

DEVELOPMENT CONTROL COMMITTEE

23 JANUARY 2019

OFFICER REPORT UPDATES

FURTHER REPORT UPDATE PREPARED 23/01/19

Application No: P/6/17/OUT

Page No: 7

Location: Land North of Hook Lane, Pagham

Description: Outline application with some matters reserved for construction of up to 300No. new homes, Care home of up to 80No. beds, D1uses of up to 4000sqm including a 2 form entry Primary School, formation of new means of access onto Hook Lane & Pagham Road, new pedestrian & cycle links, the laying out of open space, new strategic landscaping, habitat creation, drainage features & associated ground works & infrastructure.

Reason for the Update:

1. Response to matters raised by Pagham Parish Council in their submissions following the completion of the officer update report;
 - Public speaking is in accordance with the Council's adopted Constitution and there is no public speaking for applications that have previously had speaking at Committee. Part 5, Section 4 para 3.4.
 - Nothing has changed on the application in terms of what is being considered so all comments made previously are relevant to what is to be considered now. The Committee may delegate any authority. Part 3, Para 1.4.
 - WSCC have already been consulted on the Road Safety Audit already (RSA) in February 2017. Their comments of April 2017 also refer to this document. There is no need to re-consult them again on a document they have already commented upon and that hasn't changed. DCC chose to instruct an independent review of a document that WSCC had already commented upon.
 - The RSA has been published for two years and the application has not been changed.
 - All consultation has been carried out in accordance with the statutory requirements and there is no requirement to carry out further consultation or notification pursuant to any legislation.
2. Page 9. RECOMMENDATION – second bullet – replace 'association' with 'consultation'

The Recommendation has been amended to read:

RECOMMENDATION:

- That planning permission is granted conditionally (33 Conditions and 3 Informatives) subject to the completion of the S106 agreement; and
- That authority is delegated to the Group Head of Planning in consultation with the Chairman and Vice-Chairman of the Development Control Committee to make amendments to the S106 agreement which are substantially in accordance with the heads of terms

Officers Comment:

There are no changes to conclusions, conditions and reasons shown under the Officers Recommendation at the end of the Update Report.

REPORT UPDATE

Application no: P/25/17/OUT
Page no: 119
Location: Church Barton House Horns Lane Pagham
Description: Outline application with all matters reserved - Erection of up to 65 No. dwellings, access roads, landscaping, open space & associated works.

UPDATE DETAILS

REPORT UPDATE PREPARED 23/01/19

Reason for Update/Changes:

1. Response to matters raised by Pagham Parish Council in their submissions following the completion of the officer report;

· In accordance with Part 3 Paragraph 1.4 of the Council's Constitution, the Committee may delegate any authority it wishes to officers.

"Full Council, the Cabinet, a Committee or Sub-Committee may delegate further functions or specific responsibilities to officers and when this occurs, it will be recorded in the minutes of the meeting; and the Officer Scheme of Delegation at Part 4 of this Constitution will be amended where required."

· Pagham Parish Council have been notified of amendments to the planning application. However, this has been done out of courtesy and is not a statutory notification. The 21 day notification period expires on 31 January and officers have willingly provided the Parish with this time period to provide any further comments on matters they may wish to. Delegated authority is sought to consider these comments (should they be submitted) with the Chairman and Vice Chairman following the meeting. However, it should be noted that the application now comprises a reduced amount of detail from when it was originally submitted and there has been two years of consultation already. There are no new details to consider or comment upon.

· The Council has consulted on the planning application entirely in accordance with the statutory requirement.

2. An additional representation has been received raising the following:

· Over 1000 brent geese feeding in field east and southeast of Church Barton House every day for at least the last 2 weeks

3. Page 146 RECOMMENDATION first and second bullet point - replace 'association' with 'consultation'

The recommendation has been amended to read:

RECOMMENDATION:

- That delegated authority is granted to the Group Head of Planning in consultation with the Chairman and Vice-Chairman of the Development Control Committee to grant planning permission with conditions and Informatives after the expiration of the 21 day Parish notification period and subject to the completion of the S106 Agreement; and
- That authority is delegated to the Group Head of Planning in consultation with the Chairman and Vice Chairman of the Development Control Committee to make amendments to the S106 Agreement which are substantially in accordance with the heads of terms.

Officer Comments:

There are no changes to conclusions, conditions and reasons shown under Officers Recommendation at the end of the attached report.

REPORT UPDATE

Application no: Y/91/17/OUT
Page no: 161
Location: Land at Bilsham Road Yapton
Description: Outline application for the development of up to 250 residential dwellings (Class C3), vehicular access, public open space, ancillary works and associated infrastructure. Departure from the Development Plan

UPDATE DETAILS

REPORT UPDATE PREPARED 23.01.2019

Reason for Update/Changes:

1. The Proposal is identified as being a 'departure from the development plan' within the recommendation report. It should be noted that the site is a strategic allocation within the Arun Local Plan 2011 - 2031 and as such the application is not a departure from the development plan.

