

PLANNING APPLICATION REPORT

REF NO: Y/77/22/PL

LOCATION: Bonhams
Hoe Lane
Flansham
PO22 8NP

PROPOSAL: Erection of 4 No dwellings with access from Hoe Lane and associated landscaping, including native orchards and wildflower meadows (resubmission following Y/7/22/PL). This application is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal is for four detached, four-bedroom, two storey dwellings. Three of these have their first floor in the roof whilst the fourth has its eaves level at the same height as the top of the first-floor windows. The layout has been designed in a farmstead pattern with dwellings facing a central courtyard with a mix of rectangular and L shaped footprints. The dwellings will have clay-tiled barn-hipped, hipped, and gabled roof forms and windows/doors of traditional timber joinery. All elevations will be finished in flint work with brickwork detailing framing the windows and doors.

Each house has a double garage and there are four spaces in the courtyard and a further space adjacent to and in association with the easternmost dwelling. The site access is to be widened by 1m (by relocating the eastern access wall 1m east). Visibility splays comprise of 2.4m x 30.7m to the northwest and 2.4m x 29.5m to the southeast. The site plan shows the inclusion of a formal orchard, either side of the access road and along the southern site boundary, with the areas around the trees to be managed as wildflower meadow. The south-eastern corner of the site has been entirely reserved for flowering meadow planting. There is space between the two southernmost houses to enable access into the field for maintenance. The layout retains access through to Flints.

This application responds to the refusal of Y/7/22/PL by providing additional Great Crested Newt survey information and by enlarging the double garages from 5.5 x 5.3m to 7m x 6m.

SITE AREA 1.15 hectares

RESIDENTIAL DEVELOPMENT 3.47 dwellings per hectare.

DENSITY

TOPOGRAPHY

The site is predominantly flat but between 1 & 2m lower than the level of the A259 to the south.

It is only possible to view the site from certain external ground level viewpoints - namely the vehicular entrance, the south western corner where the footpath meets with the A259 Bognor Regis Relief Road (henceforth abbreviated in this report as BRRR) and from the area where the pond sits between the south-eastern boundary and the hedge which it is possible to access from the public footpath at the south-western corner.

TREES

There is a Tree Preservation Order (TPO/Y/1/18) on a group of 3 Field Maples situated in the south-western corner of the site close to the footpath and on a group of 12 trees (6 Beech, 5 Hornbeam, 1 Oak) which enclose the southern and western boundaries of Bonhams garden. TPO (TPO/Y/2/18) was made in respect of a Hornbeam which is adjacent to the 12th individual tree forming part of the TPO/Y/1/18 schedule (accidentally omitted from the first Order).

There are other trees fronting Hoe Lane, bordering the footpath on the western side, and dotted throughout the site. There is an established hedge along the boundary with the A259 BRRR. The application proposes only safety works to trees and all houses are well outside of the Root Protection Areas of the notable trees.

BOUNDARY TREATMENT

These consist of:

- (1) Western boundary is part trees, part hedge and part 1.8m timber fence to Flints.
- (2) Northern boundary is part hedge/trees and part flint/brick wall.
- (3) Brick piers with black metal gates to Hoe Lane; and
- (4) Eastern and southern boundaries consist of ranch style timber fencing (1m high) with the established hedge beyond.

There are internal boundaries within the site to separate Bonhams from Flints Cottage and from the open areas of the site. These consist of manicured hedges and timber fencing.

SITE CHARACTERISTICS

The wider site (i.e., including Bonhams & Flints) consists of three parts. The dwelling Bonhams, with its large gardens. This is end on to Hoe Lane and backs onto a public footpath running roughly south from Hoe Lane adjacent to the western boundary of the site. It comprises a grand two-storey dwelling in brick, flint, and clay tiles together with a garage/store outbuilding on the western side. It is a 17th-century house and was remodelled with walls of knapped flint and brick in the early 18th century. It was formerly listed but was delisted in 2013. It has a large well-maintained large garden on its east and south sides and there are small timber sheds. Bonhams

has principal windows on all elevations.

Secondly, the smaller dwelling known as Flints Cottage to the south of Bonhams. This is two-storeys and backs on to the public footpath and is similarly built from a mix of flint, brick, and clay tiles. This has principal windows in all elevations. It has a rectangular garden extending to the east and has outbuildings on both sides. Both Flints Cottage and Bonhams share an access onto Hoe Lane. Bonhams has an additional access direct from Hoe Lane to a double garage.

The third part of the site is a field to the south which shares access with both dwellings. On the most recent site visit, this was covered in scrub planting and there was evidence of log piles and some waste materials. The remains of old single storey buildings lay alongside the western boundary backing on to the public footpath. The south-western corner appeared at that time to be more overgrown than the rest.

The western boundary of the site is with the public footpath. This connects Hoe Lane with the A259 BRRR. Beyond this boundary lies the dwelling known as Jem House which is well screened by trees but does have a first-floor bathroom window on the flank which may afford limited views of the site.

CHARACTER OF LOCALITY

The site is between Hoe Lane, Flansham and the A259 BRRR but the site most clearly falls in the setting of Hoe Lane.

Hoe Lane has a historic semi-rural character and is made up of low-density development in the form of medium to large sized detached dwellings, farm buildings (there are two farms in the hamlet) and dwellings which have been previously converted from farm buildings. There are only around 50 houses clustered around the single lane (Hoe Lane). There are five Listed properties (two of which are two halves of the same building) in Flansham and five locally designated Buildings of Character.

The Yapton Neighbourhood Development Plan (YNDP) states at paragraph 11.1 that: "The hamlet of Flansham, in the south part of the parish, is the oldest settlement in the district. It occupies slightly rising ground, together with Hoe Farmhouse to the northwest; the nearness of brook land suggests that the second element of the name is 'meadow' (hamm) rather than 'settlement' (ham), as also perhaps at Felpham. A late Bronze Age 'founder's hoard' from Hoe Lane possibly indicates occupation and there is evidence for Roman settlement. About 1844 there were 12 dwellings loosely scattered around a junction of three lanes and in 1898 two farms and 14 cottages. Several new houses and bungalows, some large, were built after c. 1910, chiefly at the west end. Though the hamlet's nearness to the Bognor-London road was stressed when

Flansham farm was advertised for sale in 1837, by the mid-twentieth century it was notable for its seclusion and rural aspect despite close proximity to the edge of Bognor's built-up area. Elms grew so thickly in the 1940s as to render part of Hoe Lane virtually a tunnel in summer. Two working farms remained in the hamlet in 1992, though some outbuildings had been converted by then to residential use or offices. Flansham is considered to merit designation as a Conservation Area or as an Area of Special Character. Such a designation will be strongly supported."

