

PLANNING APPLICATION REPORT

REF NO:	Y/124/22/PL
LOCATION:	Barns South of Stakers Farm North End Road Yapton
PROPOSAL:	Erection of 9 No dwellings with associated access, car ports, parking and landscaping. This application may affect the setting of a listed building, may affect the character and appearance of the Main Road/Church Road Conservation Area, 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>The proposal is for 9 dwellings to be accessed from within the adjacent Stakers Farm development (which in turn accesses onto North End Road). Two of the dwellings are FOGs (flat over garage) although in this case they are above car port structures. The rest are two-storey semi-detached or terraced. The overall mix is 6 x 2 beds and 3 x 3 beds. The layout includes a shared surface courtyard.</p> <p>A 5m wide landscaped buffer is shown along the south-eastern boundary. Boundaries will be formed by hedging (front) and fencing (rear). The layout includes a narrow strip of land comprising a farm track which will be redeveloped in part as garden land for properties in the Stakers Farm development and in part as pockets of amenity space. The inclusion of this track in the red edge enables a link to be made between the Dandara and Seaward sites thus allowing for people to move between those two sites and onto destinations elsewhere.</p>
SITE AREA	0.34 hectares
RESIDENTIAL DEVELOPMENT DENSITY	26.5 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	Some trees on the south western edge of the site including along the access track but none are affected by the development.
BOUNDARY TREATMENT	Mixed. The north-western boundary is presently predominantly open save for a small 0.7m high fence in the northern corner. The north-eastern boundary is similarly open. The south-eastern boundary includes a section of 2.1m high flint/stone wall. The south-western boundary includes both wall and fence both approximately 1.1m high.

SITE CHARACTERISTICS

A farm compound comprising two agricultural buildings, part clad in grade 1 asbestos sheets, areas of hardstanding and small areas of grass or overgrown vegetation. The hardstanding areas include fertilizer & water tanks, a fuel station plus areas of open storage/waste. The site is accessed from Stakers Farm to the south (which has an entrance onto North End Road). The site area includes a narrow strip of land comprising a farm track which extends in a north-easterly direction towards agricultural fields.

CHARACTER OF LOCALITY

The site is currently surrounded on three sides by residential developments (currently construction sites) whilst to the south-east are former barn buildings associated with Stakers Farmhouse. These barns are in the Yapton Main Road & Church Road conservation area. Stakers Farmhouse is Grade II Listed whilst the aforementioned barn buildings are curtilage listed.

RELEVANT SITE HISTORY

Y/106/21/PL	Variation of condition 1 imposed under Y/72/20/RES relating to amended plans. This application affects the character & appearance of the Main Road/Church Road Yapton Conservation Area & affects the setting of Listed Buildings.	ApproveConditionally 24-09-21
Y/72/20/RES	Approval of reserved matters following outline approval Y/44/17/OUT for the erection of 70 No. dwellings, public open space, play area, drainage & landscaping. This application affects the character & appearance of the Main Road/Church Road Yapton Conservation Area & affects the setting of Listed Buildings.	App Cond with S106 16-03-21
Y/105/19/PL	Conversion of & alterations to existing barns to create 3 no. dwellings, erection of car barns & stores, a replacement pump house, demolition of barn & associated landscaping & parking - This application may affect the character and appearance of Main Road/Church Road Conservation Area.	ApproveConditionally 30-07-20
Y/106/19/L	Listed building consent for conversion of & alterations to existing barns to create 3 no. dwellings, erection of car barns & stores, a replacement pump house, demolition of barn, associated landscaping & parking.	ApproveConditionally 30-07-20

Y/63/19/RES	Approval of reserved matters following the grant of Y/1/17/OUT for 56 No. dwellings with associated open space & creation of new access. This application affects the character & appearance of the Yapton (Main Road) Conservation Area & affects the setting of listed buildings.	Approve Conditionally 21-02-20
Y/108/14/PD	Prior notification under Class MB for change of use of agricultural building to 2 No. dwellings (Use Class C3)	Objection 12-02-15 Appeal: Dismissed 10-12-15
Y/77/14/PD	Prior notification under Class MB for change of use from agricultural to 2 No. dwellinghouses (Use Class C3)	Objection 03-11-14
Y/77/13/PD	Prior Notification for change of use of agricultural building to Use Class B1 (Business)	No Objection 23-12-13

Y/77/13/PD concerns the southernmost of the two buildings and granted consent for a change from agricultural building to a B1 (Business) use, but the permission was never implemented and Y/77/14/PD & Y/108/14/PD to convert the same building into dwellings were refused and dismissed on appeal. There have been no further planning permissions within the site confines.

