

## REPORT UPDATE

**Application no:** BN/134/23/RES  
**Page no:** 65  
**Location:** Nuthatch Wandleys Lane Fontwell  
**Description:** Approval of reserved matters following outline consent BN/144/22/OUT (as varied by BN/65/23/PL) for the erection of 4 No. residential units with associated car parking and landscaping with new access to be provided via Wandleys Lane. This application is in CIL Zone 3 and is CIL Liable as new dwellings.

### UPDATE DETAILS

#### Reason for Update/Changes:

The council's drainage engineers have now responded and they state no objection and recommend no new conditions with the following comments:

- Geo-technical reports should be submitted with the discharge of conditions application to investigate the underlying geology.
- Infiltration may not be viable as a total means of surface water disposal.
- Achieving a gravity connection to a watercourse combined with likely legal agreements with landowners may be challenging and complicate the design/approval process; and
- Early contact with ADC engineers is recommended.

#### Officers Comment:

There are no changes to the recommendation, conditions or informatives.

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## REPORT UPDATE

**Application no:** M/112/23/S73  
**Page no:** 123  
**Location:** 8 Manor Way Elmer Middleton-on-sea  
**Description:** Variation of condition 2 imposed under M/86/20/PL relating to approved plans.

### UPDATE DETAILS

**Reason for Update/Changes:**  
Parish Council have removed their objections.

**Officers Comment:**  
It is noted that as a result of discussion between the Parish and the Applicant and their Agent, that matters in relation to surface water drainage are now resolved. As such Members unanimously agreed to withdraw their objection.

This update does not alter the Officer recommendation to approve.

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# REPORT UPDATE

**Application no:** WA/35/23/OUT  
**Page no:** 131  
**Location:** Land East of Wandleys Lane Fontwell  
**Description:** Outline Planning Application for up to 95 no. residential dwellings (including 30% affordable), with all matters reserved apart from access. This application is a Departure from the Development Plan.

## UPDATE DETAILS

Reason for Update/Changes:

Additional information from applicant:

The applicant has submitted a Statement of Community Support and a further document setting out what they consider the benefits of the scheme to be and why they feel outline planning permission should be granted for the proposed housing development.

Officers Comment:

The additional information supplied is noted, but does not alter the recommendation that planning permission should be refused. A number of the stated benefits relate to matters that the Council would expect from any new Major housing scheme in the District (for example 30% affordable housing, significant areas of play with recreational amenities, landscaping and public open space, 10% biodiversity net-gain, and an integrated sustainable drainage strategy).

Update from National Highways:

National Highways have made a further comment on the application (5 February 2024) as follows: "National Highways met with the applicant's transport consultant last week as there are still areas of the application which require resolution to the satisfaction of National Highways. For reference, I have reattached our holding recommendation confirming that at this time, National Highways do not have sufficient information to determine this application and as such, should the planning authority wish to determine the application (aside from refusal) prior to 30 May 2024, this would require sign off from the Secretary of State."

Officers Comment:

As the application is recommended for refusal, the local planning authority is not obliged to either await further comments from National Highways or to refer the matter to the Secretary of State (SoS). Should the Planning Committee resolve to grant planning permission contrary to the officer recommendation, referral to the SoS would be required before a final determination could be made.

Ancient Woodland:

Since publishing the agenda report, some concerns have been raised relating to the potential impacts from the proposed development on an area of ancient woodland lying to the south of the site (Wandleys Copse), and it has been suggested there could be a harmful impact upon this ancient woodland, particularly through hydrological interruption of existing waterflows due to changes to the landscape.

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The applicant has demonstrated on the indicative site layout that a 15m buffer zone could be maintained to the south of the proposed development to protect the ancient woodland beyond the site boundary. The arboricultural information submitted with the application sets out why the applicant considers there would be no adverse impacts to veteran trees or ancient woodland, and the Council's Tree Officer has not raised concern with impact upon the ancient woodland. Furthermore, the application is in outline, considering access only, with all other matters being reserved for future consideration. As such, whilst indicative plans have been provided, no other specific details of development have been submitted at this stage.

Natural England (NE) have been consulted and have not objected to the development. NE did however comment that the proposal has the potential to affect adversely the ancient woodland with specific reference to paragraph 186 of the NPPF and NE standing advice on ancient woodland. From the arboricultural and ecological information and assessments submitted, officers consider it has been adequately demonstrated that direct adverse effects upon the ancient woodland are unlikely or could be satisfactorily mitigated.

The above notwithstanding, NE standing advice and the assessment guide sets out that amongst other factors, indirect effects can be as a result of hydrological changes, such as changes in water quality and quantity as a result of an increase in non-permeable area across the site. It advises these changes can be some distance away from the ancient woodland but still have an effect. However, if permission were to be granted, a Construction Environmental Management Plan could be secured by condition covering the duration of the construction period, which could include a requirement for pollution prevention measures to avoid any contamination into watercourses or groundwater on site. To address the risk of accidental events, there could be provision of spill kits and emergency procedures.

