

Report following a request for further information, negotiations or consultation

REF NO:	Y/44/17/OUT
LOCATION:	Land at Stakers Farm North End Road Yapton
PROPOSAL:	Outline Planning Application for 70 No. residential dwellings including 30% affordable, public open space & associated landscaping. All matters to be reserved apart from Access (access to be achieved via permitted road (reference Y/93/14/OUT)). This application is a Departure from the Development plan. This application affects the character & appearance of Main Road/Church Road Yapton Conservation Area & the setting of Listed Buildings

This application was deferred at the meeting on the 17th of January 2018 for further negotiation and clarification with (i) Southern Water; (ii) West Sussex County Council Education Department; and (iii) the applicant (with reference to land issues for the potential expansion of the primary school).

The applicant has amended the illustrative layout drawing to show 3,500m² of land reserved for the future expansion of the School. This is an increase of 2,050m² on the land previously shown as being gifted to the School. This has been achieved by reconfiguring the layout & the dwelling mix and by reducing the amount of proposed public open space (POS) from 4000m² to 3625m².

The amount of land to be reserved for the school has been arrived at through an Inception Study which built on the previous MACE High Level Feasibility Study, as provided by Lisa Jackson Planning in advance of the previous Committee Meeting. The Inception Study details the land required for a 3 Form Entry (FE) School meeting BB103 (Building Bulletin 103 "Area Guidelines for Mainstream Schools").

The expansion plans have been subject to consultation with Yapton Parish Council, WSCC and with the Headteacher of the School. The Headteacher had asked whether further land could be made available for the school to undertake more Forest School activities. The applicants would agree to this but this would be for future consideration under any subsequent application on the site (and would result in a further loss of POS to serve the residential development).

WSCC are currently reviewing the Inception Study but it should be noted that the requirement within Policy HP2c of the emerging Local Plan in respect of the SD7 Yapton residential allocation is for a 1FE school. WSCC were therefore seeking sufficient land to accommodate a 1FE expansion of the existing School to take it to a total size of 2.5FE. It is also noted that Yapton Parish Council, in their representation of the 16th January, stated that the land needed from the Stakers Farm site for the expansion of the School would be at least 0.35Ha. The scheme as now proposed allocates 0.35Ha of land to enable a 1.5FE expansion of the school.

It is proposed that the Section 106 Agreement include a provision which requires that the hatched area on the plan be reserved for the future expansion of the school and that if the land is not taken up for this purpose within a reasonable time period (to be defined) then it shall return to public open space serving the approved development and be subject to landscaping to be approved by the future reserved matters application.

In respect of the Southern Water (SW) objection, further comments have been sought from SW but they maintain their objection on the basis that they assess sites individually and with regard to variety of

factors and this is why sites adjacent or close to each other may receive contrasting responses. SW therefore maintains their objection.

Members should note that:

- * Southern Water did not raise any objection to the proposed residential developments on the adjacent land at Bonhams Field (Y/1/17/OUT), to the proposed residential development of land at Street Buildings (Y/49/17/OUT), to the proposed residential development at Ford Lane (Y/80/16/OUT) or to the proposed residential development at Burndell Road Yapton (Y/19/16/OUT). None of these other nearby sites were allocated in any existing or emerging Development Plan;
- * In all of the above cases, a condition requiring approval of foul drainage details was recommended;
- * Whilst the Stakers Farm site is not allocated for development, if the emerging Local Plan is to be found sound by the Inspector, then those sites identified within the Housing & Economic Land Availability Assessments (HELAA) would likely then be 'allocated' through a formal Development Plan document;
- * Southern Water has published their new Infrastructure Charges and these will come into force from 01/04/18. Under this new scheme, for developments greater than 20 units, the infrastructure charge will be £765 per plot. It is understood from the applicant that this entitles the developer to undertake a like for like connection into an existing public sewer as a direct connection without the need for a capacity check. On Stakers Farm, the existing public sewer is 175mm diameter in the road, which is suitable to take flows for the combined development of 110 properties. There would not therefore be a requirement for a bigger size pipe - and therefore subject to Southern Water's receipt of the £765 per plot charge, no objection could be raised to a connection; and
- * Southern Water have not confirmed (despite being asked to do so) that they will defend an appeal if the application were to be refused on foul drainage grounds.

On this basis and in the interests of consistency, it is not considered reasonable or sustainable to maintain the Southern Water objection.

The Committee report has been updated in respect of the changes to the proposal and to incorporate the contents of the previous report update.

The recommendation remains to approve subject to conditions and a Section 106 Agreement albeit that the decision should be delegated back to the Director of Place in consultation with the Chairman and Vice Chairman of the Development Control Committee in order that the Section 106 can be completed and signed.

PLANNING APPLICATION REPORT

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SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks outline planning permission for 70 dwellings, 3625m² of open space, 3500m² of additional open space reserved for expansion of the Yapton C of E Primary School and associated landscaping.

All matters are reserved except for access which is proposed to be taken from North End Road but via the land to the north which benefits from an outline consent with access for 38 dwellings (Y/93/14/OUT).

Of the 70 dwellings proposed, 21 would comprise affordable homes. The proposed mix of homes would be:

- * 4 x 1 bedroom apartments (5.7%);
- * 17 x 2 bedroom houses (24.3%);
- * 43 x 3 bedroom houses (61.4%); and
- * 6 x 4 bedroom houses (8.6%).

Detailed issues such as housing layout & design, parking, appearance, scale and landscaping are all reserved for a later detailed planning application. However, the illustrative layout plan suggests that:

- * Open space will be provided in the south eastern corner of the site providing a green buffer between Stakers Farm/The Croft and the new houses;
- * The north western boundary will include a 4.5m wide strip of buffer planting;
- * The part eastern boundaries to the School site will have 2m wide buffer planting to supplement the existing hedgerows;
- * Internal site roads will be 4.8m wide with 2.0m wide footpaths either side;
- * Allocated car parking will be provided in the following ratios - 1 space per 1-bedroom flat, 2 spaces per 2- & 3-bedroom house and 4 spaces per 4-bedroom house;
- * 14 unallocated visitor parking spaces will be provided; and
- * 2 cycle spaces will be provided per dwelling either in rear garden sheds or garages.

SITE AREA

3 hectares.

RESIDENTIAL DEVELOPMENT DENSITY

23.3 dwellings per hectare.

TOPOGRAPHY

Predominantly flat but undulating.

TREES

The following trees are considered to be potentially affected:

- T1 - a 10m high Monterey Cypress - just outside of the site adjacent to the south western corner;
- G2 - a group of up to 7m high English Oak, Hawthorn & Ash -

on the north western boundary;
G3 - a group of up to 5m high Ash & Hornbeam - just outside of the site adjacent to the north western corner;
H4 - 2m high Field Maple & Ash hedge - on part of the eastern boundary with the School site;
G5 - a group of up to 9m high Weeping Willow, Alder & Silver Birch on part of the northern boundary with the school site;
T6 - 8m high Ash - within the eastern half of the site/due west of the school;
T7 - a 4m high Lime - within the site roughly east of centre;
T8 - a 3m high Horse Chestnut - within the site roughly east of centre;
T9 - a 2m high Horse Chestnut - within the site roughly east of centre; and
T10 - a 6m high Beech tree - within the eastern half of the site/due west of Stakers Farm.

It is proposed to fell T7, T8 & T9 but retain all of the other trees/hedges. However, T6 is located in the area of land to be reserved for expansion of the School and could therefore be felled if the School is expanded in the future.

BOUNDARY TREATMENT

2-3m high hedge to the school boundaries. Otherwise 2 bar ranch style fencing to boundaries.

SITE CHARACTERISTICS

The site comprises of 6 separate agricultural fields currently utilised for the grazing of sheep & horses and an existing pitched roof single storey agricultural barn building. The site is grassed with few trees. In addition to the barn building, there are a few timber field shelters or stables.

The site is located in open countryside, but immediately abuts the western edge of the settlement boundary of Yapton and the Main Road Conservation Area. The site is not located in an area at risk from fluvial flooding, nor is it designated in an area of high landscape sensitivity or ecological importance.

CHARACTER OF LOCALITY

The site is located within the Parish of Yapton but just outside the Settlement Boundary of Yapton village. The site includes an existing agricultural barn building but excludes two further buildings just south east of the first. These buildings, the large arable field to the west and also the track running between the southern boundary of the site and the adjacent Bonhams Field site are owned by a third party.

Stakers Farmhouse and associated buildings lies to the east and consists of a two storey Grade II Listed dwelling with a mix of single and two storey outbuildings (these outbuildings are currently the subject of a barn conversion application (Y/58/17/PL). These outbuildings provide screening to the windows of the farmhouse itself.

The site is overlooked to the east by the ground & first floor windows of the residential properties of The Croft. To the

east/north/east lies the Yapton Primary School with surrounding playing fields. To the north lies a further field ("Land North of Yapton C of E Primary School") which has the benefit of an extant outline consent for 38 dwellings with access from North End Road.

The wider village is rural in character, but benefits from GP surgeries and pharmacy, two churches, a village hall and playing fields, the primary school, and a small selection of shops (including post office and a Co-Op convenience store). Barnham railway station is located 2 miles to the west (as the crow flies). Yapton is served by a regular bus service.

<p>RELEVANT SITE HISTORY</p>

Y/58/17/PL	Conversion of barn to form to 2 No. dwellings; detached garage & conversion of part link single storey building to garaging. This application may affect the setting of a listed building & affects the character & appearance of the Main Road/Church Road Conservation Area.	
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
Y/33/17/PL	2No. detached dwellings. This application affects the setting of a Listed Building & the Character & Appearance of the Yapton (Main Road) Conservation Area.	Refused 13-09-17
Y/108/14/PD	Prior notification under Class MB for change of use of agricultural building to 2 No. dwellings (Use Class C3)	Objection 12-02-15 Appeal: Dismissed 10-12-15
Y/93/14/OUT	Outline application for the erection of 38 dwellings to comprise 6 No. 4-bed houses, 20 No. 3-bed houses, 10 no. 2-bed houses and 2no. 1-bed houses each with a garage and parking space, together with the means of access off North End Road	App Cond with S106 05-08-15
Y/69/14/PL	Construction of outdoor riding arena. This application	Approve Conditionally

affects the setting of a Listed Building.

10-11-14

Y/77/14/PD	Prior notification under Class MB for change of use from agricultural to 2 No.dwellings (Use Class C3)	Objection 03-11-14
Y/77/13/PD	Prior Notification for change of use of agricultural building to Use Class B1 (Business)	No Objection 23-12-13

The site itself has a relatively limited planning history and the recent 2014 permission for an outdoor riding arena was never implemented. Furthermore, although there are some horses still grazing the land, it is understood that the former equestrian use is no longer operating.

Prior Approval type applications have been lodged concerning the use of the two third party owned agricultural barns. An application for business re-use was considered to be acceptable but has never been implemented. Two schemes for residential conversion were turned down with the second subject to an appeal dismissal on the grounds that the change of use would result in unsafe conflict between residential occupiers and both users of the equestrian business and vehicles requiring access to the adjacent third party owned grain store. However, this decision has no bearing on the current application as access is to be taken from elsewhere.

More recently, there was an application to site two detached dwellings within the gardens to the north side of Stakers Farmhouse. This was refused on the grounds of harm to the Listed farmhouse building.

Members should note that this current application proposes to take access from North End Road but via the site to the north which has outline planning permission for 38 dwellings (Y/93/14/OUT). In addition, regard should be had to the recent approval concerning the Bonhams Field site to the southwest (Y/11/17/OUT).