Since then, permissions have been granted for significant new residential development on land adjoining the site including 56 dwellings on land at Bonhams Field (being delivered by Seaward Properties) and 70 dwellings on Stakers Farmland (being delivered by Dandara). The three barn buildings adjoining the south-eastern boundary have received planning permission and Listed Building Consent) to convert into dwellings.

REPRESENTATIONS

Yapton Parish Council - will only support the proposal if the following (summarised) points are fully considered:

- Site lies outside the Built-Up Area Boundary but could be perceived as infill.
- Proposal is too dense and fails to reflect the lower density of outlying areas of neighbouring sites.
- The mix is inappropriate as it does not include housing suitable for an aging population such as bungalows.
- The materials must reflect the historic nature of the site especially that of the adjoining flint barn.
- The existing track should be designated to form a green route/public multiuser byway to allow access for children living south of Main Road to Yapton Primary School; and
- The farm track should be used to provide space for biodiversity to benefit the local community.

Six letters of objection and one of no-objection raising the following issues:

- Roads & rail crossings in Yapton are struggling to cope with increased traffic associated with housebuilding.

- Need to ensure footpath, cycle path and Bridleway between the Dandara & Seawards developments not just a footpath.
- Covenants should not be imposed restricting what type of vehicles can be parked here.
- Need easily accessible cycle storage and an active travel package to support new owners.
- Dandara has a bad history when it comes to cladding and fire safety.
- Harm to bats present in the agricultural buildings; and
- Too many houses already built in Yapton.

COMMENTS ON REPRESENTATIONS RECEIVED:

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

- The forthcoming revised Yapton Neighbourhood Development Plan proposes to designate the site as within the Built-Up Area Boundary.
- A condition will be imposed to control materials.
- It has been a longstanding ambition of the council to create a link between the Bonhams and Stakers Farm sites to enable people to walk between Main Road and North End Road as an alternative to using narrow pavements. Connections have already been secured between the Stakers Farm site and Clays Farm, from there into the Redrow site (Land at Street Buildings) and from there onto North End Road further up or onto Maypole Lane. The track between the Seaward and Dandara sites was the missing piece of this route but was separately owned and would have otherwise required the council to agree with the owner to enter into a legal agreement to enable persons to cross the track (and there may then have been the potential for conflict between pedestrians & farm vehicles). However, there was never any proposal to create a route along the length of the track to North End Road and such a proposal would need the agreement of the owner of Stakers Farmhouse to cross their (private) land to the south-east of the application site. Residents of the development can access this link using estate roads and pavements in the wider Dandara site.
- The application showed the rest of the track as open space, and this would have allowed for biodiversity planting but would not be accessible to the community. With the land being shut off between adjacent private gardens, it would likely be a target for 'over the fence' dumping of garden waste or for anti-social behaviour. The applicant was requested to reallocate the land to adjacent gardens.
- The link between the sites had always been intended as a pedestrian route first. No provision was made for cycle access in the adjacent layouts but there would be nothing to prevent people from dismounting whilst crossing the link to then continue on a bicycle within the estate roads either side. The report for Y/72/20/RES (Stakers Farm) stated:

"This was not stated to be a requirement on the outline planning application when access arrangements were considered & agreed. As such, the Council is not now able to request a segregated pathway." and "There was no request in respect of the outline application by WSCC Highways for a bridleway on this site. It is acknowledged the ALP sets out a deficiency in bridleway provision, that ALP policy T SP1 seeks to promote bridleway routes and that the NPPF seeks to improve recreation by adding links to existing rights of way networks including long distance routes for walking, cycling & horse riding. Such a requirement should have been resolved at the outline stage when access was considered (and approved). It would not be possible to refuse the application on basis of no provision for horses."
- The comment about covenants is understood to refer to the fact that there is a covenant on the Dandara site preventing the parking of commercial vehicles with graphics by residents in the

development as has been separately reported to the case officer. This has led to such vehicles being parked on local roads. Covenants are separate to the planning process and the local planning authority has no control over their imposition/enforcement.

- The scheme will provide cycle storage spaces, and this will be enforced through a condition. There is no requirement for a planning application of this scale to provide a Travel Plan and so no potential to require active travel measures.

- The fire safety of building materials is a matter for Building Control.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - no objection subject to a standard pre-commencement condition.

WSCC HIGHWAYS (LHA) - Initially requested more information regarding trip generation rates and this was provided. This shows 5 in the morning peak & 6 in the evening peak hour with a total of approximately 26 outbound & inbound trips daily. WSCC have no concerns with trip rates or movements of large vehicles in the layout and state no objection with no conditions recommended.

