policies within the emerging plan with policies within the NPPF.

The Council has published a statement in November 2013 that concludes that the District has demonstrated that it has an adequate housing land supply in accordance with the requirements of the NPPF at that time, including the requirement to provide a 5% buffer. The conclusions of this document are that our supply is currently 5.3 years based on the requirement to provide housing in accordance with the requirements of the emerging Local Plan (whilst Full Council have not approved a Local plan, they have approved the housing requirements for the District).

The NPPF requires the Council to demonstrate a 5 year land supply plus a 5% buffer. Therefore, based on a requirement to show 5.25 years supply, the Council's relative position is 101% housing land supply (5.3 years).

The Council currently demonstrates an adequate housing land supply (albeit very marginally) in accordance with the requirements of the NPPF. Therefore, in accordance with paragraph 49 of the NPPF, housing policies within the development plan could be considered up to date. However, in the case of Arun, housing policies within the development plan date back to 2003 and were relevant for the period 2001 - 2011. Even with an adequate supply of housing land, and in the

absence of the Council having an agreed housing strategy for post 2011, those housing policies that relate to the delivery of future housing cannot therefore be considered to be up to date.

The ability to demonstrate an adequate housing land supply does not affect the weight to be afforded to any relevant policies within the development plan or remove the requirement for there to be a presumption in favour of sustainable development within the NPPF. Rather, that appropriate weight must be given to the provision of dwellings in assessing the planning balance.

Having a demonstrably adequate housing land supply is only one material consideration to be weighing up in determining whether there is 'significant and demonstrable harm' alongside all other considerations (e.g. highways, landscape, ecology, design etc) associated with individual proposals. Refusal of proposals solely based on having a demonstrable adequate supply of housing is not significant or demonstrable harm and could not be sustained as a reason for refusal.

EMERGING LOCAL PLAN

The Council has not yet agreed to publish a full pre-submission draft Local Plan. However, a first draft Local Plan was published in July 2012 and a parts of a pre-submission Plan have been published (February 2014).

The Government has recently published its National Planning Policy Guidance and this provides guidance on prematurity (this guidance has itself subject to consultation and has yet to be confirmed). It states that a refusal of planning permission on the grounds of prematurity will only be justified in exceptional circumstances where the development is so substantial that it would undermine the plan making process and the emerging plan is at an advanced stage.

'Such a refusal will seldom be justified where a Plan has not yet been submitted for examination. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.'

As the Council is not at an advanced stage or at such a substantial stage that would undermine the plan making process, prematurity as an issue would clearly not apply in this instance.

Had the full version of the Emerging Plan been agreed by the Council, it would have been possible to demonstrate that there was an agreed housing strategy for the post 2011 period. Coupled with a demonstrable supply of housing land, this strategy would have been considered up to date for the purposes of the NPPF (paragraph 49) and, whilst not an adopted strategy, it would have been afforded greater weight than the out of date strategy in the 2003 Local Plan.

Further, built up area boundaries based on a post 2011 strategy and demonstrable adverse character and countryside impacts could have been afforded significant weight.

Of particular relevance to the determination of this application are the following policies within the Emerging Local Plan:

Policy SDSP1 sets out that the Council will take a positive approach to planning applications looking to identify solutions to proposals that will contribute to the social, economic and

environmental conditions of the District.

Policy LAN DM1 seeks to protect landscape character and the historic character and development patterns of settlements and to protect the impact upon the setting of the South Downs National Park.

LANDSCAPE IMPACT AND IMPACT ON THE CHARACTER OF THE AREA

It needs to be noted that any development on a greenfield site will have a significant impact on the character of the landscape. The key issue is therefore to assess whether any adverse impacts are so severe that they would outweigh the benefits of the scheme.

One of the core planning principles in the NPPF is to "take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it." It is considered that this core principle is consistent with the overall aims of Development Plan policies and therefore it is important to consider the impact of the proposal in the local landscape.

The proposed development is located on open agricultural land to the north of Yapton. The area is not designated strategic gap and does not retain any specific landscape designation. The site is in a countryside location, wholly rural in character and has a strong visual integration with the surrounding countryside to the north and east. There are some individual dwellings on the western side of the site adjacent to North End Road, typical of areas close to the edge of settlements.