2. Under the 'Trees' section of the report the provisional TPO is identified as having been made under reference TPO/Y/3/18, this should read TPO/Y/4/18.

3. The consultation response from the Council's Arboricultural Officer dated the 18th May 2018 was not included within the Consultation Summary section of the report. Please see below summary;

- PJC Consultancy have submitted a revised Arboricultural Survey (AS) and Arboricultural Impact Assessment (AIA), these documents were considered, and it was identified that "The supporting text suggests a well-intentioned plan for significant trees on the site although it lacks the necessary detail to ensure their adequate protection and respect once development is underway".
- A number of additional trees have been identified for removal. None of these appear to have been included within the recent making of TPO's at the site and there is ample opportunity to compensate for their loss with the provision of a suitable soft-landscape design.
- The applicant proposes the submission of a Tree Protection Plan and Arboricultural Method Statement at the Reserved Matters stage. It was acknowledged that these documents are pending the proposed utility service runs and other apparatus and so at this stage generic prescriptions for adequately respecting trees during RPA incursions are all they can submit. However, in the absence of these documents an objection has been raised to the proposals by the Tree Officer.

4. An Agricultural Land Classification report (CEN4168) was submitted in support of the application which confirmed that the application site was grade 2 and subgrade 3a. The lack of reference to this additional report does not alter the conclusion that the development is would accord with the requirements of policy SO DM1 of the Arun Local Plan.

5. It was identified within the Officer's Recommendation Report that it was not possible for the LPA to confirm that the SUDs features would have a combined area of 0.62ha. Having re-examined drawing no. '14-111/103 Rev A' it was identified that the SUDs features would have a combined area of 0.6593ha as opposed to the 0.62ha identified within the Technical Note (March 2018).

Therefore, the total open space provision on site excluding the SUDs features (0.6593ha) would equate to 1.8807ha. This open space provision would exceed the 'Fields in Trusts' requirements of 1.76ha and as such the open space provision is deemed acceptable and in accordance with Policy OSR DM1.

6. The recommendation report had identified that the developer would need to identify any interim measures necessary to address capacity issues prior to network reinforcement being undertaken by Southern Water. However, the developers have advised that Southern Water have already provided formal confirmation that the request for local connection at manhole 8501 is acceptable.

RECOMMENDATION

- That planning permission is granted with Conditions and Informatives (as shown on the attached amended recommendation) subject to the completion of the S106 agreement; and that
- That authority is delegated to the Group Head of Planning in consultation with the Chairman and Vice-Chairman of the Development Control Committee to make amendments to the S106 agreement which are substantially in accordance with the heads of terms.

8. A number of conditions have been amended and these are set out in full on the amended recommendation sheet. For ease of references the below is a summary of the amendments to the originally proposed conditions;

- Condition 3 - amended to include drawing no. 1244G.02 for the 'Parameter Plan'.
- Condition 6 - This condition has been amended to make the materials requirements less onerous and proportional to the development proposed.
- Condition 7 - Reference to lighting has been removed from this condition as this detail is already secured via Condition 16.
- Condition 8 - has been removed as this detail will be secured and conditions at Reserved Matters stage.
- Condition 10 - Wording of condition amended to read;

"Prior to the approval of any reserved matter full details of the proposed surface water drainage scheme shall be submitted to and approved in writing by the local planning authority, and shall include;

- Winter groundwater monitoring to established highest annual ground water levels and percolation testing to BRE 365, or similar approved, will be required to support the design of any infiltration drainage.
- Details of any discharge of any flows to watercourses, the culverting or diversion, infilling or obstruction of any watercourses on the site.
- Arrangements for future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site.

No building shall be occupied in any phase until the complete surface water drainage system serving it has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity."

- Condition 11 - Condition amended to make this condition pre-occupation rather than prior to determination of the Reserved Matters application.
- Condition 12 - Amended to be phased as well as pre-occupation.
- Condition 13 - Amended to include the words 'relating to that dwelling'.

- Condition 14 - Amended to be phased.
- Condition 16 - Amended to be phased.
- Condition 17 - Amended to be phased.
- Condition 20 - Amended to be phased.
- Condition 22 - Amended to be phased.
- Condition 23 - Amended to be phased.
- Condition 24 - Amended to be phased.
- Condition 26 - Amended to be phased.
- Condition 28 - Amended to be phased.
- An additional informative was included in relation to the need for formal consent from the Lead Local Flood Authority (WSSC) or its agent (ADC) being required.
- Condition 29 - This condition related to potential 'Japanese Knotweed' from a letter of objection submitted. However, it has been identified that this referred to a different site and as such the condition has been removed.