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

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 (no conditions recommended) with the following comments:

- The proposals will be screened from the conservation area and Stakers Farmhouse by the inclusion of a planted buffer on the eastern boundary.
- There will be no requirement for on-site play provision, Public Open Space, or an allotment contribution.
- The planting proposals would appear suitable for location & application and are sufficiently detailed; and
- The allocation of the former farm access to gardens would appear appropriate and prevent an inaccessible unusable strip of waste land which could have the potential for rubbish collection and antisocial behaviour.

ADC DRAINAGE ENGINEERS - raise a holding objection pending the provision of winter groundwater monitoring & winter infiltration testing and complete calculations to assess the size of drainage structures required. State that a rough plan should be formed showing where these structures will be provided in the layout. Evidence that no pumping or ground raising would be required. Detailed design of the system can then be left until discharge of conditions. State that standard pre-commencement conditions can be imposed if approving the application.

ADC CONSERVATION OFFICER - the development will result in "less than substantial harm" in accordance with paragraph 202 of the NPPF (2021). Advises it will be necessary to consider the public benefits that the development may achieve as part of the application assessment along with the contents of section 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). Comment as follows:

- Rear elevations will potentially be viewed from in the farmstead and neighbouring road (Conservation Area).
- It is anticipated that there will be more inter-visibility when appreciating the assets as a group, and that the development will be in the field of vision. Therefore, there will be an impact the setting of the Conservation Area and heritage assets.
- The intention is to (re-)instate a green treed boundary to the boundary with the Stakers Farm complex. This is essentially a form of mitigation that will act as a screen between the modern houses and the historic farmstead. It is unfortunate that the development is requiring vegetation to screen it.
- It is not clear who will maintain these trees and if at some point in the future they will be deemed problematic for future occupiers who will wish them to be removed, with the result that the buildings would once again be clearly visible in the setting of the assets.
- It is not clear what will happen to the boundary walling between the site and the Stakers Farmstead and the boundary walling between the site and the neighbouring development to the south (Bonhams Field). This should be retained and enhanced where needed. Likewise, it is not clear what will be used to complete the boundary between the site and the Stakers Farmstead where there has historically been a gateway. Further information is required.

COUNCIL's ARCHAEOLOGIST - no objection and recommend no conditions. State the archaeological evaluation of the general area to the north and west of this site in 2020 revealed a low level of dispersed archaeological activity of marginal significance, whilst the area immediately adjacent to it seemed to have been so disturbed by deep ploughing that nothing of interest survived. This along with the built nature of the site means that there is little archaeological reason to either object or to require any other measures to mitigate its impact.

COUNCIL's ECOLOGIST - no objection subject to securing biodiversity enhancement & mitigation measures. Conditions are requested. Note that the submitted surveys did not identify any roosting bats. The mitigation measures as proposed will conserve & enhance protected species particularly bats, Barn Owls, and other birds.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted except as discussed below:

ADC ENVIRONMENTAL HEALTH - due to the small-scale nature of the proposal and its location within a wider construction site, it is not appropriate to require a Construction Management Plan.

ADC DRAINAGE ENGINEERS - it is appropriate to park the holding objection and recommend conditions as should the applicant not be able to secure an acceptable drainage scheme post-approval, then they would need to re-apply for a different layout to accommodate the required drainage features.

ADC CONSERVATION OFFICER - a condition will be imposed to seek details of alterations to boundaries and new boundary treatments. A condition will state that the south-eastern planted buffer is to be retained in perpetuity. The applicant has confirmed that 4m high semi-mature trees will be planted initially and that these will then continue to grow. These buffer trees are in the gardens of plots 2-5 but the applicant has confirmed they will make sure the new occupiers are aware of the condition requiring their retention.

POLICY CONTEXT

Designations applicable to site:

Outside the Built-Up Area Boundary (BUAB).

Flood Zone 1.

Area of Special Control (Adverts).

Adjoins the Yapton Main Road/Church Road Conservation Area; and

Affects the setting of a Grade II Listed Building.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
HSP1	HSP1 Housing allocation the housing requirement
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
TELDM1	TEL DM1 Telecommunications
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

<u>Yapton neighbourhood plan 2014 Policy BB1</u>	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy H1	Housing requirement
Yapton neighbourhood plan 2014 Policy H3	Dwellings appropriate for the needs of older people
Yapton neighbourhood plan 2014 Policy E8	Conservation Areas
Yapton neighbourhood plan 2014 Policy E11	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy BE2	High speed broadband
Yapton neighbourhood plan 2014 Policy PK1	Parking standards for new residential development

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021
SPD2	Conservation Areas

POLICY COMMENTARY

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

The relevant policies within the Yapton Neighbourhood Development Plan (YNDP) have been considered in the preparation of this report. Yapton are currently working on a revised Plan (YNDP2) and are currently at regulation 17/18 stage such that it is necessary to refer to the emerging policies. The YNDP2 proposes that the site be included within the Built-Up Area Boundary.

