

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 & 3 x 4 bed. In addition, nine homes will be affordable (3 x 1 bed, 3 x 2 bed, 2 x 3 bed & 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 crossing point will be provided immediately south of the</p>
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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 across the whole site. The gross density of phase 1 is 17.9 dwellings per hectare.
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:

- Part 2m heras fencing with some 1.3m high post and rail along the northern boundary.
- Part Ryebank Rife with some scrub vegetation & small trees on western/southern boundaries; and
- Part hedge (inc brambled hedge) with some sections of 0.8m high post & wire and 1.3m high post & rail fencing along the eastern boundary.

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 recently been approved for 250 dwellings to the north and 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/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.

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.

88 letters of objection raising the following concerns:

- Departure from the development plan.
- Loss of agricultural land - where will food be grown in future.
- Coalescence of Yapton and 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 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.
- 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.
- Dust 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; and
- Contrary to Human Rights of Yapton residents.

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 following:

- 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 submitted 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 defined strategic gap and so the Councils 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 will be temporary in nature and the effects can be controlled by a suitable 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 currently 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 so 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 Councils 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 not in the red edge of the application and is existing agricultural land. Its proposal is acknowledged, and it would be a benefit to local wildlife however, this could result in further loss of agricultural land and for that reason, it is not proposed to use a legal agreement or condition to ensure it is taken forward. 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.

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 - any comments will be reported by report update.

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 2.4 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 existing secondary school provision to accommodate the pupils arising from the proposed 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 11,550m² of usable Public Open Space (POS) excluding SuDS for the whole allocation site of which 2,475m² 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 the boundaries has the 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.

COUNCILS 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 reserve matters application. States that dormice do not need to be considered further.

COUNCILS 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:

NATIONAL HIGHWAYS (NH) - the applicant provided all requested information and NH's further comments are awaited. The holding objection expires on 18/05/22 and so it is anticipated that further comments will be received before Committee and can be provided by way of a report update.

WSCC HIGHWAYS - were re-consulted on 22/03 and have stated they intend to respond w/c 09/05/22. Their further comments will then be provided to the Committee by way of a report update.

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

Yapton neighbourhood plan 2014 Policy BB1

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

PLANNING POLICY GUIDANCE:

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.

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 it meant as a guide for developers proposing development on sites outside the BUAB and to inform planning 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 clearly in a sustainable edge of settlement location. Together with proposed footway improvements on the western side of Bilsham Road arising from this and the adjacent strategic development, it will be possible for future residents to walk to access schools, shops and other services:

- 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 the proposed tactile paved crossing point facilitating easier access to the southbound stop on the eastern 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 the 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 the new housing across the whole scheme be designed to be suitable for the elderly and disabled.

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 does meet 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 this countryside 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. Furthermore, 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 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.

Nevertheless, 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 any form of development not associated with agriculture, horticulture or forestry will not be permitted unless the need for the development outweighs the need to protect such land in the long term.

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 elsewhere in Yapton which concerned a refusal on loss of grade 2 agricultural land (Y/62/18/OUT), the Inspector noted the site was not being used for agriculture and that

there was no evidence that the site would be so used in the future. The Inspector stated whilst this does not in itself justify the loss of agricultural land, it does act to reduce the level of environmental and economic harm caused by its development. The Inspector considered that 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 Councils 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 eastern 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 that the existing field access will be retained for emergency use in connection with the outline scheme.

Although WSCC Highways have not yet provided their final comments, it is clear from their initial response that they are not likely to recommend refusal and it is material that the items that they requested have been provided to them for review and that their response is overdue. The holding objection of National Highways is acknowledged but this will have expired by the time of Committee and again it is material that the applicants have provided them with the requested information.

IWSCC raise no concerns with access to the site by large vehicles, with the ability of large vehicles to turn within the full application area or with parking in the full area. WSCC do discuss the need for a contribution to the Comet Corner junction improvements and the applicant has offered a contribution of £31,640.

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.

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 detailed proposal proposes 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 as disabled.

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 so 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 also be required to ensure the provision of cycle storage.

The proposal is compliant with the 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 that 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 that development will not be harmful to the archaeological interest of these sites. The policy requires that a desk based archaeological assessment be submitted with the application.

The application is accompanied by a desk based archaeological assessment and the Councils Archaeologist stated agreement to the conclusions of it 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 the detailed recording of any finds prior to any 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 current 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 that the future 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 a FRA which advises that the development is in an area which is at the lowest risk of flooding from any source and that the proposed drainage strategy will not increase flood risk on or off the site for the lifetime of the development. The Environment Agency raised no objections. As such, there are no conflicts with the 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 appropriate 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 Engineers raise no objections in principle but argue that further winter groundwater testing is required to demonstrate that ground infiltration is not possible arguing that insufficient testing has been carried out so far to rule this out. It is stated that these matters can be resolved through the use of conditions and 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's comments are awaited however. 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 any capacity survey and the new connection would be subject to the infrastructure charges.