9. 3 additional letters of objection received;

- Condition 19 is inadequate to protect the peace and quiet of the residents of Yapton nearby.
- Hours should be amended to reflect approvals at Nyton Nurseries.
- Yapton village and local roads cannot support the amount of traffic associated with development.
- There is not enough local employment.
- Existing field is prone to flooding and bore holes to monitor water levels are not located where flooding occurs.

10. The word 'association' has been replaced by the word 'consultation' in paragraph 3 of the Summary section on Page 185 of the agenda.

Officers Comment:

1. No additional comments.
2. No additional comments.
3. The objection from the Council's Tree Officer is noted. However, this is an outline application with all matters reserved save for access. A suitably worded condition has already been incorporated with the recommendation requiring the submission of a Tree Protection Plan and Arboricultural Method Statement which would address the concerns of the Tree Officer. Therefore, it is considered that these comments do not impact upon the conclusions drawn within the recommendation report with the proposed development according with relevant development plan policies.
4. No additional comments.
5. No additional comments.
6. No additional comments.
7. No additional comments.
8. No additional comments.
9. Comments in response to the letters of rep;
 - The construction hours for the proposed development have been checked with the Council's Environmental Health team who have confirmed that "...those are the construction times that we would normally put on. 8.00am on Saturdays is fine from EH point of view.". Therefore, it is considered that there is no justification to amend the wording of Condition 19.
 - The traffic impacts of the development have been considered within the recommendation report

and in consultation with WSCC and Highways England.

Note: The changes to conditions are attached on the amended replacement recommendation sheet.

Outline application for the development of up to 250 residential dwellings (Class C3), vehicular access, public open space, ancillary works and associated infrastructure. Departure from the Development Plan

Land at Bilsham Road
Yapton

RECOMMENDATION

ACS - App Cond sub to S106

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

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

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

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

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

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

Site Location Plan - 1244G.01
Parameter Plan - 1244G.02
Proposed Site Access B2132 Bilsham Road - 14-111/201 Rev A

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan (2011-2031).

- 4 No development shall take place until a detailed scheme of phasing for the construction of the dwellings and associated highways and public areas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a schedule identifying the order of anticipated commencement and completion within each phase of construction.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the phasing of the development needs to be satisfactory before work commences.

- 5 No development in any phase shall be carried out unless and until a schedule of materials and finishes to be used for that phase for external walls and roofs of the proposed buildings has been submitted to and approved by the Local Planning Authority. No development in any phase shall be carried out unless and until a 'statement of detail' for that phase has been submitted to and approved setting out details of proposed windows and doors, the materials and 'statement of details' so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the use of satisfactory external materials goes to the heart of the planning permission.

- 6 Prior to the submission of any reserved matters application a design code masterplan shall be submitted to, and approved in writing, by the Local Planning Authority. This document shall demonstrate how the detailed proposals will reflect the objectives of the;

Illustrative Site Layout Plan - 1244G.03A
Design and Access Statement - 19th October 2018

The design code masterplan will provide further details on matters such as character areas, street hierarchy, building typologies, key buildings, the approach to car parking, structural planting, street furniture, lighting and treatment of the public realm. The development shall be carried out in accordance with the approved design code.

Reason: To enable the Local Planning Authority to control the development in details in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the design of the scheme goes to the heart of the planning permission.

- 7 The landscaping and layout particulars to be submitted in accordance with Condition 1 shall include:
- i. Details of all existing trees and hedgerows on the land, showing which are to be retained and which removed;
 - ii. Details of the positions, height, design, materials and type of boundary treatment to be provided;
 - iii. Details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree
 - iv. The detailed landscape design for the development including the layout and design of the public realm within the development;
 - v. Details of the surfacing, and signage of all footpaths, and a phasing plan for their provision;

No hedge or tree shall be felled, uprooted or otherwise removed before, during or after the construction period except where removal is indicated on a plan approved by the Local Planning Authority.

Reason: In the interests of amenity and of the environment of the development in accordance with Policy ENV DM4 of the Arun Local Plan.

- 8 Prior to the commencement of each phase of the development an Arboricultural Method Statement and Tree Protection Plan shall be submitted for that phase to and approved in writing by the Local Planning Authority and the development shall be undertaken in strict accordance with the details so approved.

Reason: To ensure the retention and maintenance of trees and vegetation which are an important feature of the area in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the protection and retention of trees goes to the heart of the planning permission.

- 9 Prior to the approval of any reserved matter full details of the proposed surface water drainage scheme shall be submitted to and approved in writing by the local planning authority, and shall include;

- Winter groundwater monitoring to established highest annual ground water levels and percolation testing to BRE 365, or similar approved, will be required to support the design of any infiltration drainage.

- Details of any discharge of any flows to watercourses, the culverting or diversion, infilling or obstruction of any watercourses on the site.