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 conflicts with relevant Development Plan policies in that the site is in the countryside. However, it complies in that it would result in a development of an appropriate scale and appearance which is not harmful to the character & appearance of the area, to the setting of nearby heritage assets, the amenities of existing/future residents or the existing road and public footpath network.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states: "In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Section 72(1) of the Act states: "In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The proposal complies with these in that it preserves the character of the conservation area and the setting of the nearby Listed Building by providing a natural green buffer to the shared boundary.

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

There are no other material considerations to be weighed in the balance with the Development Plan other than as set out in the report 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 ALP.

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

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

In January 2022, the council published its Authority Monitoring Report (AMR) for 2020/21 and this shows that the Housing Land Supply (HLS) has decreased from 3.3 years to 2.42 years. This reflects a more rigorous assessment of housing trajectories following recent appeals. 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. Instead, the ALP is to be subject to a formal review, but this is currently on pause. The emerging YNDP2 does not allocate additional housing land (but does amend the BUAB) and instead acknowledges the contribution to housing need made by dwellings which had 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. The

application therefore conflicts 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 and far exceeded through applications permitted since the YNDP was made. Beyond the 20%, the policy states any further housing development will only be permitted if it demonstrate 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. Therefore, the application conflicts 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, and this change will result in the site now being within the BUAB. On this basis, development of the site would be in accordance with the YNDP2.

The NPPF:

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

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

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

Other Material Considerations:

In February 2021, Arun published an Interim Policy Statement for Housing Delivery (IHS). This is not policy but is meant as a guide for developers proposing development on sites outside the BUAB and to inform decisions. The IHS applies to sites adjacent to settlement boundaries and this site meets the criteria as both Stakers Farm to the south-east and Bonhams to the south-west are within the BUAB. The IHS sets out criteria to help speed up determinations of suitable residential developments. The application does not comment on the IHS.

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).

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. The site is on the edge of the Yapton BUAB and is sustainably located. It is possible to walk or cycle to reach nearby facilities, shops & services and there are also bus stops on North End Road. Whilst the private car could be required for longer distances, new residents would not need to rely on a car for local journeys. There is little environmental harm associated with the proposal whilst it will result in social and economic benefits. Overall, the proposal is sustainable development.

Conclusion on Matters of Principle:

The principle of development conflicts with the ALP and the current YNDP. It is material that the council cannot demonstrate an appropriate HLS and that it supports applications on sites adjacent to settlements in sustainable locations. Furthermore, the forthcoming YNDP2 includes the site within the BUAB and once made, the YNDP2 will outweigh the ALP. Due to the HLS position, the application as a whole, falls to be determined by the NPPF presumption in favour of sustainable development.

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 site would be accessed via the Dandara development with vehicles entering or exiting the wider development via the approved access on North End Road north of the Primary School. WSCC Highways raise no objections and have no concerns with the increase in vehicle movements at the access junction. The proposal results in a link between the Seaward and Dandara sites being forged across a former agricultural track north-west of the site. This will allow through movement by pedestrians & cyclists and create an alternative route between Main Road and North End Road. Residents of the new site will be able to access this via the adjoining estate roads. This link gains support from ALP policies T SP1 & T DM1.

The council's Parking Standards SPD set out a need for 18 allocated spaces and 2 visitor spaces and the proposal meets this and exceeds the visitor requirement (5 spaces). A condition will be imposed to prevent the car ports from having doors added at a later date so as to preserve these as parking spaces and not allow them to become garages. YNDP policy PK1 sets out the same standards as in the SPD and there is no conflict with this policy. Cycle storage will be achieved by either storage sheds in rear gardens or racks within the car ports and a condition will be imposed to secure this.

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

HERITAGE:

The south-eastern boundary of the site adjoins with the Yapton Main Road/Church Road Conservation Area and the curtilage of the Grade II Listed Stakers Farmhouse. There are further listed buildings on North End Road, but these all have intervening developments in between.

Relevant Arun Local Plan (ALP) policies are HER SP1 (The Historic Environment), HER DM1 (Listed Buildings) and HER DM3 (Conservation Areas). HER SP1 states that 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. HER DM3 lists criteria for proposals affecting the setting of a Conservation Area and those relevant are:

- (a) New buildings and structures should acknowledge the character of their special environment in their layout, form, scale, detailing, use of materials, enclosure and the spaces created between buildings; and
- (f) It does not harm important views into, out of or within the Conservation Area.

YNDP policy E8 states that development proposals will be required to preserve or enhance the character of Conservation Areas.

