

REF NO: Y/31/23/PL
LOCATION: Land adjacent to Little Meadow
Bilsham Road
Yapton
PROPOSAL: Construction of 6 No new dwellings with new access from Bilsham Road, sustainable drainage and landscaping. This application is a Departure from the Development Plan, may affect the setting of listed buildings and is in CIL Zone 3 and is CIL Liable as new dwellings.

SITE VISIT:

This application was deferred on the 12th of July Meeting to allow Members to undertake a site visit to further consider the application.

The site visit was undertaken on the 25th of July and was attended by the following Members:

Cllr Blanchard-Cooper.
Cllr Ricky Bower.
Cllr Kelly.
Cllr Lury.
Cllr McDougall.
Cllr Partridge.
Cllr Wallsgrove.
Cllr Woodman; and
Cllr Amanda Worne.

With the aid of the application plans, Members carried out an internal inspection of the application site and surveyed its surroundings.

Members raised/highlighted the following concerns:

- Precedent.
- Impacts associated with HGV movements from the industrial units.
- Relationship of Residential to Industrial - noise and highway safety.
- Character and Sustainability.
- Proximity to the Grade II Listed Building.
- Extra Traffic at Comet Corner; and
- Impact on local infrastructure.

OTHER MATTERS:

Members should also note that part of the site is proposed to be allocated by the Gypsy and Traveller and Travelling Showpeople Site Allocations Development Plan Document (Preferred Options) (October 2020) as a future location for a Travellers Showmen yard and/or permanent pitches in the period beyond 2028.

This proposal is not yet part of the development plan and has been objected to by several parties so it cannot yet be afforded significant weight. However, it is nevertheless a site which the council is keen to safeguard. The proposed new access to Bilsham Road cuts through the proposed allocation but this would improve access and hence the deliverability of the proposed allocation. This should have been

referred to in the original report.

PLANNING APPLICATION REPORT

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Bilsham Road
Yapton
BN18 0JY

PROPOSAL: Construction of 6 No new dwellings with new access from Bilsham Road, sustainable drainage and landscaping. This application is a Departure from the Development Plan, may affect the setting of listed buildings and is in CIL Zone 3 and is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>The proposal is for 2 no. 4-bedroom detached and 4 no. 3-bedroom semi-detached 2-storey dwellings on land associated with Little Meadow and located to the rear of existing dwellings along Grevatt's Lane West (GLW) to the south and Bilsham Road to the west.</p> <p>All dwellings vary in terms of their design and materials palette. Plots 1-5 utilise combinations of facing brick and knapped flintwork, with gable roofs constructed using clay tiles and with cream coloured-windows and doors. Plot 6 is markedly different in that its design is more consistent with that of an agricultural barn conversion, with the extensive use of timber cladding, full height glazing and aluminium windows and doors. Each dwelling will have its own access and on-plot parking to the front and side, with lawns to the front and rear.</p> <p>The layout plan indicates bin storage in each individual garden (although there are no elevations of either), cycle storage for plots 2-5, and detached garages for plots 1 and 6. Refuse collection is shown to take place at the kerbside, as per the existing situation within the immediate area.</p> <p>A substantial 'wildlife area' containing a pond and surrounded by trees is shown to the southwest of plot 6.</p>
SITE AREA	0.77 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	8 dwellings per hectare.
TOPOGRAPHY	Predominantly flat, with a slight incline between Bilsham Road and Grevatt's Lane West.
TREES	There are a number of trees located on and adjacent to the

BOUNDARY TREATMENT	<p>site boundaries, including a large group of Leylandii along the western side of the access from Grevatt's Lane West. No trees or hedges are scheduled for removal as part of the proposals.</p> <p>Boundaries mainly comprise closeboard fencing, mature trees and headgerows to the north, south and west, with an open post and rail fence to the east.</p>
SITE CHARACTERISTICS	<p>The site is currently a detached field on land associated with a dwelling known as 'Little Meadow'. It is located to the south of an existing industrial compound, comprising a dwelling ('Oak Trees') three buildings in a mix of light industrial/storage and distribution uses, with hardstanding, storage containers, open storage).</p> <p>The site is bisected by a private drive, which connects the industrial units to Grevatt's Lane West to the south and currently functions as the main access route.</p>
CHARACTER OF LOCALITY	<p>Semi-rural. The surrounding open land is used for agricultural or equestrian purposes. There are dwellings alongside the eastern edge of Bilsham Road and the northern edge of Grevatt's Lane West in a linear arrangement. Some of these border the western and south western edges of the site. There is good screening to the edges of the site with those dwellings in the southwestern corner.</p> <p>Nos. 84 and 85 Bilsham Road (which amongst others adjoin the rectangular piece of land to the south of the industrial units) are designated as Buildings of Character. There are also Grade II Listed Buildings to the west of Little Meadows. The adjoining land to the east has the benefit of a planning permission for a new Crematorium (Y/103/18/PL). To the south, Bilsham Road has a junction with the A259 with this junction known locally as "Comet Corner".</p>