- Arrangements for future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site.

No building shall be occupied in any phase until the complete surface water drainage system serving it has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Policies D DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the surface water disposal scheme is agreed before construction commences and to protect existing watercourses prior to the commencement of development.

- 10 Prior to the occupation of each phase full details of the maintenance and management of the surface

water drainage system is set out in a site-specific maintenance manual for that phase and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Policies D DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 11 Prior to any building being occupied in a phase, and after completed construction of the surface water drainage system serving it, the owner or management company shall either provide the local planning authority with an updated copy of the management manual incorporating any changes as a result of construction/implementation or confirm in writing that no changes are required to the manual.

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

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

Reason: To ensure the efficient maintenance and on-going operation of the surface water drainage system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32, in accordance with Policies D DM1, W DM2 and W DM3 of the Arun Local Plan.

- 12 Prior to the approval of any reserved matter details of a proposed foul drainage system shall be submitted to and approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management/maintenance, if appropriate) and no dwelling shall be occupied until works for the disposal of sewage relating to that dwelling have been fully implemented in accordance with the approved details.

Reason: To ensure adequate infrastructure is provided to enable the scheme to be satisfactorily drained in accordance with Policies D DM1, W DM1 and W SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the foul drainage system goes to the heart of the planning permission.

- 13 Prior to the commencement of construction works or any preparatory works for any phase an Ecological Management and Mitigation Plan including a Schedule of Works for that phase shall be submitted to the Local Planning Authority for approval. All approved details shall then be implemented in full and in accordance with the agreed timings and details.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national guidance and Policy ENV SP1 and ENV DM5 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need ensure measures are in place to protect wildlife and habitats on site prior to any disturbance.

- 14 Prior to the commencement of development the mitigation strategy for reptiles shall be implemented in accordance with the details specified within the 'Detailed Reptile Survey Report (June 2016)'.

Reason: This condition is necessary to ensure the protection of reptiles and supporting habitat in accordance with Policy ENV SP1 and ENV DM5 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure measures are in place to protect reptiles and their habitat on site prior to any disturbance.

- 15 Prior to the occupation of any dwelling of a particular phase, a scheme for external lighting for that phase shall be submitted and approved in writing by the Local Planning Authority. The scheme shall ensure that the lighting is sensitive to bats by minimising the lighting of the woodland along the southern and western boundaries and shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E2.

Reason: To control the residential amenities of the local environment in accordance with Policies D DM1 and QE DM2 of the Arun Local Plan.

- 16 Prior to the commencement of development in each phase, including any works of demolition, a Construction Management Plan shall be submitted for approval in writing by the Local Planning

Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period of that phase. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- The anticipated number, frequency and types of vehicles used during construction,
- The method of access and routing of vehicles during construction,
- Full details of the construction compound,
- Soil resources plan,
- Dust mitigation measures,
- Noise reduction measures,
- The parking of vehicles by site operatives and visitors,
- The loading and unloading of plant, materials and waste,
- The storage of plant and materials used in construction of the development,
- The erection and maintenance of security hoarding,
- The provision of effective wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- Details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the safety and amenity issues that need to be addressed.

- 17 During the construction phase no machinery/vehicles or plant shall be operated on the site, no process shall be carried out and no deliveries taken at or despatched except between the hours of:

7.00 a.m. and 6.00 p.m. on Mondays to Fridays inclusive
8.00 a.m. and 1.00 p.m. on Saturday
Not at any time on Sundays or Public Holidays

Reason: In the interests of amenity in accordance with Policies D DM1 and QE DM1 of the Arun Local Plan.

- 18 No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the storage areas identified in the Construction Management Plan at any time approved by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy D DM1 of the Arun Local Plan.

- 19 Prior to commencement of development for each phase the applicant shall prepare and submit for approval an Employment and Skills Plan for the construction of each phase of the development. Following approval of the Employment and Skills Plan the developer will implement and promote the objectives of the approved plan.

Reason: in accordance with Policy SKILLS SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to as it relates to the construction phase of development.

- 20 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled 'Proposed Site Access B2132 Bilsham Road' and numbered 14-111/201 Rev A.

Reason: In the interests of amenity and to avoid unacceptable harm to highway safety in accordance with policies T SP1 and D DM1 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition as establishing an access to the site goes to the heart of the planning permission.

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

Reason: To encourage and promote sustainable transport in accordance with Policies D DM1 and T SP1 of the Arun Local Plan.

- 22 Before development commences on any phase a scheme identifying the principles to be incorporated into detailed building design as the means of energy conservation, together with on-site energy renewable devices for that phase, shall be submitted to and agreed with the Local Planning Authority. Such scheme as is submitted shall seek as a target the provision of on-site renewable energy which will generate an estimated 10% of annual energy requirements of the buildings granted planning permission. In determining the provision of on-site energy generation account will be taken of the impact on the viability of the development. Such scheme as is approved will be implemented in

accordance with the scheme for that phase.