The proposed development would extend the built up area of Yapton northwards and eastwards along Ford Lane. This would represent a significant encroachment into the countryside. As described above, the surrounding area is rural in character with open fields to the north and east. Road users driving along North End Road and Ford Lane in the vicinity of the site have a clear impression that they are driving through a countryside area. The presence of mature hedging, trees, and wide verges add contribute to an undeveloped feel, while long distance views to the South Downs and Arundel increase this perception. Similarly, pedestrians using the public footpaths running through the site would experience rural views of the settlement.

At District level (Landscape and Visual Amenity Aspects of Development Choices in Arun District 2006), the Landscape Character for the development land is defined as 'North Yapton Coastal Plain'. The assessment goes on to identify key issues and sensitivities which should be borne in mind when forming proposals for future developments and strategic planning. Similarly the document concludes with an 'Evaluation' sections (applicable to each of the Landscape Character Areas), setting out recommendations for future management.

Landscape Capacity is assessed on two criteria: Landscape Sensitivity and Landscape Value. The North of Yapton Coastal Plain is graded "substantial" for landscape sensitivity; and Slight in Landscape Value. It is therefore given an overall Landscape Capacity of Low/Medium. The Study sets out a "medium, low or negligible" rating for landscape capacity indicates that development would have a significant or detrimental effect on the character of the landscape as a whole and, or on the setting to existing settlement or outstanding assets within the District.

The application has not been submitted with any landscape and visual impact assessment of the

proposals. The applicants have submitted a "Landscape and Open Space Statement" as an appendix to the Planning and Design and Access Statement.

This statement accepts that the site is open in nature but holds that the strong eastern and western boundaries provide a sense of enclosure:- "Visually the application site is exposed when viewed directly from Ford Lane across its road frontage but is seen against the backdrop of the trees, hedges and buildings which define the northern extent of the existing settlement. From the east and west, however, the site is visually contained and enclosed by established trees, hedgerows and copses which break up views across it and give a sense of large scale enclosure."

This sets out that the submitted "Proposed Indicative Layout, Strategic Landscape, and Open Space Proposals" drawing shows that the proposed landscaping and public open space proposals is "to enhance and build upon the identified structure of existing hedges, shaws, woodland and trees which already give the site a sense of large scale enclosure so as to increase the bio-diversity of the site and enhance its appearance and interest as well as soften and minimise the potential impact of the proposed housing."

The application was considered in detail by the County Landscape Architect who noted the following:-

"It is clear from visiting the site that the proposal will affect the character of the area and impact upon those viewing the landscape. I believe that the proposals will cause an unacceptable level of harm, causing visual impact and negatively affecting the character of the area. The application does not provide evidence to contradict this view and it should have included an accurate assessment of the impacts caused by the development, including the degree to which the mitigation measures proposed could offset those impacts."

The application would introduce significant urbanising features to an area that is currently rural in character. The proposed development would significantly extend the built form north of the existing settlement and alter the character and appearance of Ford Lane which is currently a rural route travelling through the countryside. This part of Ford Lane will change from countryside with sporadic buildings to a built up area of land more closely associated with the urban area to the south and not the rural character to the west, north and east (which it currently relates to).

The applicants have not provided any detailed landscape scheme or planting plan and have not provided any detailed information to allow an assessment of whether the proposed landscaping would be sufficient to ameliorate the effect of the proposed development on the landscape and rural character of the area. It is accepted that the proposed development is in outline form and that all matters are reserved, however as the impact on the landscape and character of the area is a key consideration in the determination of this application it is considered that a suitably detailed Landscape Assessment such as a Landscape and Visual Impact Assessment should be submitted in support of the application.

The proposed development also proposes the construction of two engineered site access points including a right turn lanes, a pedestrian footpath and lighting columns to illuminate the junctions along Ford Lane. These elements of the proposed development would be located to the north of any possible landscaping and will have a significant adverse impact on the character of the area.

In conclusion, the applicants have acknowledged in their submitted information that the proposal

would encroach onto open countryside on the edge of the village and extend the built up area. The Landscape Capacity Study identifies that proposal site shows limited capacity to absorb development without significantly affecting the character of the area. Development within this area would have a significant adverse effect on the landscape and would have a negative impact on the character of the area, and the rural character of Ford Lane.

The applicants have set out in their Design and Access Statement that their proposed landscaping will ameliorate the impact on the character of the area. However, the County Landscape Architect has considered that the information submitted with the application is inadequate to allow a proper assessment of the suitability of this landscaping.

It is therefore considered that the proposed development would not be in keeping with its immediate surroundings and it would conflict with the aim of Local Plan policy GEN7 to protect and enhance the quality of the environment.