Although Southern Water have not yet provided advice, 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 will 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) has 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. Environmental Health 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 raised any objections subject to contamination conditions being imposed on both permissions. Subject to this then there would be no conflict with the 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 loss of trees and there being no trees in the detailed area of the site, it is unlikely that there would be any objection. There are existing trees and hedging on the northern 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. It should be noted that much of the site being an arable field has low wildlife habitat value.

The Councils ecologist initially raised concerns with the survey information but after negotiation has been able to advise no objections subject to conditions. The applicant has submitted a Biodiversity Net Gain (BNG) Assessment. This states that the proposals will convert an existing 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 entirely sited on arable land will achieve BNG through the use of new trees, wildflower planting, residential 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. It is in conflict with YNDP policy H2 in respect of the percentages of 2 and 3 bed dwellings. As the ALP policy is the newer, as per section 38(5) of the Planning and Compulsory Purchase Act 2004, the newer plan takes precedence and therefore, overall, there is no conflict with the development plan.

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 the site layout will ensure landscaped soft edges to the 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 with the corresponding open space within the strategic site and allow residents to intermingle transferring 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. It is noted 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 of 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 scale of the full application area is the same (i.e., two storeys) to 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" (n part) character areas with two further character areas within the outline scheme. Design features in the Park Avenue area (plots 1, 2, 3, 9, 29 & 30) include some 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.

Within 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 if desired.

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 new 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 overall effect of the 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 proposed to be mitigated by planting in the medium and long term. The Landscape Officer raises no objections.

The proposal as a whole 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. 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 that all of the proposed 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 3m² of private useable space plus communal areas equating to 40m² plus 10m² 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 3m² 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.

IArun 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 (as 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 intermediate. 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 11,550m² of POS (1.15ha) to include 1,694m² 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 conditions and so this is not dependent on the agreement of a s106 legal agreement. As it is not possible to secure any 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 within the red edge. In cases where the works are not in the red edge, off-site works should instead 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 within the red edge, it is not possible to refuse an application if it was not included. It is understood that s278 agreements may be used to deliver both physical works and contributions.

The applicants proposed a contribution to the Comet Corner junction improvements that has been discounted to account for CIL contributions. Therefore, it may still be possible to include this in a legal agreement and further advice on this from WSCC Highways will confirm.

Notwithstanding, 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 where there are impacts on the strategic road network. Should National Highway request a contribution then 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 the existing secondary school provision to accommodate the secondary pupils arising from the new development and the lack of an allocated or secured site for the delivery of the new secondary school. This development alone does not generate the need for a new secondary school and there is no policy requirement for this site to provide for a school on 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.

The developer should not be punished because WSCC have been unable to secure a site for the secondary school. 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 any items arising from the further National Highways/WSCC Highways comments there would be no conflict with ALP policy INF SP1.

SUMMARY & TILTED BALANCE:

As the Councils HLS is below 3 years (only 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, planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

The proposal represents sustainable development and 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. On the other hand, the proposal will make a meaningful contribution to the HLS shortfall along with other social and economic benefits. This is an appropriate location for development and benefits from support from the Councils Interim Housing Statement and Action Plan. The adverse impacts identified do not significantly and demonstrably outweigh the benefits and there is no conflict with other policies within the NPPF.

The recommendation is for the Planning Committee to delegate to the Group Head of Planning in consultation with the Chair and Vice Chair with authority to:

Grant the full and outline planning permissions subject to conditions and subject to a section 106 Agreement, the terms of which are substantially in accordance with those set out in this report (as amended by report update) with any minor amendments authorised by the Group Head of Planning

Should the s106 not be completed in 5 months of the date of the Planning Committee's resolution to grant planning permission, then the application shall be refused for the following reasons:

- (1) In the absence of a signed Section 106 agreement, the development fails to make any affordable housing provision and is thereby contrary to the aims and objectives of the NPPF and policy AH SP2 of the Arun Local Plan.
- (2) In the absence of a signed Section 106 agreement, the development will not provide the highway improvements necessary to deliver the development & mitigate any residual harm to the local and strategic road network and is thereby contrary to ALP policies T SP1, T DM1 and the NPPF.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

This decision will be subject to a s106 legal agreement to secure the following obligations:

(1) The provision of 42 Affordable Dwellings consisting of 28 affordable rented, 10 First Homes and 4 Intermediate.

Should there be further requirement arising from consultation with National Highways and WSCC Highways then members will be made aware by way of a report update.

CIL DETAILS

This is a CIL Liable development. It is in Zone 3 and a CIL amount of £256,793.65 would be payable for the full application unless the applicant applies for an exemption subject to the requirements of the CIL Regulations 2010 (as amended). For example, if Social Housing relief was claimed then the CIL payment would reduce to £189,211.17. A proportion of this (25%) would go direct to the Parish Council. The houses subject to the outline would also be liable for CIL but will be calculated at the reserved matters application when details of floorspace is known.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1

In pursuance of their powers under this Act and related Orders and Regulations the Council PERMIT this development to be carried out in accordance with the application and plans and subject to compliance with the following conditions and Section 106 Agreement.