RELEVANT SITE HISTORY

Y/71/21/OUT	<p>Outline application with access for up to 73 No. new dwellings (but retaining Oak Trees & Little Meadow dwellings), 405 sqm of new light industrial buildings as part of an enlarged employment site & Public Open Space. The existing junction of Grevatts Lane West & Bilsham Road will be closed & Grevatts Lane West diverted to a new access point to the South. This application may affect the setting of Grade II Listed Buildings & is a Departure from the Development Plan.</p>	<p>Refused 01-09-21</p>
		<p>Appeal: Dismissed 16-06-22</p>
Y/70/20/OUT	<p>Outline application with access for 81 No. new dwellings including 18 self-build plots (but retaining Oak Trees & Little Meadow dwellings), 3 No. new light industrial</p>	<p>Refused 11-11-20</p>

buildings as part of an enlarged employment site, Public Open Space & a new Village Hall. The existing junction of Grevatts Lane West & Bilsham Road will be closed & Grevatts Lane West diverted to a new access point to the South. This application may affect the setting of Grade II Listed Buildings & is a Departure from the Development Plan.

Y/16/13/

Workshop/Storage Unit Building

Refused
29-05-13

Appeal: Dismissed
20-02-14

The most recent application (ref. Y/71/21/OUT) was refused in September 2021 and subsequently dismissed at appeal in April 2022 (ref. APP/C3810/W/22/3293935).

In this appeal decision, the Inspector stated that the scheme would not result in any significant flood risks, would not have an adverse effect on highway safety and would be located in a sustainable location. Furthermore, the Inspector established that any harm caused through impacts to the significance of the Grade II listed Hobbs Farmhouse and the loss of Grade 2 agricultural land would be outweighed by the benefits of the proposal through the provision of much needed housing.

The Inspector concluded that although the benefits, particularly by way of housing provision would be substantial, the very substantial harm to the character and appearance of the area in this case would not be significantly and demonstrably outweighed by the collective benefits of the scheme. The appeal was therefore dismissed solely on the grounds of very substantial harm to the character and appearance of the area.

REPRESENTATIONS

Yapton Parish Council (YPC) have objected on the following grounds:

- Departure from the development plan, outside the BUAB and contrary to the emerging Yapton Neighbourhood Plan.
- Location is divorced from the main community facilities within the village.
- YPC regard the application as a cynical approach to establish principles for a larger proposal, with proposed infrastructure suitable to support a larger scheme.
- Remoteness makes the site dependent upon linking to public rights of way (PRoWs).
- Ongoing overdevelopment of Yapton.
- Increase in flooding.
- Increase in traffic and impact upon road safety.
- Ecological impacts and potential for mitigation measures such as the wildlife area and pond to be removed by varying conditions.
- Exacerbate increasing pressure on existing infrastructure and services.
- Increase in air pollution during construction and operational phases.
- Impacts upon the setting of designated/non-designated due to inconsistent design and physical impacts as a result of increase in flooding.
- Existing surplus of new dwellings indicates a lack of need.
- Loss of quality agricultural land.