IMPACT ON THE SETTING OF YAPTON CONSERVATION AREA

A significant number of objections have been raised specifically concerned with the impact of the proposed development on Yapton Conservation Area and significant heritage assets.

The National Planning Policy Framework sets out that local planning authorities should require an applicant to describe the significance of heritage assets, including the contribution made by their setting; and that the level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance (para 128).

The Council's Historic Buildings Adviser, Conservation Officer, and English Heritage have all considered the application and submitted supporting information. It is considered that the application's supporting information is inadequate and does not provide sufficient evidence to support an application in close proximity to significant heritage assets including the conservation area, Grade 1 listed St Mary's Church, and two Grade II listed properties.

The Conservation Area has a well-defined and distinct character. It centres on the Grade 1 listed church with associated Grade II listed properties to the west.

The application site forms part of an area of fields which surround the Conservation Area where there is a marked character change from open land to a loose knit housing and ecclesiastical uses. Along Church Road and Church Lane there are limited views to the surrounding area due to the relationship between buildings and existing foliage, however, there is a direct visual relationship with the fields as the Grade I listed church dominates views from the extensive public footpath network in the area. The open fields are important in imparting a rural character to the Conservation Area, which is of significance to its historic form and character. The interest in the setting therefore lies in its contribution to the historic development pattern and the semi-rural character of the Conservation area.

The development would alter the nature of a considerable part of the land to the north adjoining the Conservation Area, changing it from an open field to an area of housing. The loss of open land would erode to its detriment the relationship between the Conservation Area and the surrounding landscape, affecting the ability to appreciate and understand its historic development.

Part of the semi-rural quality would be lost to the detriment of the character and appearance of the Conservation Area when experience from within and around the area. It is considered that the proposal would represent "substantial harm" to the heritage assets.

The NPPF at paragraph 133 indicates that where there is substantial harm to the significance of a Conservation Area it is appropriate to weigh the public benefit against the harm. In this case there would be benefits in the provision of up to 250 dwellings and 30% of which would be affordable units, in an area where there is a strong demand. However, the Conservation Area and the contribution made by its setting are of value to society, and the damage to the appreciation and experience of the heritage asset from the development would be irreversible. It is considered that the proposed benefits, although considerable, would not outweigh the harm to the Conservation Area.

It is therefore considered that the proposed development by way of its impact on the Yapton Conservation Area is contrary to NPPF Paragraphs 132 and 133.

IMPACT ON THE GRADE I LISTED ST MARY'S CHURCH.

The application has been assessed by the Council's Historic Buildings Adviser who identified that the major factor in this scheme is the impact on setting, that being 'the surroundings in which an asset is experienced'. This includes views of the Church and those in and out of the Conservation Area which are extremely significant in this instance. The public footpaths leaving the Conservation Area to the north have long views to the horizon and the South Downs National Park, whilst to the north east, both the Cathedral and Arundel Castle can be seen across the immediate fields and countryside. The footpaths are in themselves historic routes and have provided aspects of the village and Church across fields from at least 1839.

English Heritage have commented that the "arable fields clearly assist in understanding the building as a rural parish church and contribute positively to its significance".

English Heritage have further commented that the information available supporting the application does not allow an assessment of the likely level of harm to heritage assets and requests that a heritage impact assessment is submitted as required by NPPF paragraph 128. The applicants have not submitted this assessment when making the application.

The Historic Buildings Adviser considers that the agricultural landscape here facilitates open and un-hindered views across the countryside to other highly significant heritage assets, also as part of their setting. Looking back towards the village from the north, the Church and Conservation Area can be seen in their rural context, something that would be "totally lost if surrounded by development."

He therefore considers that "the proposed siting and scope of the scheme will therefore not only block long views of the Downs and other heritage assets, but will also impact the immediate historical and agricultural context of the village, raising other issues of setting which similarly have not been addressed."

It is considered that the proposed development represents a significant level of harm to the listed heritage assets particularly the Grade 1 listed St Mary's Church. One of the core principles of the NPPF is to preserve heritage assets as part of a holistic approach towards sustainability.

It is therefore considered that the proposed development would pose substantial harm to the appearance and setting of recognised heritage assets and is therefore considered to be contrary to NPPF Paragraphs 132 and 133.