The Conditions and Informatives below refer to the 'FULL' matters within the planning application
- 2

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 3

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

Location Plan 1001-PL
Land Use Parameters ZZ-1401-PL
Parking Strategy ZZ-1410-PL
Refuse Strategy ZZ-1411-PL
PV Layout ZZ-1415-PL
Roof Layout ZZ-1416-PL
Accommodation Schedule ZZ-1502-PL

Proposed Site Layout (Detailed Area) ZZ-2001-PL
 Proposed Site Layout ZZ-2002-PL
 House type CS 2B4P Floor Plans CS-3001-PL
 House type CS 2B4P Plots 6-7 & 22-23 Elevations CS-4001-PL
 House type CS 2B4P Plots 20-21 Elevations CS-4002-PL
 House type CT 2B4P Plots 24-26 Floor Plans CT-3001-PL
 House type CT 2B4P Plots 24-26 Elevations CT-4001-PL
 House type DN 3B5P Plots 4-5 & 27-28 DN-3001-PL
 House type DN 3B5P Plot 8 DN-3002-PL
 House type DS 3B5P Plots 1-2 & 18-19 Floor Plans DS-3001-PL
 House type DS 3B5P Plots 1-2 Elevations DS-4001-PL
 House type DS 3B5P Plots 18-19 Elevations DS-4002-PL
 House type DW 3B5P Plot 9 DW-3001-PL
 House type EN 4B6P Plot 3 EN-4001-PL
 House type EN 4B6P Plot 29 EN-4002-PL
 House type EN 4B6P Plot 30 EN-4003-PL
 Maisonettes M Plots 10-13 Floor Plans M-3001-PL
 Maisonettes M Plots 14-17 Floor Plans M-3002-PL
 Maisonettes M Plots 10-13 Elevations M-4001-PL
 Maisonettes M Plots 14-17 Elevations M-4002-PL
 Single Garage Gable Front Red Brick ZZ-2501-PL
 Single Garage Eaves Front Buff Brick ZZ-2502-PL
 Double Garage Eaves Front ZZ-2503-PL
 Single Carport Gable Front ZZ-2504-PL
 Maisonettes Bin & Cycle Store ZZ-2601-PL
 Substation ZZ-2602-PL
 Street Scenes ZZ-4101-PL
 Landscape Masterplan Detailed Area 964-MP-02 Rev B
 Proposed Site Access A361-001 Rev P4.
 Swept Path Analysis A361-002 Rev P3.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies C SP1, D DM1, QE SP1, QE DM3, T SP1 and T DM1 of the Arun Local Plan.

- 4 Notwithstanding the details shown by the approved layout plans, the parking spaces numbered 6, 16 and 23 shall be set out as full disabled spaces as per County Council guidelines.

Reasons: In the interests of the needs of the disabled in accordance with policy T SP1 of the Arun Local Plan and the Arun Parking Standards SPD.

- 5 The development shall be carried out in complete accordance with the mitigations and enhancements set out in sections 6 (paras 6.17 to 6.25) and 7 of the submitted Ecological Impact Assessment (February 2022). In addition, log piles and hedgehog boxes shall be placed on the site.

Reason: To demonstrate biodiversity net gain in accordance with Arun Local Plan policy ENV DM5 and the NPPF.

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

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

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

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

- 8 No development shall take place, including any works of demolition, until a Construction & Environmental Management Plan and accompanying Site Setup Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with National Highways, WSCC Highways, the Councils Environmental Health Officer and Ecologist as appropriate). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. This shall require the applicant and contractors to minimise disturbance during demolition and construction and will include (but not be limited to) details of the following information for approval:

- the phased programme of construction works;
- the anticipated, number, frequency, types and timing of vehicles used during construction (construction vehicles should avoid the strategic road network during the peak hours of 0800-0900 and 1700-1800 where practicable);
- the covering of any loose loads with suitable sheets;
- the means of access and road routing for all construction traffic associated with the development;
- provision of wheel washing facilities (details of their operation & location) and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders);
- details of street sweeping;
- details of a means of suppressing dust & dirt arising from the development;
- a scheme for recycling/disposing of waste resulting from demolition and construction works (i.e. no burning permitted);
- details of all proposed external lighting to be used during construction (including location, height, type & direction of light sources and intensity of illumination);
- details of areas for the loading, unloading, parking and turning of vehicles associated with the construction of the development;
- details of areas to be used for the storage of plant and materials associated with the development;
- details of the temporary construction site enclosure to be used throughout the course of construction (including access gates, decorative displays & facilities for public viewing, where appropriate);
- contact details for the site contractor, site foreman and CDM co-ordinator (including out-of-hours contact details);
- details of the arrangements for public engagement/consultation both prior to and continued liaison during the construction works;
- details of any temporary traffic management that may be required to facilitate the development including chapter 8 traffic signage;
- measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s).

Details of how measures will be put in place to address any environmental problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints, shall be available on site and their availability made known to all relevant parties.

The Construction & Environmental Management Plan shall also include reference measures to minimise disturbance to bats and other wildlife during construction including the briefing of site operatives, monitoring by an ecologist and either securing or providing a means of escape for all deep pits/trenches/holes present on the site at night-time.