Ten letters of objection have been received from Arun residents from eight separate addresses, citing the

following grounds:

- (1) Outside the Built Up Area boundary and unsustainable location.
- (2) Within the Green Belt.
- (3) Loss of Agricultural Land.
- (4) No evidence of housing need, existing surplus of new dwellings.
- (5) Insufficient local infrastructure (doctors, schools).
- (6) Highway safety concerns due to increased traffic.
- (7) Proposals heavily reliant on footpath links to connect the site to the wider network and surrounding area.
- (8) New visibility splays will result in the loss of existing hedges.
- (9) Noise pollution from existing commercial development.
- (10) Harm to Heritage Assets.
- (11) Increased flooding off-site.
- (12) Concerns with harm to biodiversity and the potential for mitigation measures to be removed from the proposals down the line.
- (13) Concerns with safety & maintenance of water features.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and will be discussed in the conclusions section of the report. Additional comments are offered to the following specific points:

- (2) Arun DC does not have any designated Green Belt.
- (4) Arun DC currently has a 2.4 year housing land supply versus the required 5 year requirement.
- (8) The development would be required to demonstrate biodiversity net gain taking account of all lost habitats.
- (12) Compliance would be ensured through the implementation of pre-commencement conditions, requiring measures to be implemented prior to commencement of the development, where appropriate or necessary.
- (13) These would be secured via a suitably worded condition, as recommended by Drainage Engineers when commenting on the previously refused scheme.

The additional information submitted by the applicant responding to comments from ADC Environmental Health in the form of a letter and updated reports address the concerns raised in relation to noise, air quality and contamination.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

CDC ARCHAEOLOGY ADVISOR - No objection.

SOUTHERN WATER - No objection, subject to informatives regarding connecting to the public sewer, the adoption of SuDS and surface water inundation issues.

WEST SUSSEX FIRE & RESCUE - No objection subject to a condition relating to the location of a new fire hydrant and its installation prior to occupation.

ADC ENVIRONMENTAL HEALTH - Objection on the grounds that the findings of the noise assessment are unrepresentative and its conclusion that windows must be kept closed to meet guideline noise

values. However, the response goes on to recommend a number of planning conditions to address the concerns raised, should planning permission be granted.

ADC ECOLOGY ADVISOR - No objection, subject to conditions to secure biodiversity mitigation and enhancement measures.

WSSC HIGHWAYS - No objection subject to conditions to secure the following:

- Implementation of access arrangements.
- Submission and approval of a Construction Management Plan.
- Submission of cycle parking details.
- Implementation of vehicle parking and turning arrangements.
- Provision of proposed visibility splays.

An informative requiring formal approval to carry out the site access works on the public highway is also requested.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and will be discussed in the conclusions section of this report.

The comments from ADC Environmental Health are not reasons for refusal as these matters can be controlled via the use of planning conditions.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary (BUAB);
Flood Zone 1;
CIL Zone 3;
Area of Special Control of Adverts;
Adjacent the B2132;
Adjacent to two Buildings of Character; and
The Grade II Listed Hobbs Farmhouse is less than 150m from the application site boundary.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of

	Character
LANDM1	LAN DM1 Protection of landscape character
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
WDM3	W DM3 Sustainable Urban Drainage Systems
Yapton neighbourhood plan 2014 Policy BB1	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E1	Protection of high value agricultural land
Yapton neighbourhood plan 2014 Policy E3	Protection of natural habitats
Yapton neighbourhood plan 2014 Policy E5	Enhancement of biodiversity
Yapton neighbourhood plan 2014 Policy E9	Listed Buildings and Buildings or Structures of Character
Yapton neighbourhood plan 2014 Policy E11	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy H1	Housing requirement
Yapton neighbourhood plan 2014 Policy PK1	Parking standards for new residential development

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 of the Made Yapton Neighbourhood Plan (YNP) have been considered within this report. Yapton are currently working on a revised neighbourhood plan (YNP2) and although this is yet to be adopted, the examiner's report has recently been published (10th May 2023). The emerging Plan (YNP2) should therefore be afforded significant weight, specifically in terms of policies E3, E11, H1 and PK1.

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 other material considerations to be weighed in the balance with the Development Plan. Paragraph 11 d) of the NPPF applies in that d) ii is triggered as policy SD SP2 of the ALP is out of date.

CONCLUSIONS

PRINCIPLE

The Arun Local Plan (ALP):

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.

Policy D DM1 sets out 15 aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM2 relates to internal space standards which take guidance from the Nationally Described Space Standards.

Policy T SP1 seeks to ensure that development provides safe access on to the highway network, contributes to highway improvements and promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network.

Policy SO DM1 seeks to steer development away from sites falling within Grades 1, 2 and 3a of the Agricultural Land Classification, other than for agricultural, horticultural or forestry uses, unless the need for the development outweighs the need for its protection.