The emerging YNDP proposes the designation of Flansham as an Area of Character and one of the proposed houses (no. 1) would be sited within the proposed designation.

The character of the A259 BRRR is completely different as it is a modern relief road and with the large "Site 6" residential development to the south. The northern edge of the A259 has been landscaped to soften the transition into the more rural land to the north which includes the appeal site and adjacent farmland.

RELEVANT SITE HISTORY		
Y/58/22/HH	Conversion of detached garage into an annexe ancillary to the main house.	
Y/7/22/PL	Erection of 4 No dwelling with access from Hoe Lane and associated landscaping, including native orchards and wildflower meadows. This application is a Departure from the Development Plan and is in CIL zone 3 and is CIL Liable as new dwellings.	Refused 29-03-22
Y/77/19/OUT	Application for Outline Planning Permission for erection of ten dwellings with access from Hoe Lane. Resubmission of Y/20/18/OUT - This is a Departure from the Development Plan	Refused 03-04-20
Y/20/18/OUT	Outline application with some matters reserved for the erection of 10 dwellings with access from Hoe Lane, Flansham (resubmission following Y/40/17/OUT). This application is a Departure from the Development Plan.	Refused 11-03-19 Appeal: Dismissed 12-02-20
Y/40/17/OUT	Outline application with some matters reserved (access	Refused

only) for the erection of 23 No. dwellings with access from Hoe Lane, Flansham. This application is a Departure from the Development Plan.

09-02-18

Y/41/15/CLP	Lawful development certificate for a proposed timber frame detached garage.	PP Not Required 17-06-15
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Y/19/14/CLE granted a certificate of lawful use (existing) for the use of Flints as a separate dwelling thus establishing two separate dwellings on the site.

Y/40/17/OUT originally sought outline permission for 34 dwellings with some matters reserved except for access (from Hoe Lane). This number was reduced to 23 in response to concerns raised regarding character, but the application was refused in February 2018 for four reasons. Y/20/18/OUT sought outline permission for 10 dwellings with access from Hoe Lane and was refused on the 11th of March 2019 for two reasons.

The applicant appealed this decision, and it was then determined by informal hearing held on 15-01-2020 and for which the appeal decision was issued on 12 February 2020. The appeal was dismissed on the grounds of significant and demonstrable harm to the character of Flansham by the change of the rural character of the appeal site to an urban area linking Felpham and Flansham and because the development would not satisfactorily recognise and respond to the intrinsic character of the countryside.

The Inspector determined that Flansham as a whole could not be considered as a non-designated heritage asset and that the 'less than substantial harm to the non-designated heritage asset' of Bonhams was outweighed by the benefits associated with the proposal. The Inspector considered the housing land supply (HLS) stated by the council was incorrect and that it should actually be 2.9 years. The Inspector dismissed concerns as to loss of agricultural land, the safety of the access, the impact of new lighting, the impact of the development on local surface water drainage and the impact on the foul sewer network.

The Inspector stated the most important policies for determining the proposal (C SP1, D SP1, D DM1 and HER SP1 of the ALP & BB1 of the YNP) should be considered out-of-date as the council could not demonstrate a 5-year HLS. Also, that this significant shortfall in housing land supply coupled with the likelihood of the situation continuing for some time should be given very significant weight. The harm to the character of the area meant that the proposal would not represent sustainable development and on this basis the appeal was dismissed.

Y/77/19/OUT ran on a similar timeline to the appeal but the applicant would not agree to its withdrawal, so it was refused for the same reasons as the appeal decision.

More recently, Y/7/22/PL, was refused due to insufficient information to determine whether there were any Great Crested Newts present/affected and due to the undersized nature of the double garages meaning that overall, there was a parking shortfall. Y/58/22/HH is referenced as it affects Bonhams and is included for completeness only.

REPRESENTATIONS

Yapton Parish Council (YPC) state that whilst recognising the scheme had been reduced in density, they still object as the application is a departure from the development plan. This reflects their comments on

the previous application that Hoe Lane has never been designated as an area in Yapton for future housing growth and that the site is in the countryside.

6 letters of objection with the following concerns:

- Countryside development.
- Harm will outweigh the benefits.
- Incongruous form of development and out of character.
- The site can only accommodate one new dwelling.
- Harm to Hoe Lane, a recognised heritage designation.
- The access is unsuitable, and this proposal will result in accidents to pedestrian/cyclists.
- Existing foot/cycle provision on Hoe Lane is inadequate.
- No room for on-street parking on Hoe Lane.
- Should follow the decision on the appeal.
- The wildflower meadow should be planted with trees.
- How will the meadow be maintained.
- The meadow will be built on in the future.
- Precedent for future development north of the A259; and
- Surface Water drainage issues.

1 letter of no objection from the owner of Bonhams stating there is a covenant that states no more than 4 x two storey houses at 418.1m2 may be built and so request permitted development rights are removed to prevent the covenant from being breached. Request there be a restriction to prevent development on the meadow and orchard areas in the future.

COMMENTS ON REPRESENTATIONS RECEIVED:

All of the YPC concerns and the bulk of the objections are discussed in the conclusions.

Precedent is capable of being a material planning consideration, however, every application has to be considered on its own merits and a development here would not automatically result in further development nearby.

It would not be appropriate to restrict permitted development rights unless this is justified against policy and in this case, given the generous nature of the gardens, the interface distances to nearby dwellings and the fact that the development is hidden from Hoe Lane, restrictions on rear extensions would not be appropriate. A restriction on dormer windows/roof development and porches would be appropriate to preserve the farmstead design of the proposal. Covenants exist separately to the planning system and so are not capable of being a material planning consideration. They cannot be used as a basis for a permitted development restriction.

The scheme demonstrates the site can accommodate more than one dwelling. The appeal concerned an application for 10 dwellings and whilst regard will be paid to its conclusions, it is not appropriate for a much smaller development to automatically follow its decision. It is not appropriate to impose a restriction preventing development of the rest of the site. A planning application would be required to develop the other areas.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

NATURAL ENGLAND - no response. Stated "no comments" in respect of Y/7/22/PL.