SUSTAINABILITY OF THE PROPOSED LOCATION FOR HOUSING DEVELOPMENT

The site is located immediately abutting the settlement policy boundary and is in a sustainable location in terms of accessibility to services and public transport links such as bus and train services. The District Council assessed the sustainability of its settlements in the document Settlement Sustainability Study (July 2007). This concludes that Yapton is regarded as having "fair" facilities accessibility, "limited" employment availability and "poor" transport accessibility.

A recent Inspector's report from a nearby site at Burndell Road considered the availability of facilities in and close to Yapton. The inspector's Decision Letter notes that "Yapton has a range of facilities. These include a primary school, shops, post office, public house and two doctors surgeries. In addition, there are a number of employment opportunities in and around the village."

The Inspector identified that the area has good access to public transport including bus and rail facilities: "The evidence indicates that buses from Yapton (as well as footpaths and cycle routes) link with nearby villages where further facilities and employment opportunities are available. The local service operates at an hourly frequency between 07:00 and 19:00 hours, Mondays to Saturdays. Further, there is a long distance route between Portsmouth and Brighton that also serves local destinations. This is a half-hourly service between 06:30 and 22:17 hours, Mondays to Saturdays, with an hourly service on Sundays between 07:40 and 20:12 hours. In addition, there is a railway station at Barnham approximately 3km away."

The Inspector concluded that "Yapton has a reasonable range of essential facilities and employment opportunities. In addition, it is quite well served by public transport. Given the connectivity that there would be to and from the appeal site, I regard the site as occupying a sustainable location."

In the intervening period between the Inspector's decision letter and the preparation of this report, there have been no significant change in circumstances which would reduce the sustainability of the site. In this circumstances, it is considered that Yapton is a sustainable location for housing growth of the scale proposed.

PROVISION OF AFFORDABLE HOUSING

The District Council's Housing Strategy and Enabling Manager has considered the proposals in relation to the provision of affordable housing. He has identified the proposal as being suitable and supports the application in its current form.

The applicants have stated that it is their intention to provide up to 30% (75) affordable homes which would be in accordance with the Council's Interim Affordable Housing Policy.

The applicants have proposed a tenure split of 80% rent and 20% shared ownership which is acceptable.

There are currently 20 households on the Council's housing register who have selected Yapton as

their first choice area for housing within the Arun district. These households are in the following housing bands;

Band A - 1
Band B - 4
Band C - 13

It is therefore considered that the provision of 75 affordable housing units in an area with established need would be a considerable benefit and is a factor which falls in favour of the application.

PROVISION OF PROPOSED PUBLIC PARKLAND, GREEN CORRIDORS AND IMPROVED FOOTPATHS

The proposed landscaping and public open space takes two forms. Firstly that which would normally be required as part of any housing development, and secondly the more substantial and less formal public open space and park land for which outline planning permission is also sought.

The applicants have identified that 1.4 hectares of public open space is required to meet the Council's adopted SPG. This element of the scheme would be included within the 10.5 hectare area proposed for housing development.

The County Council has identified in its consultation response that the improvements to the public footpaths would be required.

This element of public open space (1.4ha) and improvements to the footpaths are required to make the development acceptable in principle and are considered to meet the legislative requirements set out in the CIL Regulations 2010 Paragraph 122.

The applicants have proposed providing 14.9 hectares of public open space development to be laid out as public parkland and landscaped green areas.

The applicant has stated in its Planning Summary, Planning Statement & Design and Access Statement that "it is important to recognise that the principle of developing the remaining 10.5 hectares of this land for housing is not dependant on this aspect of his proposals as the housing element of the proposals are considered to be acceptable in their own right with or without the proposed additional Parkland and Green Corridors."

Therefore, while the transfer of this land to public open space is desirable and a public benefit arising from the scheme, as it does not meet the legislative requirements of the CIL Regulations, the District Council cannot require it to come forward and cannot require the open space to be delivered through a legal agreement or planning condition. Therefore, your officers consider that the provision of open space cannot constitute a reason for granting planning permission.

TECHNICAL MATTERS:

Scale & Appearance:

The application is in outline form with all matters reserved. The proposals are accompanied by an

indicative masterplan which identifies potential areas for housing, public footpaths, landscaping and public open space.

The applicant's Design and Access Statement explicitly states that all matters are reserved at this stage and have not identified any potential heights or layouts.

