

PLANNING APPLICATION REPORT

REF NO:	Y/3/22/OUT
LOCATION:	Land West of Bilsham Road Yapton
PROPOSAL:	Hybrid Application comprising of Full application for Phase 1 for 30 No residential dwellings, new access from Bilsham Road, public open space, landscaping, sustainable urban drainage and associated works; and Outline planning application for further phases of up to 110 No dwellings and associated infrastructure (with all matters reserved). 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	<p>A hybrid application has been submitted to develop this site for residential purposes in three phases. This consists of a full application (first phase) and an outline (two further phases) as set out below.</p> <p>FULL APPLICATION:</p> <p>Phase 1 will see the development of the northern edge of the site with 30 dwellings consisting of detached, semi-detached, short terraces and apartment buildings. All are two storeys high. The mix consists of 5 x 1 bed, 12 x 2 bed, 10 x 3 bed &amp; 3 x 4 bed. In addition, nine homes will be affordable (3 x 1 bed, 3 x 2 bed, 2 x 3 bed &amp; 1 x 4 bed). Parking provision is in the form of garages, car ports and spaces. Cycles will be stored in communal stores, garages/car ports or small sheds in rear gardens.</p> <p>The access will be 30m north of Taylors Close. It will be 6m wide and have visibility splays of 2.4m by 73m in both directions. It is proposed to provide new footway between the new access and existing footway and bus stop along the B2132 Bilsham Road to the north. The adjacent strategic development is proposing to provide a footway southward towards the bus stops. Once implemented, there would be a continuous pedestrian route on the western side of Bilsham Road towards the village centre from the new site access.</p> <p>An additional 1.5m wide footway is proposed along the eastern edge of the B2132 Bilsham Road for around 200m between Taylors Close and the allotments access to the south. The off-site works would be secured under a s278 agreement enforced through a condition. A tactile paved</p>
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crossing point will be provided immediately south of the access.

Internally the primary street will feature 2m footway along both sides of the carriageway throughout the development. Other internal roads generally have a 2m footway on at least one side of the carriageway or be designed as a shared surface. Bins will be collected from the kerbside. Where driveways are provided, bin collection points are provided within acceptable drag distances for refuse operatives and residents. Apartment buildings will have communal bin stores.

Boundary treatments are not indicated so will be secured by condition. Materials would be secured by condition but are indicated to be a mix of red brick, buff brick, render, duck egg blue cladding, dark timber cladding, light timber cladding and clay roof tiles. Street trees/other landscaping are indicated.

The layout shows a substation (for which there are elevations), Public Open Space (POS), play areas, associated cycle stands and a potential link into the open space associated with the adjacent strategic development (which is adjacent to the proposed POS in this scheme).

OUTLINE APPLICATION:

A further 110 dwellings would be developed in two phases to the south using the same access point (although access is a reserved matter) along with further Public Open Space and play areas. An indicative layout has been provided which shows areas of new homes, a centrally sited area of open space (village green) and further open space along the southern boundary. Three additional LAPs are shown along with a SuDs drainage pond in the southwestern corner. The Illustrative Landscape Master plan suggests that a further area of land owned by the applicant to the south will be set aside for biodiversity improvement.

SITE AREA

A total area of 7.97 hectares with 1.68ha in phase 1 and 6.29ha in phases 2/3.

RESIDENTIAL DEVELOPMENT DENSITY

The gross residential density is 17.5 dwellings per hectare (dph) across the whole site. The gross density of phase 1 is 17.9dph.

TOPOGRAPHY

The submission indicates a high point on the northern boundary with levels falling predominantly south-west towards the watercourse along the western boundary. Existing ground levels are shown to range from approximately 6.50m above ordnance datum (AOD) in the north-east to 1.60m AOD in the south-west.

TREES

There are trees/hedges in the eastern, southern and part northern boundaries but none are proposed for removal.

BOUNDARY TREATMENT	Mixed: <ul style="list-style-type: none"><li>- Part 2m heras fencing with some 1.3m high post and rail along the northern boundary.</li><li>- Part Ryebank Rife with some scrub vegetation &amp; small trees on western/southern boundaries; and</li><li>- Part hedge (including brambles) with some sections of 0.8m high post &amp; wire and 1.3m high post &amp; rail fencing along the eastern boundary.</li></ul>
SITE CHARACTERISTICS	The site is adjacent to the edge of the existing settlement (as extended by the adjacent strategic allocation) and consists of a single large agricultural field. There is an open field access from Bilsham Road opposite to Taylors Close.
CHARACTER OF LOCALITY	The character of the locality is mixed between built up and semi-rural. Reserved matters permission has been approved for 250 dwellings to the north/northwest and there are dwellings and allotments to the east. To the west and south are open agricultural fields with the hamlet of Bilsham distant to the south.

RELEVANT SITE HISTORY

Y/71/21/OUT	Outline application with access for up to 73 No. new dwellings (but retaining Oak Trees & Little Meadow dwellings), 405 sqm of new light industrial buildings as part of an enlarged employment site & Public Open Space. The existing junction of Grevatts Lane West & Bilsham Road will be closed & Grevatts Lane West diverted to a new access point to the South. This application may affect the setting of Grade II Listed Buildings & is a Departure from the Development Plan.	Refused 01-09-21  <b>Appeal: Dismissed 16-06-22</b>
Y/127/21/RES	Approval of reserved matters (appearance, landscaping, layout and scale) following the grant of Y/91/17/OUT for 250 No dwellings with associated parking, road/footway/cycleway provision, open space, landscaping, surface water attenuation & ancillary works (resubmission following Y/152/20/RES). This site is not CIL Liable as in Yapton Strategic Site.	
Y/116/21/ESO	Screening opinion request for proposed hybrid application for 200 dwellings (Phase 1 approximately 30 dwellings in detail) with access roads, pedestrian paths, open space, landscaping and sustainable urban drainage.	ES Not Required 24-08-21

Y/116/21/ESO was a request for an Environmental Impact Assessment (EIA) Screening Opinion and the Local Planning Authority confirmed in August 2021 that an EIA would not be required.

Y/127/21/RES is referred to as it represents the approval of detailed matters on the adjacent strategic site to the immediate North.

Y/71/21/OUT is referred to as it concerns a site approximately 254m (as the crow flies) to the south and was recently dismissed on appeal. The appeal decision was on the basis of substantial harm to the rural character and appearance of the countryside given the location of the site in a hamlet divorced from the settlement of Yapton. The current application is materially different to the appeal site given that it adjoins the built-up area boundary.

## **REPRESENTATIONS**

Yapton Parish Council provided a 5-page objection letter available to view on the website but in summary, their main points are:

- Departure from ALP, YNDP and emerging YNDP2.
- Lack of integration & connectivity with the adjacent strategic allocation.
- Yapton has contributed some 1,065 additional dwellings and has made a positive contribution to the Housing Land Supply shortfall.
- Erosion of the rural character of this part of the village.
- Require a more detailed masterplan.
- Increased pressure on education facilities/facilities for older children.
- Need condition to secure link to the adjacent strategic site.
- Insufficient foul sewerage and local water supplies.
- Need more detailed assessment of impact on the Rife and Bilsham Manor; and
- Unsustainable development.