SOUTHERN WATER - note that one of the houses and the parking area/road lies over a rising main and so either the layout needs to be revised or the rising main diverted. Also requests an informative relating to new foul connections.

WSCC HIGHWAYS - no objections subject to conditions to secure access works, car parking, cycle parking and electric vehicle charge points. State:

- The access widening would be beneficial as it would improve visibility and allow for better manoeuvrability for service vehicles accessing the development.
- Do not anticipate the proposals would give rise to a significant material intensification of movements to or from the site.
- No apparent visibility issues with the existing point of access on to Hoe Lane and the application demonstrates suitable visibility splays.
- The development requires 12 parking spaces but only 9 are proposed.
- The applicant has demonstrated on-site turning for both a fire appliance and refuse vehicle via swept path tracking; and
- The site is sustainably located.

ADC ENVIRONMENTAL HEALTH - no objection and request conditions relating to unexpected contamination, noise from the A259, construction hours, lighting and electric charge points.

ADC DRAINAGE ENGINEERS - no objection subject to conditions. State:

- The supplied Flood Risk Assessment (FRA) appears to contradict itself, in section 5 it is suggested that the development will be drained using permeable paving and soakaways whilst in section 7 it is suggested that all surface water will eventually be discharged to the neighbouring watercourses.
- No site investigations have been provided to support either strategy.
- Infiltration must be fully investigated before considering a scheme which attenuates surface water and discharges it to the watercourse.
- If infiltration is proven to be unviable calculations for the discharge rate must consider the positively drained area only.
- Any proposal to connect surface water to an ordinary watercourse will require ordinary watercourse land drainage consent and improvements to the watercourse may be required to ensure it is capable of accepting additional flow.
- There is a foul rising main sewer running across the site and house 2 is directly over the pipe. This is unlikely to be acceptable to Southern Water who will require strict easements and if the layout is approved. for the sewer to be diverted; and
- Existing and proposed trees (root protection zones) must not conflict with suds features/pipework.

ADC CONSERVATION OFFICER - the proposal will result in less than substantial harm and on the lower end of the scale and public benefits will need to be identified and the proposal determined in accordance with development plan policies:

- The design of the new dwellings attempts to make them look as though there were converted from supposed former barn structures, with a number of details that the applicants consider are reflective of their supposed former use.
- The design & access statement identifies that the roofs will be clay tiled and windows and doors will be of traditional timber joinery. All elevations will be finished in flintwork with brickwork detailing framing the windows and doors.
- Such materials will attempt to help soften the buildings and help in their suggested former barn complex

context. There is some logic to this approach.

- The success of the design will be down to details and other materials proposed. The use of pre-made concrete and flint blocks will detract from the final appearance and not be suitable/supported.
- Windows and doors should be appropriately designed (no applied glazing bars etc.) and positioned within their openings so as to create the appropriate shadow lines.
- Likewise, other materials should be appropriate for the type of buildings proposed and the roof lights should be of a conservation standard.
- It is not fully clear why so many roof lights are needed and these detract from the somewhat traditional elevations proposed. These details (and others) should be conditioned.

COUNCILS ECOLOGIST - no response received but in response to Y/7/22/PL objected due to further Great Crested Newt surveys being required of water bodies 6 & 7 (in the form of eDNA assessments). Stated if Great Crested Newts were found then further survey work would be required and these surveys must be undertaken prior to determination. Raised no other concerns and requested conditions relating to bat friendly lighting, bat nesting opportunities, bird boxes, hedgehog protection, hedgehog nesting opportunities and biodiversity net gain.

COMMENTS ON CONSULTATION RESPONSES:

Any late consultation comments will be brought to the attention of the committee by way of a report update.

The presence of the rising main is noted but Southern Water state the applicant could apply to divert it, then its presence does not prevent planning permission from being granted. It is material that the supporting drainage statement (labelled as "FRA") highlights its presence so the applicant was aware of its existence when drawing up the plans. A condition to protect this is not appropriate as it is covered by other legislation so an informative will be added instead.

The applicant has provided confirmation that the two waterbodies were surveyed in April 2022 for Great Crested Newt eDNA. The survey was undertaken in full compliance with best practice guidance published by Defra and by a chartered ecologist and so the results can be trusted. The analysis returned a negative result for both water bodies therefore the survey states "it is considered highly unlikely GCN are present within Waterbody 6 and 7 and as a result it is unlikely GCN will be impacted by proposals". The ecologists noted the presence of a grass snake whilst conducting the survey and additional reptile mitigation is proposed and can be subject of a condition.

The parking issues are discussed in the conclusions.

POLICY CONTEXT

Designations applicable to site:

- Outside Built Up Area Boundary;
- EA Flood Zone 1;
- Future Flood Zone 3 (just the site access);
- ADC Ground Water Flood Risk Area;
- Archaeological Notification Area;
- Agricultural Land (Grades 1 & 2) - as according to figure 2 of the YNDP;
- Area of Special Control for Advertisements; and
- Tree Preservation Orders ref TPO/Y/1/18 & TPO/Y/2/18.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HERSP1	HER SP1 The Historic Environment
HERDM4	HER DM4 Areas of Character
HERDM6	HER DM6 Sites of Archaeological Interest
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
SDSP1	SD SP1 Sustainable Development
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

Yapton neighbourhood plan 2014 Policy BB1

Yapton neighbourhood plan 2014 Policy 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 E11	Enhancement of biodiversity
Yapton neighbourhood plan 2014 Policy BE2	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy H1	High speed broadband
Yapton neighbourhood plan 2014 Policy H2	Housing requirement
Yapton neighbourhood plan 2014 Policy H3	Dwelling size
Yapton neighbourhood plan 2014 Policy PK1	Dwellings appropriate for the needs of older people
	Parking standards for new residential development

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD12	Open Space,Playing Pitches & Indoor& Built Sports Facilities
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Certain Yapton Neighbourhood Development Plan (YNDP) policies are relevant. Yapton are working on a revised YNDP2 and are at regulation 17 stage such that it is necessary to refer to the emerging policies (which propose modifications to the existing YNDP policies).

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to conflict with relevant Development Plan policies in that the site is located in the countryside and on best & most versatile agricultural land.

