

PLANNING APPLICATION REPORT

REF NO: Y/52/23/PL

LOCATION: Land West of Bilsham Road
Yapton
BN18 0LA

PROPOSAL: Full Planning Application for the erection of 170 residential dwellings; with access and parking, the provision of open space, play space and ecology areas with associated vehicular and pedestrian access, attenuation ponds and landscaping and associated works. This application is a Departure from the Development plan and affects a Public Right of Way.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application seeks 170 homes consisting of detached, semi-detached, and short terraced dwellings. These will predominantly be two storeys (16 will be three storeys). Unlike the previous application, no apartments are proposed. The mix consists of 70 x 2 bed, 84 x 3 bed & 16 x 4 bed. 51 homes will be affordable (32 x 2 bed, 17 x 3 bed & 2 x 4 bed). All but 8 of the homes will be M4(2) compliant with the 8 (plots 01, 02, 15, 16, 104, 105, 155 & 156) being M4(3) (disabled suitable).

Parking provision is in the form of open air parking spaces (no garages or car ports are proposed). The scheme includes 16 accessible parking spaces allocated to the M4(3) homes and 10 accessible visitor spaces across the site. Cycles will be stored in sheds in the curtilage of dwellings. No elevations are provided of these so a condition will be imposed. The design of the dwellings has been driven by the applicant's approach to development which uses Modern Methods of Construction to provide modular housing.

The access will be 30m north of Taylors Close. It will be a 6m wide bellmouth arrangement with 10m junction radii to enable a car to pass an HGV or refuse vehicle. There will be visibility splays of 2.4m by 64.9m to the north and 2.4m by 61.3m to the south. It is proposed to provide 2m wide footway between the new access and existing footway and bus stop along the B2132 Bilsham Road to the north. The adjacent strategic development is proposing to provide a footway southward towards the bus stops. Once implemented, there would be a continuous pedestrian route on the western side of Bilsham Road towards the village centre from the new site access. New tactile paved crossing points will be provided immediately north and south of the access.

An internal pedestrian link is to be provided through the site from the entrance which will then exit onto Bilsham Road to the south at a point opposite the allotment access/start of public footpath 144. The footpath exit will have 59m visibility splays in either direction. Off-site works would be secured under a s278 agreement enforced through a condition.

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

Boundary treatments are a mix of 1.8m high timber close boarded fencing, 1.8m high brick walls, 1.6m metal garden fence, 1.5m timber fence with trellis & mid-level hedgerow, and 1.2m timber post and rail fencing. The boundary treatment plans include kissing gates at the rear of plots 146-152. Materials are to be a mix of light red, dark red, brown-grey, and charcoal bricks with different entrance panel colours. Roofs will be natural slate. Due to the modular construction, the house types are similar in design, but the roofs and materials will add some variation.

The layout will comprise of three different character areas ("Community Park", "Green Avenue", "Meadow Views") which have their own key features, dwelling mix, and landscape treatments. Street trees and other landscaping are indicated. The layout shows a substation, a pump house, Public Open Space (POS), play areas, a fruit orchard, a grow zone, drainage features and two potential pedestrian links into the strategic site to the North. Buffer planting to the southern and eastern boundaries will be in the region of 7.5m to 10m wide.

SITE AREA	10 hectares (ha)
RESIDENTIAL DEVELOPMENT DENSITY	The gross density of the site is 17 dwellings per hectare (dph). This rises to 29dph based on 5.8ha of developable space.
TOPOGRAPHY	The submission indicates a high point on the northern boundary with levels falling predominantly south-west towards the watercourse along the western boundary.
TREES	65 trees and several hedges in the eastern, southern and part northern boundaries but none are to be removed.
BOUNDARY TREATMENT	<ul style="list-style-type: none">- Part 2m heras fencing with some 1.3m high post and rail along the northern boundary.- Part Ryebank Rife with some scrub vegetation & small trees on western/southern boundaries; and- Part hedge (including brambles) with some sections of 0.8m high post & wire and 1.3m high post & rail fencing along the eastern boundary.

SITE CHARACTERISTICS	The site is adjacent to the edge of the settlement (as extended by the adjacent strategic allocation) and consists of a large agricultural field. There is an open field access from Bilsham Road opposite to Taylors Close.
CHARACTER OF LOCALITY	The character is mixed between built up and semi-rural. Reserved matters permission has been approved for 250 dwellings to the north/northwest and there are dwellings and allotments to the east. To the west and south are further open agricultural fields with the hamlet of Bilsham distant to the south. Dwellings along Bilsham Road are mixed in design and there is no clear character.