Reason: In the interests of the safety/amenity of nearby residents & occupiers of any nearby noise sensitive premises, the safety & general amenities of the area, biodiversity (particularly bats) and in the interests of highway safety in accordance with policies D DM1, ENV DM5, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 of the Arun Local Plan and the NPPF. This is required to be a pre-commencement condition because it is necessary to have the construction site set-up agreed prior to access by construction staff.

- 9 Prior to the commencement of construction works details of a proposed foul drainage system shall be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water (including details of its siting, design and subsequent management/maintenance) and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

The submission of details shall also include a phasing plan drawn up to ensure that occupation of the site aligns with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the foul water drainage system prior to commencing any building works.

- 10 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

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

- 11 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include 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 W 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.

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

1. A Preliminary Risk Assessment which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.

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

3. Based on the Site Investigation Scheme and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A Verification Report 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, (1) to (4) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that 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. The report shall also include 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 report, and for the reporting of this in writing to the Local Planning Authority.

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

13 Prior to the commencement of development a detailed level survey of the site including

existing and resulting ground levels and the slab levels of the building the subject of this approval, shall be submitted to and approved by the Local Planning Authority. The development shall proceed only in accordance with the details thus approved and there shall be no subsequent raising of levels without prior written approval of the Local Planning Authority.

Reason: In order to safeguard the amenities of the area, of neighbouring residents and in relation to drainage in accordance with policy D DM1 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to agree levels before foundations are laid.

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

Reason: In accordance with Arun Local Plan policy SO DM1 and the NPPF. It is necessary for this to be a pre-commencement condition to protect the best and most versatile soils on the site prior to the construction commencing.

- 15 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable of how this is to be achieved for each phase or sub phase of development, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase or sub phase begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and policy ECC SP2 of the Arun Local Plan. This is required to be a pre-commencement condition because the approved measures may need to be built into the fabric of the buildings.

- 16 No development shall commence until a method statement has been submitted to and approved in writing by the Local Planning Authority to provide details of how any retained hedgerows within/adjacent to the site are to be protected during construction. This will be secured by fencing to create a buffer of 5m around the retained hedgerows during construction unless such a buffer is not possible due to the position of agreed buildings in which case a reduced buffer will be acceptable. The development shall thereafter proceed in accordance with the approved hedgerow protection measures.

Reason: Bats use the on-site hedgerows for foraging, habitat and commuting and therefore in accordance with the NPPF and policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition because the hedgerow protection scheme must be in place prior to construction starting.

- 17 No development including site access, demolition or associated construction activities, shall take place on the site unless and until a badger survey has been undertaken in order to ensure that badgers are not using the site. If a badger sett is found on the site, then the applicants shall provide a mitigation strategy to the Local Planning Authority for approval in writing to be determined in consultation with Natural England.

Reason: In accordance with policy ENV DM5 of the Arun Local Plan. It is considered that this condition must be pre-commencement to prevent harm to potentially vulnerable species on site.

- 18 Should any temporary showhome/s or sales areas be required then full details shall be provided prior to any part of the development site reaching damp proof course (DPC) level. Such details shall include any temporary buildings or temporary changes to buildings and any temporary change to the development layout. The approved details shall be for a temporary period only ending on or before the date that the last dwelling on the site has been sold. The buildings or area shall then be returned to their approved permanent appearance within 3 months of the date of the last building sold.

Reason: In the interest of visual & residential amenity and the character/appearance of the surrounding area in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 19 No development above damp proof course (DPC) level shall take place unless and until a scheme to demonstrate the following has been submitted to and approved in writing by the Local Planning Authority:

(1) internal noise levels within the residential units will conform to the 'Indoor ambient noise levels for dwellings' guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014; and

(2) external noise levels within the curtilage of the residential units will conform to the 'Design criteria for external noise' upper guideline value of 55 dB LAeq, T as specified within section 7.7.3.2 of BS 8233:2014.

The submission shall include details compiled by a qualified acoustician on sound insulation and noise reduction for buildings & gardens. The scheme should take into account the correct number of air changes required for noise affected rooms. The works specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

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

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

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

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

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

- 21 No development above damp proof course (DPC) level shall take place unless and until a

schedule of materials and finishes to be used for external walls (and roofs) of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials 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/and character and appearance of the area by endeavouring to achieve a development of visual quality in accordance with policies D DM1 & D SP1 of the Arun Local Plan.

- 22 No development above damp proof course (DPC) level shall take place until details of all new boundary treatments and any amendments to existing boundaries have been submitted to and approved by the Local Planning Authority and no dwellings within the site shall be occupied until the boundaries associated with them have been erected. The details shall include the provision of a suitable boundary between plots 10 and 11 to create private outdoor space for each unit. The discharge of this condition should also consider whether additional links can be created between the site and the adjacent strategic development by removing existing boundary treatments between communal areas. Gaps shall be included at the bottom of boundary treatments serving dwellings to allow movement of small mammals across the site. Development shall be carried out in accordance with the approved details and permanently retained in a useable condition thereafter.

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

- 23 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development.

The proposed landscape scheme will need to maximise the biodiversity of the site with the inclusion of habitat enhancements in accordance with sections 6 (paras 6.17 to 6.25) and 7 of the submitted Ecological Impact Assessment (February 2022). In addition, any trees that are felled to make way for the development should be replaced with new native species on a 2:1 basis.