161 letters of objection:

- Departure from the development plan.
- Loss of agricultural land at a time when global food supplies are at risk (where will food be grown in future?).
- Coalescence of Yapton and the hamlet of Bilsham.
- Insufficient Infrastructure (primary school, secondary school, doctors, dentists).
- No local facilities for children and teenagers.
- Increased cars leading to further danger at Comet Corner.
- Heavy Goods Vehicle traffic associated with the construction phase.
- Inadequate public transport.
- No local pavements on Bilsham Road and none to the A259.
- No cycle ways.
- Increase in damage to local roads.
- Exit onto Bilsham Road too near the strategic site access.
- Land is waterlogged in the winter.
- Increased risk of flooding on adjacent land.
- Flood risk from Ryebank Rife.
- Insufficient foul sewerage leading to increased discharge into the Sea.
- Overdevelopment.
- Harm to rural character of Yapton.
- The proposal will be overcrowded, inadequate parking and tiny gardens.
- Overlooking of houses on Bilsham Road from proposed balconies.



- Harm to views of existing residents.
- Affordable homes are not affordable.
- Air pollution.
- Noise from Bilsham Road traffic.
- Loss of wildlife habitat (birds, hedgehogs, foxes).
- The Biodiversity Improvement Area will be built on in the future.
- Location Plan does not show the adjacent strategic development.
- The applicant should build the adjacent site first.
- Contrary to Human Rights of Yapton residents.
- Inadequate local water supplies.
- No solar panels or heat pumps.
- Flats with balconies are not in character.
- Blue weatherboarding is inappropriate.
- No yellow notices.
- Loss of light to nearby houses.
- What will happen to the piece of land between the two sites.
- Harm to heritage assets of Bilsham.

### COMMENTS ON REPRESENTATIONS RECEIVED:

The comments of the Parish Council and objectors are noted, and the majority of the objections are considered in the conclusions section with the exception of:

- The Environment Agency have not raised concerns as to water supplies and no restriction on water consumption was imposed on the adjacent strategic development. It is only a requirement to consult Portsmouth Water where water source protection zones are directly affected - this site does not lie in such an area. The sustainability statement states an estimated consumption of 102 litres/per day could be reached, and this will be secured through a condition requiring compliance with optional building control standards in respect of water usage demonstrated through the water calculator.
- The site is not in a strategic gap and so the council's policy on settlement coalescence does not apply. There will remain approximately 286m between Bilsham Manor and the edge of the development as per the extent of development on the outline indicative layout.
- Impacts associated with the construction phase may cause harm but they are temporary in nature and effects can be controlled by a condition.
- Included in the application are proposals to provide new footway on both sides of Bilsham Road including approximately 200m between Taylors Close and the allotments access to the south. A proposal has been put forward by the applicant for development at Bilsham to the south (Y/71/21/OUT - currently at appeal) for a footway between that site and Taylors Close.
- An increase in use of roads may result in greater potential for wear of local roads and noise disturbance from traffic however such impacts cannot be levied entirely at this proposal. County Highways are responsible for the maintenance of roads and will benefit from increased Council Tax receipts from the development.
- The land may be prone to flooding from surface water sources however the effect of the proposal will be to implement a surface water drainage scheme that ensures that excess water is drained from the site either to ground or discharged at a controlled rate to local watercourses thus minimising the risk of on or off-site flooding.

- Whilst new development may be perceived as overcrowded versus older developments, the development will be required to demonstrate compliance with policies on parking and gardens and provided that compliance is demonstrated, this would not be an appropriate refusal reason.
- Private individuals do not have a right in planning to a view. Planning policies do seek to protect public viewpoints, but none are harmed by this proposal. However, public views (views from publicly accessible viewpoints), by their very nature, are matters of public interest
- The proposal would be required to provide affordable housing to meet the council's policies. This would include the provision of affordable rent, shared ownership, and First Homes (discounted by 30% of market value), all of which are designed to be suitable for those on lower incomes or in housing need.
- The Biodiversity Improvement Area is indicated in the submission but is not part of the application red edge. It is currently agricultural land. The biodiversity improvements would be a benefit to local wildlife however, this could potentially result in further loss of agricultural land (depending on the extent of changes). For that reason, it is not proposed to use a legal agreement or condition to ensure that the biodiversity improvements are taken forward. However, there is nothing to stop the developer from pursuing this themselves.
- The adjacent strategic development is shown on the illustrative landscape masterplan and on the landscape masterplan of the detailed area.
- The applicant is neither the developer nor the previous owner of the land to the North.
- The application was advertised on 8th February 2022 by way of 3 site notices around the site. It was advertised in the West Sussex Gazette; and
- A comparison of the red edges of this site and the adjacent strategic site shows that there is a very small area of land (approximately 19.5m<sup>2</sup>) on the Bilsham Frontage that is part of neither site although it is shown as being grassed as per the landscaping plans strategic development. The applicant has been asked to advise on the ownership of this site.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

ENVIRONMENT AGENCY - no objection, there will be a requirement for a Flood Risk Activity Permit (FRAP) for any works within 8m of the Rife, including in respect of any proposed outfalls.

NATIONAL HIGHWAYS - initially requested further information in the form of a personal injury collision analysis of the A27 Yapton Lane junction, detailed junction modelling & assessments, a full up to date list of committed developments in the Arun District and full details of all growth factor calculations for all assessment years. Stated that permission should not be granted for 3 months from the date of the response (18/02/22) to allow the applicant to resolve outstanding matters.

NATURAL ENGLAND - stated no comments.

SOUTHERN WATER - no objection subject to a condition and informative. Stated they will endeavour to provide network reinforcement (i.e. sewer improvements) within 24 months of the planning consent being granted (Full or Outline). However, this period may be extended.

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

WSCC HIGHWAYS - Initially requested further information in the form of a visibility splay plan showing achievable 2.4m by 73m splays, a Road Safety Audit Response Report for County to 'sign-off', revised junction modelling and confirmation of the likely contribution that the applicant is willing to consider for the Comet Corner improvements. Commented:

- The site will utilise a new access point onto Bilsham Road.
- At this point the highway is a 30-mph limit whilst a short distance to the south is the start of a 40-mph limit.
- The proposals will utilise a new 6m bellmouth access onto Bilsham Road with 6m radii allowing large vehicles to be able to manoeuvre in and out of the access easily.
- A separate 2m wide footway will be provided into the site providing safe access for pedestrians.
- The visibility splays (2.4m by 73m) are acceptable but there is no plan demonstrating these.
- The field access would be utilised for initial construction of the primary access and may be retained as an emergency access.
- Refuse and deliveries will take place from on-site and can turn around in a forward gear.
- The proposed footway improvements are welcomed.
- All matters raised in the Road Safety Audit have been addressed in accordance with the auditor recommendations and there are no outstanding matters raised through the audit process.
- The proposals are predicted to generate under 15 movements in the AM and PM peak hours respectively for the first phase and 71 and 67 trips in the peaks for the Phase 2 of the development.
- The B2132 Bilsham Road/B2233 Yapton Road mini roundabout, B2233 Main Road/North End Road mini roundabout and A259 Comet Corner junctions are anticipated to experience an increase of 30 or more trips in the peak period.
- Further junction modelling work is required for the end of the Local Plan period (2031).
- Need clarification of the contribution to Comet Corner junction improvements.
- Parking provision is appropriate, and garages are sufficiently sized to be treated as 0.5 space each.

WSCC FIRE & RESCUE - no objection subject to conditions to secure new fire hydrants.

WSCC INFRASTRUCTURE - objection due to it not being possible to expand secondary school provision for pupils arising from the development, and the lack of an allocated or secured site for a new secondary school.