Residential Amenity:

Residential properties back onto the sites southern boundary along Church Lane, while the proposed development would be in close proximity to the existing B- class industrial uses. The masterplan shows a landscape buffer between the proposed housing parcel and existing properties. It is considered that the proposal is likely to retain the residential amenity of existing and proposed dwellings but would significantly alter their outlook.

Access:

Paragraph 32 of the NPPF confirms that decisions should only prevent development on transport grounds where the residual cumulative impacts of development are severe.

The submitted Transport Assessment proposes two vehicular access points with right hand turning lanes to assist with turning and traffic movements. Access will be gained to Yapton Village Centre via the existing public rights of way with new and improved pedestrian footpaths through the proposed additional public open space. The applicants have proposed a new footway along Ford Lane and a new pedestrian refuge island on North End Road. Furthermore the applicants have proposed a pedestrian, emergency and cycle access to the site from North End Road.

The applicants have set out that the possible traffic impact and trip rates generated by the proposal are as follows:

Weekday AM - 42 Arrivals / 104 Departures / 146 total
Weekday PM - 100 Arrivals / 63 Departures / 163 total
Daily (07.00- 19.00)- 658 Arrivals / 682 departures / 1,340 total

The applicants have provided a breakdown of the likely trip distribution routes and have identified that the main junctions affected would be the North End Road/Ford Lane/Maypole Lane junction; and the Ford Lane/Station Road Junction along with other junction between Yapton Lane and Lake Lane; North End Road and Church Lane and North End Road/ Yapton Road / Main Road.

The County Council have requested that further assessment is taken of the Climping Roundabout, Oyster Catcher Junction and Comet Corner.

The initial consultation response from the local highway authority has raised concerns over a number of issues and has requested further additional information to enable further assessment of the planning application. WSCC have assessed the application and identified a number of deficiencies in the information submitted with regards to the proposed access points, the Road Safety Audit and Designers Response, Personal Injury accident report, traffic assessment, and information on the impact on Yapton and Ford Railway Level Crossings.

The proposed improvements to the existing footpath network within the 10.5ha "housing

development" would provide pedestrian and cycle links from the site to facilities in Yapton (via North End Road) as well as facilities further afield such as Barnham Railway Station, Littlehampton and schools. These can be secured by way of a planning obligation and the applicant would be required to obtain the requisite consents to deliver the enhancements prior to first occupation.

The Highways Agency have also responded and identified a number of issues regarding the applications traffic data, accident data, and junction modelling of the A27/ Yapton Lane junction. The Highways Agency are concerned about the cumulative effect of the proposal with other committed development.

As a result of their concerns the Highways Agency have issued a directive from the Minister of State for Transport that directs that the application not be approved in advance of 26th March. Should members be minded to approve the application the Council would not be able to determine the application in advance of this date.

It is considered that at this stage the application has not submitted adequate information to demonstrate that the traffic impacts of the proposal have been fully assessed and that additional information is needed. Therefore it is considered that the application is contrary to policies within the Arun District Local Plan.

It is understood that the applicant has approached WSCC with a view to addressing the issues identified in their consultation response. Should information be provided to the County Council that addresses their concerns members will be informed by way of a Committee Update Report.

Impact on Nearby Railway Level Crossings:

The Council have consulted Network Rail given the site's proximity and likely impacts on both Yapton and Ford railway crossings and other nearby non-vehicular crossings over the railway line.

The application site is connected to the A27 (Arundel Road) via North End Road /B2132. Vehicles from the site will predominantly have to use Yapton Level Crossing to access the A27 (Arundel Road). The alternative route to the A27 will require vehicles to use Ford Level Crossing. The A27 is part of the strategic road network and provides connections to larger urban areas such as Chichester and Portsmouth. Network Rail is concerned that the extra traffic created by the proposed 250 dwelling development will have an impact on the operational risk at Yapton Level Crossing due to a number of safety risks identified by the Office of the Rail Regulator.

As a result, discussions are currently taking place between Network Rail and West Sussex County Council. The aim of the discussions is to identify potential solutions to resolve help address the ongoing issues at the level crossing. One option being considered is to upgrade the crossing to a full barrier crossing, if this upgrade is introduced, queues and waiting times are likely to increase dramatically as the downtime at the crossing will be increased. The increase in traffic from the proposed development will add to potential queuing related issues. An increase in queue length and longer queuing time will also affect traffic wishing to turn right from Lake Lane. This is likely to lead to an increase in misuse and red light jumping.