It is necessary to consider the guidance in the NPPF which sets out several steps that must be followed when considering impact on heritage assets. 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 heritage assessment which states the degree of any impact will be informed by the green belt of trees and gardens of the new development. It proposes to (re-)instate a green treed boundary with the Stakers Farm complex. This includes trees and the residential gardens, which the heritage statement states will provide a green boundary between the development and the heritage asset. This is a form of mitigation and thus implies that there will be an impact.

The council's conservation officer states that subject to the mitigation offered by the green boundary to Stakers Farm, the proposal will result in less than substantial harm to the heritage assets. The applicant advises that 4m high semi-mature trees will be planted initially and that these will then continue to grow. As such, it is necessary to weigh this harm against the public benefits that the development may achieve which are as follows:

- the sustainable development of 9 homes to help meet local and district wide needs.
- an increase in Council Tax receipts associated with the 70 new homes.
- potential 'New Homes Bonus' payments from the Government*.
- provision of a link between the Seward and Dandara sites enabling an alternative safer route to the use of existing narrow pavements on local roads.
- financial contributions arising from any CIL payments towards local infrastructure.
- the creation/maintenance of construction jobs (albeit not necessarily benefitting local people); and
- additional spending by new residents on goods & services (albeit not necessarily in the local area)

* the New Homes Bonus is a local finance consideration 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.

Whilst there is conflict with the development plan policies in that the proposal will result in some harm to the setting of the conservation area and nearby listed buildings, the public benefits set out above, are of a level that the "less than substantial harm" can be outweighed and that the proposal can be considered in accordance with the NPPF guidance.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority .. shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." Section 72 states: "In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Whilst the setting of such designated heritage assets will be subject to less than substantial harm, it is not considered this harm is significant and can be mitigated through landscaping and outweighed by the strength of the public benefits. It was accepted in *Jones v Mordue* EWCA Civ 1243, 1 W.L.R. 2682 that if the approach in the NPPF paragraphs is followed, then the section 66(1) duty is likely to have been properly performed.

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

The Arun Design Guide (ADG) 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 26.5 dwellings per hectare which whilst higher than the ADG range, is on par with the overall gross density of the adjoining Dandara site (at 26.4). As an objector points out, the density is clearly greater than existing outlying development (i.e., fronting North End Road) but the site will be read as part of the Dandara site, so this is acceptable.

The layout is appropriate to the shape and size of the site and reflects the approved scheme in terms of parking to frontages or in parking courts, use of terraced/semi-detached dwellings and shared surfaces. With the exception of plot 6 (which faces over and provides passive surveillance to a car park), all homes front onto the public realm. A comprehensive landscaping has been provided which proposes greening to plot frontages, to parking areas (including to break up runs of spaces) and areas of general amenity space within the layout. It also includes proposals for the buffer adjoining Stakers Farm to consist of 9 new trees with ornamental shrub planting. A further 21 new trees are shown elsewhere.

The two-storey scale of the scheme is the same as that on the adjacent Dandara site and in part on the Seaward site. The homes will be similar in basic shape and form to those on the adjacent site but with added design features and a different materials palette to bring interest to the elevations. and reflect the transition towards the heritage assets. The materials comprise terracotta coloured brickwork for the walls, occasional flint walls with brick quoins and black boarding. Roofs will be finished in grey roof tiles and windows will have white frames. The design features comprise gabled roofs, dormer windows set into the eaves, timber gabled porches and brick headers. The stated aim is to create a distinct character area, and this is reflected by the design.

The proposal will result in a change to the character of site from farm storage buildings to residential however the loss of the storage buildings is positive whilst the surroundings are all already in residential use such that this area already has a residential character. The scheme is heavy on landscaping to the site edges and within the layout and this 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.

HOUSING MIX & HOMES FOR OLDER PEOPLE:

The Parish Council consider the mix to be inappropriate and they request the provision of bungalows. ALP policy H DM1 sets out parameters for housing mix but states that a balanced mix of dwelling sizes including family sized accommodation based on the most on the most recent SHMA recommendations is only required for developments of 11 dwellings or more. YNDP policy H2 (which is not proposed to be amended by the YNDP2) sets out housing mix parameters only for developments of 15 or more. Therefore, neither policy applies to this proposal and a refusal on grounds of housing mix would not be sustainable.

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 application should provide two no. M4(2) homes. The application does not show this, but a condition will be imposed to ensure that internal modifications are made to 2 of the dwellings to ensure they meet the M4(2) standard.

Arun has an agreed internal policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). This is not adopted policy or a supplementary planning document but is considered to have some weight as a material planning consideration and is supported by references in ALP policies D DM1 & D DM2. However, in this instance it is outweighed by the YNDP policy and in any case has no requirements for developments of less than 10 dwellings.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP 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 ADG sets out 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; and
- Front to Front: min. 16m between habitable rooms of properties facing each other.