WSCC LEAD LOCAL FLOOD AUTHORITY - no objection and state that:

- Surface water mapping shows site is at low risk from surface water flooding, but higher risk is associated with the adjacent watercourses. This risk is based on modelled data and should not be taken as meaning the site will/will not definitely flood in these events.
- The area of development is shown to be at high risk from groundwater flooding based on current mapping, but this is modelled data only and should not be taken as meaning the site will/will not suffer groundwater flooding.
- A watercourse runs along the boundary of the site; and
- No records of historic surface flooding within the confines of the site.

ADC ENVIRONMENTAL HEALTH - no objection subject to conditions re contamination, electric vehicle charging, construction hours, construction management, lighting, and internal & external noise levels for future residents.

ADC LANDSCAPE OFFICER - no objection subject to appropriate landscape conditions with the following comments:

- The application appears to propose a well thought out site with consideration of location, layout and infrastructure having been considered.
- The Landscape and Visual Impact Assessment (LVIA) concludes that the overall effect of the proposed development on receptors in the surrounding landscape is limited, with some adverse visual effects likely to be felt by receptors (people) in the landscape immediately surrounding the site, however limited to a small number of locations where views of the proposals would be possible and proposed to be mitigated by proposed planting in the medium and long term.
- There would be a requirement for 11,550m<sup>2</sup> of usable Public Open Space (POS) excluding SuDS for the whole allocation site of which 2,475m<sup>2</sup> would be required for the detailed 30no dwelling application.
- This development will trigger the requirement for play in the form of onsite LAP and LEAP/NEAP, which has been detailed in the early phase and additional LAPS shown for the wider development.
- The illustrative landscape masterplan appears to be well thought out including good areas of usable POS across and within the site.
- The open indicated area of POS would appear to allow buffer zone areas which would promote wildlife corridors and village green area to break up the built form and provide sense of place.
- Planting in and enhancing boundaries has potential to improve the species composition and diversify the age structure.

ADC DRAINAGE ENGINEERS - no objection subject to conditions with the following comments:

- Additional winter groundwater monitoring will be required to inform the detailed design.
- If on-site infiltration is not possible, drainage via a restricted discharge to the Rife may be acceptable.
- Adequate treatment of surface water must be ensured prior to discharge.
- Open drainage features are preferred to storage crates.
- Trees must not conflict with SuDS features.
- The drainage strategy must not be listed as an approved document.

ADC CONSERVATION OFFICER - advises no harm to setting of nearby designated heritage assets and no harm to their significance. The application should be determined in accordance with relevant policies in the Development Plan, along with the comments. Requests the biodiversity improvement area be landscaped to provide a strong buffer.

ADC HOUSING STRATEGY - no objection subject to a s106 legal agreement to secure 42 affordable dwellings across the whole site comprising 28 no. affordable rented, 10 no. First Homes and 4 no. x intermediate. A suggested mix is included within the comments on the website.

COUNCIL'S ECOLOGIST - no objection subject to conditions to protect/enhance the boundaries (including a 5m buffer), reptile translocation in connection with the outline application, a badger survey/mitigation strategy prior to reserved matters, a pre-commencement badger survey for the full application, a bat mitigation strategy for the reserved matters, wildlife enhancements and a bat friendly lighting scheme. Habitat management will need to be detailed in the Construction Environmental Management Plan (CEMP) and Landscape and Management Plan (LEMP) as part of a reserved matters application. States that dormice do not need to be considered further.

COUNCIL'S ARCHAEOLOGIST - no objection subject to a standard condition.

#### **COMMENTS ON CONSULTATION RESPONSES:**

Comments noted and will be addressed in conclusions section except as discussed below. The applicant has requested various changes to pre-commencement conditions, and this has resulted in amendments being made and with the support of consultees, some of those conditions are no longer pre-

commencement.

NATIONAL HIGHWAYS (NH) - the applicant provided all the requested information, but NH submitted a new 3 month holding objection on 23/05/22 with a request for additional information on top of what had been requested (and had been provided). The second holding objection expires on 23/08/22. The applicant provided further responses on 06/06/22, 30/06/22 and 27/07/22. The response of National Highways is awaited but it is material that their current holding direction expires prior to the committee meeting.

WSCC HIGHWAYS - were re-consulted on 22/03 and responded 10/05/22 to state no objections subject to a receipt of a plan showing the visibility splays which was then provided 13/05/22. Recommend conditions to secure the access and pedestrian improvements and a construction management plan. Request a contribution to Comet Corner improvements and state:

- the Transport Note provides a summary of how the applicant has calculated the contribution which is based upon the previously agreed contributions from site SD7 of £1,010 per dwelling but with a deduction of £784 to be collected via CIL.
- this leaves £226 per dwelling to be made up via this additional s106 payment.
- it has been calculated that the development of 140 dwellings seeking to mitigate its impact at Comet Corner via the current improvement scheme lead by LHA would be £31,640.
- this would bring the total s106 and CIL contributions from this development potentially available for Comet Corner to £697,227; and
- having assessed this formula and the supporting information put forward the LHA would accept the TN's justification and the figure provided in support of the proposals.

ADC DRAINAGE ENGINEERS - the applicant provided a Groundwater Technical Note which provides an interpretative summary of groundwater monitoring undertaken between 25/05/21 and 29/04/22. With this in mind, the applicant objects to the requirements of the surface water drainage condition to carry out additional infiltration and ground water testing. The council's drainage engineers were re-consulted and in response, they state:

- whilst sufficient groundwater monitoring has been undertaken in the existing boreholes, indicating a peak in October 2021, the number and location of the boreholes is not normally sufficient.
- some interpolation can be obtained from the results, but this can be unreliable, and it is recommended that further monitoring points are installed at agreed locations to confirm any interpolation.
- the greater issue is the lack of winter infiltration testing as this is imperative to designing a suitable scheme.
- it is recognised that infiltration will form only part of the solution, along with controlled discharges to the watercourses but infiltration must be utilised wherever possible.
- it is strongly suggested that the applicant agrees the locations and timing of this testing.
- regarding the provision of enabling works in the condition wording, these were agreed for the Littlehampton Academy site as a one-off and is not something we would wish to see widespread; and
- for these reasons, cannot agree to the modification of condition no.10.

As the applicant is objecting to the condition it is proposed to allow the requested enabling works prior to agreeing the drainage scheme but not to agree to the applicant's other changes (i.e., to retain the requirements for groundwater and infiltration testing). The applicant was notified of the re-consultation advice on 04/07/22 but has not responded. Despite the initial objection to the requirement for testing in the condition, it is assumed they no longer maintain their objection.

For reference, the requested enabling works comprise:

- (a) site investigations or surveys.
- (b) ecological preparation works.
- (c) the provision of security fencing, hoarding and sales signage.
- (d) the clearance of the Site.
- (e) the provision of any temporary site point of access for construction traffic.
- (f) provision of temporary Welfare & Accommodation; and
- (g) temporary builders supply (electricity, water, data etc).