During operation, it is likely a surface water drainage strategy could be designed around the existing site catchments with surface water drainage strategy principles used to treat, store and control surface water run-off through the use of suitable SuDS, in accordance with the SuDS management hierarchy. Such measures could ensure additional pollutants do not enter the watercourses or associated habitats (i.e. ancient woodland) and could ensure that discharge of water will be restricted to greenfield runoff rates with allowance for climate change of 40%. Full details of numbers, location and specifications of SuDS could be provided at the detailed planning (Reserved Matters) stage and be set out as part of a wider drainage management plan, which could be secured via condition if the local planning authority was minded to grant permission.

#### Officers Comment:

The concerns that have been raised in regard to potential impact on an area of Ancient Woodland, whilst noted, do not alter the recommendation, which remains as set out at the end of the agenda report.

## REPORT UPDATE

**Application no:** Y/68/23/PL  
**Page no:** 151  
**Location:** Land West of Drove Lane Main Road Yapton  
**Description:** Erection of 20 dwellings (including 6 affordable units) with new access, open space, landscaping, sustainable drainage, biodiversity mitigation and associated works. This application may affect the character and appearance of the Main Road/Church Rd, Yapton Conservation area, is a Departure from the Development Plan and is in CIL Zone 3 and CIL Liabile as new dwellings.(Resubmission of Y/149/22/PL).

### UPDATE DETAILS

Reason for Update/Changes:

Following the publication of the agenda report, the applicant has written to state that the council's assessment of the application is wrong and they request that the application is deferred to allow the report to be rewritten. Their submissions are available to review in full on the council's website but the main points are as follows:

- (1) The reference to the footnote 62 (paragraph 181) of the NPPF is misrepresented in the committee report (p161) as it refers to plan making not to individual decisions.
- (2) Para 14 of the NPPF does not apply in this determination as the Yapton Neighbourhood Development Plan (YNDP) does not contain any policies or allocations to meet its identified housing requirement. This has not been adequately discussed in the report.
- (3) A recent appeal decision for a site in the Basingstoke and Deane Borough considered the implications of the NPPF changes in relation to Neighbourhood Plans. This determined that the recently made East Woodhay Neighbourhood Plan contained no allocations therefore para 14 did not apply. This is the same situation as with Yapton.
- (4) Separately, the applicant has provided an Agricultural Land Classification and Soil Resources Report which advises that the land is actually grade 2 agricultural land not grade 1 as per the report. The report also states the site has limitations of size and shape that in practical terms reduce the versatility of the land in arable uses and the yields that have been obtained from the site. In particular, it is stated that the site is an awkward shape and cannot be amalgamated with neighbouring fields to the north-west or south-west due to physical barriers or well-established hedgerows and tracks.

Officers Comment:

The following comments are offered in response:

- (1) It is accepted that para 181 of the NPPF (and therefore footnote 62) refers to plan making not decision making. This should have been clarified in the report.

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(2) Yapton has increased its original Parish housing allocation through numerous speculative applications plus the small strategic housing site SD7 which together provide a total of over a 1000 additional dwellings. The Inspector appointed to review the YNDP noted this and stated that YPC had contributed significantly to the District's housing delivery and there should not be a need to allocate further land for development over and above those which have already been consented and where construction has commenced. Whilst the allocations in the Plan have been implemented it remains clear that the YNDP does contain allocations & policies and that these were accepted by an Inspector with the plan being found to be sound.

(3) With reference to the quoted appeal decision, the East Woodhay Neighbourhood Plan contains no allocations. It is noted that the appeal decision concluded that "the spatial strategy is not currently delivering the housing requirement that the plan was intended to deliver." In contrast, given the recent increase in ADC's HLS from 2.36 to 4.17-years, it must be concluded that Arun's spatial strategy is now delivering the housing requirement that the plan was intended to deliver.

(4) The agricultural grade 2 status is accepted as the advice in the agenda report on agricultural grade is based on the map in the YNDP which itself uses the National Provisional Agricultural Land Classification Grading system (ALC). The ALC is not based on site specific surveys but rather has regard to a number of general environmental considerations. Therefore, where a scientific based report is produced, this must be determined to be correct.

However, it remains clear that the land is best and most versatile (BMV) agricultural land since it falls within grades 1-3a. It is acknowledged that the line of the former canal provides a physical separation with the land to the south-west. However, the site is only separated from the large field to the north-west by a hedge and a track whilst there is already an access between these two fields.

No changes are proposed to the recommendation however members are advised that refusal reason 1 should be amended to change the stated agricultural grade from 1 to 2. The revised reason is shown below:

1. The proposed development would result in a net loss of high value grade 2 agricultural land and the site is an unsuitable location for new residential development having regard to the spatial characteristics of Yapton. The proposed development is in conflict with Arun Local Plan policies C SP1 and SO DM1, Yapton Neighbourhood Development Plan policies BB1 & E1 and with reference to the weight to be afforded to Neighbourhood Plans by virtue of paragraph 14 of the NPPF.