Reason: In accordance with Policy ECC SP2 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as sustainability goes to the heart of the approval.

- 23 Prior to the commencement of each phase of the development, a strategy for the provision or facilitation of broadband provision to future occupants of the site in that phase shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling in that phase, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site shall be carried out in accordance with the approved strategy.

Reason: To ensure that the needs of future residents to connect to the internet does not necessarily entail engineering works to an otherwise finished and high quality living environment in accordance with Policy TEL SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the provision of broadband needs to be incorporated into the design for the site.

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

Reason: The site has the potential to contain unknown remains of archaeological importance therefore in accordance with Policies D DM1 and HER DM6 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because archaeology can only be investigated before construction commences.

- 25 Prior to the commencement of any phase of development, an Electric Vehicle Charging Strategy will be prepared and submitted to the Local Planning Authority which identifies the nature, form and location of electric charging infrastructure to be provided across the development. The electric vehicle strategy shall then be implemented in accordance with the approved details and maintained in perpetuity.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with Policy D DM1 and Policy QE DM3 (c) of the Arun Local Plan and the NPPF. It is considered necessary for this to be a pre-commencement condition to ensure that the requisite charging infrastructure is designed into the housing development and it is implemented.

- 26 At least twenty-five percent (25%) of all 1, 2 and 3 bedroom dwellings shall be designed and constructed to Lifetime Homes standards or equivalent current standard to be agreed in writing with the Local Planning Authority.

Reason: To ensure that dwellings are adaptable and meet the diverse needs of future occupiers in accordance with policy H3 of the Yapton Neighbourhood Plan, policy D DM1 of the Arun Local Plan and Paragraph 61 of the NPPF.

- 27 No development shall commence on any phase until plans of the site showing details of the existing and proposed ground levels, proposed finished floor levels, levels of any paths, drives, garages and parking areas and the proposed completed height of the development and any retaining walls for that phase have been submitted to, and approved in writing by, the Local Planning Authority. The details shall clearly identify the relationship of the proposed ground levels and proposed completed height with adjacent buildings. The development thereafter shall be carried out in accordance with the approved details for that phase.

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas in accordance with policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

- 28 Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
all previous uses potential contaminants associated with those uses
a conceptual model of the site indicating sources, pathways and receptors
potentially unacceptable risks arising from contamination at the site.

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

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

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

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

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

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

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

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4.

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

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed in an appropriate standard in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 31 No more than 95% of the total dwellings to be provided on this site shall be occupied until such time as the primary route (Residential Street as defined in the DAS dated October 2018) has been constructed linking Main Road with the boundary of the site with Y/91/17/OUT.

Reason: The Burndell Road and Bilsham Road mini roundabout has been shown to be approaching capacity in sensitivity tests when the through road has not been constructed and the developments are fully occupied. Therefore, this condition is considered necessary in the interests of highway capacity and safety in accordance with policies T SP1 and D DM1 of the Arun District Local Plan.

- 32 **INFORMATIVE:** The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

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- 34 **INFORMATIVE:** This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you

must stop immediately and contact Natural England before continuing.

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

REPORT UPDATE

Application no: Y/92/17/OUT
Page no: 199
Location: Land east of Drove Lane Yapton
Description: Outline application with all matters reserved save access, for up to 300 dwellings, link road, surface drainage, open space and landscaping. Departure from the Development Plan and Access route is within the Yapton (Main Road) Conservation Area.

UPDATE DETAILS

REPORT UPDATE PREPARED 22.01.2019

Reason for Update/Changes:

1. The Proposal is identified as being a 'departure from the development plan' within the recommendation report. It should be noted that the site is a strategic allocation within the Arun Local Plan 2011 - 2031 and as such the application is not a departure from the development plan.
2. Under the 'Trees' section of the report the provisional TPO is identified as having been made under reference TPO/Y/3/18, this should read TPO/Y/4/18.
3. A number of conditions have been amended and these are set out in full on the amended recommendation sheet. For ease of references the below is a summary of the amendments made to the originally proposed conditions;
 - Condition 6 - This condition has been amended to make the materials requirements less onerous and proportional to the development proposed.
 - Condition 7 - Reference to lighting has been removed from this condition as this detail is already secured via Condition 16.
 - Condition 8 - has been removed as this detail will be secured and conditions at Reserved Matters stage.
 - Condition 10 - Wording of Condition 10 amended to read;
"Prior to the approval of any reserved matter full details of the proposed surface water drainage scheme shall be submitted to and approved in writing by the local planning authority, and shall include;
 - Winter groundwater monitoring to established highest annual ground water levels and percolation testing to BRE 365, or similar approved, will be required to support the design of any infiltration drainage.
 - Details of any discharge of any flows to watercourses, the culverting or diversion, infilling or obstruction of any watercourses on the site.
 - Arrangements for future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site.No building shall be occupied in any phase until the complete surface water drainage system serving it has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity."
 - Condition 11 - Condition amended to make this condition pre-occupation rather than prior to

determination of the Reserved Matters application.