RELEVANT SITE HISTORY

Y/3/22/OUT	Hybrid Application comprising of Full application for Phase 1 for 30 No residential dwellings, new access from Bilsham Road, public open space, landscaping, sustainable urban drainage and associated works; and Outline planning application for further phases of up to 110 No dwellings and associated infrastructure (with all matters reserved). This application is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwellings.	App Cond with S106 09-01-23
Y/127/21/RES	Approval of reserved matters (appearance, landscaping, layout and scale) following the grant of Y/91/17/OUT for 250 No dwellings with associated parking, road/footway/cycleway provision, open space, landscaping, surface water attenuation & ancillary works (resubmission following Y/152/20/RES). This site is not CIL Liable as in Yapton Strategic Site.	ApproveConditionally 29-04-22
Y/116/21/ESO	Screening opinion request for proposed hybrid application for 200 dwellings (Phase 1 approximately 30 dwellings in detail) with access roads, pedestrian paths, open space, landscaping and sustainable urban drainage.	ES Not Required 24-08-21
Y/71/21/OUT	Outline application with access for up to 73 No. new dwellings (but retaining Oak Trees & Little Meadow dwellings), 405 sqm of new light industrial buildings as part of an enlarged employment site & Public Open Space. The existing junction of Grevatts Lane West & Bilsham Road will be closed & Grevatts Lane West diverted to a new access point to the South. This	Refused 01-09-21

application may affect the setting of Grade II Listed Buildings & is a Departure from the Development Plan.

Appeal: Dismissed
16-06-22

Y/3/22/OUT was a hybrid application which allowed full permission for 30 dwellings on the site with outline permission for a further 110. No part of this has been implemented. Y/116/21/ESO was a request for an Environmental Impact Assessment (EIA) Screening Opinion for up to 200 dwellings and the Local Planning Authority confirmed in August 2021 that an EIA would not be required.

Y/127/21/RES is referred to as it represents the approval of detailed matters on the adjacent strategic site to the North. Y/71/21/OUT is referred to as it concerns a site approximately 254m (as the crow flies) to the south which was dismissed on appeal in June 2022. The appeal decision was on the basis of substantial harm to the rural character and appearance of the countryside given the location in a hamlet divorced from the settlement of Yapton. This application is materially different to the appeal site given it adjoins the built-up area boundary.

REPRESENTATIONS

Yapton Parish Council (YPC) provided a 4-page objection letter available to view on the website but in summary, their main points were:

- Departure from ALP, YNDP and emerging YNDP2.
- Although there was a public exhibition, YPC were not consulted until after the submission.
- Lack of integration & connectivity with the adjacent strategic allocation.
- Yapton has contributed some 1,065 additional dwellings and has made a significant contribution to the Housing Land Supply shortfall.
- The extra 60 units are not needed and do not result in any social or environmental benefits.
- The additional housing erodes 50% of the net biodiversity gain of the former scheme.
- Erosion of the rural character of this part of the village.
- Harm to the historic identity of the cluster of buildings known as Bilsham to the south.
- Increased pressure on schools and facilities for older children.
- Need condition to prevent occupation until the A27/Yapton Lane right turn lane mitigation is complete.
- Need condition to secure link to the adjacent strategic site.
- Insufficient foul sewerage and local water supplies.
- Need more detailed assessment of drainage impact on the Rife and Bilsham Manor.
- Inappropriate materials.
- Clustering of affordable housing.
- Lack of bungalows.
- Less open space than before; and
- Inadequate landscaping for a rural edge.

Middleton Parish Council objected for the following reasons:

- Overdevelopment.
- Additional traffic on A259; and
- Village infrastructure (sewerage) lack of capacity.

As of 23 October 2023, 291 letters of objection raising the following concerns:

- Departure from the development plan. Conflicts with the new Yapton Neighbourhood Plan.
- No decision should be made until after the Neighbourhood Plan is made.

- Loss of countryside.
- Loss of agricultural land.
- Middleton and the Waitrose site in Littlehampton should be built in/on.
- Yapton needs a train station.
- Yapton is not a sustainable location.
- It is not acceptable to approve just because a refusal would be lost at appeal.
- This application is a material change to the approved Outline and so should not be allowed.
- The change in applicant is contrary to the agreed s106 legal agreement - need new agreement.
- The last application was rejected.
- Harm to character of Yapton.
- Harm to heritage assets including the Bilsham Area of Character.
- Three storey development not in character.
- The design of the homes is inappropriate and out of character.
- Cramming of extra houses into the same space.
- Inappropriate density.
- Open space should front Bilsham Road and not be spread around the site.
- Link is shown to the fields to the west suggesting future development.
- Need a site visit.
- Harm to privacy of homes on Bilsham Road.
- Houses should be set back from Bilsham Road.
- Constant housebuilding is damaging the community.
- Harm to quality of life & mental health of residents.
- No affordable housing provision.
- Segregation of affordable housing.
- Not affordable.
- No consideration for needs of the disabled.
- No consideration for homes for older people.
- Inadequate infrastructure/facilities/road capacity to support extra 140 new homes.
- Foul sewers are already bursting and discharging into the Sea.
- S106 and CIL monies need to be spent now.
- Increase in surface water runoff.
- Loss of floodplain/high risk flood area.
- Noise and dust from construction.
- Comet Corner is unsafe whilst Bilsham Road up to it is a standstill.
- Impacts of the delivery of homes to the site.
- Inadequate Travel Plan.
- Unsafe access due to other accesses and bus stops.
- Loss of a public right of way.
- No provision for pedestrians.
- Inadequate parking.
- Not enough parking for shops in Yapton to cater for increased population.
- Green credentials are questionable - use of timber leads to deforestation, electricity is as expensive as gas, Air Source Heat Pumps can be ineffective, timber preservation processes use chemicals (bricks and concrete are less polluting).
- Green credentials are outweighed by emissions from cars.
- Light and air pollution.
- Are ground conditions suitable?
- Need an archaeology condition.
- Insufficient new soft landscaping.
- Harm to views of the South Downs from southern Yapton.
- Displacement of wildlife including bees, birds, badgers, deer, foxes, hedgehogs, slow worms, cats.
- Need hedgehog holes through fencing.