An application concerning the residential conversion of the existing Stakers Farm outbuildings is currently being determined.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council

PARISH COUNCIL:

Objection. Yapton Parish Council have provided both a one page online comment and a separate 8 page letter. Their comments are summarised below:

- (1) This proposal should be considered by way of proper consultation and cooperation between the Council, landowners and the Community such as through a Small Sites Document as part of the emerging Local Plan or a review of the Yapton Neighbourhood Plan. The application is therefore premature;
- (2) The site lies outside of Yapton's Built-Up Area Boundary and a proposal of this size would represent

an inappropriate incursion into the countryside;

(3) Proposal does not comply with adopted or emerging development plan policies and does not accord with the National Planning Policy Framework (NPPF);

(4) As per the Secretary of State Ford Lane decision, the made Yapton Neighbourhood Plan carries significant weight and even in the absence of a 5 year housing land supply, very substantial negative weight should be placed on the conflict between the proposal and the built up area boundary policy;

(5) Yapton has already met its current and future housing land allocations;

(6) Any housing sites additional to the Tack Lee Road allocation within the emerging Local Plan should be first considered at the strategic level so as to ensure that only one expanded school is provided in the village;

(7) The access is dependent on third party land & agreement;

(8) Impact of the traffic increase on the safe operation of the Yapton Level Crossing;

(9) The proposal should contribute towards an improved cycleway linking Yapton safely to Barnham;

(10) Impact on the Primary School which is already at full capacity;

(11) The proposed site would be visually isolated from and would fail to relate to the built up area boundary;

(12) Harm to the character and beauty of this historic rural setting and the setting of the listed and locally listed buildings within the adjoining Conservation Area;

(13) Permanent harm to the Conservation Area;

(14) Loss of agricultural land;

(15) Layout is too dense and will not be in character with its surroundings;

(16) The proposal does not relate well to the Bonhams Field site; and

(17) The open space provision is inadequate for this rural site.

On the 16th January, Yapton Parish Council wrote to the development control committee to report additional objections concerning the insufficient amount of land being reserved for future expansion of the School.

LOCAL RESIDENTS:

16 letters of objection have been received and these raise the following concerns:

(1) Loss of open countryside;

(2) Site is not allocated within the Yapton Neighbourhood Plan;

(3) National policy is to build on brownfield not greenfield land;

(4) This site was not proposed for allocation in the Neighbourhood Plan;

(5) Loss of Agricultural land;

(6) Harm to the setting of Stakers Farmhouse;

(7) Inadequate water supplies for future generations;

(8) Inadequate local foul sewer capacity;

(9) Existing school and doctors are already at capacity;

(10) Yapton only has two shops;

(11) Yapton needs more cycle paths, a railway station, cafe's/restaurants & pubs to cope with extra housing;

(12) Impact on safe operation of Yapton Level Crossing;

(13) Increased congestion on North End Road around the School;

(14) Greater use of the approved access for Y/93/14/OUT would be unsafe;

(15) Density is excessive and greater than the two sites either side;

(16) Impact on wildlife species inc foxes, birds of prey, woodpeckers, crows, magpies, tits, finches, bats, owls, butterflies and bees;

(17) Flooding and drainage; and

(18) Harm to enjoyment of The Croft retirement complex (occupied by retired police officers & their

families).

An additional letter of objection was received on the 8th January from Lisa Jackson of Jackson Planning who represents both Landlink Estates and Gleeson Strategic Land Ltd. The letter was accompanied by a Feasibility Study concerning the expansion of Yapton Primary School. The letter set out a number of issues with the report and with the relationship of the proposed development to the expansion of the school.

COMMENTS ON REPRESENTATIONS RECEIVED:

The following comments are offered in response to the points made by the Parish Council:

(1) Prematurity will be discussed within the report's conclusions section;

(2) The location of the site in the countryside will be discussed within the report's conclusions section under "Principle";

(3) Compliance with the policies of the development plan including those of the emerging Local Plan will be discussed within the report's conclusions section;

(4) - (5) These will be discussed within the report's conclusions section under "Principle";

(6) It is acknowledged that there is a village preference for expansion of the existing school site rather than the creation of a second school elsewhere. Clearly the Stakers Farm site being adjacent to the School means that it could provide assistance in terms of land for expansion of the school. However, this application must be considered on its own merits and it would not be possible to justify a refusal based on a preference for expansion of the school onto the land - particularly as there is no development plan policy in support of this. However, members should note that the application will result in contributions being made for the expansion of primary school provision, most likely at Yapton primary school. In addition, it is possible that an area of land within the site (1450m²) can be gifted to WSCC for the purposes of expanding the school site. This may alone not be suitable to enable expansion of the school but it may free up land elsewhere on the school site for expansion.

(7) The access to the proposal is via the land to the north subject of application Y/93/14/OUT. The applicant has control of both the Stakers Farm site and also the land to the north. Therefore, there is no requirement for third party agreement;

(8) The applicants consulted with Network Rail prior to submitting the application. A copy of their response is provided within the Transport Statement and states that:

"The crossing is due to have RLSE (Red Light Safety Equipment) cameras installed in the next couple of weeks. Essentially this means that when a vehicle goes over the white stop line when the red lights are flashing, the incident is captured on film and a prosecution of at least 3 points and a fine (or worse) will take place. In addition, NR is proposing to install full barriers at the crossing in June of next year. Therefore the addition of these movements shouldn't make too much difference at the crossing."

(9) WSCC Highways have requested a contribution towards cycling improvements between Barnham and Littlehampton and this will benefit Yapton which lies between these two locations;

(10) It is accepted that the primary school is at capacity. This application will make provision for the future expansion of the school through (a) a gift of land, and (b) a financial contribution;

(11) It is accepted that the development of this site will extend the settlement of Yapton into relatively open countryside. However, the site does share a border on its eastern side with the settlement of Yapton. Furthermore, the site shares a border to the south west with the Bonhams Field site recently approved for 56 dwellings - and to the north with the land north of the school which has approval for 38 dwellings. The Stakers Farm site will not extend any further to the west than the Bonhams site;

(12) Character issues will be discussed within the report's conclusions section;

(13) Heritage Impacts will be discussed within the report's conclusions section and regard will be had to the advice of the Councils Conservation Officer;

(14) Agricultural land will be discussed within the report's conclusions section;

(15) The proposed density of the whole site is 23.3 dwellings per hectare and this compares favourably with the site approved to the north for 38 dwellings at 23.1 dwellings per hectare. Character issues will be discussed within the report's conclusions section;

(16) The applicant is understanding of the need to link this site with the Bonhams Field site. A track access runs between the two sites and this is owned by a third party. However, it should be noted that layout is a reserved matter and the applicant has stated a willingness to agree to explore how the two sites could be linked within a reserved matters submission should the outline permission be granted. It is also clear from a comparison of the two illustrative layouts that there is scope to at least connect a footpath between the two sites; and

(17) Noted. However, it has not been made clear why or how the open space is inadequate and it has been declared to be acceptable by the Councils Landscape Officer.

The Yapton Parish Council concerns regarding the future expansion of the School are considered to have been resolved by the amended illustrative layout plan and the proposal to include a provision within the Section 106 Agreement reserving a greater amount of land for the expansion of the School.

The following comments are offered in response to the local resident objections:

(1) The location of the site in the countryside will be discussed within the report's conclusions section under "Principle";

(2) This will be discussed within the report's conclusions section under "Principle";

(3) The National Planning Policy Framework (NPPF) encourages the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. The NPPF does not state that no development is permitted on greenfield sites;

(4) This will be discussed within the report's conclusions section under "Principle";

(5) Agricultural land will be discussed within the report's conclusions section;

(6) Heritage Impacts will be discussed within the report's conclusions section and regard will be had to the advice of the Councils Conservation Officer;

(7) The comments of Southern Water are set out in the next section of this report. They do not raise any objection on grounds of inadequate water supplies

(8) The comments of Southern Water support this objection. This will therefore be discussed within the Conclusions section;

(9) It is accepted that the primary school is at capacity. This application will make provision for the future expansion of the school through (a) a potential gift of land, and (b) a financial contribution. In respect of local doctors, the Council has sought a response from the NHS and their comments on whether a financial contribution is required are awaited;

(10) It is accepted that Yapton only has two convenience style shops but there are other retail premises. Additional dwellings may generate greater economic activity within the settlement;

(11) WSCC Highways have requested a contribution towards cycling improvements between Barnham and Littlehampton and this will benefit Yapton which lies between these two locations. It is unlikely that a railway station would be built in Yapton. Furthermore, the addition of cafes and pubs would depend on whether there is a commercial reason to locate these in Yapton. However, it is fair to say that if more people live in a settlement then there is likely to be a greater case for businesses to want to move into the area to cater for the increased population;

(12) The applicants consulted with Network Rail prior to submitting the application. A copy of their response is provided within the Transport Statement and states that:

"The crossing is due to have RLSE (Red Light Safety Equipment) cameras installed in the next couple of weeks. Essentially this means that when a vehicle goes over the white stop line when the red lights are flashing, the incident is captured on film and a prosecution of at least 3 points and a fine (or worse) will take place. In addition, NR is proposing to install full barriers at the crossing in June of next year. Therefore the addition of these movements shouldn't make too much difference at the crossing."

(13) & (14) Highway related issues are discussed within the report's conclusions section;

(15) The proposed density of the whole site is 23.3 dwellings per hectare and this compares favourably with the site approved to the north for 38 dwellings at 23.1 dwellings per hectare. Character issues will be discussed within the report's conclusions section;

(16) The application was accompanied by a Preliminary Ecological Appraisal which was checked by a MCIEEM ecologist. This shows that the site has a low biodiversity value and that there was no evidence of bats or Great Crested Newts. It is proposed that the development site be enhanced with bats and bird boxes and also that any trees to be removed are carefully checked for bird nests. It is also noted that aside from bats, none of the species referred to in the letters are protected by law;

(17) The site is within Flood Zone 1. In respect of surface water drainage, the Council's Drainage Engineers have not raised any objections; and

(18) Residential amenity issues are discussed within the report's conclusions section.

The issues raised in the Lisa Jackson letter are noted but aside from correcting a statement about the track that runs between this site and the adjacent Bonhams Field site, the planning department stands by the rest of the Committee report and does not consider it necessary to make any further changes. It is also considered that the majority of the concerns raised are dealt with by the amended illustrative layout plan and the proposal to include a provision within the Section 106 Agreement reserving a greater amount of land for the expansion of the School.

CONSULTATIONS

Highways England
WSCC Strategic Planning
Environment Agency
Surface Water Drainage Team
Environmental Health
Parks and Landscapes
Arboriculturist
Southern Water Planning
Head of Planning Policy & Cons
Planning and Housing Strategy
Sussex Police-Community Safety
Engineering Services Manager
Engineers (Drainage)
NHS Coastal West Sussex CCG
Listed Building Officer
Conservation Officer

CONSULTATION RESPONSES RECEIVED:

NHS

The NHS responded on the 22nd December to request that the Section 106 Agreement include a contribution of £81,517 towards the infrastructure needs of managing "Treatment Rooms capacity" at the "Avisford Medical Group" in Yapton. This is considered to be CIL compliant and will therefore be included with the Section 106 Agreement that is currently being prepared.

ENVIRONMENT AGENCY

No response received.

HIGHWAYS ENGLAND

Initial Comments:

Commented that there is insufficient information provided to assess the impact of the proposal on the strategic road network particularly in respect of the A27/Yapton Lane junction & the right turn lane from the A27. Requested that the applicant demonstrate that the proposed development would have no detrimental impact on the A27/Yapton Lane junction or if this is not the case, propose mitigation. Also requested that the applicant consider the impacts in conjunction with other allocated developments within the emerging Local Plan. Recommend that until such time as sufficient information has been provided to Highways England to allow a clear view to be taken then this application should not be approved because of its potential for severe harm to the strategic road network.

Further Comments:

A subsequent response from Highways England advised that they have no objection to the application subject to the inclusion of a Construction Management Plan condition and a contribution being secured to enable the A27/Yapton Lane junction (extension of right turn only lane) improvement works to be completed.

Highways England confirmed that the same approach should be taken as was agreed for the Tye Lane, Walberton scheme (175 dwellings) whereby if Highways England do not undertake a Road Improvement Scheme (RIS) that improves the A27 Yapton Lane junction (e.g. Arundel Bypass Option 5A or similar) then the applicant will be required to provide the improvements to the A27 right turn lane in accordance with the approved drawing prior to occupation of the 50th dwelling. However, in the event that Highways England do carry out a RIS improvement scheme at the A27 Yapton Lane junction (Option 5A) then the applicant would instead provide a contribution to Highways England's scheme to the value of the cost of the right turn lane improvement, that being £180,000.