The applications associated Transport Statements states that the downtime at the crossing in the peak hour is approximately 15 minutes, however if the crossing is upgraded to a full barrier, the

barriers will be down for a longer period, especially in the peak hours where they will potentially be down for 40-45 minutes

Network Rail therefore considered that the development would lead to an increase in operational risk at Yapton Level Crossing, given that the crossing is currently experiencing significant safety issues and have therefore raised an objection.

Flood Risk:

The applicants have submitted a Flood Risk Assessment & Drainage Statement as an appendix to the Planning Summary, Planning Statement & Design and Access Statement. This confirms that the site is within Flood Zone 1 an area of land with low probability of flooding where all uses of land are appropriate.

The applicants have identified that the proposal will be connected to the Ford Waste Water Treatment Plant as it is within the catchment area.

A Sustainable Urban Drainage Scheme for storm water management system is suggested. No information is provided on peak flow discharges or the level of benefit that a Sustainable Urban Drainage System would have on flood risk in the vicinity of the site.

It is considered that a suitable surface water, and foul water drainage strategy could be secured through conditions. Southern Water, the Environment Agency and ADC Engineers raised no objection to the proposals subject to conditions.

Archaeology:

West Sussex County Council's Archaeologist has considered the application. The County Council considers that the applicants Archaeology and Heritage Statement is insufficient to meet the requirements of NPPF paragraph 128 and that the application does not provide sufficient information to establish the impact of the proposal.

The County Archaeologist recommendeds that due to the scale of the application a programme of archaeological assessment and evaluation should be undertaken to provide further information on the likely impact of the proposals upon below ground remains as set out under NPPF paragraph 128. They have identified that a field evaluation should take place prior to the determination of the application.

A field evaluation as required by the County Archaeologist has not been prepared or submitted. It is therefore considered that inadequate information has been submitted by the applicant.

Ecology:

Once operational, the development will provide additional habitats for reptiles, including new hedgerows, a diverse range of grassland structures, refuge/hibernation opportunities and corridors of movement around the Site and into surrounding habitats, which will ensure genetic diversity.

West Sussex County Council's ecologist has considered the application and identified the

provision of significant levels of open space and landscaping will have a significant positive ecological impact.

S106 Matters:

The guidance for seeking such contributions was set out in the NPPF. The Community Infrastructure Levy (CIL) Regulations 2010 came into force in April 2010. The CIL Regulations are law and therefore any request for infrastructure contributions must meet the tests of the CIL Regulations, otherwise any planning permission predicated on a planning obligation that did not meet the tests of the CIL Regulations would be unlawful and open to challenge in the Courts. Paragraph 122 of the CIL Regulations state:

"A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:"

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development."

A planning obligation would include the following;

- Upgrade status of footpaths PROW routes 357, 358, 359 and 363 to bridleway to enable use by cyclists.
- Highways works to Ford Lane/ North End Road Junction
- Affordable Homes
- Libraries Contribution
- Fire & Rescue Contribution
- Pools, Halls and Pitches Contribution
- Delivery of Open Space/Play Space
- Healthcare Contribution

OVERALL CONCLUSION

The development plan comprises the Arun District Local Plan 2003. Planning law is clear in stating that the planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a key material consideration that must be taken into account in determining this application. The NPPF carries a presumption in favour of sustainable development and requires Local Planning Authorities to approve developments unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole or individual policies in the framework indicate development should be restricted.

In this case, the development plan is not silent as policies GEN2 and GEN3 would not support the proposals. However, these policies are now of significantly reduced weight as they do not relate to development requirements in the period post 2011. However, the proposals would have a negative impact on countryside protection and the character of the area (contrary to parts of the NPPF).

The Council has now published a document that demonstrates an adequate supply of housing for

the next 5 year period. However, in the absence of a post 2011 strategy for delivery of growth in the District, the housing policies related to the delivery of additional growth must be considered to be out of date and the presumption in favour of sustainable development, that the NPPF requires, is unaffected by whether there is a demonstrably adequate housing land supply.

The ability to demonstrate a 5 year land supply affects the planning balance of the case alongside other considerations (e.g. highways, landscape, ecology, impact on heritage assets etc) associated with the proposals. However, the NPPF 's presumption in favour of an application remains in place as refusal of proposals solely on the basis on having an adequate housing supply is not considered to be a "significant or demonstrable" adverse impact on its own.

The application will deliver a significant number of affordable homes in the District, which has a strong demand. Furthermore the application will provide public open space.