- Additional management costs for occupiers.
- New Buildings Regulations rules on insulation will increase costs to homeowners.
- Why is WSCC stated to be a landowner.
- Not possible to demonstrate biodiversity net gain with the loss of a natural field.
- Need updated street scene drawings.
- Back-to-back housing is not appropriate.
- The development needs a shop, so people do not have to carry heavy bags from the village centre.
- Need details of fencing and landscaping.
- Inappropriate housing mix.
- Recent data from WSCC shows housing commitments in Arun of 6,469 homes and deliverable housing commitments of 4,069 so it is questioned whether Arun has or has not a 5-year HLS.
- Need assurances that the school transport contribution will be secured.
- It is not appropriate to use 30 dwellings as the basis for the school transport contribution.
- Contrary to the applicant's submission, WSCC/ADC have worked hard to deliver a new secondary school.
- Estate agent data suggests no need for new housing in Yapton and the lack of sufficient secondary school provision will discourage new residents.

In addition, 1 letter of support on the grounds of new community space.

COMMENTS ON REPRESENTATIONS RECEIVED:

In response to part of the YPC objection, additional information has been provided to detail options for play space to accommodate young adults. This includes 'parkour' facilities and well-designed, covered seating areas following the design objectives defined by the charity, Make Space for Girls, to create an inclusive play environment for all. YPC provided a further response (12/09/23) stating that despite the applicant partially revising some elements of the scheme, their objection remains unchanged.

The majority of the objections are discussed in the conclusions with the exception of the following:

- The layout shows two potential pedestrian accesses into the adjacent strategic site.
- The extra 60 units are needed in the context of the wider Housing Land Supply (HLS) shortfall and will deliver benefits to the district as a whole.
- The scheme proposes Public Open Space (POS) in the region of 4.24ha which is a significant increase on the 2.97ha amount of the previous scheme.
- The application will be decided after the new Yapton Neighbourhood Development Plan (YNDP2) has been made.
- The site area is larger than the previous application (10ha vs 7.9ha) so it is untrue to say that the extra houses are to be in the same space.
- The gross density is 17 dwellings per hectare (dph) which is in the range set by the Arun Design Guide and lower than the previous permission (17.5dph).
- The application is not silent on affordable housing with a policy compliant 51 affordable homes being provided. This includes affordable rented accommodation.
- The site is not in a designated high risk flood zone. The effect of the proposal will be to implement a surface water drainage scheme that ensures that excess water is drained from the site either to ground or discharged at a controlled rate to local watercourses thus minimising the risk of on or off-site flooding.
- The impacts of construction will be managed through a construction management plan.
- WSCC Highways raise no concerns with the submitted Travel Plan.
- The access has been accepted as safe for up to 140 homes and Highways raise no objection to the additional 30 homes.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ACTIVE TRAVEL ENGLAND - no comment and refer to their standard guidance.

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

NATIONAL HIGHWAYS - no objection subject to conditions regarding construction management and no occupation until the proposed A27 Yapton Lane right turn improvements have been carried out.

SOUTHERN WATER - no objection subject to a condition and informative. They will endeavour to provide network reinforcement (i.e., sewer improvements) in 24 months of the planning consent being granted although this period may be extended.

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

WSCC HIGHWAYS - no objection subject to conditions to secure the access, a construction management plan, a final Travel Plan and a s278 agreement concerning the off-site highway works. Request a contribution towards Comet Corner improvements. State:

- New footpaths to the North (along Bilsham Road) and south (to allow access to footpath 144) are positive.
- The site is capable of being accessed by bus, cycle and by foot.
- The site access can safely accommodate the additional 30 dwellings.
- No concerns with the submitted Road Safety Audit; and
- No concerns with the site layout or the parking provision.