Highways England have said that the applicant would be concerned that if he occupies to the trigger point and Land East of Tye Lane do not then the Stakers farm applicant would be required pay for the full right turn lane improvement which the Tye Lane development site would then benefit from. However, Highways England see this as an acceptable arrangement as both of the sites are outside of the emerging Local Plan (eLP) and as such they are required to mitigate their own impacts rather than contribute to the collective pot for highway improvements as agreed in the eLP. Furthermore, there is nothing to stop the two applicants from bringing forward the right turn lane improvements on a cost sharing basis (in the event HE do not proceed with a RIS scheme).

SOUTHERN WATER

Object. State that Southern Water's Lidsey Wastewater Treatment Works does not have the capacity to accommodate flows from the proposed development nor will have the plant on completion of currently planned improvement works. Southern Water will attempt to ensure capacity in respect of sites allocated in the emerging Local Plan but not in other cases. Therefore, Southern Water has not had reasonable time to make provision for the additional treatment capacity and it is considered that this development is premature.

Further advice was received on the 29th January 2018 which stated that:

- * Although sites may be located in the vicinity to each other, the outcome of the capacity assessments undertaken for each application site may differ due to a number of factors considered at time of an application such as numbers, modelling criteria, location etc;
- * Southern Water cannot reserve any capacity for a specific development due to the fact that a development may or not go ahead due to financial problems and other constraints; and
- * As such, the objection is maintained.

In addition, Southern Water wrote on the 6th March to correct a perceived misunderstanding on the Local Authority's behalf in respect of the difference between (a) 'Sewer Capacity' which refers to capacity within piped sewerage systems; and (b) 'Treatment Capacity' which refers to capacity of the Wastewater Treatment Works to treat the sewerage of an entire catchment.

SUSSEX POLICE

Have no concerns with the site layout/design as shown on the illustrative drawing other than an unobserved parking area behind plot 52 that is vulnerable and which provides unobserved access to a number of rear gardens. Recommend that this as well as details of boundary treatments & lighting are addressed at the detail stage.

WSCC HIGHWAYS

Originally raised no objections subject to conditions relating to car parking, cycle parking, construction management plan and a travel plan. The access to the adjacent site was the subject of a safety audit and its intensification is considered to be acceptable. The impact on the Oyster Catcher and Comet Corner junction has been assessed and is considered acceptable. Parking provision as shown on the illustrative layout is in accordance with WSCC standards. Do raise a concern about the lack of pedestrian footpath access either to the adjacent site (Bonhams Field - ref Y/1/17/OUT) or through Stakers Farm to North End Road. Consider that land should be safeguarded to provide for this purpose. Also advise that a contribution should be sought towards cycleway improvements between Barnham and Littlehampton. The contribution would be £110,530 and is considered to comply with the CIL tests. This would provide a valuable link from the development site via Yapton Road to Barnham station and Main Road, Burndell Road and Yapton Road towards Littlehampton and facilitate sustainable transport

Subsequent correspondence received on 18/12/17 sets out a HOLDING OBJECTION on the grounds that should it be possible to increase the capacity of the primary school from 1.5 Form Entry (FE) to 2.5FE using funding from the proposed strategic site on the south western side of Yapton then there would be an increase in traffic/activity around the school and it would therefore be necessary to reconsider the highway implications of the Stakers Farm proposal. It is requested that determination of this application be delayed until such time as WSCC know whether a school expansion has merit and can therefore reassess this proposal.

WSCC INFRASTRUCTURE

Initially raised no objection. Stated that contributions are required towards the provision of additional County Council service infrastructure, namely education (primary, secondary & 6th form), libraries and fire & rescue infrastructure. WSCC also accepted the principle of a land gift of land for the expansion of the school site.

Further comments received on the 18th December raised a holding objection on the basis that the highway impacts of the future expansion of the school needed to be assessed alongside the impacts of the proposal. WSCC therefore requested that the application be deferred until it was known for sure whether the school expansion has merit.

WSCC DRAINAGE

Note that the site is at low risk of surface water flooding and a moderate to high risk of groundwater flooding. There are no records of historic flood events relating to the site. There is a watercourse 170m from the south western boundary and field boundary ditches may exist on or around the site. These should be maintained and no development should take place within 5m of an watercourse or drainage ditch. Existing surface water flows across the site should be maintained and no site level raising should take place.

ADC CONSERVATION OFFICER

No objections.

Note that the site adjoins the Conservation Area and also will affect two Grade II listed Buildings to the east of the site. States that the National Planning Policy Framework (NPPF) requires great weight to be given to the conservation of designated heritage assets and notes that significance can be harmed or lost through inappropriate development within their settings. Considers that the development will have

an adverse effect on the setting and therefore significance of Stakers Farmhouse. The development will also cause some degree of harm to the significance of the second listed building, the Homestead. Furthermore, the proposal will result in some degree of harm to the significance of the conservation area mainly as a result of increased traffic and increased activity & noise.

These impacts are somewhat mitigated by the green buffer and well planted boundaries to the east of the development site. The harm would therefore be less than substantial. Para 134 of the NPPF therefore advises that 'the harm should be weighed against the public benefits of the proposal'. It is recommended that an on-balance planning decision be made as to whether the wider benefits of the proposal outweigh the resultant harm to the significance of the affected designated heritage assets.

Also comment on design matters relating to the illustrative aspects of the scheme. Welcome the proposed scaling down of the development towards its edges but consider that buildings greater than two storeys in the central may not be appropriate in the rural context. Also raise concern with the lack of pedestrian connectivity between the new development and the existing settlement. Lastly, provides guidance on design for the reserved matters stage.

ADC ARBORICULTURAL CONSULTANT

No objection subject to conditions. Consider that there are very few trees of any real significance on the site and none are deemed to require additional TPO protection. Furthermore, the majority of tree cover is to be retained and those to be lost are acceptable.

ADC ENVIRONMENTAL HEALTH

No objections in principle. Raise a concern with any future layout if a sewage treatment plant or related pumping station is required on site. This would then require a distance of 15m between a pumping station/treatment plant and any residential dwelling. Ask for conditions to protect against contamination, a condition requiring a construction management plan and a condition to require each dwelling to have an electric car charge point.

ADC HOUSING STRATEGY

States that there is no objection in principle to the affordable housing provision but that the applicant needs to give consideration to the viability of providing all the affordable homes for rent as registered partners may not be able to offer a suitable bid based on the proposal.

ADC DRAINAGE ENGINEERS

No objection subject to the imposition of standard conditions ENGD2B, ENGD3A, ENGD5A, & ENGD5B. Engineers note that a perched water table may be present on this site and that therefore, a proposed deep drainage system suggested in the Flood Risk Assessment may not be viable, and that a shallow system will need to be designed. Also, infiltration to the Chalk layer may not be feasible for the same reason. Engineers also note that if the perched water table exists, it may be necessary to have open areas (POS) on the northern & western parts of the site in order to locate shallow infiltration ponds.

ADC GREENSPACE

Consider that the 4000m² public open space provision (POS) is insufficient for a development of this size and that 5376m² should be a minimum recommendation. Advise that a Locally Equipped Area for Play (LEAP) should be provided on site and that maintenance contributions will be required for the POS if it is

to be transferred to the Council. Do not consider that a multi use games area (MUGA) contribution would be CIL compliant due to other committed improvements to the existing Yapton provision at the community centre. Provides advice on the form of future landscaping and open space.

COMMENTS ON CONSULTATION RESPONSES:

HIGHWAYS ENGLAND - The Stakers Farm applicant accepts the need for junction improvements and the suggested 50th dwelling trigger point (albeit on the proviso that the trigger point could be changed if agreed in writing with the local planning authority). However, the applicant cannot accept the suggested contribution towards the junction improvement. They consider that the requested contribution of £180,000 would not be CIL compliant as it would not be fair to require the same level of contribution for a 70 dwelling scheme as for a 175 dwelling scheme. They therefore expect a lower contribution. This was put back to Highways England on the 21st December 2017 but no further response has been received and therefore the Highways England requirement will form part of the Heads of Terms.

SOUTHERN WATER - In response to the stated objection, it is noted that:

- * Southern Water did not raise any objection to the proposed residential developments on the adjacent land at Bonhams Field (Y/1/17/OUT), to the proposed residential development of land at Street Buildings (Y/49/17/OUT), to the proposed residential development at Ford Lane (Y/80/16/OUT) or to the proposed residential development at Burndell Road Yapton (Y/19/16/OUT). None of these other nearby sites were allocated in any existing or emerging Development Plan;
- * In all of the above cases, a condition requiring approval of foul drainage details was recommended;
- * Whilst the Stakers Farm site is not allocated for development, if the emerging Local Plan is to be found sound by the Inspector, then those sites identified within the Housing & Economic Land Availability Assessments (HELAA) such as Stakers Farm would likely then be 'allocated' through a formal Development Plan document;
- * Southern Water have published their new Infrastructure Charges and these will come into force from 01/04/18. Under this new scheme, for developments greater than 20 units, the infrastructure charge will be £765 per plot. It is understood that this entitles the developer to undertake a like for like connection into an existing public sewer as a direct connection without the need for a capacity check. On Stakers Farm, the existing public sewer is 175mm diameter in the road, which is suitable to take flows for the combined development of 110 properties. There would not therefore be a requirement for a bigger size pipe - and therefore subject to Southern Water's receipt of the £765 per plot charge, no objection could be raised to a connection; and
- * Southern Water have not confirmed (despite being asked to do so) that they will defend an appeal if the application were to be refused on foul drainage grounds.

On this basis and in the interests of consistency, it is not considered reasonable or sustainable to maintain the Southern Water objection.

WSCC HIGHWAYS/ADC CONSERVATION - The applicants note the concerns from both the Councils Conservation Officer and County Highways in respect of a lack of pedestrian connectivity. It is noted that a track access runs between the Stakers Farm and Bonhams Field sites and this is owned by a third party who, it is understood, will not grant access without significant financial benefit. However, it should be noted that layout is a reserved matter and the applicant has stated a willingness to agree to explore how the two sites could be linked within a reserved matters submission should the outline permission be granted. It is also clear from a comparison of the two illustrative layouts that there is scope to at least connect a footpath between the two sites.

ADC CONSERVATION - It is also noted that the applicants have some objections to the Conservation Officer response and are strongly of the view that there remains only a minor impact on heritage assets

and that this impact is significantly less than substantial. They also consider that the significant benefit of providing new, sustainably located homes with a large area of public open space alongside the potential gifting of land to Yapton C of E Primary School and ecological enhancements are considerable benefits of the scheme which would clearly outweigh the negligible (and considerably less than substantial) harm.

ADC GREENSPACE - Although it is true that the proposed public open space (POS) is only 4,000m² and is therefore 1,376m² short of the required total (which should be 5,376m²), it should be noted that an additional area of POS totalling 1450m² is proposed as a land gift to the primary school. The gifting of this land would therefore benefit children playing at the school and could potentially assist with the expansion of the school itself. If however, the land gift does not take place, then the site would retain this additional parcel of land and therefore have a total of 5,450m² of POS and this would therefore more than satisfy the requirements.

OTHER - All requested planning conditions are considered to meet the necessary tests and would be included within any planning permission.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Grade 1 Agricultural Land;
Flood Zone 1 (low risk);
Lidsey Treatment Catchment Area;
Special Control of Adverts;
Setting of two Grade II Listed Buildings; and
Setting of a Conservation Area (Main Road/Church Road).