POLICY CONTEXT

Designations applicable to site:

- Outside the Built-Up Area Boundary (BUAB).
- Grades 1/2 Agricultural Land.
- Current Flood Zone 1 but with Zone 2/3 risk along the line of the Rife.
- The Zone 2/3 area is predicted to enlarge in the future only slightly with residential areas remaining in Zone 1 by 2111.
- Not within a Waste Site Buffer, Mineral Protection Area, or Archaeological Notification Area.
- Grade II Listed Buildings within Bilsham to the south; and
- CIL Zone 3.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

AHSP2	AH SP2 Affordable Housing
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
HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
HSP1	HSP1 Housing allocation the housing requirement
HSP2C	H SP2c Inland Arun
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
HWBSP1	HWB SP1 Health and Wellbeing
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land



QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
SKILLSSP1	SKILLS SP1 Employment and Skills
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TELDM1	TEL DM1 Telecommunications
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

<a href="#">Yapton neighbourhood plan 2014 Policy BB1</a>	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E1	Protection of high value agricultural land
Yapton neighbourhood plan 2014 Policy E3	Protection of natural habitats
Yapton neighbourhood plan 2014 Policy E4	Minimising the environmental impact of development
Yapton neighbourhood plan 2014 Policy E5	Enhancement of biodiversity
Yapton neighbourhood plan 2014 Policy E11	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy BE2	High speed broadband
Yapton neighbourhood plan 2014 Policy H1	Housing requirement
Yapton neighbourhood plan 2014 Policy H2	Dwelling size
Yapton neighbourhood plan 2014 Policy H3	Dwellings appropriate for the needs of older people
Yapton neighbourhood plan 2014 Policy PK1	Parking standards for new residential development

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

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

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan, 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 Neighbourhood Development Plan (YNDP2) which recently completed its Regulation 15 consultation such that it is necessary to refer to the emerging policies (which propose modifications to the current 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 below.

**CONCLUSIONS**

**PRINCIPLE**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the plan unless material considerations indicate otherwise. However, 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 conflict with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Until such time as the YNDP2 is made, any conflict between the current YNDP and the ALP would be resolved in favour of the latter.

Paragraph 14 of the NPPF states 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:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made.
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.
- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and
- d) the local planning authority's housing delivery was at least 45% of that required over the previous



three years.

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 the appeal 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 and the age of the YNDP, para 14 of the NPPF does not apply. It is acknowledged that Yapton has significantly contributed to the HLS shortfall however there is still an unmet need across the whole district and this needs to be considered in all locations despite previous contributions.

On the basis of the new AMR, the policies most important for the determination in the ALP (C SP1) have reduced weight as Arun cannot demonstrate an adequate supply of housing land. The policies in the YNDP have even less weight because they relate to out-of-date housing needs, as the policies were based on the 2003 Local Plan and early versions of the then emerging Arun Local Plan.

The Arun Local Plan (ALP):

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. The Local Plan is to be subject to a formal review. The emerging YNDP2 does not allocate additional housing land and instead acknowledges the contribution to housing need made by dwellings which have planning consent as of March 2021.

Policy C SP1 states residential development in the countryside outside the 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 proposal. Policy SD SP2 states development should be focused in the BUAB. Both the full and outline applications conflict with ALP policies C SP1 and SD SP2.

The Yapton Neighbourhood Development Plan (YNDP):

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 proposes to modify the BUAB to take account of the permitted sites as of March 2021 which were previously outside the existing defined area, but this will not change the status of the site as countryside. Policy H1 is to be amended to state "The minimum indicative housing requirement figure for the Yapton Neighbourhood Plan over the period 2011 to 2031 has been identified by the emerging Non-Strategic Sites Development Plan Document as 80 new homes. This housing requirement has been met by the approved planning applications of Y/44/17/OUT Stakers Farm (70 new homes) and Y/49/18/PL Orchard Business Park (10 new homes)."

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 in relation to both the full and outline applications.

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.

The site (ref 18Y2) was stated to be 'deliverable' in the 2021 HELAA and so would benefit from support from the Action Plan. The HELAA states the site is contrary to policy but adjoins the built-up area boundary of Yapton with access to services, employment, leisure, and transport facilities (including potentially Barnham and Ford stations) and could form a natural extension to the Yapton settlement structure and the strategic housing allocation.

In February 2021, Arun published an Interim Policy Statement for Housing Delivery (IHS). This is not policy, but is meant as a guide for developers proposing development on sites outside the BUAB and to inform decisions. The IHS applies to sites adjacent to settlement boundaries and this site meets the criteria. The IHS sets out criteria to help speed up determinations of suitable residential developments. The applicant states both proposals meet all but one of the criteria (the exception being the site is not within the BUAB) and so scores very highly against the criteria.

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

## 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.

The site, despite being outside the BUAB, is adjacent to the defined settlement edge and is in a sustainable edge of settlement location. Together with proposed footway improvements on the west side of Bilsham Road arising from this and the adjacent strategic development, it will be possible for residents to walk to access schools, shops, etc:

- 450m from the site access to the nearest Doctors.
- 460m to the Bilsham Road Convenience Store.
- 830m to the Co-op/Butchers/Chip Shop.
- 900m to the Community Centre; and
- 1.6km to the Primary School.

There are bus stops right outside the site with a proposed tactile paved crossing point facilitating easier access to the southbound stop on the east side of Bilsham Road. Bus route 700 runs along Bilsham Road and provides connections to Bognor Regis, Chichester, and Littlehampton. It is understood to be approximately hourly. Although public transport may not be particularly attractive in terms of frequency, it does exist as an alternative. It is possible to cycle to access nearby facilities, to cycle south to meet the cycleway along the A259, or, in the future, to cycle to Main Road and onto Barnham via the new cycleway through the adjacent strategic development.

Whilst the private car could be required for longer distances, new residents would not need to rely on a car for local journeys. A Residential Travel Plan has been submitted which proposes providing new residents with a travel information pack including vouchers towards cycling equipment and taster bus passes.

Neither the outline nor the full applications propose tree felling. Both applications will be required to ensure dwellings comply with the prevailing requirements & standards in respect of energy efficiency, energy performance and reducing water consumption. Electric vehicle charging points, superfast broadband, the new footways, cycle storage and a Travel Plan will help to minimise the need to travel across the entire site and thus reduce travel emissions. There will be some harm to wildlife, but this will be limited given the arable nature of the site and can be mitigated by conditions.

The whole proposal will provide 42 affordable dwellings and a total of 130 dwellings to contribute to current housing land supply shortfall and help to meet future needs. There will be a requirement that a percentage of new housing across the whole scheme be designed to be suitable for older people and people with disabilities.

The whole proposal will result in the creation/maintenance of existing construction sector jobs and wages whilst also contributing to the overall long-term prosperity of businesses in the Arun district in perpetuity. The development will result in additional Council Tax revenues & potential new homes bonus payments whilst CIL receipts (in part to be determined at reserved matters stage) could be used to contribute towards local infrastructure.

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

considerations, so far as material to the application. council Tax revenues are not capable of being considered in the same way.

Notwithstanding the loss of the agricultural land (which has an economic cost), the proposal as a whole meets the economic, social, and environmental aspects of sustainable development and the presumption in favour of sustainable development is engaged.

#### Conclusion on Matters of Principle:

The principle of both the full and outline proposals on the site conflicts with the ALP and the current & emerging YNDP. It is material that the council cannot demonstrate an appropriate HLS and that it has invited applications on deliverable HELAA sites and particularly those adjacent to settlements in sustainable locations. Due to the HLS position, the application as a whole, falls to be determined by the NPPF presumption in favour of sustainable development.

#### AGRICULTURAL LAND:

The application is accompanied by a Soil Resource Survey. This states that the on-site soils are Clay Loam to Silty Clay Loam and as such are unlikely to perform well in residential back gardens or as landscaping as they will be prone to compaction, at higher risk of waterlogging, surface water ponding and poor grass growth. Measures are recommended to make the soils more suitable for such purposes and the report states that a soil resource plan would need to be prepared (through a condition) to secure the protection and mitigation of the soils.

The report does not identify the grading of the on-site soils which are noted in the map in the YNDP to likely be classified as grades 1/2 agricultural land (best and most versatile). The YNDP map is based on data provided by the national Provisional Agricultural Land Classification Grading system (ALC). This 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 it does not consider the land's current use or intensity of use.