WSCC DRAINAGE - objection based on inadequate information to meet current drainage policy.

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

WSCC EDUCATION - objection due to it not being possible to expand secondary school provision for pupils arising from the development, and the lack of an allocated or secured site for a new secondary school. Until such time the secondary school has been built & opened, would require a contribution towards home to school transport in order to enable pupils to access schools outside the district.

ADC ENVIRONMENTAL HEALTH - no objection subject to conditions re unexpected contamination, noise assessment, construction management plan, construction hours, lighting, and removal of any potential asbestos.

ADC LANDSCAPE OFFICER - no objection subject to further details of landscaping being secured through a condition. However, do comment that the green infrastructure provision and the play offer for older children/teenagers needs to be improved. State:

- The Landscape and Visual Impact Assessment (LVIA) concludes the proposals would have a very slight adverse effect on the surrounding landscape character; and significant effects on visual amenity would be restricted to short to medium term effects from viewpoints located in close proximity to the site in particular those from footpaths 156 and 148 outside the site.

- There is a requirement for 14,025m² of usable POS provision excluding any Sustainable Urban Drainage Systems (SuDS).
- This development will trigger the requirement for play in the form of onsite LAP and LEAP/NEAP provision. Provision for older children/young adults is required as is more detail on the play proposals.
- The previously approved masterplan appeared to represent a more sympathetic green infrastructure offer to that shown in this application; and
- The large open area of POS to the south of the development appears somewhat disjointed from the dwellings to the north with the omission of buffer zone areas.

ADC STRATEGIC HOUSING & ENABLING MANAGER - requires the applicant agree a s106 legal agreement to secure 51 affordable dwellings across the whole site comprising 34 Affordable Rented, 4 Shared Ownership and 13 First Homes. The affordable housing mix and the distribution of units across the layout are not policy compliant.

ADC CONSERVATION OFFICER - no objection. States no harm to the setting or significance of the affected designated heritage assets. Request detailed landscape proposals including mature planting be secured by a condition. State:

- The proposal has the potential to affect the following Grade II Listed Buildings: Old Bilsham Farmhouse, The Chapel, Bilsham Manor and Manor Cottage, and Hobbs Farmhouse.
- The layout and various landscape plans shows development would be concentrated over approximately 3/4 of the site leaving the 1/4, the most southern element (that which is closest to the listed buildings) as an area of green open space, with planting.
- As the development would not directly affect any built historic fabric, the consideration lies with whether the significance of the heritage assets could be harmed by changes within their settings.
- The principal changes which would be experienced in the wider settings of the listed buildings as a result of the transformation of agricultural land to the north as a modern housing estate with potential views of the new housing.
- Boundary planting could soften the appearance of new housing as part of the wider, semi-rural surroundings of Yapton. This would limit any intervisibility with the listed buildings in Bilsham/hamlet of Bilsham; and
- The minor visual changes which could arise to the wider settings of the listed buildings would have a neutral effect on the settings of the listed buildings.

COUNCIL'S ECOLOGIST - no objection subject to conditions to secure the enhancements, secure a construction environmental management plan, secure a Landscape & Ecological Management Plan, secure an enhancement strategy, and ensure lighting is bat friendly. State are satisfied there is sufficient ecological information available for determination of this application. The proposals indicate boundary trees/hedgerows will be retained, with a 5m buffer recommended to protect these features and species which utilise them such as bats. The Biodiversity Net Gain data states gains of 15.68% in Habitat Units and 69.98% for hedgerows.

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

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and will be addressed in conclusions section except as discussed below.

WSSC DRAINAGE - Whilst it is accepted the NPPF requires details of drainage for major applications, the NPPG states "applicants need to submit a sustainable drainage strategy containing proportionate information on the proposed sustainable drainage systems as part of their planning application". It is not standard practice to require full details of drainage at application stage and instead it is typical for this

information to be provided at condition stage and is an approach which the LPA have taken on other applications. The conditions will be secured prior to commencement of the development, and if it is found that the drainage layout cannot be accommodated, the applicants will be required to submit amendments to the layout.

At the start of October, the applicant submitted an amended drainage strategy and a Flood Risk Addendum (with accompanying drainage plans) in response to the concerns.

WSSC EDUCATION - This objection is due to the inability to expand secondary school provision to accommodate pupils from the development (and other developments in the district) and the lack of an allocated or secured site for the delivery of the new secondary school. This development does not generate the need for a new secondary school and there is no policy requirement for the development to provide a school on the site or to fund the whole cost of one elsewhere.

It is material that CIL contributions can be used to fund new school facilities and the developer will be liable for such. WSSC raised similar concerns in respect of the recent Land South of Barnham Station appeal, but the Inspector dismissed this stating "if allowed, the appeal proposal would be subject to a CIL liability in terms of contributing to wider infrastructure needs such as health and education". This same objection was raised on Y/3/22/OUT and the new application is for 30 more dwellings. It is important to ensure consistency of decision making.