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise. For this application, the development plan comprises the Arun Local Plan 2011-2031 (ALP), the Yapton

Neighbourhood Development Plan (YNDP) and the West Sussex Waste and Minerals Plans (although none of its policies are relevant to this site).

Section 38(5) of the Planning and Compulsory Purchase Act 2004 states: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Any conflict between the ALP and the YNDP should be resolved in favour of the former. Should the revised YNDP2 be made prior to the committee meeting then any conflict would be resolved in favour of the YNDP2.

Paragraph 14 of the NPPF states in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably outweigh the benefits if four specific criteria apply.

In January 2022, the Council published its Authority Monitoring Report (AMR) for 2020/21 and this shows that the Housing Land Supply (HLS) has decreased from 3.3 years to 2.42 years. This reflects a more rigorous assessment of housing trajectories following recent appeals including that concerning Land South of Barnham Station as received in early January 2022 which comprehensively analysed the HLS position and stated that the HLS was around 2.63 years. On the basis of the current HLS, para 14 of the NPPF does not apply and the relevant plan policies have reduced weight.

The Arun Local Plan:

Policy H SP1 sets out an overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes reference to additional non-strategic allocations being made across the District, through reviews of Neighbourhood Plans and in cases where there is no up-to-date Neighbourhood Plan, through the publication of a "Non-Strategic Site Allocations Development Plan Document". It is no longer planned to prepare this document or review the Local Plan.

Policy C SP1 states residential development in the countryside outside the built-up area boundary (BUAB) will not be permitted unless it accords with policies in the Plan which refer to a specific use or type of development. None of these relate to the application proposal. In addition, policy SD SP2 states development should be focused in the BUAB. The proposal conflicts with ALP policies C SP1 and SD SP2.

Yapton Neighbourhood Development Plan:

The YNDP was made in November 2014 on the basis of saved policies in the 2003 Arun District Local Plan and the draft policies in the 2014 publication version of the emerging ALP. The site is outside of the BUAB in the YNDP.

Policy BB1 states development outside the BUAB will not be permitted unless in accordance with 4 listed criteria. Criteria 1-2 & 4 are not relevant to the proposal, but number 3 is where the development relates to additional allocations for housing land in accordance with policy H1.

Policy H1 allows for a buffer of up to an additional 20% of the ALP housing requirement of 100 dwellings for the Yapton Neighbourhood Plan area. This 20% buffer has been achieved through applications permitted since the YNDP was made. Beyond the 20%, the policy states any further housing development 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 or that appropriate modifications and/or extensions to the School can be delivered at the developer's expense. Any approval of this development would be subject to a CIL contribution but there is no certainty that

such money would be spent improving the Yapton Primary School. Both the full and outline applications conflict with policy H1.

The emerging YNDP2 does not allocate additional housing land but acknowledges the contribution to housing need made by dwellings which have consent as of March 2021. The site would remain in the countryside in the YNDP2. When the YNDP2 is made, it will still not benefit from para 14 of the NPPF unless the HLS was to increase to at least 3 years.

The National Planning Policy Framework (NPPF):

The NPPF is an important material consideration in determining applications. As the Council cannot demonstrate a 5-year HLS, para 11(d) of the NPPF and the application of the 'presumption' for sustainable development would be triggered.

This states where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for applications involving the provision of housing where a 5-year HLS cannot be demonstrated), planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

Part (i) does not apply to this determination as the site does not lie in a protected area. The part (ii) test will be applied at the end of this report.

Other Material Considerations

The Council's Action Plan (June 2019) made a series of recommendations to boost housing delivery. It recommended the Council consider inviting applications from landowners / developers on 'deliverable' Housing & Economic Land Availability Assessment (HELAA) sites to re-establish the 5-year housing land supply. This site has not been promoted through the HELAA.

In February 2021, Arun published an Interim Policy Statement for Housing Delivery. This is not policy but is meant as a guide for developers proposing development on sites outside the BUAB and to inform planning decisions. It is stated to only apply to sites adjacent to settlement boundaries and so would not apply to this site.

In January 2022, the government published Arun's most recent Housing Delivery Test (HDT) results and showed that Arun achieved 65% thus triggering the application of the presumption in favour of sustainable development (although this is already being applied due to the HLS shortfall).

It is material that the previous appeal was not dismissed on grounds of development in the countryside and that the HLS has fallen further since that decision. The Inspector stated the most important policies for determining the proposal (C SP1, D SP1, D DM1 and HER SP1 of the ALP & BB1 of the YNP) should be considered out-of-date as the Council could not demonstrate a 5-year HLS. In addition, the Inspector identified the HLS as being 2.9 years and gave this significant weight. As is clear from the recent AMR, the HLS has dropped to 2.42 and so is now less than half of the requirement.

Sustainability

ALP policy SD SP1 "Sustainable Development" states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Para 8 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.

Despite its location, the site is sustainably located in that it is possible to walk, cycle or take a fairly regular bus service to access nearby shops, services, places of employment and other facilities and that these are all within an appropriate distance such that it is not necessary to travel by car. A full assessment of the accessibility of the site was provided in the officer report for a previous application, Y/40/17/OUT and the appeal Inspector previously gave the site location only moderate weight in the determination of the Y/20/18/OUT appeal.

It is acknowledged that the development will result in the loss of some wildlife habitat. The appeal Inspector gave the proposed environmental enhancements from additional landscaping only very limited weight, but it is material that this scheme now proposes significant orchard planting and to retain the bulk of the field as wildflower meadow.

The proposal could help to support the local community by providing 4 new homes to help meet future needs albeit that such large houses may not be affordable by those in particular need. The appeal Inspector previously gave this benefit significant weight but that was for 10 homes not 4 as per this scheme. CIL receipts could be used to contribute financially towards local schools & libraries and as such, there would be a further benefit to the local community. The appeal Inspector considered these benefits to be neutral as they are required to ensure that effects of the development are mitigated.

In respect of the economic objective, there are both costs and benefits. The benefits would consist of: (1) an increase in Council Tax receipts; (2) the creation/temporary maintenance of construction jobs; and (3) additional spending by new residents on goods & services. The appeal Inspector previously gave no weight to point (1), moderate weight to point (2) and significant weight to point (3).