The land clearly is used or was last used for arable crop purposes and is a large tract of land. The Ecological Impact Assessment stated that as on the 29th of July 2021, winter-sown cereals were growing (likely wheat or barley).

ALP policy SO DM1 states unless land is allocated, then the use of Grades 1, 2 and 3a of the ALC for 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.

YNDP policy E1 states "Planning permission will be refused for development on grade 1 and grade 2 agricultural land unless: it involves the granting of planning permission for the development of the identified housing allocations or for any additional housing sites required by Policy H1." The proposals clearly conflict with this policy.

In allowing an appeal at Clays Farm, Yapton relating to 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. The Inspector considered the loss of the grade 2 agricultural land

represented only moderate harm and that the benefits of 33 new homes outweighed this harm.

Although this site is (or has until very recently been) used for crops, the council's housing land supply shortfall is significant and agricultural land will need to be built on to meet the shortfall. Sites that are close to existing settlement boundaries such as this would be preferred to meet this need. On balance, the housing land supply need does serve to outweigh the loss of the agricultural land.

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. These require assessment of the land's economic status, the land's environmental & other benefits and mitigation measures. The applicant has not responded to these criteria and has not provided a Soil Resource Plan (although this can be secured by a condition). Whilst the need for the whole development is accepted, there is conflict with the remaining parts of the policy.

#### TRAFFIC & ROAD SAFETY:

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. Policy T DM1 requires new development be located in easy access of established non-car transport modes/routes.

The only relevant YNDP policy is PK1 which refers to parking. 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."

The application proposes a new access from Bilsham Road which will be 6m wide with visibility splays of 2.4m by 73m in both directions. The access will be approximately 30m north of Taylors Close and approx. 94m south of the access into the strategic development. It is proposed to provide new footway between the access and the existing footway and bus stop along the B2132 Bilsham Road to the north of the site. The adjacent strategic development is proposing to provide a footway southward towards the bus stops therefore once implemented, there would be a continuous pedestrian route on the western side of Bilsham Road towards the village centre from the new site access.

An additional 1.5m wide footway is proposed along the east edge of the B2132 Bilsham Road for around 200m between Taylors Close and the allotments access to the south. There would be a tactile paved crossing point to assist persons crossing the road between the two pavements. It is stated the existing field access will be retained for emergency use in connection with the outline scheme.

WSCC Highways do not object and raise no concerns with access to the site by large vehicles or the volume of traffic expected for this development, with the ability of large vehicles to turn within the full application area or with parking in the full area. The footway improvements outside the site gain support from ALP policies T SP1 & T DM1 which require development to reduce the need to travel by car and give priority to pedestrian and cycle movements.

The holding objection of National Highways is acknowledged but this will expire prior to the committee meeting, and it is material that the applicants have provided NH with the requested information. Any response from NH will be reported to the committee by way of an update.

In respect of the full application, the council's Parking Standards SPD sets out a need for 58 allocated spaces and 6 visitor spaces. The proposal has 58 parking spaces, 7 garage spaces, 1 car port space and 6 visitor spaces. The garages exceed the 6m by 3m requirement so can be treated as providing half a space each as per the SPD and so the total provision is 68.5 which exceeds the requirements. YNDP policy PK1 sets out the same standards as in the SPD and there is no conflict with this policy. The applicant has not provided 5% of all the spaces as disabled suitable but has agreed to a condition to secure this in the detailed layout and states that spaces 6, 16 and 23 can be provided for this.

The submitted plan for the detailed area shows cycle storage in the form of communal stores, garages/car ports or small sheds in rear gardens. There are elevation plans of all of these except the sheds and a condition will be needed to secure details of the sheds. The SPD require a single cycle space for 1/2-bedroom houses and 2 spaces for 3+bed houses.

Compliance with the SPD for the outline scheme will be determined at reserved matters stage. The outline permission will include a requirement, enforced by condition, to ensure 5% of all spaces are suitable for the disabled. A condition will be required to ensure the provision of cycle storage.

The proposal is compliant with relevant development plan policies and the guidance on highway safety within the NPPF.

#### HERITAGE:

There are Grade II Listed Buildings located to the south of the site in the hamlet of Bilsham. The closest (Bilsham Manor) is 286m from the edge of the development as indicated by the illustrative layout for the outline development.

ALP policy HER SP1 states development likely to prejudice heritage assets and their settings will be refused. Policy HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings. The NPPF provides guidance on how to determine impacts on heritage assets. YNDP2 policy E8 proposes a new Area of Character at Bilsham but the policy only relates to development within or immediately adjacent the area.

Para 194 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 195 then requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that is affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal and decide whether there is no harm, 'less than substantial harm' or 'substantial harm'. It is then necessary to counterbalance 'less than substantial harm' with the level of public benefits associated with the proposal (as set out in para 202).

The submission includes a Built Heritage Statement which states that there could be minor visual changes to the settings of Old Bilsham Farmhouse, The Chapel, Bilsham Manor, Manor Cottage and Hobbs Farmhouse due to proposed landscaping to the north. This would be a neutral impact with no impact on the significance of the buildings.

The Conservation Officer agrees with this assessment stating that the proposal will result in no harm to the settings of the nearby heritage assets or to their significance. As no harm is advised, it is not necessary to consider public benefits.

The proposal accords with the relevant development plan policies and also with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in that it does not directly affect any heritage assets and preserves the setting of the nearby Listed Buildings.



## ARCHAEOLOGY:

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 sites. The policy requires a desk based archaeological assessment be submitted.

The application has a desk based archaeological assessment and the council's Archaeologist stated agreement to the conclusions regarding the potential impact of this proposal on deposits of interest. There is no conflict with the policy subject to a condition being imposed to secure detailed recording of finds prior to development taking place.

## FLOOD RISK:

The site is predominantly in Flood Zone 1 (FZ) which is low risk but the Ryebank Rife on the western boundary is noted as being within Flood Zones 2/3 and the extent of this will increase in the future.

ALP policy W DM2 refers to the sequential and exceptions tests, need for a Flood Risk Assessment (FRA) and mitigation. Policy ECC SP1 states development must be located & appropriately designed to adapt to impacts arising from climate change such as the increased probability of tidal and fluvial flooding. Government guidance requires the submission of a sequential site assessment is required where a site is at substantial risk of current or future flooding. YNDP Policy E11 requires developments be designed and constructed to minimise the overall level of flood risk in the parish.

It is material that the extent of FZ2/3 extends at most up to 1m from the edge of the Rife and so does not affect any of the detailed or outline proposals with only landscaping within this area. The future FZ3a areas (2111 extent) are limited again to the line of the Rife and with a larger extent in the very southwestern extent of the site but this is within the area indicated to be public open space. Provided the reserved matters follows the indicative layout in respect of future flood risk, then there will be no harm to the safety of future occupiers and there is no need for a sequential assessment or the exceptions test.

The application is accompanied by an FRA which advises the development is in an area which is at the lowest risk of flooding from any source and the drainage strategy will not increase flood risk on or off the site for the lifetime of the development. The Environment Agency raised no objections. There are no conflicts with relevant development plan policies.

## SURFACE WATER DRAINAGE:

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 surface water drainage.

A drainage strategy forms part of the submitted FRA and has been reviewed by the council's drainage engineers. This proposes storage of surface water runoff in the detailed area by an underground tank located in the landscaping area on the western side with a controlled discharge to the adjacent Rife. The outline area would be drained to a proposed pond in the southwest of the site via a combination of swales and piped systems again with controlled discharge to the Rife.