- Condition 12 - Amended to be phased as well as pre-occupation.
- Condition 13 - Amended to include the words 'relating to that dwelling'.
- Condition 14 - Amended to be phased.
- Condition 16 - Addition of the words 'for that phase'.
- Condition 17 - Amended to be phased.
- Condition 20 - Amended to be phased.
- Condition 23 - Amended to be phased.
- Condition 24 - Amended to be phased.
- Condition 26 - Amended to be phased.
- Condition 28 - Amended to be phased.
- An additional informative was included in relation to the need for formal consent from the Lead Local Flood Authority (WSCC) or its agent (ADC) being required.
- Condition 29 - This condition related to potential 'Japanese Knotweed' from a letter of objection submitted. However, it has been identified that this referred to a different site and as such the condition has been removed.
- Condition 30 - Has been removed after discussion with the Council's Environmental Health team following the submission of additional documentation from the applicant.
- Condition 32 - Has been removed after discussion with the Council's Environmental Health team following the submission of additional documentation from the applicant.

4. 1 additional letter of objection received;

- Condition 19 is inadequate to protect the peace and quiet of the residents of Yapton nearby.
- Hours should be amended to reflect approvals at Nyton Nurseries.

5. The recommendation has been amended to read;

RECOMMENDATION

- That planning permission is granted with Conditions and Informatives (as shown on the attached amended recommendation) subject to the completion of the S106 agreement; and that
- That authority is delegated to the Group Head of Planning in consultation with the Chairman and Vice-Chairman of the Development Control Committee to make amendments to the S106 agreement which are substantially in accordance with the heads of terms.

6. The applicant has provided additional documentation relating to contamination and this has been considered by the Council's Environmental Health team who have advised that they "...have reviewed the documentation sent by the applicant and are satisfied that conditions ENV3 and 6 can be removed."

7. The word 'association' has been replaced by the word 'consultation' in paragraph 3 of the Summary section on Page 224 of the agenda.

Officers Comment:

1. No additional comments.
2. No additional comments.
3. No additional comments.

4. The construction hours for the proposed development have been checked with the Council's Environmental Health team who have confirmed that "...those are the construction times that we would normally put on. 8.00am on Saturdays is fine from EH point of view.". Therefore, it is considered that there is no justification to amend the wording of Condition 19.

5. No additional comments.

6. No additional comments.

7. No additional comments.

Note: The changes to recommendation, conditions and/or reasons show under Officers Recommendation at the end of the attached report.

Outline application with all matters reserved save access, for up to 300 dwellings, link road, surface drainage, open space and landscaping. Departure from the Development Plan and Access route is within the Yapton (Main Road) Conservation Area.

Land east of Drove Lane
Yapton

RECOMMENDATION

ACS - App Cond sub to S106

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

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

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

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

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

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

Site Location Plan - 22/11/2017
Parameter Plan - 1244L.02
Proposed Site Access - 14-111/301

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan (2011-2031).

- 4 No development shall take place until a detailed scheme of phasing for the construction of the dwellings and associated highways and public areas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a schedule identifying the order of anticipated commencement and completion within each phase of construction.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the phasing of the development needs to be satisfactory before work commences.

- 5 No development in any phase shall be carried out unless and until a schedule of materials and finishes to be used for that phase for external walls and roofs of the proposed buildings has been submitted to and approved by the Local Planning Authority. No development in any phase shall be carried out unless and until a 'statement of detail' for that phase has been submitted to and approved setting out details of proposed windows and doors, the materials and 'statement of details' so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in details in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the use of satisfactory external materials goes to the heart of the planning permission.

- 6 Prior to the submission of any reserved matters application a design code masterplan shall be submitted to, and approved in writing, by the Local Planning Authority. This document shall demonstrate how the detailed proposals will reflect the objectives of the;

Illustrative Site Layout Plan - 1244L.03A
Design and Access Statement - 15th October 2018

The design code masterplan will provide further details on matters such as character areas, street hierarchy, building typologies, key buildings, the approach to car parking, structural planting, street furniture, lighting and treatment of the public realm. The development shall be carried out in accordance with the approved design code.

Reason: To enable the Local Planning Authority to control the development in details in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the design of the scheme goes to the heart of the planning permission.