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

AREA2	Conservation Areas
DEV17	Affordable Housing
GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN5	Provision of New Residential Development
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure
GEN9	Foul and Surface Water Drainage
GEN12	Parking in New Development
GEN18	Crime Prevention
GEN20	Provision of Public Open Space within New Development
GEN25	Water Resources
GEN26	Water Quality
GEN28	Trees and Woodlands
GEN29	Nature and Conservation Across the District
GEN33	Light Pollution

[Publication Version of the Local Plan \(October 2014\):](#)

C SP1 Countryside
 D DM1 Aspects of Form and Design Quality
 D DM2 Internal Space Standards
 D DM3 External Space Standards
 D SP1 Design
 ECC SP2 Energy and climate change mitigation
 ENV DM4 Protection of Trees
 ENV DM5 Development and Biodiversity
 ENV SP1 Natural Environment
 H DM1 Housing Mix
 HER DM3 Conservation Areas
 HER SP1 The Historic Environment
 H SP2 Affordable Housing
 INF SP1 Infrastructure provision and implementation
 LAN DM1 Protection of Landscape Character
 OSR DM1 Open Space, Sport & Recreation
 QE DM2 Light Pollution
 QE SP1 Quality of the Environment
 SD SP1 Sustainable Development
 SD SP2 Built-Up Area Boundary
 SO DM1 Soils
 T DM1 Sustainable Travel and Public Rights of Way
 T SP1 Transport and Development
 W DM1 Water Supply & Quality
 W DM3 Sustainable Urban Drainage Systems
 W SP1 Water

Yapton neighbourhood plan 2014 Policy BB1

Yapton neighbourhood plan 2014 Policy E1	Built-up Area Boundary
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
Yapton neighbourhood plan 2014 Policy E11	Listed Buildings and Buildings or Structures of Character
Yapton neighbourhood plan 2014 Policy PK1	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy H1	Parking standards for new residential development
Yapton neighbourhood plan 2014 Policy H2	Housing requirement
Yapton neighbourhood plan 2014 Policy H3	Dwelling size
Yapton neighbourhood plan 2014 Policy SA1	Dwellings appropriate for the needs of older people
	Land north of Yapton CE Primary School

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD1	Open Space & Recreation Standards
SPD2	Conservation Areas

POLICY COMMENTARY

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

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application

consultation, been publicised for pre-submission consultation (Reg.14).

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is not considered to comply with the relevant development plan policies in that it is located outside of the defined built up area boundaries within the development plan. However, there are significant material considerations that would weigh in favour of the proposals and the policies within the development plan that relate to the supply of housing are out of date.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background as detailed in the Conclusion section. These are as follows:

- * The fact that the Council cannot currently demonstrate a 5-year housing land supply;
- * The National Planning Policy Framework (NPPF) and associated guidance particularly in respect of Sustainable Development;
- * The Written Ministerial Statement of December 2016;
- * The Secretary of State's three recent decisions concerning the Call-in Inquiries for the Fontwell (WA/22/15/OUT), Burndell Road (Y/19/16/OUT) and Ford Lane (Y/80/16/OUT) applications;
- * The Supreme Court Ruling dated 10th May 2017 on the application of Paragraphs 14 & 49 of the NPPF in respect of how they relate to the lack of a 5-year housing land supply (Suffolk Coastal District Council v Hopkins Homes Ltd and another Richborough Estates Partnership LLP and another v Cheshire East Borough Council);
- * The Local Plan Sub-Committee decision in December 2016, followed by the Full Council decision that the Council would invite planning applications on sites identified as being 'deliverable' by the HELAA where they are considered sustainable and will not prejudice the emerging local plan and/or infrastructure delivery; and
- * The emerging Local Plan - "Arun Local Plan 2011-2031 Publication Version showing Modifications".

CONCLUSIONS

PRINCIPLE:

Objections have been raised by both the Parish Council and local residents on the matter of the principle of the development in this countryside location.

The development plan for Arun District currently comprises the Arun District Local Plan (2003) (saved policies) and the Yapton Neighbourhood Development Plan (November 2014).

Arun District Local Plan 2003

The policies of most relevance are saved policies GEN2 and GEN3 of the Arun District Local Plan (ADLP). Policy GEN2 states that outside of the built up area boundary (BUAB), development will not be permitted unless it is consistent with other ADLP policies.

ADLP Policy GEN3 "Protection of the Countryside" states that except for various categories of development (of which none apply to the application proposal), development within the countryside will not be permitted. As this site lies outside the nearest BUAB, it is categorised as being within the countryside and the scheme would therefore conflict with ADLP Policies GEN2 and GEN3.

Yapton Neighbourhood Development Plan

The Yapton Neighbourhood Plan (YNDP) was made (adopted) in November 2014 on the basis of the saved policies in the ADLP and the draft policies in the 2014 publication version of the emerging Arun Local Plan (eALP).

Figure 4.1 on page 13 of the YNDP includes a BUAB drawn around the edge of the settlement of Yapton which, save for the proposed allocations within the YNDP, broadly compares with that provided by the ADLP. The application site is adjacent to the western boundary of the BUAB and the application site is therefore classified as countryside.

Policy BB1 states that development outside of the BUAB will not be permitted unless in accordance with 4 listed criteria. The third of these is where the development relates to additional allocations for housing land in accordance with policy H1.

Policy H1 states that:

"The minimum housing requirement for Yapton over the period 2014 to 2029 will be established by the emerging Arun Local Plan. An additional buffer of 20% over and above the minimum housing requirement will be permitted to allow for flexibility and consumer choice. The neighbourhood plan identifies allocations to accommodate growth (policies SA1 and SA2). In addition to these allocations, infill development will be considered acceptable within the built up area, subject to the provisions of policy BB1 and other material planning considerations. Additional allocations will be made if the emerging Arun Local Plan requires such action or if the identified housing sites do not proceed. New housing development will be required to ensure that local infrastructure is provided and/or improved in relation to the size and scale of the development proposed. This requirement will apply to all infrastructure, and with particular attention to education provision and flood prevention (fluvial, sea and surface water). Any development that would result in the additional 20% buffer being exceeded will only be permitted if it can be demonstrated that either the expected child yield would not result in the Yapton CE Primary School exceeding the maximum number of children permitted on its role or that appropriate modifications and/or extensions to the School can be delivered at the developer's expense.

The application if approved would include a S106 contribution towards small scale improvements at the Yapton Primary School. In addition, the application includes the potential for a gift of land to the School for the purposes of enlarging the existing 'playing fields' and potentially facilitating expansion of the school itself. It is considered therefore that the proposal would provide support to the school to enable it to grow to meet future demand. Therefore, although the exact terms of Policy H1 are not met, it is considered that the proposal would gain some support from the policy.

Emerging Development Plans

This includes the emerging Arun Local Plan 2011-2031 Publication Version October 2014 (eALP) as

modified March 2017 ('the modified eALP').

The eALP was submitted for examination in January 2015. However, following a material increase in the Objectively Assessed Need (OAN) for housing, the eALP examination was suspended to allow ADC to review potential additional locations for housing development. The proposed Modifications were approved by Full Council and consultation took place on the new document ("Arun Local Plan 2011-2031 Publication Version showing Modifications") between 10 April and 30 May 2017.

The hearing sessions into the examination of the Arun Local Plan ended on Thursday 28 September 2017 and the Inspector has since written to the Council to set out his 'Interim Views following the Hearings'. The Council responded to this document on 22/11/17.

Policy H SP1 "Housing Allocation" of the modified eALP sets out the overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes a reference to additional allocations for small sites being made across the District through emerging Neighbourhood Plans or reviews of made Neighbourhood Plans.

Policy H SP2 "Strategic Site Allocations" is split into 3 sections covering different areas of the District. An allocation is proposed by Policy H SP2c on land to the southwest of Yapton for at least 400 dwellings to include a new school, library, improvements to the A259 (between Climping & Littlehampton) and contributions to healthcare in Ford. The application site does not form part of this allocation.

Policy SD SP2 "Built up Area Boundary" states that outside the BUAB, apart from Strategic, Site Specific and Broad Allocations, development will not be permitted unless consistent with other plan policies. In addition, Policy C SP1 "Countryside" states that residential development in the countryside outside of the BUAB will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development. As the proposed site does not form part of a proposed allocation and is not in accordance with another policy within the eALP, the exception would not apply and the proposal would be contrary to eALP policies SD SP2 and C SP1.

The proposed development is not located in a strategic, site specific or broad allocation in the eALP, so the application will need to be considered alongside other plan policies.

Planning Balance

For reasons given above, the application is not in accordance with ADLP Policies GEN2 & GEN3 or policies BB1 & H1 of the YNDP. As set out below, these policies are all out-of-date and carry limited weight. The following sets out whether there are any material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

There has been an almost doubling of the objectively assessed need (OAN) for the Arun District to 919 dwellings per annum (dpa) and the current reported housing land supply figure for Arun District is only around 2.07 years (as at 31/03/17). This demonstrates that there is a pressing need to identify and bring forward deliverable sites for housing and that ADC cannot currently demonstrate a 3 or 5 year supply of deliverable housing sites.

In recognition of this, the Local Plan Sub-Committee resolved in December 2016 to invite planning applications for the first phases of sites being investigated at potential strategic allocations. It was also resolved to invite planning applications on sites identified as being 'deliverable' within the Housing and Employment Land and Availability Assessment (HELAA) where they are considered sustainable and will not prejudice the emerging local plan and/or infrastructure delivery.

The 2017 HELAA report assesses the application site (Ref Y8) as being suitable in principle for future housing development based on its sustainable location and lack of insurmountable constraints. The Report also considered that the site is currently deliverable but might need to be delayed in order to allow time for a joint development scheme to be agreed with adjoining landowners. The total yield was suggested to be 72 dwellings.

The scheme has been prepared with access and connectivity into/through the adjacent land to the north (Land North of Yapton C of E Primary School - ref Y/93/14/OUT). Furthermore, the applicants have stated that a connection into the land to the south (Bonham's Field - Y/1/17/OUT) would be investigated if outline permission is granted for the application. It may also be possible to provide a footpath through Stakers Farm to the east to link to North End Road.

Given the absence of a 5 year housing land supply, paragraph 14 of the NPPF is engaged and planning permission should be granted unless (a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole or (b) specific policies in the Framework indicate development should be restricted.

As the Council cannot demonstrate a 3 year supply of deliverable housing sites, the Written Ministerial Statement on Neighbourhood Planning (12 December 2016) does not apply. Paragraph 49 of the NPPF is also engaged, which states that the relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a 5-year housing land supply.

Given the significant shortfall in housing supply, only limited weight can be given to the conflict with out-of-date ADLP Policies GEN2 & GEN3 and policies BB1 & H1 of the YNDP. Policy GEN2 is clear that the boundaries of the built-up area were defined 'for the purposes of the West Sussex Structure Plan and this District Local Plan'. The built-up areas were drawn for the purposes of defining the extent of the built-up areas and countryside. This was done with the background of the required number of dwellings for the plan making period being provided within the built-up areas or on allocated sites (up to 2011).

The Inspectors decision for the called-in Inquiry concerning 108 residential dwellings at Burndell Road (Ref APP/C3810/V/16/3158261) stated that policies GEN2 & GEN3 are out of date in that the aLP does not plan for housing beyond 2011, that they pre-date the NPPF and do not seek to establish an Objectively Assessed Need (OAN). Both policies also do not accord with the NPPF in that they protect the countryside for its own sake. The Inspector considered this to be a material consideration weighing against the policy to which was attributed significant weight. In allowing the Burndell Road call-in, the Secretary of State confirmed the Inspectors position that policies GEN2 & GEN3 are out of date and, given that the housing land supply is approximately 2 years, that these policies carry only limited weight.

The YNDP was produced based on both the Local Plan (Summer 2013) and the Publication Version of the Local Plan (excluding the spatial portrait, employment and enterprise, housing allocations, transport, monitoring and implementation sections) dated 14 February 2014. Both of these documents predate the version of the eLP which was tested at Examination and subsequently revised into the modified version. Therefore only limited weight can be given to the conflict with the YNDP to protect the countryside, as the context within which the YNDP was prepared has significantly changed.

Presumption in favour of Sustainable Development

Regard should also be had to the policies contained in the National Planning Policy Framework (NPPF) which are a material consideration in the determination of this proposal. In the event of conflicts between policies in the development plans or with Government policy, it is the most recent policy which takes precedence. With this in mind, the NPPF, which was issued in March 2012, is materially relevant and should be afforded significant weight.