The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 24 No development above damp proof course (DPC) level shall take place unless and until details are provided and approved in writing by the Local Planning Authority to show how at least seven of the 1/2/3 bedroom houses will be delivered to meet M4(2) of the Building Regulations 2010 (as amended). These particular dwellings shall thereafter be delivered in accordance with the approved details and permanently maintained as such thereafter.

Reason: To ensure that part of the development allows for residents to remain in their own homes over the course of their lifetime in accordance with policy H3 of the Yapton Neighbourhood Development Plan and policy D DM1 of the Arun Local Plan.

- 25 No development above damp proof course (DPC) level shall take place until full details of the proposed in-curtilage secure cycle stores for those dwellings which do not benefit from a garage or a communal store have been submitted to and approved in writing by the Local Planning Authority and the relevant houses shall not be occupied until the approved cycle storage sheds associated with them have been erected/provided. These cycle storage spaces shall thereafter be permanently retained and maintained.

Reason: To provide alternative travel options to the use of the car in accordance with Arun Local Plan policies T SP1 and T DM1.

- 26 Prior to the occupation of any part of the development, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

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

- 27 Prior to the occupation of any part of the development, full details of all new external lighting (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage). This submission should also cover new streetlighting if required. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) but also minimise potential impacts to any bats using trees and hedgerows (in accordance with the BCT/ILP Guidance Note 08.18) by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. Care should be exercised in respect of lighting directed to the site boundaries. The lighting approved shall be installed and maintained in accordance with the approved details..

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime, road safety and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1, QE DM2, T SP1 & ENV DM5 of the Arun Local Plan.

- 28 No part of the development shall be first occupied until such time as the vehicular accesses and associated visibility splays serving the development has been constructed in accordance with the approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above the adjoining carriageway level or as otherwise agreed in writing with the Local Planning Authority.

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

- 29 No part of the development shall be first occupied until the vehicle parking, garage, car port and turning spaces have been constructed in accordance with the approved plans. The parking spaces shall thereafter be retained for their designated use. The garage and carport

spaces garages shall not be used for any purpose other than the parking of vehicles or for domestic storage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with policy T SP1 of the Arun Local Plan and the NPPF.

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

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

- 31 If residential properties are to be completed and occupied prior to the whole development being finished, a scheme to protect those early occupants from noise and vibration from construction activities should be submitted and approved in writing by the Local Planning Authority.

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

- 32 The developer shall enter into a Section 278 agreement with the local highway authority to enable the proposed footway improvements on the western side of Bilsham Road to be implemented. These shall be completed prior to the occupation of the 15th dwelling in the approved full development.

Reason: In the interests of road safety and accessibility in accordance with policies T SP1 and T DM1 of the Arun Local Plan and the NPPF.

- 33 No individual dwelling hereby approved shall be occupied until the optional requirement for restricted water consumption in Part G of the Building Regulations as demonstrated through the water calculator has been complied with for that dwelling.

Reason: To improve the sustainability of the dwellings in accordance with policy W DM1 of the Arun Local Plan.

- 34 None of the dwellings shall be occupied unless and until full details of the public open space (POS) and associated management arrangements have been submitted to and approved in writing by the Local Planning Authority. The POS shall thereafter be implemented in accordance with the details as agreed through the discharge of condition (or any subsequent variation application) prior to occupation of the 15th dwelling and permanently retained thereafter. The approved management details shall then be permanently adhered to.

Reason: To ensure that the POS is provided and that a management regime is established in accordance with policy OSR DM1 of the Arun Local Plan.

- 35 None of the dwellings shall be occupied unless and until full details of the public play provision and associated management arrangements have been submitted to and approved in writing by the Local Planning Authority. The play provision shall thereafter be implemented in accordance with the details as agreed through the discharge of condition (or any subsequent variation application) prior to occupation of the 15th dwelling and permanently retained

thereafter. The approved management details shall then be permanently adhered to.

Reason: To ensure that play provision is in place for future residents and that a management regime is established in accordance with policy OSR DM1 of the Arun Local Plan.

- 36 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained and in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 37 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

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

- 38 All bathroom and toilet windows in the elevations of any of the buildings hereby approved shall be glazed with obscured glass and permanently retained thereafter.

Reason: To protect the amenities and privacy of existing and future occupiers in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 39 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 40 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance of 40% on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus 40%) between the invert of the entry pipe to the soakaway and the base of the structure. The design must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 40%).

Adequate freeboard must be provided between the base of the soakaway structure and the

highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design. The applicant is advised to discuss the extend of ground water monitoring with the council's engineers.

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

41 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.

42 INFORMATIVE: A surface water drainage verification condition guidance note is available at <https://www.arun.gov.uk/drainage-planning-consultations>, this clearly sets out our requirements for discharging this condition

43 INFORMATIVE: Following approval of details showing the proposed location of all fire hydrant(s) or stored water supply (in accordance with West Sussex Fire and Rescue Service's Guidance Notes) and prior to the first occupation of any dwelling or unit forming part of the proposed new development you are advised to contact West Sussex Fire and Rescue Service (WSFRS) make them aware of all the fire hydrants for the site and their locations. They can then be operated and tested, their location marked up locally and plotted on the water management system and mapping. This information is then available to all fire crews attending the site, essential for locating the nearest fire hydrants available in the vicinity of a fire without delay.