It has been agreed with WSSC that ADC will revisit looking at potential secondary school sites, but it is unreasonable to reject this application solely on the absence of a secured school site when an appropriate contribution through CIL will be secured towards its delivery. It is possible for the requested school transport contribution to be secured through a s106 agreement.

The applicant initially objected to the transport contribution and argued there is capacity in local secondary schools, and that any education capacity shortfall and related implications on non-strategic sites must be covered by CIL. They note no such contribution was requested or imposed on application Y/3/22/OUT. WSSC Education considered the applicants arguments and provided a further response on 25/09/23 summarised below:

- WSSC and ADC are confident in the agreed position as set out in the document on the ADC website, which is trying to enable sites to come forward ahead of a new secondary school in West Sussex.
- Any new sites permitted in Arun that require secondary school places will have obligations to transport children across the district boundary to other secondary schools.
- The contribution is required to cover the cost of providing new or additional transport based on a calculation of the number of pupils generated by the development that require secondary school places before a new secondary school in Arun is delivered.
- Transporting pupils from within Arun will be required until all pupils have completed full time statutory education at the completion of Year 11.
- WSSC are content that the contribution is only required for the additional 30 dwellings given the presence of the existing permission. It is material that WSSC did not request the contribution on Y/3/22/OUT and there is a permitted fall-back position of an implementable scheme of 140 dwellings that does not require a contribution.

The applicant has responded to WSSC Education to say it is unjustifiable to use a 16-year requirement in the calculation. The Arun District is at capacity for Secondary Education now but there does not appear to be urgency to deliver a new secondary school in the District. This would also mean that:

- All parties would be accepting that it would take in the region of 23 years for a secondary school to be delivered in the district since the initial identification of this requirement (16 years + 2 years for delivery +

5 years since adoption of Local Plan).

- This means the authorities are openly accepting that children living within Arun may need to be transported outside of their district for potentially 18 years and removes any onus on the Authorities to work proactively to deliver a secondary school in a timely manner.

The applicant is willing to accept a 7-year requirement instead (so 12 years in total from adoption of the local plan). WSCC have advised in return that they will now be asking for the contribution to be paid in three instalments of five years, five years, and six years so the total will still be for 16 years but with a mechanism introduced to enable a review to be undertaken after each period. The contributions based on the housing mix will therefore now be as follows:

$£1,434 \times (0.9702 \times 5) \times 5 = £34,782$

$£1,434 \times (0.9702 \times 5) \times 5 = £34,782$

$£1,434 \times (0.9702 \times 6) \times 5 = £41,738$

Total amount = $£1,434 \times (0.9702 \times 16) \times 5 = £111,302$

WSCC advise that "There is, and has been, active communication between Arun and WSCC to identify a school site since 2018, and discussions are continuing on this matter, however an accurate timeframe for a school to be delivered and operational is still unknown at this time."

The applicant responded on 23/10/23 to say they continue to have concerns that the required contributions fail to meet the tests for planning obligations. However, they can agree to the requested contribution figure, subject to a suitable review mechanism to be secured through the s106 process to ensure it meets the legal test.

ADC ENVIRONMENTAL HEALTH - The asbestos condition will not be included as it states it is required for buildings and there are no buildings on the land.

ADC LANDSCAPE OFFICER - The applicant provided an updated landscape layout which:

- Increases the buffer planting to the southern and eastern boundaries with an additional 2.5 - 5m creating total buffer zones varying between 7.5m - 10m.
- Ensures suitable tree species are selected to correspond with soil conditions.
- Confirms that the development provides 42,421m² of Public Open Space, not including the attenuation basins, which covers approximately 42.4% of the site area, vastly exceeding the minimum POS requirements; and
- Includes 'play space' suitable for older children/young adults.

ADC Landscape have been re-consulted and any comments will be reported to members at the meeting.

ADC STRATEGIC HOUSING & ENABLING MANAGER - in mid-August, the applicant made some small changes to the distribution of the affordable housing and provided a housing mix assessment in response to the stated concerns. The housing manager provided the same comments as before in response. Later, at the start of October, the applicant made some further changes to the affordable housing distribution by substituting certain market plots for affordable housing tenures. There were no changes to the overall affordable housing provision or tenure mix.

The Affordable Housing Manager advised that the developer has made a very limited attempt to relocate some of the affordable housing from the north of the site. They request that plots 139 & 140 are also designed affordable and two in the north corner become market housing to even out the distribution a little more. The applicant has amended the tenure plan again to show plots 139 & 140 as affordable with two houses in the north corner becoming market housing to even out the distribution and address the

comments from the affordable housing officer.