Paragraph 7 of the NPPF states that in order to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

(1) Environmental Role

The Institute of Highway and Transportation (IHT) publication 'Guidelines for Providing Journeys on Foot (2000)' sets out recommended guidelines for walking distances and provide desirable, acceptable & preferred maximum distances. For town centres these range between 200 to 800 metres, for commuting/school 500 to 2000 metres and elsewhere 400 to 1200 metres. As this is not a town centre location the relevant distances would be 400m-1200m for day to day journeys and in respect of school/work commuting, 500m-2000m.

All of the following distances are measured from the position of the proposed access onto North End Road and then using existing local roads. The actual distance may therefore be greater as the walk from North End Road into the site is not factored in. All roads within Yapton are considered to have footways and adequate lighting.

The nearest schools would be:

- * Yapton Cof E Primary School - 100m
- * Ormiston Six Villages Academy, Westergate - 5.14km
- * St Phillip Howard, Catholic School (6th Form), Barnham - 3.34km

Although the primary school is literally next door, older pupils would need to travel to either Barnham or Westergate. However, the site is also served by service 66A/66C, which operates a circular route between Bognor Regis, Barnham, Yapton and Bognor Regis every 1-2 hours on Mondays to Saturdays. Furthermore, paragraph 34 of the NPPF states that "Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas". Paragraph 29 states that "... different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas".

In terms of employment, it is considered that the following areas are all within around 2km of the site:

- * The eastern edge of Barnham;
- * Lake Lane/Yapton Lane Horticultural sites;
- * The whole of Yapton; and
- * Ford Airfield.

The following facilities are available in the local area within a walking distance of less than 400m from the access onto North End Road:

- * The Yew Tree Medical Surgery; and
- * North & South-bound bus stops adjacent to the Primary School.

The following facilities are available in the local area within a walking distance of between 400m and 1200m from the access onto North End Road:

- * The Maypole Inn is 590m to the north;
- * St Marys C of E Church is 390m to the east;

- * Yapton Free Church is 500m to the south;
- * Yapton & Ford Village Hall is 830m to the southeast; and
- * The Yapton Village Centre (Co-Op, butchers, hair salon & chip shop) is 890m to the south east.

The following facilities are located further afield:

- * Bilsham Road Stores is 1.3km to the southeast;
- * Meadowcroft Surgery is only a few metres past the Stores;
- * Windmill Shopping Village is 1.7km to the west; and
- * Barnham Railway Station is 2.7km to the west.

It should also be noted that as a result of this development, a contribution would be provided to support the Barnham to Littlehampton Cycle Improvements Scheme.

The other environmental aspects of sustainable development such as impacts on trees, ecology and in respect of flooding/drainage are considered in detail in the report below but it is concluded that there are no adverse environmental impacts associated with these.

(2) Social Role

It is considered that the proposal could help to support the local community by providing up to 70 new homes including 21 affordable dwellings to help meet future needs. In addition, the potential for land to be gifted to the school could benefit the community by increasing the amount of external play space associated with the school and potentially facilitating the expansion of the school. These factors weigh in the scheme's favour.

(3) Economic Role

It is considered the proposal would likely result in economic benefits to the local area in the form of the following:

- * An increase in Council Tax receipts;
- * Potential 'New Homes Bonus' payments from the Government;
- * Financial contributions towards local libraries, education establishments and (potentially) doctors surgeries;
- * The creation/maintenance of construction jobs; and
- * Additional spending by new residents on local goods & services.

However, there would be a potential cost to the local agricultural economy due to the loss of existing grazing land and the loss of the land itself which, as discussed elsewhere in the report, is Grade 1 (highest quality) and could therefore support the growing of crops.

Assessment of Sustainable Development

It is considered that the proposal is clearly environmentally and socially sustainable. There would be a cost to the local economy from the loss of high quality agricultural land but this is weighed against the previous and current uses of the land (grazing by horses or sheep) and the economic benefits of the scheme which are considered to override the costs. Therefore, it is considered, on balance, that the proposal would be environmentally, socially and economically sustainable and would therefore benefit from the NPPF presumption in favour of sustainable development.

Conclusion on Matters of Principle:

Overall, the principle of development on this site is contrary to the development plan, however, as Arun District Local Plan policies GEN2 and GEN3 and the intention of the YNDP to protect countryside (policies BB1 & H1) are out of date, in accordance with paragraph 49 of the NPPF, they carry reduced weight. The material considerations set out above are considered to weigh in favour of granting permission.

The proposed development would provide an additional 70 houses which are needed in the Arun District. The proposed development should be considered in the context of the presumption in favour of sustainable development. It is considered that the development would have a positive effect upon the supply and location of housing and therefore, the principle of residential development on this site would, in current policy circumstances and as set out in the NPPF, be acceptable. The assessment will now consider other policy considerations and whether this gives rise to any adverse impacts.

Some policies of the Framework are cast in terms which indicate that in certain circumstances planning permission should be restricted. These, in this case, relate principally to landscape, flooding, access/highway safety and the natural environment. Having regard to the tests set out in the NPPF in relation to these issues, and in the context of the content of this report, it is considered that the circumstances are such that none of these issues amount to a reason for withholding planning permission either because the matter can be controlled by suitable conditions, content of the Section 106 agreement or because the public benefit outweighs the harm in respect of any such issues.

It is therefore considered that the objections on the grounds of principle raised by both the Parish Council and by local residents have been resolved by the above analysis.

PREMATURITY:

The Parish Council consider that this proposal is premature as it should have been considered by way of proper consultation and cooperation between the Council, landowners and the Community such as through a Small Sites Document as part of the emerging Local Plan or a review of the Yapton Neighbourhood Plan.

Paragraph 014 (Reference ID: 21b-014-20140306) of the Governments online Planning Policy Guidance states with regard to prematurity that:

"arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

(a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood planning; and

(b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period.

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."

Although the eLP is at an advanced stage and therefore (b) applies, the proposal is not considered to be so substantial or have a cumulatively significant effect on the settlement. Furthermore, this application was submitted following the Local Plan Sub-Committee resolution in December 2016 to invite planning applications for sites identified as being 'deliverable' and sustainable within the HELAA. It is therefore considered that a refusal on grounds of prematurity could not be supported.

HOUSING MIX:

YNDP Policy H2 requires that proposals of 15 or more dwellings provide a mix of dwelling sizes (market and affordable) that fall within the following ranges: (a) 1-bed dwellings: 10-15% of all dwellings; (b) 2-bed dwellings: 25-35% of all dwellings; (c) 3-bed dwellings: 45-55% of all dwellings; and (d) 4+-bed dwellings: 5-10% of all dwellings.

The application submissions sets out the following mix of dwellings:

- * 4 x 1 bedroom apartments (6%);
- * 15 x 2 bedroom houses (21%);
- * 43 x 3 bedroom houses (61%); and
- * 8 x 4 bedroom houses (11%).

This would not comply with the stated criteria within the YNDP. However, the layout and mix are illustrative at this time and a condition imposed on the planning permission could ensure that this policy is complied with at the reserved matters stage.

It is also necessary to consider YNDP Policy H3 which requires that developments of five or more dwellings ensure that a minimum of 25% of the 1-, 2- and 3-bed dwellings provided are delivered to Lifetime Homes standards. A condition will be imposed to ensure that the reserved matters application fulfils this requirement.

Therefore, the proposal is considered to be in accordance with the relevant YNDP policies H2 and H3.

AGRICULTURAL LAND:

Objections have been raised by both the Parish Council and local residents regarding the loss of agricultural land.

Policy E1 of the YNDP states that:

"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."

YNDP Policy H1 is an out of date policy with limited weight. However, it was amended by the YNP examiner to make explicit that it was an overarching policy to provide flexibility and choice for the provision of additional housing. As addressed in the principle section above there are material

considerations for accepting additional residential development as set out in the NPPF. One such consideration is the OAN which is a specific exception included in policy E1.

Emerging Local Plan policy SO DM1 considers soils and states that:

"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."

The site is shown to be Grade 1 Agricultural Land as per the Figure 2 plan within Appendix 4 of the YNDP. It could therefore support the growing of crops in a similar way to that of the large agricultural field to the west. However, the site was previously used for equestrian purposes (grazing & exercise of horses). This use has ceased but the land is currently only being used for the grazing of third party owned sheep under an agreement with the landowner. In short, the land has not been used within recent years for the growing of crops and there is no realistic possibility that crops would be grown on the land in the future.

It is also considered that agricultural technology has changed and arable farming has grown to become larger in scale with an emphasis on large tracts of land as opposed to collections of individual fields. Despite the grade of soil on the land, it is considered that the site is limited for future agricultural use due to its size/workable area and accessibility.

Overall, it is considered that the proposed development would lead to the loss of Grade 1 agricultural land, however there are other material considerations that would outweigh this loss. Therefore, the proposal is considered to be in accordance with the YNDP.

IMPACT ON HERITAGE ASSETS:

Objections have been raised by both the Parish Council and local residents on the grounds of harm to the setting of Stakers Farmhouse; harm to the Conservation Area and harm to the character & beauty of this historic rural setting.

Arun District Local Plan (ADLP) Policy AREA2 states that: "Planning permission will be granted for development which preserves or enhances the character or appearance of a Conservation Area or its setting."

Yapton Neighbourhood Development Plan (YNDP) policy E8 requires that 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 impacts on setting. Therefore, in respect of harm to the setting of listed buildings, it is necessary to refer to the National Planning Policy Framework (NPPF) and to policy HER DM1 of the eLP (Arun Local Plan 2011-2031 Publication Version showing Modifications).

Paragraph 132 of the NPPF states that the significance of a heritage asset can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 133 states that where a proposed development will lead to either 'substantial harm' or 'less than substantial harm' then this should be weighed against the public benefits of the proposal. Paragraph 134 therefore advises that 'the harm should be weighed against the public benefits of the proposal'. Paragraph 137 is

also relevant and states that new development within the setting of Listed Buildings or Conservation Areas should enhance or better reveal their significance.

Emerging Arun Local Plan policy HER DM1 states that proposals affecting Listed Buildings will be required to "protect, and where possible enhance the setting of the building".

The Council's Conservation Officer has assessed the proposals including with reference to the illustrative layout drawing. It is considered the development will have an adverse effect on the setting and therefore the significance of Grade II Listed Stakers Farmhouse. Furthermore, that the development will cause some degree of harm to the significance of the second listed building, the Homestead and to the significance of the conservation area mainly as a result of increased traffic and increased activity & noise.

However, the Conservation Officer considers that these impacts are somewhat mitigated by the proposed green buffer and well planted boundaries to the east of the development site. This being the case, it is considered that the harm to the heritage assets would be less than substantial. As noted above, paragraph 134 of the NPPF advises that less than substantial harm should be weighed against the public benefits of the proposal. It is therefore necessary to make an on balance judgement as to whether the wider benefits of the proposal outweigh the resultant harm to the significance of the affected designated heritage assets.

It is considered that the development would result in the following benefits:

- * The sustainable development of 70 new homes including 21 affordable homes to help meet local and district wide needs;
- * A potential gift of land (1450m²) to the primary school;
- * An increase in Council Tax receipts associated with the 70 new homes;
- * New Homes Bonus payments from the Government paid to the Council;
- * Financial contributions towards local libraries, education establishments and (potentially) doctors surgeries;
- * The creation/maintenance of construction jobs;
- * Additional spending by new residents on local goods & services; and
- * A boost to the vitality & viability of the settlement of Yapton as a whole.

It is considered that on balance, these benefits as a whole outweigh the less than substantial harm to the significance of the affected designated heritage assets. Therefore, the proposal is considered to be in accordance with the relevant development plan policies and the NPPF.

DESIGN, CHARACTER & LANDSCAPE:

Although the site is neither within a protected landscape nor likely to impact on the setting of the South Downs National Park, the protection of landscape character is still an important consideration.

Policy GEN7 (vi) of the ADLP requires that new development retain significant open or wooded areas which, in their own right, make a material contribution to the local environment. In addition, criteria (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics.

There are no landscape based policies within the YNDP however regard should be had to Policy LAN DM1 of the modified eALP which states that:

"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."