The Landscape Capacity Study identifies that proposal site shows limited capacity to absorb development without significantly affecting the character of the area. Development within this area would have a significant effect on the landscape. The information submitted with the application is inadequate to allow the impact of the development on the landscape and character of the area to be fully assessed. This is contrary to Arun District Local Plan policies GEN3 and GEN7, and the objectives of paragraph 17 of the NPPF.

The application is located in close proximity to the Yapton Conservation Area and will result in the loss of open land which would erode to its detriment the relationship between the Conservation Area and the surrounding landscape, affecting the ability to appreciate and understand its historic development. This is contrary to the objectives of paragraphs 132 and 133 of the NPPF.

Furthermore, it is considered that the proposed development represents a significant level of harm to the listed heritage assets particularly the Grade 1 listed St Mary's Church. One of the core principles of the NPPF is to preserve heritage assets as part of a holistic approach towards sustainability.

West Sussex County Council have a number of unresolved issues regarding the highway impacts of the proposal. Network Rail have objected on the basis of the potential impact on Yapton Level Crossing. The County Council's archaeologist has identified that archaeological investigations should take place prior to the determination of the application.

In view of the above issues the proposal is considered to result in significant and demonstrable harm it is therefore considered that the application is contrary to the proper planning and sustainable development of the area and is recommended for refusal.

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 (insert number and description), 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 a neutral impact has 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.

RECOMMENDATION

REFUSE

- 1 The application proposals are located outside of the defined built up areas and represent a significant encroachment into the countryside on a site not well related to the existing settlement. The area in which the application proposes development is a rural location surrounded by open countryside. The scale and location of the proposals would result in a significant adverse impact on the visual amenities of the location and character of the area contrary to Policy GEN3 and GEN7 of the Arun District Local Plan 2003.
- 2 The application fails to assess the significance of heritage assets, including the contribution made by their setting and is inadequate to sufficiently to understand the potential impact of the proposal on their significance. The application is therefore considered contrary to Paragraph 128 of the NPPF.
- 3 The proposal would have an adverse impact on the setting of the Yapton Conservation area causing substantial harm to the designated heritage asset, by virtue of the proximity of the proposed dwellings to the conservation area boundary and the effect the proposed development would have on the traditional rural approaches to Conservation Area. The proposal therefore conflicts with paragraph 132 of the National Planning Policy Framework in that these elements of the scheme are not environmentally sustainable. The scheme also conflicts with policy Area 2 of the Arun District Local Plan 2003.
- 4 The proposal would have an adverse impact on the setting of the Grade I listed St Mary's Church causing substantial harm to the designated heritage asset, by virtue of the proximity of the proposed dwellings to the Conservation Area boundary and the effect the proposed development would have on the traditional rural approaches to Conservation Area. The proposal therefore conflicts with paragraph 132 of the National Planning Policy Framework in that these elements of the scheme are not environmentally sustainable. The scheme also conflicts with policy Area 2 of the Arun District Local Plan 2003.
- 5 The applicant has failed to demonstrate that the highway impact of the proposal will not have a severe effect on the local highway network to the detriment of highway safety.

The proposed development will lead to an increase in traffic using the Yapton Level Crossing which is currently experiencing significant safety issues. The development will increase the operational risk at Yapton Level Crossing and will be detrimental to road and rail safety as a consequence of the additional traffic associated with the development proposed. As such, the proposals are contrary to policy GEN7 (vii) of the Arun District Local Plan and paragraph 32 of the NPPF.

- 6 The application is considered to have the potential to include heritage assets with archaeological interest. Paragraph 128 states that local planning authorities should require developers to submit "where necessary, a field evaluation" should the site have potential to include heritage assets. A heritage assessment has been considered necessary by West Sussex County Council's archaeologist. No evidence of a field evaluation has been submitted therefore the proposal is considered contrary to Paragraph 128 of the NPPF.
- 7 The development proposed generates a need for public infrastructure in the form of financial contributions towards play facilities, libraries, pools, halls and pitches, healthcare, education and fire service. No Section 106 undertaking has been completed in order to secure these requirements and the development therefore conflicts with policy GEN8 of the Arun District Local Plan.
- 8 The applicant indicates that a number of the proposed dwellings would be affordable housing but no Section 106 undertaking has been completed to secure the provision of affordable housing for the long term including socially rented housing. The proposed development therefore conflicts with policy DEV17 of the Arun District Local Plan.
- 9 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.