The council's drainage engineers raise no objections in principle but argue that further winter groundwater testing is required to demonstrate ground infiltration is not possible arguing insufficient

testing has been carried out to rule this out. Engineers are happy that these matters can be resolved through the use of conditions. On this basis, there is no conflict with the relevant drainage policies. A further condition to control levels would be required as this is linked to drainage.

#### **FOUL DRAINAGE:**

ALP policy W DM1 states all major developments must demonstrate, that adequate drainage capacity exists or can be provided as part of the development. Where adequate capacity does not exist, there will be a requirement that facilities are adequately upgraded prior to the completion and occupation of development. There is no requirement for a full Drainage Impact Assessment as the site does not lie within the Lidsey Treatment Catchment designation.

The FRA states there is an existing public foul sewer running adjacent to the eastern site boundary and that taking account of site levels constraints, a combination of gravity and pumped systems are proposed to drain foul effluent from the site with a discharge into the existing public sewer. A temporary pumping station would be required for phase 1 with a permanent pumping station then provided in the southern outline area to then service the entire site.

Southern Water do not object. It is material that, as per Ofwat rules, where a development can communicate directly to an existing public sewer system at no more than the existing pipe diameter, there is no requirement to undertake a capacity survey and the new connection would be subject to infrastructure charges. There is no conflict with policy W DM1.

#### **POLLUTION IMPACTS:**

ALP Policy QE DM3 requires that major developments are in easy reach of established public transport services, maximise provision for cycling & pedestrian facilities, include electric car charging points and contribute towards the improvement of the highway network. An Air Quality Assessment has not been provided but there is a Sustainability Assessment and Travel Plan which together include measures to reduce the need to travel by car and proposes electric vehicle charge points and solar panels in the detailed application area.

The off-site footway improvements allow persons to safely walk out of the site, south to the existing allotments and north towards shops and services within Yapton's core. Residents can cycle on Bilsham Road south towards the A259 cycle path or north to Yapton and via the strategic site's cycleway onwards to Barnham. Electric vehicle charging points, cycle storage and travel vouchers will promote the use of non-car means of travel and so potentially reduce vehicle emissions. These will be secured by conditions or a legal agreement (in the case of the Travel Plan). The council's environmental health officer (EHO) raised no objections in respect of air pollution.

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

The application is not accompanied by a noise assessment but there is no policy conflict as Bilsham Road is a B road and is subject to a 30-40mph speed limit such that it does not experience fast speed (and therefore noisy) vehicle movements. The EHO has not objected but does request conditions to protect future occupiers from noise.

ALP policy QE DM2 states outdoor lighting should not have an adverse impact on neighbouring uses or



the wider landscape, particularly with regard to the South Downs International Dark Sky Reserve designation. Further, that schemes proposing outdoor lighting be accompanied by an assessment. No assessment has been provided but it would be standard practice to control this by condition to require the submission of full lighting details at the reserved matters stage for the outline or at condition discharge stage for the detailed application. The EHO raises no objections.

#### CONTAMINATION:

ALP Policy QE DM4 states development will be permitted on land that is contaminated as long as remediation is provided. The submitted Land Quality Statement advises that contamination risk is very low, but that further exploration is required. Typical contaminants likely relate to the land's agricultural use. The council's EHO has not objected subject to contamination conditions being imposed on both permissions. Subject to this there would be no conflict with policy as remediation can be secured.

#### TREES:

ALP policy ENV DM4 states TPO protected trees, Ancient Woodland, those in a Conservation Area or trees that contribute to local amenity are not damaged or felled unless the development meets the certain criteria including that the benefits outweigh the loss of trees or woodland. 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.

The application proposes no removal of trees. The Tree Officer has not commented but given the absence of tree loss and there being no trees in the detailed area of the site, it is unlikely that there would be an objection. There are trees and hedging on the north boundary but outside of the site area beyond the intersection of this boundary with the line of the Rife. There is no conflict with the relevant policies.

In respect of the outline, new landscaping will be considered at a future reserved matters stage whilst for the full application it will be subject to a condition. In both cases, the council will require that new native species are planted and (should there be any future trees loss associated with the outline) that new tree/hedge planting is provided on a 2:1 basis.

#### 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 Impact Assessment which identifies that the most important wildlife habitats (hedges, wet ditches) are to the site boundaries, and these are expected to be retained and the boundaries enhanced throughout the whole of the application area. Much of the site is an arable field has low wildlife habitat value.

The council's ecologist raised concerns with the survey but after negotiation has been able to advise no objections subject to conditions. The applicant submitted a Biodiversity Net Gain (BNG) Assessment. This states the proposals will convert an arable field of low ecological value to a residential area with open space, wildflower areas, an attenuation pond, and a biodiversity improvement area all of which will deliver BNG. This equates to a 10.2% increase in habitats and 93% increase in hedgerow units (arising from new and enhanced hedgerows).

It is unclear how much of these gains are derived from the biodiversity improvement area outside the red edge and what would be the result if this were removed. It is clear that the full application being sited on arable land will achieve BNG through the use of trees, wildflower planting, gardens, and other enhancements. The outline application will likely deliver BNG, but this can be quantified at a later date with or without the inclusion of the biodiversity improvement area.

The proposal is in accordance with the relevant development plan policies.

#### HOUSING MIX:

ALP policy HDM1 seeks a mix of dwelling types and sizes to address the nature of local housing needs and market demand. The policy preamble (12.2.4) acknowledges that the final mix will be negotiated on a site-by-site basis, having regard to the most up to date Strategic Housing Market Assessment (SHMA).

Paragraph 63 of the "Updated Housing Needs Evidence" (September 2016) stated the evidence highlights a direction towards the provision of 2 and 3 bed units for market units and smaller affordable units. Paragraph 6.10 then states the analysis clearly shows the different profiles in the different broad tenures with affordable (rented) need being more heavily skewed towards smaller dwellings and market housing predominantly homes with three or more dwellings. Table 29 identifies a suggested broad mix of market housing by size for the District:

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

Separate ratios are given for affordable rented and intermediate/starter homes however this element of the mix would be separately agreed through the s106 legal agreement and reflect the advice of the Housing Strategy Manager. YNDP policy H2 (which is not proposed to be amended) requires the following mix for developments of fifteen or more dwellings:

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

The mix for the outline scheme would be considered at the reserved matters stage. The detailed 30 dwelling scheme comprises the following mix (expressed as the number and % of market only units (21) and the number and % of market & affordable combined (30) in order to show compliance with both of the above housing mix ranges):

- 2 / 5 x 1 bed dwellings (9% / 16%).
- 9 / 12 x 2-bed dwellings (43% / 41%).
- 8 / 10 x 3-bed dwellings (39% / 33%); and
- 2 / 3 x 4-bed dwellings (9% / 10%).

The scheme is compliant with the mix provided by the Updated Housing Needs Evidence and in accordance with ALP policy H DM1 but in conflict with YNDP policy H2 in respect of the percentages of 2 and 3 bed dwellings. The ALP policy is the newer of the two and in accordance with section 38(5) of the Planning and Compulsory Purchase Act 2004, the newer plan takes precedence.

## LANDSCAPE, CHARACTER, DESIGN & DENSITY:

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. Policy AH SP2 seeks to ensure affordable housing is visually indistinguishable from market housing and layouts avoid large clusters.

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. YNDP2 policy E1 (soils) proposes to also include a requirement that development must protect and enhance the character and quality of the Yapton landscape character area.