COUNCIL'S ARCHAEOLOGIST - the applicant submitted a Written Scheme of Investigation to avoid the need for a pre-commencement condition. The council's archaeologist has been asked to review this and should comments be received they will be reported to members at the meeting. A condition will still be necessary to ensure the archaeology proceeds in accordance with the agreed scheme.

POLICY CONTEXT

Designations applicable to site:

- Outside the Built-Up Area Boundary (BUAB).
- Grades 1/2 Agricultural Land.
- Flood Zone 1 but with Zone 2/3 risk along the line of the Rife.
- The Zone 2/3 area is predicted to enlarge in the future only slightly with all residential areas remaining in Zone 1 by 2111.
- Grade II Listed Buildings within Bilsham to the south; and
- CIL Zone 3.

The site is not in a Waste Site Buffer, Mineral Protection Area, or Archaeological Notification Area. There are no protected trees.

DEVELOPMENT PLAN POLICIES

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

AHSP2	AH SP2 Affordable Housing
CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
HWBSP1	HWB SP1 Health and Wellbeing
QESP1	QE SP1 Quality of the Environment
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk

WDM3 W DM3 Sustainable Urban Drainage Systems

WMDM1 WM DM1 Waste Management

Yapton neighbourhood plan 2014 Policy BB1

Yapton neighbourhood plan 2014 Policy E1

Yapton neighbourhood plan 2014 Policy E3

Yapton neighbourhood plan 2014 Policy E4

Yapton neighbourhood plan 2014 Policy E5

Yapton neighbourhood plan 2014 Policy E11

Yapton neighbourhood plan 2014 Policy BE2

Yapton neighbourhood plan 2014 Policy H1

Yapton neighbourhood plan 2014 Policy H2

Yapton neighbourhood plan 2014 Policy H3

Yapton neighbourhood plan 2014 Policy PK1

Built-up Area Boundary

Protection of high value agricultural land

Protection of natural habitats

Minimising the environmental impact of development

Enhancement of biodiversity

Minimising the impact of flooding from development

High speed broadband

Housing requirement

Dwelling size

Dwellings appropriate for the needs of older people

Parking standards for new residential development

PLANNING POLICY GUIDANCE:

NPPDG National Design Guide

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11 Arun Parking Standards 2020

SPD12 Open Space, Playing Pitches & Indoor & Built Sports Facilities

SPD13 Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 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.

Yapton are preparing a revised Neighbourhood Development Plan (YNDP2) which passed its referendum on 12 September and will be made at Full Council on 8 of November. At the time of the committee meeting, the YNDP2 will be in force. This report has been written on the basis that the YNDP2 is in force however at the time of writing the YNDP2 policies are not available on the computer system and cannot be included in the policy list.

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 located in the countryside and on best & most versatile agricultural land.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are other material considerations to be weighed in the balance with the Development Plan and these are set out in the Conclusions section below. Most importantly is the presence of the previous approval for up to 140 new dwellings.

CONCLUSIONS

COMPARISON WITH APPROVED SCHEME:

The previous scheme obtained full permission for 30 dwellings and outline permission for a further 110 across a site area of 7.97 hectares (ha). A total of 2.97ha of Public Open Space (POS) was proposed. The Illustrative Landscape Master plan suggested that a further area of land owned by the applicant to the south would be set aside for biodiversity improvement. This was outside of the red edge (it was blue edged as adjacent land in the same ownership) and comprised agricultural land (which is in itself valuable) so was not secured as biodiversity land by the local planning authority.

This application seeks permission for 30 more dwellings (170 in total) across a site area of 10 ha. A total of 4.24ha of POS is proposed. The red edge includes the aforementioned 'biodiversity land' in the red edge. The edge of built development (i.e., the houses) is approximately 103m from the extent of the land ownership boundary compared to 181m previously). Built layout is now 78m further south than before.

PRINCIPLE:

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 2023, the council published its Authority Monitoring Report (AMR) for 2021/22 and this shows the Housing Land Supply (HLS) is 2.36 years. On the basis, para 14 of the NPPF does not apply.

On the basis of the current AMR, the policies most important for the determination in the ALP (C SP1) and the YNDP2 have reduced weight as Arun cannot demonstrate an adequate supply of housing land. The presumption in favour of sustainable development as per the NPPF is unaffected by the YNDP2.

Arun Local Plan:

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 Built-up Area Boundary (BUAB). The application conflicts with ALP policies C SP1 and SD SP2.

The Yapton Neighbourhood Development Plan:

The YNDP2 will be made in November 2023 and shows the site as being outside of the BUAB. 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 states "The housing requirement for Yapton over the period 2011 to 2031 will be met through: (a) dwellings which have planning consent as of March 2021, (b) windfall opportunities in accordance with policy BB1, ALP policy H SP1 and the NPPF, and (c) the proposed housing allocations in the YNDP2 and ALP. The proposal is in conflict with policies BB1 and H1 of the YNDP2.