The Yaptan Neighbourhood Plan (YNP):

The YNP 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 YNP. 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 YNP was made. Beyond the 20%, the policy states any further housing development will only be permitted if it demonstrates 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 YNP2 proposes to modify the BUAB to take account of the permitted sites as of March 2021 which were previously outside the existing defined area, however this will not change the status of the application as countryside. Policy BB1 of the emerging YNP expands upon this to define further exceptions to the presumption against development outside the BUAB, however none of these apply to the current proposals and will therefore not be considered any further.

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.

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.

The Council published its Authority Monitoring Report (AMR) for 2021/22 and this shows the Housing Land Supply (HLS) has marginally decreased from 2.42 years to 2.36 years. On the basis of the current 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 current YNP was made before the Arun Local Plan was adopted and has reduced weight and due to the HLS being below 3 years, does not override the presumption in favour of sustainable development.

Conclusion on Matters of Principle:

The principle of development conflicts with the ALP and the current YNP. It is material that the Council cannot demonstrate an appropriate HLS and that it supports applications on sites adjacent to settlements in sustainable locations. Due to the HLS position, the application as a whole, falls to be determined by the NPPF presumption in favour of sustainable development.

AGRICULTURAL LAND

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

The site is not currently used for agriculture but does share boundaries with existing agricultural land in the wider landscape. The site is shown by the map in the YNP to likely be classified as Grade 2 agricultural land. This 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 doesn't consider the land's current use or intensity of use.

YNP policy E1 states "Planning permission will be refused for development on grade 1 and Grade 2 agricultural land unless: (1) it involves the granting of planning permission for the development of the housing allocations identified in this Plan (Policy SA1 and Policy SA2); or (2) it involves the granting of planning permission for any additional housing sites required by Policy H1 to meet objectively assessed housing needs in the Plan area." The proposal clearly conflicts with this policy.

In allowing an appeal at Clays Farm, Yapton which concerned a refusal of the loss of Grade 2 agricultural land (Y/20/18/OUT), the Inspector noted that although adjacent land was used for the growing of crops, there was no evidence that the site itself would in future be so used. The Inspector stated that whilst this does not in itself justify the loss of the land, it does act to reduce the level of environmental and economic harm that would be caused by its development. The Inspector saw the loss of Grade 2 agricultural land to represent only moderate harm. The Inspector then decided that the economic & social benefits of the proposal including alongside the contribution to the housing land supply shortfall outweighed the moderate harm to the loss of the Grade 2 land. The appeal was therefore allowed. Similarly, in the previous appeal decision for this site (Y/71/21/OUT, appeal ref. APP/C3810/W/22/3293935), the Inspector attributed only limited weight to the loss of approximately 5 hectares of Best and Most Versatile Agricultural Land, given the abundance of Grade 2 land available locally.

Although the proposal conflicts with parts of ALP policy SO DM1 and with YNP policy E1 as a whole, there is a need for this development to boost the Council's severe housing land supply shortfall and as such, the loss of the Grade 2 agricultural land can be outweighed particularly as the land is at the lower end of the agricultural scale and not currently used for agriculture. This follows the approach taken by the appeal Inspector concerning the previous application at this site, as well as at Clays Farm.

TRAFFIC & ROAD SAFETY

ALP policy T DM1 requires new development be located in easy access of established non-car transport modes/routes. ALP policy T SP1 seeks to ensure development accommodates the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements and create safe and secure layouts for traffic, cyclists, and pedestrians. ALP Policy T SP1 requires developments to incorporate appropriate levels of parking in line with current parking standards. The Arun District Council Parking Standards SPD

(January 2020) sets out the parking requirements for residential developments.

Policy PK1 of the adopted YNP sets out standards in terms of the minimum number of off-road parking spaces required for new residential developments. Policy PK1 of the emerging YNP2 builds on this by making reference to WSCC Parking Guidance (updated September 2020) and setting out additional considerations such as permeable surfacing and internal dimensions of garages.

Although the previous application (Y/71/21/PL) was partially refused on highway safety grounds, this was later rescinded by the Council during the subsequent appeal.