The layout is largely compliant save for the distance between the front of plot 2 and the side of plot 1 which is only 7.5m compared to the 14m standard. This distance is only true for half of the front of plot 2 and no windows are proposed in the affected half of the first floor (instead a fake window) or in the side of plot 1. This shortfall is acceptable.

The application includes a drawing showing the interface distances to existing or committed adjacent residential properties. There is a very minor shortfall in respect of the distance between plot 8 and some single storey homes on the Seaward site to the south-west (20.9m vs 21m). There is a shortfall between the front elevation of plot 9 to the rear of the two-storey flatted building on the Dandara site (13.2 vs 21m)

but it is material that there is currently a large agricultural storage building in this part of the site and that its loss has benefits to the apartment building in terms of light and outlook. Trees are proposed in the intervening space between the dwellings to provide screening. There is a further minor issue concerning the proximity of plot 1's side elevation to the rear garden of plot 59 in the Dandara site however, as no windows are proposed in this elevation and as the new building is to the south-east of the garden, there will be no loss of amenity.

The new access and use of the site will result in an increase in activity levels but as already stated the site lies within an area that is currently being developed for residential, and the Dandara site has not yet been completed such that any new residential occupiers have not yet had a chance to be comfortable in their surroundings in order to notice any difference. There is no conflict with 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 application demonstrates all dwellings meet or slightly exceed the required standards.

The ADG 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 layout has been checked and all residential gardens exceed this depth except plots 4 & 5 which have only a very minor shortfall (10.43m). The layout provides the houses with 1.5m deep front gardens except for plot 7 (3m). Plots 1 & 6 have no front space as they are flats above car ports. Plot 6 (flat) has a generous rear garden space but there is no private space allocated to plot 1 which represents a minor conflict with the ADG.

The former access track will be part repurposed to provide additional communal amenity space for the apartment building on the Dandara site and also to provide additional private garden space to plots 30, 31, 32 & 50. Its other areas are shown as par communal amenity space and part landscaping associated with the path link.

POLLUTION & CONTAMINATION:

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. 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 the site is in a residential area and a distance of 62m from North End Road. The council's environmental health officer (EHO) requests consideration of condition to mitigate internal and external noise but has not indicated the justification for such conditions. No such conditions were imposed on the wider Dandara site and so it is not appropriate to impose such conditions here.

ALP policy QE DM2 states outdoor lighting should not have an adverse impact on neighbouring uses or the wider landscape. 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 post approval.

ALP Policy QE DM4 states development will be permitted on land that is contaminated as long as remediation is provided. As this site is a former farmyard with the presence of fuel tanks and asbestos in

the buildings, a condition to secure investigation and remediation is appropriate. The council's EHO has requested standard conditions. Subject to this, there would be no conflict with policy as remediation can be secured.

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 a Phase II Bat Survey & Mitigation Strategy which identified the presence of bat species and barn owls in the vicinity of the site. However, no bat roosts were found in the existing buildings and overall bat foraging/commuting levels were low. One bird perch was found but no nesting sites.

The council's ecologist has no objections subject to conditions to secure biodiversity enhancements and mitigation measures. These measures will include bat bricks in 5 dwellings, 2 no. barn owl boxes in the site and a sensitive lighting scheme. 30 new trees will be planted on the site along with the retention of existing trees, new hedgerow units, wildflower meadow planting, shrub planting, areas of native scrub and rich grassland. These features all demonstrate biodiversity net gain. The proposal is in accordance with the relevant development plan policies.

TELECOMMUNICATIONS:

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

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. Emerging YNDP2 policy H5 supports development which meets the highest possible standards of environmental and energy efficiency.

The application includes a section on sustainability in the Design & Access Statement which states the new houses will be provided with the following:

- Enhanced air tightness standards demonstrating an improvement above the Building Regulations.
- Improved thermal detailing.
- Insulation will exceed Part L of the Building Regulations; and
- Double Glazing.

It is stated consideration will be given to the use of: (a) local materials and suppliers where viable to reduce the transport distances, (b) 'A' rated materials as assessed using the BRE Green Guide to Specification for Buildings wherever possible, (c) timber, the source of which is certified by FSC / PEFC, and (d) insulation materials with zero ozone depletion potential.

A condition will be imposed to seek the detail of these measures. Conditions will also be included to require electric vehicle charge points. On this basis, there would be no conflict with the relevant policies.