Section G of the Arun Design Guide suggests a density for village locations of 15-25 for detached/semi-detached houses, 20-30 for terraced houses and 30-50 for flats. The density should be appropriate to the location, balancing the need for efficient use of land with a design that responds to and enhances the existing character. The overall gross density of the site is 17.5 dwellings per hectare whilst the detailed area is 17.9 dwellings per hectare. The density of the adjacent strategic development is higher than this at 21.5 dwellings per hectare however it is appropriate for density to decrease away from the settlement centre or on sites outside of the defined settlement area.

The outline application does not seek the approval of layout, external appearance, scale, or landscaping. The illustrative masterplan suggests site layout will ensure landscaped soft edges to existing boundaries, feature a centrally sited village green benefitting from natural surveillance and a large, landscaped buffer to the southern end forming a new soft edge to the village. The illustrative layout suggests numerous street trees and other landscaping to soften the development.

The full application layout is similarly designed but is reflective of the design approach taken on the adjacent strategic development which has a similar mix of houses fronting or side on to the main site road and includes landscaped soft edges to roads, parking courts and two storey apartment buildings. The detailed layout reads very similarly to the adjacent strategic reserved matters layout, and this then flows into the adjoining outline area. There was a concern with the strategic site as to houses being side on to the main road, but this was resolved through the use of additional landscaping (climbing plants) and such an approach along with street trees would also be appropriate on this site.

The full application layout includes a large area of Public Open Space (POS) at the western edge which will border the corresponding open space in the strategic site and allow residents to move between different play areas and areas of amenity grass and planting. A potential link into the strategic site is indicated on the landscape masterplan at the western end but in practice, persons could walk between the sites in other locations. There are instances of communal parking areas bordering with landscaping in the strategic scheme and so the boundaries in these locations could be opened up. The imposition of a boundary treatments condition on the full application would enable further consideration of the site's boundaries and potentially facilitate further links thus better integrating the two sites.

The location of affordable housing in the full application layout is appropriate as it is not clustered and is not all of the same housing type with other instances of the same housing type to be occupied as market housing. The application states the design and use of materials for the affordable units will not be discernible from the private dwellings.

The two-storey scale of the full application area is the same as that on the strategic site. The strategic site has several character areas that were defined by an approved Design Code masterplan. The adjoining area is designated as the "Bilsham Street Character Area" and features red & plain brick types, tile hanging, natural boarding, painted brick, and red/grey/brown roof tiles. The adjoining development includes various design features such as dropped eaves, chimneys, two different porch designs, canted bays and a mix of railings and brick walls to frontages.

The development is similarly defined into character areas and the detailed element of the scheme will be in both the "Rural Mews" (wholly) and "Park Avenue" (in part) character areas with two further character areas in the outline scheme. Design features in the Park Avenue area (plots 1, 2, 3, 9, 29 & 30) include gable chimneys, panelled cottage doors, brick plinths & rendered upper floors, clay-effect or grey slate-effect roof tiles, casement windows, brick window header courses, stone effect sills.

In the Rural Mews area, there will be a mix of red or buff brick, timber-effect cladding (including light & dark grey plus duck egg blue), coloured casement windows, small window cottage doors and some projecting ground floor bays. Blue cladding is unusual and does not appear to have any basis in the immediate area, but a condition will be applied to control materials and so this colour can be altered at a later date by the council if desired.

There are no existing or proposed flats on this section of Bilsham Road and such a form of development could be said to be in principle inappropriate. It is material that the flatted building in the north-eastern corner of the detailed scheme (plots 10-13) has been designed to appear from the front as a semi-detached dwelling with two doors on the front (the other two doors are on the flanks). There is then a roof terrace on the southern side which will be visible in the streetscene however, this will have very little impact in the streetscene.

The scheme does not seek to replicate the design of the adjoining part of the strategic site (which has been designated as its own character area) but rather seeks to create a new character area and is considered to achieve a high standard of design and character such that the development will create a clear sense of place and an attractive place to live.

The applicant submitted a Landscape Visual Impact Assessment (LVIA) which concludes the effect of development on receptors in the surrounding landscape will be limited, with some adverse visual effects likely to be felt by receptors (people) in the landscape immediately surrounding the site but limited to a small number of locations where views of the proposals would be possible, and these are to be mitigated by planting in the medium/long term. The Landscape Officer raises no objections.

The proposal results in a change to the character of this edge of settlement location in principle deriving from the loss of the existing arable field. However, there is existing and committed residential development to the North and East such that this area already has a residential character. The scheme is heavy on landscaping both to site edges and within the layout) which will help to soften and green the development. The change in character is not thought to be harmful to the settlement as a whole and the proposal is in accordance with all of the relevant development plan policies.

#### RESIDENTIAL AMENITY:

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. LP policy QE SP1 requires 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 either side to side or front to back.

As layout is a reserved matter, it is not appropriate to determine impacts of overlooking and privacy for the outline layout. It is material that the only relationship with existing dwellings is where the site frontage faces 14/15 Lambs Cottages and the outline illustrative layout suggest 26m between these and the closest proposed dwelling. Relationships between dwellings in the outline layout and the full layout would be assessed at reserved matters stage.

The full application layout has been assessed versus the Design Guide standards and there are no shortfalls versus the standards. In particular, there are no shortfalls between the full proposal and the houses on the adjacent strategic development. All distances between those dwellings on Bilsham Road to existing dwellings opposite meet or exceed the distance requirements including in respect of the roof terrace on the side of the apartment building (plots 10-13) where this looks onto Bilsham Road. Due to the two-storey nature of the development, the location to the west and the separation distances, there will be no loss of light to existing dwellings.

The new access and use of the site will result in an increase in activity levels on this part of Bilsham Road but existing residents here are already adjacent to a main road where traffic and activity is to be expected. This increase in activity levels will contribute to a change in character but will not be detrimental to the amenities of existing residents. There is no conflict with the relevant development plan policies.

#### 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. The full application demonstrates all dwellings meet or exceed the required standards.

The Arun Design Guide requires rear gardens to be a minimum of 10.5m deep and front gardens at least 2m. Flats should have at least 3m<sup>2</sup> of private useable space plus communal areas equating to 40m<sup>2</sup> plus 10m<sup>2</sup> per flat. The full layout has been checked and all residential gardens are at least 10m deep with many meeting the full 10.5m requirement. Whilst not all gardens achieve the 10.5m requirement, the 21m rear-to-rear facing distance is achieved in all respects (and respect to adjoining development) so the shortfall will not adversely affect the living conditions of existing or future occupiers. The full layout also provides for sufficiently deep front gardens.

The apartment building amenity space provision is mixed. First-floor flats in the apartment building facing Bilsham Road (plots 12/13) have a terrace or balcony of at least 3m<sup>2</sup> but those at ground floor are not shown to have private space (although rear patio doors open onto a communal space). The applicant proposed a condition to require a boundary between the two patio doors to create a private area for each flat. This apartment building has communal amenity space to its front. There are no concerns with private amenity space.

Assessment of the outline scheme would take place at reserved matters stage.

#### HOMES FOR OLDER PEOPLE:

YNDP Policy H3 requires that a minimum of 25% of the 1, 2 and 3 bed dwellings are delivered to Lifetime Home Standards. The emerging YNDP2 proposes no amendments to this policy. The lifetime homes

standard was replaced by the M4(2) standard in the Building Regulations. In order to comply with the YNDP policy, the full application should provide 7 no. M4(2) homes. The application does not show this, but the applicant agreed to a condition to ensure that internal modifications are made to 7 of the dwellings to ensure they meet the M4(2) standard. A condition would be imposed on the outline to ensure suitable provision is shown at reserved matters stage.