The application proposes to close GLW beyond the existing dwellings and includes the provision of a new turning area. A new limb of GLW is then proposed to join Bilsham Road to the southwest and to provide access into the site. The new junction would have a bellmouth design and visibility splays of 2.4m x 100m. Vehicle access to each dwelling is to be from the existing access road via separate vehicle crossovers. The existing access into the industrial site passing Little Meadows is being retained but there would also be industrial access through the residential site. A new pedestrian footpath is also proposed internally along the western side of the existing access road, which connects the site to the existing footway along the western portion of GLW.

WSCC Highways have assessed the proposals and concluded that the scheme would not cause an unacceptable impact on highway safety. The proposed access works would however need to be constructed under a licence obtained by WSCC Highways and built to a specification agreed with them.

The submitted Transport Statement suggests that the proposed development will generate an additional three two-way vehicle movements and WSCC Highways are satisfied that these can be accommodated by the local highway network.

The level of parking has also been assessed by WSCC as being acceptable in line with Arun District Council Parking Standards, with 13 allocated parking spaces per dwelling, which are appropriately sized and allow sufficient space for on-site turning. Each dwelling has also been provided with cycle storage.

On this basis, the proposals comply with Policy T DM1 and T DM1 of the ALP, the adopted Arun District Council Parking Standards Supplementary Planning Document and policy PK1 of the YNP.

HERITAGE

The site is adjacent to two locally listed Buildings of Character (84/85 Bilsham Road). There is the potential for the development to affect the setting of these buildings. There is also a Grade II Listed Building (Hobbs Farmhouse) and further Grade II Listed buildings (within Hobbs Court) formerly part of the curtilage of Hobbs Farmhouse, approximately 150m to the northwest.

Relevant ALP policies are HER SP1 (The Historic Environment), HER DM1 (Listed Buildings) and HER DM2 (Building or Structures of Character). HER SP1 states that development likely to prejudice heritage assets including Non-Designated 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 DM2 only offers protection to the assets themselves - it does not set out any policy relating to setting. YNP policy E9 refers to Listed Buildings but only concerns the loss of such buildings and does not refer to impacts on setting.

Para 194 of the NPPF 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 may be affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal and

decide there is no harm, 'less than substantial harm' or 'substantial harm'. It is then necessary to counterbalance harm with the level of public benefits associated with the proposal (as set out in paras 199-202).

In respect of non-designated heritage assets (84 and 85 Bilsham Road), para 203 states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

In the previous appeal decision for this site (ref. APP/C3810/W/22/3293935), the Inspector established that although there would be no intervisibility between the listed group at Hobbs Farmhouse and the proposed development, it would nevertheless erode the wider rural setting of these assets. Furthermore, as part of the significance of the asset is derived from its origins as a rural farmhouse the erosion of the wider setting would also impact on this significance, although this would be relatively limited.

Having regard to the extent of harm and the significance of the asset, this was seen to amount to "less than substantial harm" as set out in Paragraph 202 of the NPPF. Where this is the case, the NPPF directs that it should be weighed against the public benefits of the proposal.

The development would provide 6 new dwellings in an area with an acute deficit of housing and whilst great weight was attributed to the loss of significance to designated heritage assets, the Inspector concluded that greater weight should be attributed to the provision of housing. Whilst the benefits associated with the provision of 6 new dwellings would be less significant than those associated with the previous scheme (Y/71/21/OUT) for up to 73 dwellings, the impacts associated with the current scheme upon the significance of designated heritage assets is proportionately less significant.

In line with the approach taken by the Inspector concerning the previous application at this site, the impact on designated heritage assets does not therefore, on its own, provide a clear reason for refusing the application and paragraph 11d(i) of the Framework is not engaged.

In terms of 84 and 85 Bilsham Road, the Inspector stated that whilst the proposed development would lead to a loss of open countryside to the rear of the building, their domestic scale and relatively small curtilages means the open land to their rear does not make an obvious contribution to their setting. As such, the Inspector concluded that the proposed development would have a neutral impact on the significance of these assets and would not conflict with guidance in the NPPF.

The benefits of the scheme therefore, overcome the less than substantial harm caused, in accordance with the NPPF. In respect of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, whilst the setting of the Listed Buildings will be harmed, this can be outweighed by the strength of the public benefits.

The proposal also complies with ALP policies HER SP1 and HER DM1. However, local character is partly defined by the heritage assets and harm to this is considered separately.