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.

Other Material Considerations:

The council's Action Plan (June 2019) made a series of recommendations to boost housing delivery. It recommended the council consider inviting applications from landowners / developers on 'deliverable' Housing & Economic Land Availability Assessment (HELAA) sites to re-establish the 5-year housing land supply.

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

In February 2021, Arun published an Interim Policy Statement for Housing Delivery (IHS). This is not policy but 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 there is BUAB to the immediate east (on the opposite side of the road). The IHS sets out criteria to help speed up determinations of suitable residential developments. The application states the proposal meets all but one of the criteria (the exception being the site is not in the BUAB).

Sustainability:

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

There are bus stops outside the site with a proposed tactile paved crossing point facilitating easier access to the southbound stop on the east side of Bilsham Road. Bus route 700 runs along Bilsham Road and provides connections to Bognor Regis, Chichester, and Littlehampton. The proposed footpath link to the southeast boundary will facilitate access to public footpath 144 and the adjacent allotments.

A Residential Travel Plan proposes providing new residents with a travel information pack including £50 vouchers towards cycling equipment and information on public transport initiatives. The scheme includes new pedestrian footpath links to adjacent development and to existing rights of way.

Conclusion on Matters of Principle:

The principle of this development conflicts with the ALP and YNDP2. It is material that the council cannot demonstrate an appropriate HLS and that it has invited applications on deliverable HELAA sites and particularly those adjacent to settlements in sustainable locations such as this. Due to the HLS position, the application as a whole, falls to be determined by the NPPF presumption in favour of sustainable development under paragraph 11(d).

AGRICULTURAL LAND:

Application Y/3/22/OUT was accompanied by a Soil Resource Survey which stated the on-site soils are Clay Loam to Silty Clay Loam and are unlikely to perform well in residential back gardens or as landscaping as they will be prone to compaction, at higher risk of waterlogging, surface water ponding and poor grass growth. This survey recommended measures to make the soils more suitable for such purposes and the report stated that a soil resource plan would need to be prepared (through a condition) to secure the protection and mitigation of the soils.

The previous report did not identify the grading of the on-site soils which are noted in the map in the YNDP2 to likely be classified as grades 1/2 agricultural land (best and most versatile). The ALC uses a grading system to assess and compare the quality of agricultural land at national, regional, and local levels. It assesses the potential for land to support different agricultural uses, such as growing crops for food but it does not consider the current use or intensity of use.

The land was last used for arable crop purposes and is a large tract of land. The Ecological Impact Assessment stated that as on the 29th of July 2021, winter-sown cereals were growing (likely wheat or barley) but that as of April 2023, only self-seeded and animal fodder crops were growing.

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

YNDP2 policy E1 states planning permission will be refused for development on grade 1 and grade 2 agricultural land unless: it involves the granting of planning permission for the development of housing allocations identified by the Plan or for any additional housing sites required by Policy H1. The proposals clearly conflict with this policy.

In allowing an appeal at Clays Farm, Yapton relating to a refusal on loss of grade 2 agricultural land (Y/62/18/OUT), the Inspector noted the site was not being used for agriculture and there was no evidence the site would be so used in the future. The Inspector stated whilst this does not in justify the loss of agricultural land, it does act to reduce the level of environmental and economic harm caused by its development. The Inspector considered the loss represented only moderate harm and that the benefits of 33 new homes outweighed this harm.

Although this site has until very recently been used for crops for the purpose of human food production, the housing land supply shortfall is significant and agricultural land will need to be built on to meet the shortfall. Sites close to settlement boundaries such as this would be preferred to meet this need. On balance, the housing land supply need does serve to outweigh the loss of the agricultural land.

On a recent appeal (P/178/21/OUT), the Inspector ruled a conflict with the soil policy but determined, in the overall balancing exercise, that this conflict was outweighed by the scheme's benefits. The Inspector gave the loss of agricultural land (grade 3a) moderate weight and stated that the shortfall in housing land supply is significant - and is likely to continue for some time with no imminent remedy through the plan making process. The Inspector noted that most countryside surrounding the main coastal towns in Arun is characterised as BMV land, but it is difficult to avoid new development on the edge of such settlements resulting in the loss of some high value agricultural land.

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.

The only relevant YNDP2 policy is PK1 which refers to parking. Para 110 of the NPPF states: "In assessing ... specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para 111 states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The application proposes a new access from Bilsham Road which will be 6m wide with visibility splays of 2.4m by 64.9m to the north and 2.4m by 61.3m to the south. The access will be approximately 30m north of Taylors Close and approx. 94m south of the access into the strategic development. It is proposed to provide 2m wide footway between the access and the existing footway and bus stop on the B2132 Bilsham Road to the north of the site. The adjacent strategic development is proposing to provide a footway southward towards the bus stops once implemented, there would be a continuous pedestrian route on the western side of Bilsham Road towards the village centre from the new site access. Two new tactile paved crossing points will be provided on Bilsham Road on either side of the access.