The loss of grade 1 agricultural land is noted however the land is unused for such and there is no potential for it to be so used in the future. This is discussed in more detail elsewhere in this statement, but the appeal Inspector previously gave this economic cost very limited weight.

Conclusion on Matters of Principle:

The principle of development on this countryside site is in conflict with the ALP and the YNDP. However, due to the Councils HLS being below 5 years, the application would instead fall to be determined by the NPPF presumption in favour of sustainable development. This will be assessed at the end of this report.

AGRICULTURAL LAND:

According to figure 2 of the YNDP, the site is classified as grade 1 agricultural land (so best & most versatile). YNDP policy E1 states permission will be refused for development on grade 1 and grade 2 agricultural land unless 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.

The Figure 2 map is based on data provided by the national Provisional Agricultural Land Classification Grading system (ALC). This data is not based on site specific surveys but instead is assessed using various criteria including temperature, rainfall, aspect, exposure, frost risk, gradient, micro-relief, flood risk, soil depth, soil structure, soil texture, ground-based chemicals, and stoniness. The ALC uses a grading system to assess and compare the quality of agricultural land at national, regional, and local levels. It assesses the potential for land to support different agricultural uses, such as growing crops for food but does not consider the land's current use or intensity of this use.

ALP policy SO DM1 states unless land is allocated, then the use of grades 1, 2 and 3a of the ALC for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless the need for the development outweighs the need to protect such land in the long term.

The applicant states that due to the development of the BRRR, associated drainage infrastructure and the resultant reduction in size of the field, the site is no longer viable for agricultural use or part of an agricultural unit. In the recent appeal decision, the Inspector stated that it had not been demonstrated that the loss of this quantum of the best and most versatile agricultural land would have a significant effect on local farming enterprises and consequently the Inspector gave this impact very limited weight. The council has no evidence to make a case for the retention of this agricultural land and in the previous three officer reports stated that:

"The size of the vacant parts of the site are only approximately 0.95 hectares and the site is physically separated from adjacent agricultural land to the west by a public footpath. Furthermore, although the land may have the soil quality for the growing of crops, it is noted that nearby land is all in pasture use and it is likely therefore that any future agricultural use of the application site would be limited to the grazing of cows or sheep. Indeed, the nearest arable agricultural land is on the western side of the settlement of Flansham where there are several fields close together such that a viable agricultural operation can be supported."

In allowing an appeal at Clays Farm, Yapton which concerned a refusal on loss of grade 2 agricultural land (Y/62/18/OUT), the Inspector noted the site was not being used for agriculture and that there was no evidence that the site would be so used in the future. The Inspector stated whilst this does not in itself justify the loss of agricultural land, it does act to reduce the level of environmental and economic harm caused by its development. It is material that this new application now proposes to retain the bulk of the existing field as a wild meadow thus allowing it to be in the future used for growing, if so desired, albeit on a very small scale.

The site has limited value for agriculture and the need for additional housing land to boost the Council's severe housing land supply shortfall is such that the small loss of grade 1 agricultural land can be sustained.

Policy SO DM1 makes it clear that in order to fully justify the loss of the agricultural land, the policy criteria (a) to (b) and (d) to (g) should be met. The applicant has not provided any such documents and there is additional conflict with the ALP policy. However, a soil resource plan could be secured through a planning condition and the Inspector gave these policy conflicts little weight in the previous appeal.

FLOODING & SURFACE WATER DRAINAGE:

The site is currently not affected by flooding from rivers/sea and is within Flood Zone 1. The Council's climate change mapping shows that parts of the site will be Flood Zone 3a by 2111. Notably, this includes the whole of Bonhams' property and the shared access but none of the proposed houses are affected. As such, it is not necessary to require a sequential site assessment in this instance and the development site remains within Flood Zone 1.

ALP policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS) as appropriate to the size of development. YNDP Policy E11 requires developments be designed and constructed to minimise the overall level of flood risk in the parish; and provide appropriate surface water drainage.

The Council's Engineer has a few concerns with the proposed drainage strategy (as set out elsewhere) but ultimately is content for this to be deferred to a future discharge of conditions. On this basis, there are

no conflict with the drainage policies.

CONTAMINATION:

ALP Policy QE DM4 states development will be permitted on contaminated land as long as remediation is provided. The application is not accompanied by information relating to contamination but given the site's history as former agricultural land and on-site evidence of building waste and other materials, it would be necessary to impose a condition to ensure that should any contaminants be found then this is effectively remediated. On this basis, the proposal is in accordance with the policy.

HERITAGE ASSETS:

The development does not affect the setting of any Listed Buildings (the nearest, Flansham House, being 110m from the north-western corner of the site) and nor would it affect the setting of any Buildings of Character as Chessels, is physically separated from the application site by the public footpath and also the curtilage of Jem House.

The site does adjoin with the curtilage of Bonhams House which was delisted in 2013 and is considered to warrant continued protection as a non-designated heritage asset. Furthermore, the YNDP2 intends to designate Flansham as an Area of Character which would also then be classified as a non-designated heritage asset. This designation would include house no. 1 with the rest of the proposal then bordering the designated area.

ALP policy HER SP1 provides for the protection of non-designated heritage assets and states that the setting of such assets should be conserved and enhanced in a manner appropriate to their significance and contribution to the historic environment. Further, that development likely to prejudice any of the above, including their settings, will be refused. ALP policy HER DM4 states that new development within Areas of Character should preserve and where possible, enhance the special character of these areas, particularly with regard to the characteristics identified by the Local Planning Authority.

Para. 203 of the NPPF states in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The applicant have provided a brief assessment of heritage in their supporting planning statement. This states that the development would lead to less than substantial harm to the setting of Bonhams, this harm being at the lower end of the scale as similarly concluded within the recently dismissed appeal. The council's conservation officer agrees with this position but recommends several conditions to ensure the quality of the design and the materials.

As set out in para 202 of the NPPF, where there is less than substantial harm, the Local Planning Authority must then weigh this up against the public benefits associated with the proposal. The benefits of a 4-dwelling development are minor in scale but there will still be benefits to the current HLS shortfall; to the local economy through the creation/maintenance of construction jobs and additional spending by new residents on goods & services; from CIL receipts to local infrastructure; and an increase in Council Tax receipts. These benefits therefore outweigh the less than substantial harm.