A Landscape Statement has been submitted which seeks to assess the impact of the proposal on the landscape and to determine what mitigation measures are appropriate. This states that:

- * In the short-term, there are likely to be minor adverse effects on landscape character across a limited area;
- * In the short-term there are likely to be minor adverse effects on visual receptors across a limited area;
- * In the mid-long term, subject to the recommended mitigation, there are likely to be minor beneficial effects on landscape character;
- * In the mid-long term, subject to the recommended mitigation, there are likely to be negligible to minor beneficial effects;
- * Built form and mass would be softened as planted trees and vegetation matures, and this would aid integration into the wider enclosed rural setting within the Barnham-Yapton Coastal Plain Local Landscape Character Area (LLCA 22);
- * Planting belts including native hedgerows and tree standards along the western edge of the site would filter and screen the built form from public footpaths to the west;
- * When considering the cumulative impacts with the consented adjacent schemes at Yapton C of E Primary School North End Road (Y/93/14/OUT) to the north of the Site, and Bonhams Field to the south of the site (Y/1/17/OUT), the Stakers Farm proposal is identified as comprising mid-long term negligible cumulative effects on landscape & views; and
- * Should all of these schemes progress the the urban edge of Yapton will effectively be moved to alongside the western edge of the site, with a redefined vegetated rural boundary to its western edge.

The illustrative layout plan shows that open space will be provided on the eastern side of the site to provide a green buffer between Stakers Farm/The Croft and the new houses. It also includes 4.5m wide buffer planting to the north western boundary and 2m wide additional planting to the school site to supplement the existing hedgerows.

In particular, it is noted that the 4.5m wide buffer planting to the north western boundary is as per the illustrative layout for the outline approval of the land to the north. Therefore, the Stakers Farm proposal will provide the same level of buffer planting as the existing approved site to the north. This will ensure a seamless landscaped buffer along the western/north western edge of both sites.

Arun DC Landscape Officers have not raised any objections to the scheme on landscape or visual grounds. The proposal is therefore considered to accord with policy GEN7 of the ADLP and policy LAN DM1 of the modified eLP.

HIGHWAY SAFETY & PARKING:

Objections have been raised by local residents on the grounds of increased congestion on North End Road around the School and that greater use of the approved access for Y/93/14/OUT would be unsafe.

Arun Local Plan policy GEN12 refers to the need to provide sufficient off-street parking. However, the standards within the appendices to the Local Plan which it refers to have been superseded by the West Sussex (Residential) Parking Demand Calculator. This indicates a total demand for the development of 166 spaces and the proposed illustrative layout satisfies this requirement with 152 allocated spaces and 14 unallocated spaces for additional residents or visitors. It is also noted that the illustrative layout suggests that 2 cycle spaces will be provided per dwelling either in rear garden sheds or garages. The car parking provision is also in accordance with YNDP Policy PK1 "Parking standards for new residential development" which would require a minimum parking provision of only 144 spaces.

Policy GEN7 (vii) requires that new development allow for the safe movement of pedestrians and vehicles, giving priority to pedestrians. Regard should also be had to paragraph 32 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

West Sussex Highways originally assessed the application back in August 2017 and their comments were based on a site visit. They stated that they had no objections subject to conditions. In particular, that the access to the adjacent site was the subject of a safety audit and its intensification is considered to be acceptable. Also stated that the impact on the A259 had been assessed as acceptable and that the proposed parking provision is acceptable.

However, a concern was raised in respect of the lack of footpath connectivity between the site and adjoining land to the south and east. In response, the applicants have stated that there is a track situated between the Stakers and Bonhams sites which is owned by a third party who, it is understood, will not grant access without significant financial benefit. However, they would be willing to investigate whether this would be possible after outline permission has been granted. As layout is not currently applied for, the approval of permission would not be binding on the drawing that has been provided and therefore, the layout could be varied at the reserved matters stage to provide better connectivity with adjacent land. It is also clear from a comparison of the illustrative layouts for Stakers Farm & Bonhams that there is scope to at least connect a footpath between the two sites. It may also be possible to provide a footpath through Stakers Farm to the east to link to North End Road.

West Sussex Highways then wrote in December to advise that they now wish to reassess the impact of the proposal alongside potentially proposed improvements to the Yapton primary school and that until such time as this assessment is carried out, a holding objection must be imposed. However, it is considered that this should have been assessed much earlier in the process and it is not considered reasonable to delay this determination with no set timescale whilst WSCC Highways finalise their revised position.

In addition to the comments of West Sussex Highways, it is also necessary to consider those of Highways England (HE) who have responsibility for the impact of development on the Strategic Road Network. As set out above, there was initially an objection from HE on the grounds of impact on the A27/Yapton Lane junction but they have since informally accepted the additional assessment undertaken by the applicants. However, a formal response has not been provided and so it is not possible to include any mitigation measures (i.e. contributions to the junction improvement) within the heads of terms for the S106 agreement.

Therefore, although HE have identified the need for mitigation at this junction, without the further response of Highways England, there are insufficient grounds to raise an objection. It should also be noted that although this development will have an impact on the junction, it is the cumulative impact of all planned and proposed developments within the Yapton/Walberton area that is the issue and not just the Stakers Farm proposal. It is also noted that the planning permission for Bonhams Field (Y/1/17/OUT) next door which was approved in early December 2017 was not subject to any contribution to this junction.

It is therefore considered that the proposal is in accordance with the relevant development plan policies and in respect with the guidance with the NPPF.

FLOODING & DRAINAGE:

Objections have been raised by local residents on the grounds of increased flooding due to drainage.

YNDP Policy E11 requires that developments be designed and constructed to minimise the overall level of flood risk within the parish; and provide appropriate surface water drainage. In addition, Arun Local Plan policy GEN9 states that:

"Planning permission for development which will materially increase foul and/or surface water discharges will be refused unless the Local Planning Authority is satisfied that either adequate drainage capacity exists or appropriate drainage capacity can be provided as part of the development. Consideration should also be given to the use of Sustainable Urban Drainage Systems (SUDS) as alternatives to conventional drainage where appropriate."

Both WSCC and ADC Drainage Engineers have commented on the application. However, neither raise any objection to the principle of development and instead require details to be provided at a later stage in respect of surface water drainage. ADC Engineers do identify the potential presence of a perched water table on the site and consider that, if present, this could present problems for the proposed siting of the POS on the eastern side of the site. However, the approval of permission would not be binding on the layout drawing that has been provided and therefore, the layout could be varied at the reserved matters stage if a perched water table was present and if deemed to be a constraint.

It is therefore considered that the proposal is in accordance with the relevant development plan policies.

FOUL DRAINAGE:

As noted above, Southern Water has raised an objection on the grounds that there is inadequate existing wastewater treatment infrastructure to serve the development and that this application is therefore premature. In addition, local residents raise concern about there being inadequate local foul sewer capacity.

Arun Local Plan policy GEN9 also sets out that there must be adequate foul drainage capacity for developments or that appropriate additional foul drainage capacity can be provided to serve the development.

It is noted that Southern Water did not raise any objection to the proposed development on the adjacent land at Bonhams Field even though that site was also not an allocated site in the emerging Local Plan. Similarly, Southern Water raised no objection to the subsequent proposed outline residential development of land at Street Buildings (Y/49/17/OUT) and instead recommended a condition to ensure that details of foul sewerage disposal are agreed.

On this basis and in the interests of consistency, it would not be reasonable or fair to maintain the Southern Water objection and it is considered that subject to the full details of wastewater treatment being provided at reserved matters stage (enforced by a planning condition), that the scheme is in accordance with development plan policy.

TREES & ECOLOGY:

Objections have been raised by local residents as to the impact of the proposed development on wildlife species using the fields. It is noted that none of the specific wildlife species mentioned are protected species.

YNDP Policy E3 seeks to prevent the loss of natural habitat. However, it lists two possible exceptions - where mitigation measures ensure the integrity of the habitat or where the habitat is relocated to a site within 500m of the existing.

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

There are hedgerows surrounding the site and these will be retained and, in respect of the boundaries to the west & around the school, will also be enhanced. The application has been accompanied by a Preliminary Ecological Appraisal prepared by a chartered ecologist. This found there to be no protected species using the site or the buildings and that with the exception of bats using the field margins, the existing habitat was not suitable to support any protected species.

The site does not contain many trees and the Council Tree Officer does not consider that any of these warrant any additional protection. It is proposed to fell three of the on-site trees and no objection is raised to this. In addition to the enhancement of the existing hedgerows, it is also proposed to enhance the site with bird & bat boxes.

Overall, subject to the mitigation measures secured by planning condition, it is considered that the proposed development accords with policy GEN29 of the ADLP and policies E3 & E4 of the YNDP in relation to the impact on protected species and the potential for the scheme to protect existing habitats where possible and provide enhancements.

RESIDENTIAL AMENITY:

Objections have been raised by local residents as to the potential for to residential amenity.

Arun District Local Plan Policy GEN7 (iv) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. None of the YNDP policies refer to residential amenity issues. However, one of the 'core planning principles' of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

It is not considered possible to make a detailed assessment of residential amenity at this stage given that layout, scale and appearance are all reserved matters. However, in principle it is not considered that any of the proposed dwellings shown on the illustrative layout would be sited in such a way as to result in any harm to the privacy, outlook or amount of light to existing neighbouring properties. In particular the illustrative layout shows that there would be at least 50m between The Croft and any proposed dwelling. It should also be noted that there is no right in planning law to a view.

SPACE STANDARDS:

Residential development proposals must be assessed against the internal space standards as set out in the Governments new Technical Housing Standards (Nationally Described Space Standard). It is not possible to make an assessment at this time as there are no floorplans.

Policy D DM3 of the modified eALP sets out the Council's external space standards and despite not being an adopted policy is currently being used for development management purposes and has been subject to testing at appeal.

There are two requirements to the policy. Firstly, a minimum rear garden depth of 10m. The rear garden depth serves to (a) ensure that rear gardens are usable spaces and (b) to provide for a 20m back to back distance between dwellings. This depth standard may be relaxed if both of the following situations are in existence: (a) there is no back to back arrangement (and no realistic possibility of a future back to back

arrangement); and (b) where the garden is sufficiently wide so as to exceed the area requirement.

The second requirement concerns the area of the private rear garden and in this case should be at least 50m² for 2 bedroom terraced houses, 65m² for 3 bedroom terraced houses, 85m² for semi/detached properties of no more than 3 bedrooms and 100m² for larger semi/detached properties. Flats are dealt with differently and would require a small private space such as patio, roof garden or balcony.

The applicants have proved a schedule of garden sizes to accompany the illustrative layout drawing. This shows that all gardens will exceed the 10m depth requirement and that garden areas will all comply with the area requirements. Indeed, with the exception of plot 21 which is only 6.4m² over the requirement, all other gardens are generously sized and far exceed the required area. There is no current detail as to whether the four flats (plots 18-19 & 69-70) will have balconies or ground level patios. However, as layout, appearance and scale are reserved matters, it would not be possible to raise this as an objection.

AFFORDABLE HOUSING:

For all developments over 15 residential units, the Council requires the minimum provision of 30% affordable housing on site, as set out in Policy AH SP2 of the modified Local Plan and in the Interim Affordable Housing Policy (2010).

The proposal includes 30% affordable housing, equating to 21 units and this therefore complies with the policy requirement. The applicant has stated that all of the affordable homes will be provided for rent and this has been queried by the Councils Housing Strategy and Enabling Manager on the grounds that it may not be a viable offer for a registered partner to take forward. However, this can be resolved at a later time and the S106 agreement will specify that a detailed mix of affordable house types & tenures will be confirmed at the reserved matters stage.

Therefore the proposal accords with Policy DEV17 of the ADLP and Policy AH SP2 of the modified Local Plan.

SUPPORTING INFRASTRUCTURE:

Policy INF SP1 of the modified eLP includes the following statements:

"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

"Off-site measures will require planning obligations or financial contributions, to secure the necessary provision. Where a contribution towards other, district wide, infrastructure improvements or provision is needed and viable this will be achieved through planning obligations (where they meet the statutory test for planning obligations)"

WSCC have requested financial contributions in respect of primary education, secondary education, 6th form education, libraries and fire & rescue. The level of these contributions will be based on a formula to allow the contribution amounts to be based on the housing mix at the reserved matters stage.