Without this information WSFRS would not be aware of any fire hydrants available on the site and lead to valuable time being spent looking for a water supply to keep the fire appliance supplied with water. Without a supply of water people's lives and properties could be put at undue risk in the event of a fire.

Fire hydrant information is to be sent to either the Planning Officer or directly to the Water and Access Department (WSFRS) at Frs.waterandaccess@westsussex.gov.uk

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

(1) The provision of 9 dwellings as affordable (consisting of 6 affordable rented and 3 First Homes).

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

46 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.

47 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats

etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

48 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.

49 INFORMATIVE: The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

50 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 25/01/22) as available on the Councils website.

51 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information, please contact the Environmental Health Department on 01903 737555. There shall be no burning of any waste or other materials on the site, except in an incinerator.

52 In pursuance of their powers under this Act and related Orders and Regulations the Council PERMIT this development to be carried out in accordance with the application and plans and subject to compliance with the following conditions and Section 106 Agreement.

The Conditions and Informatives below refer to the 'OUTLINE' matters within the planning application

53 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; and
- (e) Access.

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).

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

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

55 The development hereby approved shall be carried out in accordance with the following

approved plans:

Location Plan 1001-PL.

Proposed Site Access A361-001 Rev P4; and

Swept Path Analysis A361-002 Rev P3.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies C SP1, D DM1, QE SP1, QE DM3, T SP1 and T DM1 of the Arun Local Plan.

- 56 The development shall be carried out in complete accordance with the mitigations and enhancements set out in sections 6 (paras 6.17 to 6.25) and 7 of the submitted Ecological Impact Assessment (February 2022). The proposed enhancements shall be detailed on the landscape details to be submitted pursuant to condition 54 and shall also include placement of log piles and hedgehog boxes on the site.

Reason: To demonstrate biodiversity net gain in accordance with Arun Local Plan policy ENV DM5 and the NPPF.

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

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

- 58 The details to be submitted pursuant to condition 53 shall include:

(1) An updated Badger survey undertaken on the site to determine the use of the outline site area by badgers. Should badgers be found to be present then a mitigation strategy should also be provided with the reserved matters submission.

(2) A Bat mitigation strategy including details of the enhancement of existing hedgerows to benefit wildlife species; and

(3) An updated reptile mitigation strategy to include details of reptile fencing, translocation methods, the translocation site / enhancements and the timings of the works.

Reason: In the interests of wildlife protection in accordance with Arun Local Plan policy ENV DM5 and the NPPF.

- 59 The landscape and layout details to be submitted pursuant to condition 53 shall include the following items:

(1) Details of all existing trees and hedgerows on the land indicating which are to be retained and which are to be removed. These required details are to include a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule', a 'Tree Constraints Plan', and in the event that a root protection area of any tree which is proposed for retention overlaps the development, then an 'Arboricultural Method Statement' and a 'Tree Protection Plan'. Development shall be carried out in accordance with the approved details. 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.

(2) Full landscaping details including the use of native trees and compensatory planting on 2:1 basis (where any trees or hedges are lost).

(3) Details of the position, design, materials, height and type of all boundary treatments to be provided. The boundary treatments shall be provided to each dwelling before the dwelling is occupied or in accordance with the approved phasing plan. Gaps shall be included at the bottom of the fences to allow movement of small mammals across the site. Development shall be carried out in accordance with the approved details and permanently retained in a useable condition thereafter.

(4) Full details of how the existing hedgerows are to be protected with secure fencing to establish a 5m buffer zone during construction (unless such a buffer is not possible due to the position of agreed buildings in which case a reduced buffer will be acceptable). The development shall thereafter proceed in accordance with the approved hedgerow protection measures.

(5) A Landscape Environmental Management Plan to provide full details on how the habitats and enhancements on the development will be managed post construction; and

(6) Full details of all new external lighting (including type of light appliance, the height and position of fitting, predicted illumination levels and light spillage). This submission should also cover new streetlighting if required. The scheme should seek to conform with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (GN01:2011) but also minimise potential impacts to any bats using trees and hedgerows (in accordance with the BCT/ILP Guidance Note 08.18) by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. Care should be exercised in respect of lighting directed to the site boundaries. The lighting approved shall be installed and maintained in accordance with the approved details.

Reason: In the interest of visual amenity, the quality of the environment, the site biodiversity (particularly in respect of bats), the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies D DM1, QE SP1, QE DM2, ENV DM4 and ENV DM5 of the Arun Local Plan and the NPPF.

60 The layout and landscape details to be submitted pursuant to condition 53 shall include full details of the required public open space (POS) & play areas and management arrangements. The POS and play areas shall thereafter be implemented in accordance with the provision as agreed prior to occupation of the 55th dwelling and permanently retained thereafter. The approved management details shall then be permanently adhered to.