In respect of para 203, it is suggested that the position of the previous Appeal Inspector be followed who determined that there would be limited harm to the setting of Bonhams. This new proposal is for less dwellings and a more traditional design so it can be argued that the impact is much less. The Area of Character has not yet been formally designated but the proposal will only have a limited impact on the area of the designation and the impact of the development as a whole will be much reduced due to the

traditional design and the amount of proposed landscaping.

The proposal is in accordance with the NPPF guidance and the relevant policies of the development plan.

ARCHAEOLOGY:

The site is in a designated archaeological notification area. ALP Policy HER DM6 states where a site on which development is proposed has the potential to include heritage assets with archaeological interest, permission will only be granted where it can be demonstrated development will not be harmful to the archaeological interest of the site. The policy requires a desk based archaeological assessment be submitted. This is echoed by guidance in NPPF para 194.

The applicant has not provided supporting archaeological documents. The Council's Archaeologist was not consulted on this application but advised on Y/40/17/OUT that archaeological potential of this site could be investigated through a condition. On this basis the conflict with HER DM6 would not be defensible at appeal and a condition can be imposed to record any archaeological deposits.

ACCESS & PARKING:

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking. ALP policy T DM1 requires new development be located in easy access of established non-car transport modes/routes.

Para. 110 of the NPPF states: "In assessing .. specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para. 111 states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

WSCC Highways raise no concerns with the safety of the widened access junction or its intensification by 4 dwellings. It is material that they also raised no objections on any of the previous applications (which were for a greater number of dwellings) and that the previous appeal Inspector stated that: "I am satisfied that the proposal would provide for safe and secure access to the site for all users".

The Council's Parking Standards SPD sets out a need for 12 allocated spaces (3 each) and 1 visitor space. YNDP policy PK1 is relevant in respect of car parking but sets out the same standards as in the SPD. The SPD states that single garages must be at least 6m x 3m internally and would then be regarded as providing half an allocated space. Whilst no measurement is given for double garages in the SPD, the Government's Manual for Streets states that these should be 6m by 6m. The double garages are now 7m by 6m and so exceed the standards. In the context of the SPD, they can now be considered to provide 1 space each. The houses also have unallocated spaces in front of them and there are a further 4 spaces located centrally within the courtyard arrangement. The proposal therefore now resolves the previous refusal reason and provides for sufficient parking such that there should be no overspill onto Hoe Lane.

The Arun SPD requires cycle storage to cater for 2 cycles per dwelling. The application proposes that cycles be stored in the garages. This is acceptable given the size of the garages. The proposal complies with the relevant policies.

CHARACTER, DENSITY & DESIGN:

ALP policies D SP1 and D DM1 require development make the best possible use of land by reflecting or improving on the character of the site/surrounding area. Policy LAN DM1 states development should respect the particular characteristics & natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas.

YNDP policy H1 refers to encouraging small-scale residential developments that are sympathetic to their surroundings and providing well-designed dwellings that are sympathetic to the character of the village. Emerging YNDP2 policy H4 encourages high quality & sympathetic design, appropriate density, and sufficient outdoor space.

The Arun Design Guide is a material consideration. It suggests a density of 5-15 dwellings per hectare in rural settlements. The density of 3.47 is less than this but is not significantly different to the overall density of Flansham as a whole (4.6 dph) and so this is acceptable.

Page 130 of the Design Guide has a section on rural development and advises that development in rural locations should integrate seamlessly into its setting, use simple/unobtrusive design, respond to the scale of nearby development, maintain existing landscape features, use hedging for boundaries and restrict areas of hard surfacing on frontages. Section J (new building design) states new development must ensure the existing character and sense of place of an area is respected and enhanced. This can allow for modern design forms but only where these take cues from well-designed elements of the existing area. New development should generally reflect the scale of existing buildings

The proposal meets this guidance as the development integrates into the landscape setting through a farmstead or courtyard layout and integration of strong landscape features (orchard, wild meadow) plus generous gardens. The dwellings have a consistent and simple form comprising rectangular floor plans and pitched or half-hipped roofs. One gable end roof is proposed but as it is an exception, it is acceptable. It appears that the applicant has followed the Design Guide closely in drawing up the plans and this is positive. Conditions could be used to secure hedging to the boundaries further strengthening landscape integration. Parking is either hidden away in garages or centralised thus minimising the impact of hardstanding on the surrounding landscape.

Conditions will be required to secure various elements of the design but subject to these, the development would not harm the character & appearance of the locality and the proposal complies with relevant design policies as set out above.

LANDSCAPE & TREES:

ALP policy ENV DM4 requires protected trees or trees that contribute to local amenity are not damaged or felled unless the development meets certain criteria including that the benefits outweigh the loss of trees or woodland. Policies LAN DM1 and D DM1 are also relevant in terms of landscape integration.

YNDP policy E4 states 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. Emerging YNDP2 policy E4 requires that native tree species be used.

Neither the Landscape Officer nor Tree Officer have commented (and did not do so on Y/7/22/PL). It is clear from the supporting documents that none of the Root Protection Areas (RPAs) of the TPO trees are affected by buildings or hardstanding. Some safety works are proposed including the felling of a dead Poplar, but affected trees are all outside of the site area (within Bonhams) and none are protected or of

high amenity value.

It is material that the tree officer raised no objection on Y/20/18/OUT which sought 10 houses on a larger area of the site and the landscape officer raised no objection on Y/77/19/OUT. Conditions would be necessary to ensure trees are protected during construction, to secure the precise details of landscaping (including the use of native species) and to secure a landscape management plan for the wild meadow & orchard areas. There is no conflict with relevant development plan policies.

BIODIVERSITY:

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. YNDP policy E3 seeks to prevent loss of natural habitat except where mitigation measures ensure the integrity of the habitat or where the habitat is relocated to a site within 500m of the existing. Emerging YNDP2 policy E5 sets out a requirement for biodiversity net gain.

The application is accompanied by an Ecological Survey and a separate note on the survey for Great Crested Newts (GCN). Suitable habitat was identified for reptiles, foraging & commuting badgers/hedgehogs, and low-quality habitat for foraging bats. The document also proposes other mitigation and enhancement measures to mitigate impacts on other species and secure biodiversity net gain. This includes the orchard and wild meadow planting.