VISUAL AMENITY AND CHARACTER

ALP policy D DM1 requires development to make the best possible use of land by reflecting or improving on the character of the site and the surrounding area. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. New housing should make efficient use of land while providing a mix of dwelling types and maintaining character & local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality.

ALP Policy D SP1 requires development to make efficient use of land and reflect local character. Meanwhile, LAN DM1 states that development should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas. There are no relevant YNP policies.

The National Design Guide (NDG) and Arun Design Guide (ADG) are also material considerations in the determination of this application. Both documents require good design through layout reinforced by appropriate form and scale of buildings, their appearance, landscape, materials, and their detailing.

The ADG requires developments to respond to the existing scale and massing of the surrounding built environment and suggests a density of 5-10 dwellings per hectare (dph) for detached/semi-detached houses in rural locations. The density should also 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 previous application (Y/71/21/OUT) was for up to 73 dwellings in outline and whilst the overall proposed density was only 13 dwellings per hectare dph, this figure was skewed by the inclusion of open space, allotments and industrial areas as part of the wider scheme. The existing 9 dwellings on the corner of Bilsham Road & GLW have a collective density of approximately 16 dph. The proposed development has a density of 7.8 dph and is therefore consistent with the ADG in this regard.

The area is characterised by semi-rural, low-density development, partly derived from a number of Listed and locally listed buildings, surrounded by countryside/agricultural land with small clusters of development that follow the road pattern. Plots 1-5 are largely enclosed by existing development to the north, south and west. The layout of the proposed dwellings is also varied, with interface distances and differing positions within each plot, which complements the relatively organic forms of neighbouring development. Although plot 6 is less enclosed, it is still relatively well contained and views of the single dwelling would be limited to viewpoints to the south and southeast, against a backdrop of an existing industrial area rather than one of open countryside.

The proposed materials comprise combinations of facing brick and knapped flintwork, with clay tiled roofs. Windows and doors would be of a cream-coloured finish and whilst no material has been specified, other elements such as barge boards, fascias and soffits are shown to be uPVC. Overall, the proposed materials are consistent with those found elsewhere within the surrounding area and will serve to further reduce its visual impact by lending the buildings the appearance of agricultural buildings consistent with a rural setting, rather than that of residential dwellings. The development therefore accords with the ADG chapter G.03 Layout & Plot Size, in that the layout follows the grain of development of the surrounding area.

The proposal is therefore consistent with policies D SP1, D DM1 and LAN DM1 of the ALP and the relevant chapters of the ADG.

RESIDENTIAL AMENITY

ALP policy D DM1 indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. None of the YNP policies specifically refer to residential amenity issues. However, one of the 'core planning principles' of the National Planning Policy Framework (NPPF) is to always seek to secure a high standard of amenity for all existing and future users (paragraph 130).

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 garden depths and interface distances between houses.

There will be minimum interface distances of 57m between the rear elevations of plot 1 and No. 85 Bilsham Road to the west and 34m between the side elevation of plot 1 and the rear elevation of Bilsham Cottage to the south. The ADG sets out minimum separation distances of 21m from rear elevation to rear elevation and 14m from rear elevation to side elevation, which are comfortably achieved in all cases. Furthermore, owing to the location of the proposed dwellings and the interface distances involved, neighbouring properties will not experience any detrimental loss of light.

The proposed dwellings all have gardens comfortably in excess of 10.5 metres, which accords with the ADG chapter H.04 Residential Outdoor Amenity and External Space Standards. The internal space standards (Nationally Described Space Standards) also require each dwelling to be a minimum of 138 sqm and this is achieved in every case.

The proposed access road into the site will pass to the east of Bilsham Cottage, however this is similar to the line of the existing access and the drawings show a substantial buffer to the existing houses, with the existing line of established Leylandii retained. The retention of existing landscaping will serve to mitigate any potential noise from vehicles.

The proposals therefore comply with policies D DM1 and QE SP1 of the ALP and the relevant chapters of the ADG.

NOISE AND AIR QUALITY

ALP policy QE DM1 states that noise sensitive development should not normally be permitted where there is a likelihood of complaints about noise from industrial development.

The existing industrial site to the north of the application site has three units in a mix of B1(c) (light industrial) and B8 (storage or distribution) uses. It has restrictions on operating and delivery hours (07:30 to 19:00 Monday to Friday & 07:30 to 12:00 on Saturdays with no opening on Sundays or Bank Holidays) plus a restriction on open storage.