SUMMARY & TILTED BALANCE:

The site is located outside of the BUAB as per the Arun Local Plan and current YNDP. As the council's HLS is below 3 years (2.42 years), paragraph 14 of the NPPF does not apply and the application would fall to be determined by the NPPF presumption in favour of sustainable development. This states at 11 (d) (ii) that where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

The proposal represents sustainable development and is in an appropriate edge of settlement location whilst it is material that the YNDP2 proposes that it be reclassified as within the settlement boundary. This report identifies some impact to heritage assets (but this will be mitigated by landscaping) and some minor conflicts with the ADG standards on density, interface distances & private garden space. On the other hand, the proposal will make a meaningful contribution to the HLS shortfall along with other social, economic, and environmental benefits. In particular, it will enable a link to be made between the Dandara and Seaward sites thus providing local people with an alternative route to the use of Main Road/North End Road.

This is an appropriate location for development and benefits from support from the council's Interim Housing Statement. 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 Planning Committee to approve the application subject to conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This site is in Zone 3 and is CIL Liable. However, due to the presence of existing buildings which are currently in use, there is no net increase in floorspace (in fact a deficit of minus 439.2m²) and so no CIL is liable.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

22018-S101 Rev A Location Plan.
 22018-P101 Rev B Proposed Site Layout.
 22018/C101 Rev C Coloured Site Layout.
 22018-P102 Rev B Building Materials layout.
 22018-P103 Rev B Boundary Materials Layout.
 22018-P104 Rev B Land Use Plan.
 22018-P110 Plot 1 Floor Plans & Elevations.
 22018-P111 Plots 2-5 Floor Plans & Elevations.
 22018-P112 Plot 6-7 Floor Plans & Elevations.
 22018-P113 Plot 8-9 Floor Plans & Elevations.
 CB_L_62_301L_1200 Rev B Illustrative Masterplan.
 CB_L_62_301L_1300 Rev C Detailed Landscaping Proposals.
 CB_L_62_301L_1701 Rev C Tree Pit Detail; and
 CB_L_62_301L_1801 Rev C Landscape Specification.

The landscaping details as approved by this condition 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. The proposed mitigation planting along the south-eastern boundary shall be retained in perpetuity.

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

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

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan and the NPPF.

- 4 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Phase II Bat Survey and Mitigation Strategy (Ecosupport, July 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g., an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

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

Any changes to these components, (1) to (4) require the express written consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to occupation of any dwelling or part of the site (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 Plan, 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.

- 6 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.

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.

- 7 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. Design considerations must take full account of the 'Supplementary Requirements for Surface Water Drainage Proposals' produced by Arun District Council and are an overriding factor in terms of requirements. 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.

- 8 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.

- 9 Prior to the commencement of development a detailed level survey of the site including existing and resulting ground levels and the finished floor 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.

- 10 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.

- 11 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 two of the 1, 2 and 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.

- 12 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 visual amenity and the setting of adjacent heritage assets in accordance with policies D DM1, D SP1, HER DM1 & HER DM3 of the Arun Local Plan.

- 13 No development above damp-proof course (DPC) level shall take place until details of all new boundary treatments and any amendments to the 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 the development have been erected or amended. The submission shall include details of proposals in respect of the following existing boundaries:

- the boundary walling between the site and the Stakers Farmstead.
- the boundary walling between the site and the neighbouring development to the south (Bonhams Field); and
- the completion of the boundary between the site and the Stakers Farmstead where there was historically a gateway.

Gaps shall be included at the bottom of proposed new boundary treatments serving dwellings

or on the site boundaries to allow movement of small mammals across the site. The requirements for gaps only relates to new boundary treatments and not to the existing retained walling. The development shall be carried out in accordance with the approved details and the approved boundary changes permanently retained in a useable condition thereafter.

Reason: In the interests of visual amenity, heritage and wildlife connectivity in accordance with policies D DM1, HER DM1, HER DM3 and ENV DM5 of the Arun Local Plan.

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

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

- 15 A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority prior to any development above damp-proof course (DPC) level. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Arun Local Plan policy ENV DM5.

- 16 No dwelling shall be occupied unless and until secure cycle storage sheds or secure storage facilities within car ports to serve that dwelling have been implemented in accordance with the council's Parking Standards SPD (table 2.3, page 10). 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.

- 17 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.

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

- 19 None of the approved houses shall be occupied unless and until the footpath link between the adjacent Stakers Farm and Bonhams Field developments has been provided in a manner that enables a seamless route between these two sites. This link shall thereafter be retained in perpetuity for continued public access.

Reason: To promote sustainable development by encouraging walking and cycling in accordance with policy D DM1 of the Arun Local Plan and the National Planning Policy Framework.

- 20 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. The scheme shall be in accordance with the council's standards as set out in its Parking Standards SPD.

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.