Arun has an agreed internal policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). This is not adopted policy or a supplementary planning document but is considered to have some weight as a material planning consideration and is supported by references in ALP policies D DM1 & D DM2. As it does not have as much weight as the YNDP policy, it will be applied (through a condition) to the 110 dwellings proposed by the Outline.

#### 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 suitable conditions on the outline and full permissions.

#### CLIMATE CHANGE:

ALP policy ECC SP2 requires new residential and commercial development be energy efficient and incorporate decentralised, renewable, and low carbon energy supply systems. ECC SP1 requires new development be designed to adapt to impacts arising from climate change and all major developments must produce 10% of total predicted energy requirements from renewables unless unviable. Emerging YNDP2 policy H5 supports development which meets the highest possible standards of environmental and energy efficiency.

The application includes a sustainability statement which analyses the proposal versus these two policies and in relation to the Arun Design Guide. It discusses water sustainability (mentioned elsewhere), shade/cooling/ventilation/solar gain, access to green infrastructure, use of weather resilient materials and energy efficiency/renewable energy. In respect of the latter, it states:

- solar panels to be added to 17% of roofs in the detailed area with further in the outline area.
- homes built from 2025 will produce 75-80% less carbon emissions than developments under current regulations.
- changes to the Building Regulations in the coming year (2022) are foreseen to produce 31% less carbon compared to the current regulations; and
- use of high spec glazing, thick external walls & recovery of heat through Mechanical Ventilation Heat Recovery.

A condition would be imposed on the full application to seek the detail of these measures and on the outline to require details submitted at reserved matters. Conditions will be included to require electric vehicle charge points. On this basis, there would be no conflict with the relevant policies.

#### AFFORDABLE HOUSING:

Developments over 11 residential units require a minimum provision of 30% affordable housing on site as per ALP policy AH SP2. The council recently adopted an interim affordable housing policy which sets out the need to secure first homes as part of the affordable housing mix. As at March 2022, there were 1299 households in housing need on the council's housing register.



The Housing Strategy and Enabling Officer stated the application as a whole should provide 42 Affordable Dwellings consisting of 28 affordable rented, 10 First Homes and 4 Intermediate. The full application should provide 6 rented & 3 First Homes with the outline then providing 22 rented, 7 First Homes & 4 intermediates. The full application provides for the same number of affordable homes (and the same dwelling size split) as requested by the consultation and so there is no conflict with the split between the full and outline applications or the bedroom size mix on the full scheme.

The Affordable Housing Statement does not reference First Homes and so the tenure mix in the Statement versus the comments is different, but this does not require any layout or design changes and will be enforced through a s106 agreement. Providing that a legal agreement is completed post committee then there would be no conflict with the policy.

#### PUBLIC OPEN SPACE & PLAY:

ALP policy OSR DM1 requires housing developments provide sufficient public open space, playing pitch provision and indoor sport & leisure provision. In addition, policy HWB SP1 seeks to ensure that new development is designed to maximise the impact it can make to promoting healthy communities and reducing health inequalities.

As the full and outline areas of the development are intrinsically linked, it is appropriate to determine the requirements for the whole area. The council's SPD (Open Space, Playing Pitches, Indoor and Built Sports Facilities) sets out an overall requirement of 11,550m<sup>2</sup> of POS (1.15ha) to include 1,694m<sup>2</sup> of play space. The play provision should comprise a Neighbourhood Equipped Area of Play (NEAP) and mix of Local Equipped Area of Play (LEAP) and informal Local Areas of Play (LAP). The proposals seek to provide 2.97ha of POS overall and include a NEAP & adjoining LEAP in the detailed area plus 3 LAPs indicated in the outline area. The NEAP will provide suitable games space for older children (i.e., to play basketball/football/other team sports). The Landscape Officer raises no objections.

The SuDS provision for the full area comprises an underground storage tank within the landscaped area on the west side and so will not affect the surface level POS. The attenuation pond indicated in the outline area is in the POS but as the overall provision exceeds the requirements, it does not affect compliance with the policy.

It is the council's approach to secure on-site POS & play requirements by condition and this is not dependent on the agreement of a s106 legal agreement. As it is not possible to secure off-site contributions through a s106 Agreement due to CIL, contributions to off-site leisure & sports facilities plus allotments would need to be funded by CIL instead. There would be no conflict with ALP policy OSR DM1.

#### 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 existing community.

This development would be liable for CIL which will be calculated in part through the full application and in part at reserved matters stage. Infrastructure providers such as WSCC and the NHS can then make a bid for a portion of the CIL payments collected to spend on their own projects. The Parish council will be provided with a percentage of the CIL receipts (25%) to spend on their own projects. These payments go towards providing the infrastructure that the district needs to support existing and future development.

Where CIL is applicable, it is only possible to use s106 agreements to require affordable housing and on-

site mitigation and the latter is restricted to items in the red edge. In cases where works are not in the red edge, off-site works should be secured by a condition requiring a s278 agreement (albeit subject to the condition meeting the NPPF para 56 tests). Whilst it is desirable to seek to include adjacent off-site works in the red edge, it is not possible to refuse an application if it was not included. It is understood s278 agreements may be used to deliver physical works and contributions.

Notwithstanding, the applicant has proposed a contribution to the Comet Corner junction improvements that has been discounted to account for CIL contributions. WSCC Highways accept this and as it has been calculated to account for CIL, it can be included in the s106. It is also necessary to include a requirement for a Travel Plan and the associated monitoring & auditing fee in the s106.

In respect of strategic highway contributions, para 5 of the most up-to-date ADC Community Infrastructure Funding Statement details ADC's CIL infrastructure list which does not include strategic highways. It is evident no ADC CIL monies will be spent on strategic highways. Paragraph 6.3 makes it clear that ADC do not generally collect via s106 for strategic highways (i.e., the strategic road network as managed by National Highways) and there is nothing in the WSCC CIL Infrastructure Funding Statement that indicates that CIL will be passed on to National Highways (NH) where there are impacts on the strategic road network. Should NH request a contribution this can be secured by s106 agreement.

An objection was received from WSCC as Local Education Authority. This objection was due to the inability to expand existing secondary school provision to accommodate pupils arising from the development and the lack of an allocated or secured site for the delivery of the new secondary school. This development does not itself generate need for a new secondary school and there is also no policy requirement for the development to provide a school on the site or to fund the whole cost of one elsewhere.

It is material that CIL contributions can be used to fund new school facilities and the developer will be liable for such. WSCC raised similar concerns in respect of the recent Land South of Barnham Station appeal, but the Inspector dismissed this stating "if allowed, the appeal proposal would be subject to a CIL liability in terms of contributing to wider infrastructure needs such as health and education". It is important to ensure consistency of decision making.

It has been agreed with WSCC that ADC will revisit looking at potential secondary school sites, but it is unreasonable to reject this application solely on the absence of a secured school site when an appropriate contribution through CIL will be secured towards its delivery.

Subject to the applicant entering into a s106 Agreement to secure the Travel Plan & Comet Corner contribution (and any items arising from the further National Highways comments) there would be no conflict with ALP policy INF SP1.

#### SUMMARY & TILTED BALANCE:

As the council's HLS is below 3 years (2.42 years), paragraph 14 of the NPPF would not apply and the application would fall to be determined by the NPPF presumption in favour of sustainable development. This states at 11 (d) (ii) that where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date, 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 is in an appropriate edge of settlement location. This report identifies some impacts in respect of character and loss of agricultural land plus conflicts with policies relating to countryside development and housing mix. On the other hand, the proposal will make