Reason: To ensure that the POS and Play provision is provided and that a management regime is established in accordance with policy OSR DM1 of the Arun Local Plan.

61 The layout, scale and appearance details to be submitted pursuant to condition 53 shall include the following items:

(1) A scheme for the provision of facilities to enable the charging of electric vehicles in accordance with the Arun Parking Standards SPD to serve the approved dwellings.

(2) A detailed level survey of the site including existing and resulting ground levels and the slab levels of the buildings the subject of this approval.

(3) 5% of all parking provided as suitable for disabled persons.

(4) Full details of cycle storage including elevations where provided in separate buildings; and

(4) A colour schedule of the materials and finishes to be used for the external walls and roofs of the proposed buildings.

Reasons: In the interests of visual amenity, road safety, the needs of the disabled, to mitigate against any potential adverse impact of the development on local air quality and as new petrol, diesel and hybrid cars/vans will not be sold beyond 2030 all in accordance with policies T SP1, D DM1, QE SP1, QE DM3 of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

- 62 Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority for approval pursuant to condition 53 shall ensure that the scheme makes provision for accommodation to meet the Building Regulations Standards M4(2) and M4(3) in accordance with Yapton Neighbourhood Development Plan Policy H3 and the Councils guidance note entitled "Accommodation for Older People and People with Disabilities Guidance".

Reason: To ensure that part of the development allows for residents to remain in their own homes over the course of their lifetime in accordance with policies D DM1 and D DM2 of the Arun Local Plan and policy H3 of the Yapton Neighbourhood Development Plan.

- 63 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

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

- 64 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include 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 W 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.

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

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

66 No development shall take place, including any works of demolition, until a Construction & Environmental Management Plan and accompanying Site Setup Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with National Highways, WSCC Highways, the Councils Environmental Health Officer and Ecologist as appropriate). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. This shall require the applicant and contractors to minimise disturbance during demolition and construction and will include (but not be limited to) details of the following information for approval:

- the phased programme of construction works;
- the anticipated, number, frequency, types and timing of vehicles used during construction (construction vehicles should avoid the strategic road network during the peak hours of 0800-0900 and 1700-1800 where practicable);
- the covering of any loose loads with suitable sheets;
- the means of access and road routing for all construction traffic associated with the development;
- provision of wheel washing facilities (details of their operation & location) and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders);
- details of street sweeping;
- details of a means of suppressing dust & dirt arising from the development;
- a scheme for recycling/disposing of waste resulting from demolition and construction works (i.e. no burning permitted);
- details of all proposed external lighting to be used during construction (including location, height, type & direction of light sources and intensity of illumination);
- details of areas for the loading, unloading, parking and turning of vehicles associated with the construction of the development;
- details of areas to be used for the storage of plant and materials associated with the development;
- details of the temporary construction site enclosure to be used throughout the course of construction (including access gates, decorative displays & facilities for public viewing, where appropriate);
- contact details for the site contractor, site foreman and CDM co-ordinator (including out-of-hours contact details);
- details of the arrangements for public engagement/consultation both prior to and continued liaison during the construction works;
- details of any temporary traffic management that may be required to facilitate the development including chapter 8 traffic signage;
- measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s).

Details of how measures will be put in place to address any environmental problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints, shall be available on site and their availability made known to all relevant parties.

The Construction & Environmental Management Plan shall also include reference measures to minimise disturbance to bats and other wildlife during construction including the briefing of site operatives, monitoring by an ecologist and either securing or providing a means of escape for all deep pits/trenches/holes present on the site at night-time.

Reason: In the interests of the safety/amenity of nearby residents & occupiers of any nearby noise sensitive premises, the safety & general amenities of the area, biodiversity (particularly bats) and in the interests of highway safety in accordance with policies D DM1, ENV DM5, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 of the Arun Local Plan and the NPPF. This is required to be a pre-commencement condition because it is necessary to have the construction site set-up agreed prior to access by construction staff.

- 67 Prior to the commencement of construction works details of a proposed foul drainage system shall be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water (including details of its siting, design and subsequent management/maintenance) and no dwelling shall be occupied until works for the disposal of sewage have been fully implemented in accordance with the approved details.

The submission of details shall also include a phasing plan drawn up to ensure that occupation of the site aligns with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the foul water drainage system prior to commencing any building works.

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

1. A Preliminary Risk Assessment which has identified: all previous (historical) uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
2. A Site Investigation Scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. Based on the Site Investigation Scheme and the detailed risk assessment (2), an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A Verification Report 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, (1) to (4) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that 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. The report shall also include 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 report, and for the reporting of this in writing to the Local Planning Authority.

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

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

Reason: In accordance with Arun Local Plan policy SO DM1 and the NPPF. It is necessary for this to be a pre-commencement condition to protect the best and most versatile soils on the site prior to the construction commencing.

- 70 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable of how this is to be achieved for each phase or sub phase of development, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase or sub phase begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter.

Reason: In order to secure a reduction in the use of energy at the site in accordance with national planning policy and policy ECC SP2 of the Arun Local Plan. This is required to be a pre-commencement condition because the approved measures may need to be built into the fabric of the buildings.