- 21 Prior to the occupation of any part of the development, the applicant or developer shall ensure that infrastructure is implemented to allow for the provision of the highest available headline speed of broadband provision to future occupants of all of the development from a site-wide network provided as part of the initial highway works and in the construction of frontage thresholds to buildings 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.

- 22 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.

- 23 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) there shall be no alterations to any of the approved car ports within the site (plots 1 & 6) unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To maintain an adequate supply of parking spaces within the development in accordance with policy T SP1 of the Arun Local Plan.

- 24 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no roof extensions/roof alterations to plot 9 shall be constructed unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy & amenity of the flatted building on the adjacent Stakers Farm development in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

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

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

Freeboard is to be provided between the base of the infiltration structure and the highest recorded groundwater level identified in that location. Ideally this should be 1 metre where possible, as stated in the CIRIA Suds Manual guidance. However, on the coastal plain in particular, where geology dictates and where shallow perched/tidally influenced water tables are often present, this is unlikely to be achievable irrespective of this, infiltration must still be fully considered. Therefore, to maximise this potential and avoid utilising other less favourable methods of surface water disposal, the bases of infiltration structures are permitted to be immediately above the peak recorded groundwater levels where it is deemed necessary.

In areas where an aquifer is to be protected (subject to guidance from the Environment Agency) then a minimum 1 metre freeboard must be provided. Suitable water treatment is required upstream to the point of discharge in all circumstances to minimise any groundwater pollution risk or detriment to the drainage network. 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. Reference should also be made to the 'West Sussex LLFA Policy for the Management of Surface Water'.

27 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.

28 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.

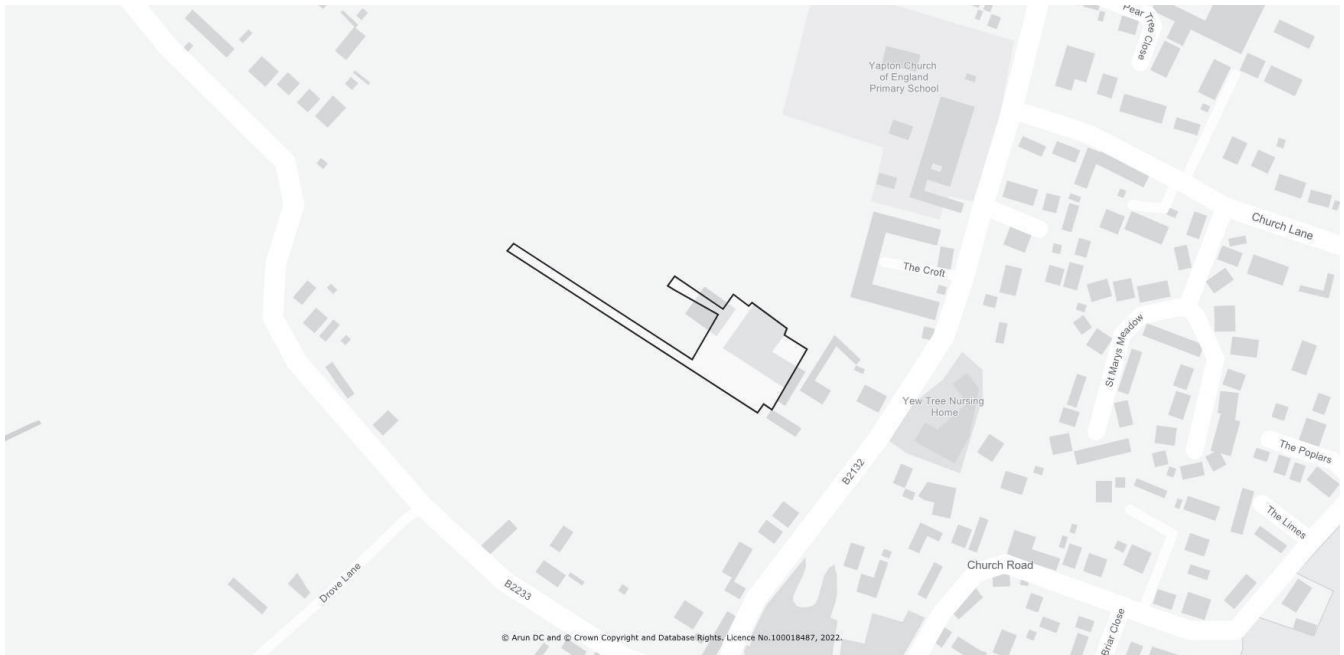
Without this information WSFRS would not be aware of any fire hydrants available on the site and lead to valuable time being spent looking for a water supply to keep the fire appliance supplied with water. Without a supply of water people's lives and properties could be put at undue risk in the event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

29 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.

30 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.

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/124/22/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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