The Council's ecologist raised no concerns previously (other than in respect of GCN which has now been resolved) and stated that all other identified impacts can be mitigated through conditions and the new habitat creation which in particular, will clearly demonstrate significant biodiversity net gain. Conditions can be used to secure bat friendly lighting and bat/bird/hedgehog nesting opportunities. The proposal complies with the relevant policies.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires there be minimal impact to users/occupiers of nearby property and land. Policy QE SP1 requires all development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity. The Council's Design Guide sets out the following guidance on interface distances between houses:

- Back-to-Back: min. 21m between habitable rooms of properties or to existing buildings.
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property.
- Front to Front: min. 16m between habitable rooms of properties facing each other.
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.

There are no standards for side to side or front to back and the only requirement for the interface to a neighbouring garden is 10.5m in a back-to-back arrangement. The proposal provides in excess of the standards to both Bonhams & Flints and plot 1 provides for a distance of 11m from its rear to the boundary with Bonhams garden. There is no conflict with the Design Guide in this respect.

Although the houses all face each other, they are predominantly sufficiently distant from each other so as to meet the 16m requirement. The only exception is house 1 to house 4 however the views between these are at an oblique angle and both have no amenity issues to their rear elevations, so their main private areas are not compromised. The slight intensification of the access will not harm the amenities of the existing dwellings as their windows are a significant distance from this point.

All relationships between proposed/existing and between proposed dwellings are acceptable and ensure a good standard of amenity for existing and future users. The scheme accords with ALP policies D DM1,

QE SP1 and the Design Guide.

QUALITY OF ACCOMMODATION:

ALP policy D DM2 states that internal spaces should be of an appropriate size and that the Nationally Described Space Standards provide guidance. All four houses far exceed the required space standards.

The Arun Design Guide requires rear gardens are a minimum of 10.5m deep and front gardens at least 2m. All four houses have significant areas of rear garden which meet the rear depth requirement. They have 2m front gardens across parts of their frontages. The proposal provides a good standard of private space for future residents.

The proposal falls below the thresholds set out in both YNDP policy H3 and Arun DC's agreed internal policy on the provision of housing accommodation to provide for an ageing generation therefore, no accommodation for older people or those with disabilities is required on this application.

CLIMATE CHANGE:

ALP policy ECC SP2 requires all residential and commercial development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. ECC SP1 requires development be designed to adapt to impacts arising from climate change. Emerging YNDP2 policy H5 supports development which meets the highest possible standards of environmental and energy efficiency. The application is silent on these requirements, but a condition will be imposed to secure details to ensure compliance. A condition will be included to require electric vehicle charge points.

TELECOMMUNICATIONS:

ALP policy TEL SP1 and YNDP policy BE2 state all proposals for new residential, employment and commercial development must be designed to be connected to high quality communications infrastructure. This policy would be complied with through a suitable condition.

SUPPORTING INFRASTRUCTURE:

ALP policy INF SP1 requires development proposals provide or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and the existing community. This development is liable for CIL and infrastructure providers such as WSCC & the NHS can make a bid for a portion of the CIL payments collected to spend on their own projects. The Parish Council will be provided with 25% of the CIL receipts to spend on their own projects. These payments go towards providing the infrastructure that the district needs to support existing and future development.

SUMMARY & TILTED BALANCE:

The principle of development on this countryside site is in conflict with the ALP and the YNDP. Given that the HLS is below 5 years, the application would fall to be determined by the NPPF presumption in favour of sustainable development.

This states where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

The proposal represents sustainable development and the only unresolved policy conflicts are those

relating to development in the countryside and on agricultural land. It is material that the previous appeal for 10 dwellings was not dismissed on grounds of development in the countryside or loss of agricultural land and that the HLS has fallen further since that decision. The proposal will make a small contribution to the HLS shortfall and secure other social, environmental, and economic benefits. The adverse impacts identified do not significantly and demonstrably outweigh the benefits and there is no conflict with other policies within the NPPF. It is recommended that permission be granted in accordance with the following conditions.

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.

CIL DETAILS

This is a CIL Liable development. It is in Zone 3 and a CIL amount of £142,130.69 would be payable unless the applicant applies for exemption subject to the requirements of the CIL Regulation 2010 (as amended). A 25% proportion of this amount (£35,532.67) would go to the Parish Council.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1
- The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2
- The development hereby approved shall be carried out in accordance with the following approved plans:

W1959 Rev A SITE LOCATION PLAN.
W1959 Rev A SITE PLAN.
W1959 Rev A HOUSE 1 FLOOR PLANS.
W1959 Rev A HOUSE I ELEVATIONS.
W1959 Rev A HOUSE II FLOOR PLANS.
W1959 Rev A HOUSE II NORTH AND INTO WEST ELEVATIONS.
W1959 Rev A HOUSE II SOUTH AND EAST ELEVATION.
W1959 Rev A HOUSE III FLOOR PLANS.
W1959 Rev A HOUSE III NORTHEAST AND SOUTHEAST ELEVATIONS.
W1959 Rev A HOUSE III SOUTHWEST AND NORTHWEST ELEVATIONS.
W1959 Rev A HOUSE IV FLOOR PLANS.
W1959 Rev A HOUSE IV ELEVATIONS.
2021/6302/001 Rev P1 VISIBILITY SPLAYS.
2021/6302/002 Rev P1 SWEPT PATH ANALYSIS: FIRE TENDER.
2021/6302/003 Rev P1 SWEPT PATH ANALYSIS: CAR; and
2021/6302/004 Rev P1 SWEPT PATH ANALYSIS: LARGE REFUSE VEHICLE.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, QE SP1 and T SP1 of the Arun Local Plan.

- 3 No demolition/construction activities shall take place other than from 08:00 hours until 18:00 hours (Monday to Friday) and from 08:00 hours until 13:00 hours (Saturday) with no noisy work (defined as not involving any machinery or plant) on Sunday or Bank/Public Holidays.

Reason: To protect the amenity of local residents and on-site biodiversity in accordance with policies ENV DM5, QE SP1 and QE DM1 of the Arun Local Plan and the NPPF.

- 4 All ecological mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Survey (November 2021) (sections 7.3 through 7.6) and the Ecosupport Ltd letter dated 4th May 2022 (regarding the reptile precautionary approach) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended), s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Arun Local Plan policy ENV DM5 and the NPPF.