Although the proposal would introduce new pollution sensitive development close to industrial buildings, the submitted Noise Assessment advises that noise levels from existing operations within the industrial site do not exceed the relevant guidance levels and that predicted noise levels can be achieved across the proposed development through the implementation of appropriate mitigation measures.

ADC Environmental Health have objected on the grounds that the findings of the noise assessment are unrepresentative and its conclusion that windows must be kept closed to meet guideline noise values is not a reasonable mitigation measure. However, the response goes on to recommend planning conditions to address the concerns raised, should planning permission be granted. Concerns are also raised regarding the submitted air quality assessment and recommendations made in order to address these, including updates to Section 4.2 of the report, the inclusion of an assessment of PM2.5, a note that Table 5.4 is to be added to the conditioned requirement for a Construction Management Plan and appropriate reference to odour within the report.

The agent has responded stating that the Noise Assessment is based on the worst-case noise emissions from the commercial estate and with the proposed acoustic barrier, the rating level is already predicted to be 2dB below background noise level at the nearest residential receptor. Furthermore, noise was not raised as an issue as part of the previous application (Y/71/21/OUT) or appeal (ref. APP/C3810/W/22/3293935) and the Inspector was satisfied that the proposal would not give rise to harm in this regard. As such, it is considered that any potential noise-related impacts arising from the proposed development can be appropriately controlled via the conditions proposed by Environmental Health.

The amendments recommended by Environmental Health have also been made to the Planning Stage

Air Quality Assessment.

As such, the proposal is acceptable in relation to noise and therefore complies with policy QE DM1 of the ALP.

BIODIVERSITY AND TREES

ALP policy ENV SP1 confirms that Arun District Council will encourage and promote the preservation, restoration and enhancement of biodiversity and the natural environment through the development process and particularly through policies for the protection of both designated and non-designated sites. Where possible it shall also promote the creation of new areas for habitats and species. Policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site.

YNP policy E3 seeks to prevent loss of natural habitat. Whereas policy E5 of the adopted YNP only makes reference to biodiversity enhancements relating to drainage systems and mitigation, it should be noted that policy E5 of the emerging YNP2 requires that development proposals also demonstrate a biodiversity 'net gain' for the Parish.

The application is accompanied by an "Extended Phase 1 Ecological Assessment & Phase 2 Surveys" Report. This has been reviewed by the Council's ecological advisor, who raises no objections subject to conditions to protect certain species and provide new habitat alongside other biodiversity enhancements. Similarly, the submitted Arboricultural Implications Assessment and Method Statement also states that no trees or hedges are scheduled for removal as part of the proposals.

The Council's Ecological Advisor has recommended that the implementation of the proposed biodiversity mitigation and enhancement measures be secured via suitable conditions as part of any consent. On that basis, the application complies with the requirements of policies ENV SP1 and ENV DM5 of the ALP and policy E5 of the YNP.

FLOODING & SURFACE WATER DRAINAGE

The submitted Flood Risk Assessment shows that the site is located entirely within Flood Zone 1, with low probability of flooding. Although the previous application (Y/71/21/PL) was partially refused on flood risk grounds, this was specifically in relation to development on the portion of the site south of GLW, which no longer forms part of the proposals.

With regard to surface water drainage, ALP policy W DM3 and YNP policy E5 require new development make appropriate provision for accommodating the surface water arising from the development including through the use of sustainable urban drainage systems (SuDS). Policy E11 of the emerging YNP2 also requires new developments to incorporate SuDS where it is appropriate to do so. The applicant has supplied a Sustainable Drainage Assessment and whilst ADC Drainage are yet to comment on the application. However, following the determination of the previous refusal the SuDS scheme proposed within this application meets the requirements of these policies.

The proposed development of the site is therefore appropriate in sustainable drainage terms, in accordance with policies W DM3 and ECC SP1 of the ALP and YNP policy E5.

ENERGY AND CLIMATE CHANGE

ALP policy ECC SP2 requires that all new residential and commercial development be energy efficient and incorporate decentralised, renewable and low carbon energy supply systems. ECC SP1 requires that new development be designed to adapt to impacts arising from climate change.

Whilst no details of energy efficient or low carbon measures have been provided as part of the application, these can be secured via appropriate planning conditions.