- 71 Should any temporary showhome/s or sales areas be required then full details shall be provided prior to any part of the development site reaching damp proof course (DPC) level. Such details shall include any temporary buildings or temporary changes to buildings and any temporary change to the development layout. The approved details shall be for a temporary period only ending on or before the date that the last dwelling on the site has been sold. The buildings or area shall then be returned to their approved permanent appearance within 3 months of the date of the last building sold.

Reason: In the interest of visual & residential amenity and the character/appearance of the surrounding area in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

- 72 No development above damp proof course (DPC) level shall take place unless and until a scheme to demonstrate the following has been submitted to and approved in writing by the

Local Planning Authority:

(1) internal noise levels within the residential units will conform to the 'Indoor ambient noise levels for dwellings' guideline values specified within Table 4 under section 7.7.2 of BS 8233:2014; and

(2) external noise levels within the curtilage of the residential units will conform to the 'Design criteria for external noise' upper guideline value of 55 dB LAeq, T as specified within section 7.7.3.2 of BS 8233:2014.

The submission shall include details compiled by a qualified acoustician on sound insulation and noise reduction for buildings & gardens. The scheme should take into account the correct number of air changes required for noise affected rooms. The works specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

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

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

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

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

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

74 Prior to the occupation of any part of the development, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site will continue in accordance with the approved strategy.

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

- 75 No individual dwelling hereby approved shall be occupied until the optional requirement for restricted water consumption in Part G of the Building Regulations as demonstrated through the water calculator has been complied with for that dwelling.
- Reason: To improve the sustainability of the dwellings in accordance with policy W DM1 of the Arun Local Plan.
- 76 The developer shall enter into a Section 278 agreement with the local highway authority to enable the proposed footway improvements on the eastern side of Bilsham Road and the tactile paved crossing point between the western and eastern sides to be implemented. These shall be completed prior to the occupation of the 55th dwelling in the approved outline development.
- Reason: In the interests of road safety and accessibility in accordance with policies T SP1 and T DM1 of the Arun Local Plan and the NPPF.
- 77 If residential properties are to be completed and occupied prior to the whole development being finished, a scheme to protect those early occupants from noise and vibration from construction activities should be submitted and approved in writing by the Local Planning Authority.
- Reason: To protect the amenity of local residents in accordance with Policy QE DM1 of the Arun Local Plan.
- 78 No part of the development shall be first occupied until such time as the vehicular accesses and associated visibility splays serving the development has been constructed in accordance with the approved plans.
- Reason: In the interests of road safety and in accordance with policy T SP1 of the Arun Local Plan and the NPPF.
- 79 No development shall be occupied until any disused crossovers and/or accesses no longer required as part of the development, have been permanently removed and reinstated in accordance with plans to be submitted to and approved by the Local Planning Authority in consultation with West Sussex Highways.
- Reason: To ensure that any access points not required to serve the development are permanently removed to avoid risk of inappropriate reopening in the future and also in the interests of road safety in accordance with policy T SP1 of the Arun Local Plan and the NPPF.
- 80 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.
- Reason: To ensure that the proposed development is satisfactorily drained and in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.
- 81 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and

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

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

- 82 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 83 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.
- 84 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.
- 85 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0345 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 86 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to:
- (1) The provision of 33 dwellings as affordable (consisting of 22 affordable rented, 7 First Homes and 4 Intermediate).
- 87 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents which is available to read at <https://beta.southernwater.co.uk/infrastructurecharges>.
- 88 INFORMATIVE: The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

89 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 25/01/22) as available on the Councils website.

90 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance of 40% on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus 40%) between the invert of the entry pipe to the soakaway and the base of the structure. The design must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 40%).

Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design. The applicant is advised to discuss the extent of ground water monitoring with the council's engineers.

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

91 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.

92 INFORMATIVE: A surface water drainage verification condition guidance note is available at <https://www.arun.gov.uk/drainage-planning-consultations>, this clearly sets out our requirements for discharging this condition

93 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information, please contact the Environmental Health Department on 01903 737555. There shall be no burning of any waste or other materials on the site, except in an incinerator.

94 INFORMATIVE: Following approval of details showing the proposed location of all fire hydrant(s) or stored water supply (in accordance with West Sussex Fire and Rescue Service's Guidance Notes) and prior to the first occupation of any dwelling or unit forming part of the proposed new development you are advised to contact West Sussex Fire and Rescue Service (WSFRS) make them aware of all the fire hydrants for the site and their locations. They can then be operated and tested, their location marked up locally and plotted on the water management system and mapping. This information is then available to all fire crews attending the site, essential for locating the nearest fire hydrants available in the vicinity of a fire without delay.

Without this information WSFRS would not be aware of any fire hydrants available on the site and lead to valuable time being spent looking for a water supply to keep the fire appliance supplied with water. Without a supply of water people's lives and properties could be put at undue risk in the event of a fire.

Fire hydrant information is to be sent to either the Planning Officer or directly to the Water and Access Department (WSFRS) at Frs.waterandaccess@westsussex.gov.uk

BACKGROUND PAPERS

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

Y/3/22/OUT - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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