- 7 The landscaping and layout particulars to be submitted in accordance with Condition 1 shall include:
- i. Details of all existing trees and hedgerows on the land, showing which are to be retained and which removed;
 - ii. Details of the positions, height, design, materials and type of boundary treatment to be provided;
 - iii. Details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree
 - iv. The detailed landscape design for the development including the layout and design of the public realm within the development;
 - v. Details of the surfacing, and signage of all footpaths, and a phasing plan for their provision;

No hedge or tree shall be felled, uprooted or otherwise removed before, during or after the construction period except where removal is indicated on a plan approved by the Local Planning Authority.

Reason: In the interests of amenity and of the environment of the development in accordance with Policy ENV DM4 of the Arun Local Plan.

- 8 Prior to the commencement of each phase of the development an Arboricultural Method Statement and Tree Protection Plan shall be submitted for that phase to and approved in writing by the Local Planning Authority and the development shall be undertaken in strict accordance with the details so approved.

Reason: To ensure the retention and maintenance of trees and vegetation which are an important feature of the area in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the protection and retention of trees goes to the heart of the planning permission.

- 9 Prior to the approval of any reserved matter full details of the proposed surface water drainage scheme shall be submitted to and approved in writing by the local planning authority, and shall include;

- Winter groundwater monitoring to established highest annual ground water levels and percolation testing to BRE 365, or similar approved, will be required to support the design of any infiltration drainage.

- Details of any discharge of any flows to watercourses, the culverting or diversion, infilling or obstruction of any watercourses on the site.

- Arrangements for future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site.

No building shall be occupied in any phase until the complete surface water drainage system serving it has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Policies D DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the surface water disposal scheme is agreed before construction commences and to protect existing watercourses prior to the commencement of development.

- 10 Prior to the occupation of each phase full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual for that phase and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.
- Reason: To ensure that the proposed development is satisfactorily drained in accordance with Policies D DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.
- 11 Prior to any building being occupied in a phase, and after completed construction of the surface water drainage system serving it, the owner or management company shall either provide the local planning authority with an updated copy of the management manual incorporating any changes as a result of construction/implementation or confirm in writing that no changes are required to the manual.
- No further changes shall be made to the approved surface water drainage system Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority.
- The owner or management company shall thereafter strictly adhere to and implement the recommendations contained within the manual to ensure that the system is maintained in perpetuity.
- Reason: To ensure the efficient maintenance and on-going operation of the surface water drainage system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32, in accordance with Policies D DM1, W DM2 and W DM3 of the Arun Local Plan.
- 12 Prior to the approval of any reserved matter details of a proposed foul drainage system shall be submitted to and approved in writing by the Local Planning Authority (including details of its siting, design and subsequent management/maintenance, if appropriate) and no dwelling shall be occupied until works for the disposal of sewage relating to that dwelling have been fully implemented in accordance with the approved details.
- Reason: To ensure adequate infrastructure is provided to enable the scheme to be satisfactorily drained in accordance with Policies D DM1, W DM1 and W SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as the foul drainage system goes to the heart of the planning permission.
- 13 Any reserved matters application shall be substantially in accordance with the 'Habitat and Ecological Enhancement Management Plan (November 2017) - LLD1320-ECO-EDS'.
- Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national guidance and Policy ENV SP1 and ENV DM5 of the Arun Local Plan.
- 14 Prior to the commencement of development the mitigation strategy for reptiles shall be implemented in accordance with the details specified within the 'Detailed Reptile Survey Report (November 2016)'.
- Reason: This condition is necessary to ensure the protection of reptiles and supporting habitat in accordance with Policy ENV SP1 and ENV DM5 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure measures are in place to protect reptiles and their habitat on site prior to any disturbance.
- 15 Prior to the occupation of any dwelling of a particular phase, a scheme for external lighting for that phase shall be submitted and approved in writing by the Local Planning Authority. The scheme shall ensure that the lighting is sensitive to bats by minimising the lighting of the woodland along the southern and western boundaries and shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E2.
- Reason: To control the residential amenities of the local environment in accordance with Policies D DM1 and QE DM2 of the Arun Local Plan.
- 16 Prior to the commencement of development in each phase, including any works of demolition, a Construction Management Plan shall be submitted for approval in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period of that phase. The Plan shall provide details as appropriate but not necessarily

be restricted to the following matters:

- The anticipated number, frequency and types of vehicles used during construction,
- The method of access and routing of vehicles during construction,
- Full details of the construction compound,
- Soil resources plan,
- Dust mitigation measures,
- Noise reduction measures,
- The parking of vehicles by site operatives and visitors,
- The loading and unloading of plant, materials and waste,
- The storage of plant and materials used in construction of the development,
- The erection and maintenance of security hoarding,
- The provision of effective wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- Details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the safety and amenity issues that need to be addressed.