SUMMARY

The site is located outside of the BUAB as per the ALP and current YNP. As the Council's HLS is below 3 years (2.36 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. This report identifies some impact to heritage assets (but this will be mitigated by landscaping) and in terms of a loss of Grade 2 agricultural land. On the other hand, the proposal will make a meaningful contribution to the HLS shortfall along with other social, economic, and environmental benefits.

As such, the impacts identified do not significantly and demonstrably outweigh the benefits and there is no conflict with other policies within the NPPF.

The recommendation is 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 is a CIL Liable development. It is in Zone 3 and a CIL amount of £118,934.78 would be payable unless the applicant applies for exemption subject to the requirements of the CIL Regulation 2010 (as amended). A 25% proportion of this amount (£29,733.70) would go to the Parish Council.

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

L01 Rev F Location Plan
 01 Rev C Site Layout Plan
 02 Plot 1 Floor Plans, Elevations, Site Plan
 03 Plots 2 & 3 Floor Plans, Elevations, Roof Plan
 04 Plots 4 & 5 Floor Plans, Elevations, Roof Plan
 05 Rev A Plot 6 Floor Plans, Elevations, Roof Plan
 06 Plot 1 Garage Floor Plans, Elevations, Roof Plan
 07 Plot 6 Garage Floor Plans, Elevations, Roof Plan
 08 Site Elevations
 ITB17438-GA-006 Rev C Site Access Arrangements
 Planning Design and Access Statement and Affordable Housing Statement (Nova Planning)
 Flood Risk Assessment (GeoSmart)
 Sustainable Drainage Assessment (GeoSmart)
 Extended Phase 1 Ecological Assessment and Phase 2 Surveys (Phillips Ecology)
 Transport Statement (i-Transport)
 Arboricultural Implications Assessment and Method Statement (eco-urban Arboricultural)
 Planning Stage Air Quality Assessment (Anderson Acoustics)
 Planning Noise Assessment (Anderson Acoustics)

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 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 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.

- 4 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Extended Phase 1 Ecological Assessment and Phase 2 Surveys (Phillips Ecology, March 2023) 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 Local Planning Authority 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 No development shall take place (including any demolition, ground works, site clearance) until a Biodiversity Method Statement for protected and Priority species (reptiles) has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the following:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To conserve protected and Priority species and allow the Local Planning Authority 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 s17 Crime & Disorder Act 1998 and policy ENV DM5 of the Arun Local Plan. This has to be a pre-commencement condition because This is required to be a pre-commencement condition as otherwise there would be a risk of harm to protected species and their habitats.

6 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:-

- a) An indicative programme for carrying out of the works;
- b) Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- c) 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);
- d) Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- e) The parking of vehicles of site operatives and visitors;
- f) Loading and unloading of plant and materials, including permitted times for deliveries;

- g) Storage of plant and materials used in constructing the development;
- h) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- i) The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders);
- j) Measures to control the emission of dust and dirt during construction;
- k) A scheme for recycling / disposing of waste resulting from demolition and construction works i.e. no burning permitted.

Reason: To protect the amenity of local residents in accordance with policy QE SP1 of the Arun Local Plan. 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.

- 7 Prior to any works above damp-proof course (DPC) level, a Biodiversity Enhancement Strategy for protected and Priority species prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:

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

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

Reason: To enhance protected and Priority species & habitats and allow the Local Planning Authority 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.

- 8 Prior to occupation, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

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

- 9 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.

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. 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.

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

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

- 12 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. This condition is necessary 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.

- 13 No development above damp-proof course (DPC) level shall take place unless and until details of the proposed location of one fire hydrant or stored water supply (in accordance with the West Sussex Fire and Rescue Guidance Notes) has 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.

- 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 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 (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.

- 16 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on drawing ITB17438-GA-006 Rev C "Site Access Arrangements".

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

- 17 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

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

- 18 No part of the development shall be first occupied until visibility splays of 2.4 metres by 100 metres have been provided at the proposed site vehicular access onto Bilsham Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

- 19 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.

- 20 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.

- 21 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.

- 22 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.

- 23 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'.

- 24 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council land.drainage@arun.gov.uk), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.

The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.

- 25 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.

- 26 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.

- 27 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

- 28 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.

- 29 **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.

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/31/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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