The contributions will be spent on the following projects:

- * Additional small scale improvements at Yapton CE Primary School (or on alternative primary school provision elsewhere in the District subject to meeting the CIL tests);
- * Expansion of the Ormiston Six Villages Academy in Westergate;
- * Restructuring of the St Phillip Howard, Catholic School (6th Form) in Barnham;
- * Expansion of facilities at Littlehampton Library;
- * The Barnham to Littlehampton Cycle Improvements Scheme (ID 82); and
- * On the future maintenance of the on-site public open space and local equipped area of play facility.

In addition, there is currently an offer to gift 3500m² of land to WSCC for the purposes of enlarging the school site and potentially enabling its expansion. The land gift has been accepted in principle by WSCC but whether it can be secured depends of whether a land transfer agreement can be drawn up that is acceptable to all parties. It is not considered necessary for this land gift to be included to make the proposal acceptable in planning terms. Furthermore, members should note that if the land gift is included, then although it would allow support for the proposal to be gained from YNDP policy H1, it would also mean that the amount of public open space did not meet the policy requirements.

The Councils Landscape department has advised that a contribution towards the existing multi use games area on the playing fields within the centre of Yapton cannot be sought as more than 5 contributions have already been allocated to this facility.

Sussex Police were consulted on the application and did indicate in August 2017 that a request for funding contributions might be forthcoming but no communication has since been received. It is not considered appropriate to delay the application due to this non-response so the Section 106 is being prepared without any Police contribution.

The NHS were originally consulted on the application in July 2017 and have been chased for a response several times. They then wrote to the Council on the 6th of December to say that a response would be provided by the 15th of December. The response has not yet been received.

SUMMARY:

This outline planning application considers the development of 70 residential dwellings together with access through the adjoining site which has the benefit of an existing outline permission and is within the same ownership. All other matters regarding design, layout, appearance, scale and landscaping are to be the subject of a reserved matters application.

The proposed development is contrary to the Development Plan, but as the policies that relate to the built up area boundary and protection of the countryside are out of date and little weight can be given to them, namely ALP GEN2 & GEN3 and BB1 of YNDP. The housing supply policies GEN5 and H1 of the YNDP are also out of date which means that they can only be afforded limited weight.

The site is considered to be sustainable development and when applying the 'tilted balance' in paragraph 14 of the NPPF, there are no adverse impacts which would significantly or demonstrably outweigh the benefits. Significant weight must therefore be given to the provision of housing and affordable housing in the district where the application can overcome adverse impacts, including the level of harm that would result by developing a site adjoining a conservation area and in proximity to listed buildings. The proposed development is on balance acceptable in terms of the development plan when taken as a whole and is therefore recommended for approval.

The lack of a 3 or 5 year housing land supply and the requirement to make provision to meet the OAN, buffer and shortfall is a major consideration. The site is located in one of the most sustainable settlements in the district as stated in the Ford Lane Inquiry decision. The NPPF sets out a presumption

in favour of sustainable development and for decision-taking this means:

- * approving development proposals that accord with the development plan without delay; and
- * where the development plan is absent, silent or relevant policies are out of date, granting permission unless - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

There is potential for the development to have an impact upon the setting of heritage assets and to result in the loss of a parcel of Grade 1 Agricultural Land. However, these issues have been assessed in the report conclusions above and it is considered that the resultant harm is mitigated by the benefits of the development. Furthermore, the scheme is considered to be sustainable in terms of its location in proximity to local services and amenities, which can all be accessed without the need for private vehicle use. The proposed development is acceptable, subject to conditions in terms of highway impact and would not result in any adverse impacts upon biodiversity, landscape, trees, or surface water drainage. Despite concerns over the impact upon local infrastructure including schools and health care facilities, the proposed S106 Agreement would provide financial contributions towards local infrastructure improvements.

The overall design, layout and appearance of the site would be determined at reserved matters stage, however a revised indicative layout of the site has been considered as part of this application and would provide a form of mitigation for any potential harm identified on the setting of heritage assets, which is considered as having 'less than substantial harm' which should be weighed against the public benefits of the proposal, including securing the development's optimal use (paragraph 134 of the NPPF).

It is recommended that the application be delegated back to the Director of Place in consultation with the Chairman and Vice Chairman of the Development Control Committee in order that the Section 106 can be completed and signed.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

This recommendation is made subject to the completion of a S106 legal agreement which will concern the following provisions and triggers:

AFFORDABLE HOUSING

30% (21) affordable homes on-site with a tenure split and dwelling type to be agreed at a later date with the Council and set out in an Affordable Housing Statement. To be provided before 50% of the scheme is occupied.

HIGHWAY IMPROVEMENTS

A contribution of £110,530 towards the Barnham to Littlehampton Cycle Improvements Scheme (ID 82). On commencement of development.

A contribution of £180,000 to enable the A27/Yapton Lane junction (extension of right turn only lane) improvement works to be completed. Payable prior to occupation of the 50th dwelling.

PRIMARY EDUCATION

Formula for calculation at the reserved matters stage to be spent on small scale improvements @ Yapton CE Primary School, Yapton or on alternative primary school provision elsewhere in the District subject to meeting the CIL tests. On commencement of development.

SECONDARY EDUCATION

Formula for calculation at the reserved matters stage to be spent on the expansion of Ormiston Six Villages Academy, Westergate. On commencement of development.

6TH FORM EDUCATION

Formula for calculation at the reserved matters stage to be spent on the restructuring of the St Phillip Howard, Catholic School (6th Form) in Barnham to cater for the additional student population. On commencement of development.

LIBRARIES

Formula for calculation at the reserved matters stage to be spent on the expansion of facilities at Littlehampton Library. On commencement of development.

FIRE & RESCUE:

Formula for calculation at the reserved matters stage to be spent on the supply and installation of additional fire safety equipment in the West Sussex Fire Rescue Services Southern Area serving Yapton. On commencement of development.

NHS

A contribution of £81,517 to be spent on managing Treatment Room capacity at the "Avisford Medical

Group" in Yapton. On commencement of development.

OFF-SITE LOCAL PLAY

An area of Public Open Space (POS) including an on-site Local Equipped Area of Play (LEAP). The on-site POS will be subject to one of the following:

- (a) a management plan for the forward maintenance of the POS & LEAP which details the management regime and responsibility; or
- (b) where the POS & LEAP is to be handed over to the Council post practical completion, a commuted sum payment of £13.51 per m2 of POS for future maintenance.

If the area of land to be reserved for the expansion of the school is not taken up in a reasonable time period then it will revert back to being proposed POS and the maintenance payment will be adjusted.

OTHER

Members should note that the applicant has proposed to gift 3500m2 of land within the application red edge to WSCC for the purposes of the future expansion of Yapton C of E Primary School. The actual transfer of the land will be subject to a separate legal agreement but it is proposed that the Section 106 Agreement will contain a provision requiring that the hatched area on the plan be reserved for the future expansion of the school and that if the land is not taken up for this purpose within a reasonable time period (yet to be defined) then it shall return to public open space serving the approved development and be subject to landscaping to be approved by the future reserved matters application.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

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

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

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

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

- 3 The development hereby approved shall be carried out in accordance with the following approved plan:

Drawing 6468-04 "Location Plan"

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

- 4 All demolition & construction works are to be carried out in strict accordance with:- Arboricultural Method Statement Report Ref: PJC 4372/17-02 -23rd June 2017 and Tree Protection Plan ref: PJC 4372/17/A Rev 01 - 16th May 2017.

Reason: To comply with BS5837 and the National Planning Policy Framework to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area.

- 5 The development must be carried out in accordance with the recommendations and mitigation measures as set out within section 5.10 "Ecological Enhancements" of the Preliminary Ecological Appraisal (June 2017) by PJC Consultancy and drawing LLD1136/01 Rev 01 "Ecological and Landscape Masterplan Strategy". The enhancements and mitigation measures shall be implemented as per the document and then permanently retained and thereafter maintained as fit for purpose.

Reason: In accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework.

- 6 Prior to any demolition or construction works or changes in site levels taking place or the introduction of machinery and plant to the site the following issues must be resolved to the complete satisfaction of Arun District Council:-

(1) A Pre-Commencement Site Meeting is to take place between the Arun DC Tree Officer and the Arboricultural Consultant representing the site owners - at this meeting all protective fencing will be inspected along with ground protection measures - they will be assessed to verify that they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan PJC 4372/17/A Rev 01 - 16th May 2017.

(2) If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reason: To comply with BS5837 and the National Planning Policy Framework to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area. This is required to be a pre-commencement condition as it is necessary to protect the trees prior to any operations starting on site.

- 7 Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and a implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policy GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a foul drainage scheme once development had been completed.

- 8 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.
- The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SuDS Manual produced by CIRIA.
- Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.
- Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a surface drainage scheme once development had commenced.
- 9 Development shall not commence until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include (a) details of financial management of the site including arrangements made in the event that the management company (or any subsequent management company) is no longer able to fulfil its duties; and (b) arrangements for the replacement of major components at the end of the manufacturers recommended design life.
- Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32. It is considered necessary for this to be a pre-commencement condition because surface water drainage goes to the heart of the planning permission.
- 10 Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and a implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.
- Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policy GEN9 of the Arun District Council Local Plan. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a foul drainage scheme once development had been completed.
- 11 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with both Highways England and West Sussex County Council). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters;
- * the anticipated number, frequency and types of vehicles used during construction,
 - * the method of access and routing of vehicles during construction,
 - * the parking of vehicles by site operatives and visitors,
 - * the loading and unloading of plant, materials and waste,
 - * the storage of plant and materials used in construction of the development,
 - * the erection and maintenance of security hoarding,
 - * the provision of wheel washing facilities and other works required to mitigate the impact of

construction upon the public highway (including the provision of temporary Traffic Regulation Orders),

* details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction traffic.

12 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Where demolition is required 1. and 2. above should be submitted prior to demolition. Parts 3. and 4. can take place post demolition if necessary.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Local Plan policy GEN7. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

13 Prior to the commencement of development, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for

the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site shall be carried out in accordance with the approved strategy.

Reason: To safeguard the amenities of residents in accordance with Arun District Local Plan policy GEN7 and Yapton Neighbourhood Plan policy BE1. It is considered necessary for this to be a pre-commencement condition because the provision of broadband needs to be incorporated into the design for the site.

- 14 Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed in an appropriate standard in accordance with Arun District Local Plan policy GEN7.

- 15 No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking spaces for the use in accordance with Policies GEN7 and GEN12 of the Arun District Local Plan and the National Planning Policy Framework.

- 16 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 17 No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 18 Immediately following implementation of the approved SuDS scheme and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. There shall be no deviation to the approved scheme other than with the written consent of the Local Planning Authority. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 19 Upon completed construction of the SuDS System but prior to occupation of any part of the scheme, the owner or management company shall either provide the local planning authority with an updated copy of the management manual incorporating any changes as a result of construction/implementation or confirm in writing that no changes are required to the manual.

No further changes shall be made to the approved SuDS Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority.

The owner or management company shall thereafter strictly adhere to and implement the recommendations contained within the manual to ensure that the system is maintained in perpetuity.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32.

- 20 Prior to occupation of any of the dwellings, an electric vehicle charge point shall be installed to serve each dwelling and this shall then be permanently retained and maintained in working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with Policy GEN7 of the Arun District Local Plan, policy QE DM3 (c) of the Arun Local Plan 2011-2031 Publication Version showing Modifications and the National Planning Policy Framework.

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

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

- 22 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations within BS5489:1-2013 but also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with Policies GEN7, GEN29 & GEN33 of the Arun District Local Plan.

- 23 No removal of trees, shrubs or other vegetation that may contain birds' nests shall take place

between 1st March and 31st August inclusive, unless a suitably qualified ecologist/wildlife specialist has undertaken a careful, detailed, check of vegetation for active birds' nests immediately before the vegetation is cleared and confirmed that no nests will be harmed. Where nests are discovered, the vegetation shall remain in place until nesting activity has ended naturally and the ecologist has confirmed that it is safe to proceed.