- 5 Development shall not commence, other than works of site survey and investigation, 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, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in

perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 6 The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values and in accordance with current policies. No construction is permitted, which will restrict current and future landowners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. And to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 7 All activity at the site is to be carried out in strict accordance with the approved "Report on Inspection of Trees" (ref J53.95, 15/05/17).

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.

Reasons: To comply with BS5837 and policy ENV DM4 of the Arun Local Plan 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 because it is necessary to ensure that trees are fully protected before the ground is disturbed and works commence.

- 8 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun Local Plan Policy HER DM6. This is required to be a pre-commencement condition because it is not possible to carry out archaeological survey work once development including roads, foundations and surface infrastructure has commenced.

- 9 Development shall not commence, until a Soil Resource Plan has been submitted to and approved in writing by the Local Planning Authority. This shall set out how the best and most versatile soils on the site are to be protected during construction and then recycled/reused in the new development layout. The soil protection/mitigation measures shall be implemented as per the document and then permanently adhered to throughout the construction and development of the site.

Reason: In accordance with Arun Local Plan policy SO DM1 and the NPPF. It is necessary

for this to be a pre-commencement condition to protect the best and most versatile soils on the site prior to the construction commencing.

- 10 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 NPPF) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. 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 prior to construction above damp proof course (DPC) level in that phase or sub phase. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and policy ECC SP2 of the Arun Local Plan.

- 11 No development above damp proof course (DPC) level shall take place unless and until details of the proposed location of the required fire hydrants have been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Prior to the first occupation of any dwelling forming part of the proposed development, the developer shall at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved locations to BS:750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrants shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner/occupier if the installation is retained as a private network.

Reason: In the interests of amenity and in accordance with policy INF SP1 and T SP1 of the Arun Local Plan and in accordance with The Fire & Rescue Service Act 2004.

- 12 No development above damp proof course (DPC) level shall take place unless and until an acoustic assessment has been undertaken to determine the impact of noise from transport related noise sources on the A259. The assessment shall be in accordance with the 'shortened measurement method' described in the Department for Transport document 'Control of Road Traffic Noise' (CRTN) 1988. The results of the assessment and details of a scheme of mitigation measures necessary to ensure an appropriate level of aural amenity within habitable rooms and amenity in garden areas shall be submitted and approved in writing by the Local Planning Authority. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To protect the amenity of future local residents in accordance with Policy QE DM1 of the Arun Local Plan.

- 13 No development above damp proof course (DPC) level shall take place unless and until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme comprising details of new hard and all soft landscaping including hedges, the proposed orchard and meadow areas of the site. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become

seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan.

- 14 No development above damp proof course (DPC) level shall take place unless and until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas including the meadow and orchard areas has been submitted to and approved in writing by the local planning authority. The landscape management plan shall then be carried out as approved and permanently adhered to unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of landscape/biodiversity in accordance with policies LAN DM1, D DM1 and EV DM5 of the Arun Local Plan and the NPPF.

- 15 No development above damp proof course (DPC) level shall take place unless and until full details of all materials (including a colour schedule), windows, doors and other proposed external finishes shall be submitted to the Local Planning Authority, in writing, for approval. Window/door details will need to be of an appropriate scale and include details of sections, glazing or glazing bars (avoiding applied glazing bars) and all roof lights should be a in the conservation style. Windows should also be positioned within their openings so as to create the appropriate shadow lines. Once approved, the development shall be undertaken in accordance with these details and retained as such at all times thereafter in perpetuity.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity, character and local heritage value accordance with policies D DM1 & HER SP1 of the Arun Local Plan.

- 16 No development above damp proof course (DPC) level shall take place until details of all new boundaries have been submitted to and approved by the Local Planning Authority and none of the approved dwellings shall be occupied until such screen walls/fences associated with them have been erected. The details to be provided shall ensure that gaps are provided at the bottom of all boundary treatments to ensure that hedgehogs and other small mammals are able to move into/out of and around the development.

Reason: In the interests of visual amenity and of wildlife in accordance with policies D DM1 and ENV DM5 of the Arun Local Plan and the NPPF.

- 17 Prior to occupation of any of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be retained and maintained in good working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2030, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the NPPF.

- 18 Prior to the occupation of any part of the 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 will continue in accordance with the approved strategy.

Reason: To safeguard the amenities of future residents in accordance with Arun Local Plan policy TEL SP1.

- 19 No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety in accordance with Arun Local Plan policy T SP1.

- 20 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: In the interests of road safety and to provide adequate on-site car parking & turning space for the development in accordance with Arun Local Plan policy T SP1.

- 21 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 to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with Arun Local Plan policy T SP1.

- 22 No external lighting shall be installed on the site unless and until full details (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage) have been submitted to and approved in writing by the Local Planning Authority. The submission should also cover new streetlighting if required. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) but also minimise potential impacts to any bats using the site/site environs (in accordance with the BCT/ILP Guidance Note 08.18) by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and 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 QE SP1, QE DM2 & ENV DM5 of the Arun Local Plan.

- 23 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and

degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

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 Local Plan policies QE SP1 and QE DM4.

- 24 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no front extensions (including porches) or dormer roof extensions to the dwelling houses shall be constructed unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the cohesive appearance and farmstead design of the proposed development and protect local heritage value in accordance with Arun Local Plan policies D DM1, HER SP1 and the Arun Design Guide.

- 25 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 26 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents via <https://beta.southernwater.co.uk/infrastructurecharges>.

- 27 INFORMATIVE: The site and the development layout is crossed by a foul rising main and this will either need to be diverted or measures put in place to protect it during construction. Please contact Southern Water to discuss this - Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

- 28 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance, as per <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>, on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus40%) between the invert of the entry pipe to the soakaway and the base of the structure. All surface water drainage designs must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 45%).

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 groundwater table in support of the design. The applicant is advised to discuss the extend of ground water monitoring with the council's engineers.

Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application.

- 29 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens. The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.
- 30 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information, please contact the Environmental Health Department on 01903 737555.
- 31 INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A statutory nuisance may be caused by smoke and ash from fires or noise from the cutting or chipping trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should also be contacted regarding Exemption Permits to burn on site.
- 32 INFORMATIVE: The development shall be carried out in accordance with the 'Arun District Council Construction Code of Practice: For small developments in Arun', available from: <https://www.arun.gov.uk/download.cfm?doc=docm93jjm4n12193.pdf&ver=12201>.
- 33 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 34 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

Y/77/22/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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