- 17 During the construction phase no machinery/vehicles or plant shall be operated on the site, no process shall be carried out and no deliveries taken at or dispatched except between the hours of:

7.00 a.m. and 6.00 p.m. on Mondays to Fridays inclusive
8.00 a.m. and 1.00 p.m. on Saturday
Not at any time on Sundays or Public Holidays

Reason: In the interests of amenity in accordance with Policies D DM1 and QE DM1 of the Arun Local Plan.

- 18 No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the storage areas identified in the Construction Management Plan at any time approved by the Local Planning Authority.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy D DM1 of the Arun Local Plan.

- 19 Prior to commencement of development for each phase the applicant shall prepare and submit for approval an Employment and Skills Plan for the construction of each phase of the development. Following approval of the Employment and Skills Plan the developer will implement and promote the objectives of the approved plan.

Reason: In accordance with Policy SKILLS SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to as it relates to the construction phase of development.

- 20 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled 'Proposed Site Access B2132 Bilsham Road' and numbered 14-111/201 Rev A.

Reason: In the interests of amenity and to avoid unacceptable harm to highway safety in accordance with policies T SP1 and D DM1 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition as establishing an access to the site goes to the heart of the planning permission.

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

Reason: To encourage and promote sustainable transport in accordance with Policies D DM1 and T SP1 of the Arun Local Plan.

- 22 Before development commences on any phase a scheme identifying the principles to be incorporated into detailed building design as the means of energy conservation, together with on-site energy renewable devices for that phase, shall be submitted to and agreed with the Local Planning Authority. Such scheme as is submitted shall seek as a target the provision of on-site renewable energy which will generate an estimated 10% of annual energy requirements of the buildings granted planning permission. In determining the provision of on-site energy generation account will be taken of the impact on the viability of the development. Such scheme as is approved will be implemented in accordance with the scheme for that phase.

Reason: In accordance with Policy ECC SP2 of the Arun Local Plan. It is considered necessary for this be a pre-commencement condition as sustainability goes to the heart of the approval.

- 23 Prior to the commencement of each phase of the development, a strategy for the provision or facilitation of broadband provision to future occupants of the site in that phase shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling in that phase, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site shall be carried out in accordance with the approved strategy.

Reason: To ensure that the needs of future residents to connect to the internet does not necessarily entail engineering works to an otherwise finished and high quality living environment in accordance with Policy TEL SP1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the provision of broadband needs to be incorporated into the design for the site.

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

Reason: The site has the potential to contain unknown remains of archaeological importance therefore in accordance with Policies D DM1 and HER DM6 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because archaeology can only be investigated before construction commences.

- 25 Prior to the commencement of any phase of development, an Electric Vehicle Charging Strategy will be prepared and submitted to the Local Planning Authority which identifies the nature, form and location of electric charging infrastructure to be provided across the development. The electric vehicle strategy shall then be implemented in accordance with the approved details and maintained in perpetuity.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with Policy D DM1 and Policy QE DM3 (c) of the Arun Local Plan and the NPPF. It is considered necessary for this to be a pre-commencement condition to ensure that the requisite charging infrastructure is designed into the housing development and it is implemented.

- 26 Twenty-five percent (25%) of all 1, 2 and 3 bedroom dwellings shall be designed and constructed to Lifetime Homes standards or equivalent current standard to be agreed in writing with the Local Planning Authority.

Reason: To ensure that dwellings are adaptable and meet the diverse needs of future occupiers in accordance with policy H3 of the Yapton Neighbourhood Plan, policy D DM1 of the Arun Local Plan and Paragraph 61 of the NPPF.

- 27 No development shall commence on any phase until plans of the site showing details of the existing and proposed ground levels, proposed finished floor levels, levels of any paths, drives, garages and parking areas and the proposed completed height of the development and any retaining walls for that phase have been submitted to, and approved in writing by, the Local Planning Authority. The details shall clearly identify the relationship of the proposed ground levels and proposed completed height with adjacent buildings. The development thereafter shall be carried out in accordance with the approved details for that phase.

Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas in accordance with policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition as these details relate to the construction of the development and thus go to the heart of the planning permission.

- 28 Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:
all previous uses potential contaminants associated with those uses
a conceptual model of the site indicating sources, pathways and receptors
potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

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

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

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

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

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

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

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4.

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

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed in an appropriate standard in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 31 No more than 95% of the total dwellings to be provided on this site shall be occupied until such time as the primary route (Residential Street as defined in the DAS dated October 2018) has been constructed linking Main Road with the boundary of the site with Y/91/17/OUT.

Reason: The Burndell Road and Bilsham Road mini roundabout has been shown to be approaching capacity in sensitivity tests when the through road has not been constructed and the developments are fully occupied. Therefore, this condition is considered necessary in the interests of highway capacity and safety in accordance with policies T SP1 and D DM1 of the Arun District Local Plan.

- 32 **INFORMATIVE:** The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

- 33 **INFORMATIVE:** The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 34 **INFORMATIVE:** This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

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