Reason: To prevent interference with the breeding success of wild birds in the interests of biodiversity conservation, as well as to ensure compliance with the legal protection of birds, their nests and eggs under Section 1 of the Wildlife and Countryside Act 1981, as amended and in accordance with policies GEN7 and GEN29 of the Arun District Local Plan.

- 24 There is a requirement that 25% of 1, 2 and 3 bed dwellings included as part of the development must be delivered to Lifetime Home standards.

Reason: To ensure that part of the development allows for residents to remain in their own homes over the course of their lifetime in accordance with Policy H3 of the Yapton Neighbourhood Plan.

- 25 There is a requirement that the proposed reserved matters submission conform to the following range of dwellings: 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.

Reason: In accordance with Policy H2 of the Yapton Neighbourhood Plan in the interests of ensuring homes are provided to meet local demand.

- 26 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the National Planning Policy Framework, March 2012). Details and a timetable of how this is to be achieved for each phase or sub phase of development, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase or sub phase begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy in accordance with national planning policy, in accordance with Policy GEN7 of the Arun District Local Plan.

- 27 As part of the approval of the reserved matters application, the applicant shall include details of how the scheme will link with surrounding land. The links shown shall then be provided prior to completion of the development and retained in perpetuity.

Reason: To promote sustainable development by encouraging walking and cycling in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 28 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 29 INFORMATIVE: Please note the following comments of Landscape Officers:

"The indicative layout shows a large open space area which creates a usable space and is good to see. Open space in this form will also allow for the establishment of good sized habitat corridor buffers and for the bolstering of existing boundaries.

A clear indication of the proposed future management of the open space must be set out. A clear directive of responsibility should be set out with this statement explaining how the differing typologies will be maintained i.e. responsibility of any formal/informal public realm areas. Open space must be designed to include dog bins, litter bins, fencing and be gated and to prevent vehicular access except for maintenance. There must be no small unusable pockets of open space. Provision for interpretation ecological and historical features and management must be included.

The emerging landscape design aims should be:

- * To design and implement a scheme that reflects and incorporates elements of its surroundings and enhances the atmosphere of local distinctiveness;
- * To create a visually pleasing and interesting landscape for owners, employees and visitors to the development;
- * To enhance the landscape quality of the site when viewed from the surrounding area;
- * To provide a planting scheme that includes native species to blend with the surrounding location, enhance biodiversity and create enhanced wildlife corridor opportunity; and
- * To provide a sense of flow and cohesion between the different elements of the landscape, buildings, open areas and surrounding environment.

Whilst indicative information contained within the Landscape Strategy and Outline Plant Specification has been provided this will need to be provided in plan form detailing species choice, position, densities and size at time of planting. This should be plotted in plan and list form and in relation to the trees and vegetation to be retained so that a clear picture of the proposals can be seen. These details are required to ensure that appropriate screening is provided, maintaining and uncompromising the setting and ensuring that the proposals fit within the area of neighbouring properties, providing screening as required, whilst benefiting the potential of the proposed developments usage.

The use of any part of the POS for SUDS across the development needs to be integrated and detail provided regarding the future management and maintenance of these areas. The recommendation that these are subject to RoSPA or similar organisation inspection should be noted. Indication must be provided as to whether these are likely to be wet or dry areas; this has implications where situated near to residents and play areas. Where they are to remain wet for long periods their safety must be assessed where these are in close proximity to large residential areas. Any such SUDS features including swales, wet balancing ponds, reed beds and wetland areas should be designed as beneficial wildlife, amenity and landscape features as incorporated as part of an open space or landscaping scheme for the development."

30

INFORMATIVE: Please note the comments of Sussex Police:

"The development in the main has outward facing dwellings with back to back gardens which has created good active frontage with the streets and the public areas being overlooked, this design has all bar one, eliminated the need for vulnerable rear garden pathways. Parking has been provided for with in-curtilage, garage and on-street parking bays, this should leave the street layout free and unobstructed.

Where communal parking occurs it is important that they must be within view of an active room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. Gable ended windows can assist in providing observation over an otherwise unobserved area.

As the first line of defence, perimeter fencing must be adequate with vulnerable areas such as side and rear gardens needing more robust defensive barriers by using walls or fencing to a minimum height of 1.8 metres. In circumstances that require a more open feature such as a garden overlooking a rear parking court or a rear garden pathway, 1.5 metre high close board fencing topped with 300mm of trellis can achieve both security and surveillance requirements. This solution provides surveillance into an otherwise unobserved area and a security height of 1.8 metres. Gates that provide access to the side of the dwelling or rear access to the gardens must be robustly constructed of timber, be the same height as the adjoining fence and be lockable from both sides. Such gates must be located on or as near to the front of the building line as possible.

The design and layout whilst very positive has created an unobserved parking area behind plot 52 that is vulnerable, additionally this area provides unobserved access to a number of rear gardens.

Areas of play should be situated in an environment that is stimulating and safe for all children, be overlooked with good natural surveillance to ensure the safety of users and the protection of equipment, which can be vulnerable to misuse.

Planting must be managed to ensure natural surveillance is maintained at all times. I would recommend that the eventual location is surrounded with railings with self-closing gates to provide a dog free environment.

Lighting throughout the development would be very important and where implemented is to conform to the recommendations within BS 5489:2013. SBD promotes that external dwelling lighting is switched using a dusk till dawn sensor, not PIR operated lighting."

31 INFORMATIVE: If a sewage treatment plant or related pumping station is required on the site then there should be a distance of at least 15m between the pumping station/treatment plant and any residential dwelling.

32 INFORMATIVE: Drainage Engineers advise that Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also available on request.

33 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the

appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.

34 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to:

AFFORDABLE HOUSING

30% (21) affordable homes on-site with a tenure split and dwelling type to be agreed at a later date with the Council and set out in an Affordable Housing Statement. To be provided before 50% of the scheme is occupied.

HIGHWAY IMPROVEMENTS

A contribution of £110,530 towards the Barnham to Littlehampton Cycle Improvements Scheme (ID 82). On commencement of development.

A contribution of £180,000 to enable the A27/Yapton Lane junction (extension of right turn only lane) improvement works to be completed. Payable prior to occupation of the 50th dwelling.

PRIMARY EDUCATION

Formula for calculation at the reserved matters stage to be spent on Small scale improvements @ Yapton CE Primary School, Yapton or on alternative primary school provision elsewhere in the District subject to meeting the CIL tests. On commencement of development.

SECONDARY EDUCATION

Formula for calculation at the reserved matters stage to be spent on the expansion of Ormiston Six Villages Academy, Westergate. On commencement of development.

6TH FORM EDUCATION

Formula for calculation at the reserved matters stage to be spent on the restructuring of the St Phillip Howard, Catholic School (6th Form) in Barnham to cater for the additional student population. On commencement of development.

LIBRARIES

Formula for calculation at the reserved matters stage to be spent on the expansion of facilities at Littlehampton Library. On commencement of development.

FIRE & RESCUE:

Formula for calculation at the reserved matters stage to be spent on the supply and installation of additional fire safety equipment in the West Sussex Fire Rescue Services Southern Area serving Yapton. On commencement of development.

NHS

A contribution of £81,517 to be spent on managing Treatment Room capacity at the "Avisford Medical Group" in Yapton. On commencement of development.

LAND RESERVED FOR THE SCHOOL

A provision requiring that the hatched area on the plan be reserved for the future expansion of the school and that if the land is not taken up for this purpose within a reasonable time period then it shall return to public open space serving the approved development and be subject to landscaping to be approved by the future reserved matters application.

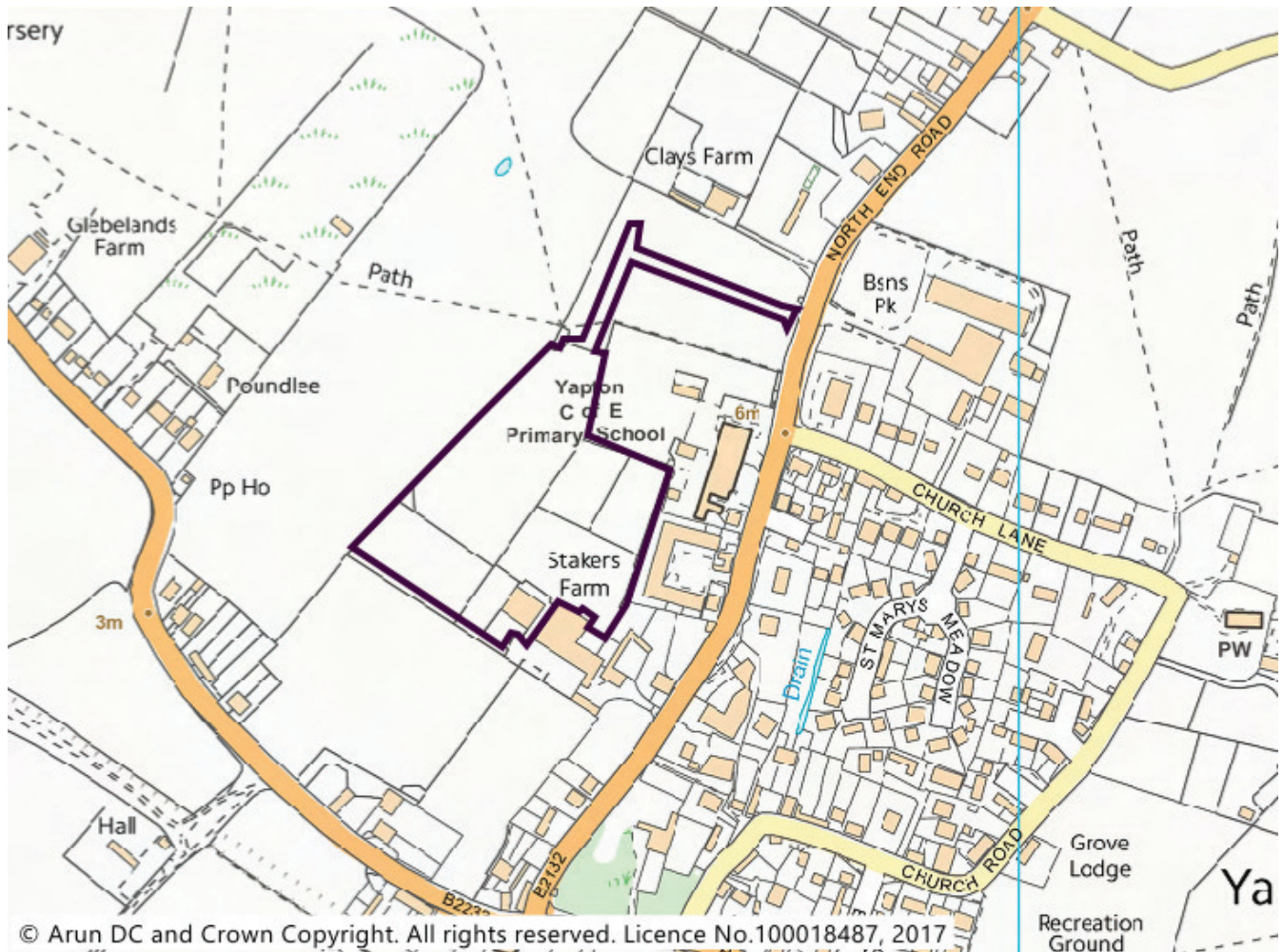
OFF-SITE LOCAL PLAY

An area of Public Open Space (POS) including an on-site Local Equipped Area of Play (LEAP). The on-site POS will be subject to one of the following:

- (a) a management plan for the forward maintenance of the POS & LEAP which details the management regime and responsibility; or
- (b) where the POS & LEAP is to be handed over to the Council post practical completion, a commuted sum payment of £13.51 per m² of POS for future maintenance.

If the area of land to be reserved for the expansion of the school is not taken up in a reasonable time period then it will revert back to being proposed POS and the maintenance payment will be adjusted.

Y/44/17/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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