WSCC Highways do not object and raise no concerns with access by the number of movements associated with 170 dwellings, the volume of traffic expected for this development, with the ability of large vehicles to turn within the site or the parking proposals. It is also relevant that National Highways raise no objection.

The Parking Standards SPD sets out a need for 356 allocated spaces to include 18 suitable for disabled parking and a further 71 spaces for visitors (so a total of 427). YNDP2 policy PK1 sets out the same standards as in the SPD. The proposal provides for 340 allocated spaces (2 per dwelling) and 40 visitor spaces (380 in total). The provision includes 16 allocated disabled spaces and 10 additional disabled visitor spaces spread throughout the layout. Whilst there is a greater than required disabled parking provision, overall, the parking provision is short by 47 spaces.

It is material that the Parking Standards SPD allows for a 10% reduction in the number of parking spaces where the application is accompanied by a Travel Plan. This would allow a shortfall of 43 spaces and whilst the shortfall does exceed this, it does so only by 4 spaces which is not significant - and as stated already it is possible to walk/cycle to access nearby facilities. On this basis, no objection is raised. The

plans show cycle storage in the form of small sheds in rear gardens. The Parking SPD requires a single cycle space for 1/2-bedroom houses and 2 spaces for 3+bed houses.

Local Transport Note 1/20 sets out minimum standards for local authorities and highway engineers when implementing new cycle infrastructure and includes, but not limited to, cycle crossings and junctions, cycle lanes, cycle tracks, cycle networks and cycle parking. The applicant has confirmed that this has been taken into account when designing the layout. They advise:

- The proposed internal spine road network will be formed of low speed and lightly trafficked residential streets with carriageway widths of 4.8 - 6m which render them suitable for on-carriageway cycling.
- As per the LTN, streets with a speed limit of 20mph and less than 2,000 passenger car units (the equivalent of around 400 to 500 dwelling) per day are suitable for cyclists to be mixed with traffic.
- The streets within the scheme have been designed with on-street parking, regular street trees and planting and shared surfaces, this combined with the no through route ensures low traffic speeds.
- Considering the quantum of development and the predicted vehicular flows likely to use the proposed streets, cyclists will be expected to cycle on the carriageway throughout most of the site (excepting the 3-metre-wide shared foot/cycleway along the northern side of the main access road).
- This exceeds requirements and is proposed to provide additional comfort for cyclists travelling along the main access road from Bilsham Road.
- Consideration has been given to LTN 1/20 to determine the appropriate width of the shared foot/cycleway.
- Considering the quantum of development the proposed facility will serve, it is not anticipated that either pedestrian or cycle movements will exceed 300 within the peak hour. Therefore, a 3m shared foot/cycleway is appropriate; and
- Additionally, the proposals include potential links with the strategic site adjacent which will provide residents with access to a proposed foot/cycleway which will run between Bilsham Road and Drove Lane, providing access towards the western side of Yapton centre as well as Barnham railway station.

The proposal is compliant with the relevant development plan policies and the guidance on highway safety within the NPPF. As per the National Highways comments, a condition will be imposed to prevent occupation until the A27/Yapton Lane right turn lane mitigation scheme is complete. The scheme will secure a contribution of £266 per dwelling (so £45,220) to the Comet Corner improvements scheme.

HERITAGE:

There are Grade II Listed Buildings to the south of the site in the hamlet of Bilsham. The closest (Bilsham Manor) is 286m from the closest plot within the layout. The site edge is closer, but the southern area is proposed as Public Open Space with landscaping, attenuation pond and a play area.

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

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

The submission includes a Built Heritage Statement which states there could be minor visual changes to the settings of Old Bilsham Farmhouse, The Chapel, Bilsham Manor, Manor Cottage and Hobbs Farmhouse due to the landscaping and open space. It is stated that this would be a neutral impact with no impact on the significance of the heritage assets. The council's conservation officer agrees with this assessment stating that the proposal will result in no harm to the settings of the nearby heritage assets or to their significance. As no harm is advised, it is not necessary to consider public benefits.

The proposal complies with the relevant development plan policies and there is no conflict with the Planning (Listed Buildings and Conservation Areas) Act 1990 as it does not directly affect any heritage assets and preserves the setting of the nearby Listed Buildings. As per the comments of the conservation officer, a landscaping scheme condition will be imposed, and this will request that mature species are planted to ensure the impact is mitigated from the start.

ARCHAEOLOGY:

ALP Policy HER DM6 states where a site on which development is proposed has the potential to include heritage assets with archaeological interest, permission will only be granted where it can be demonstrated development will not be harmful to the archaeological interest of the sites. The policy requires a desk based archaeological assessment be submitted.

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

HOUSING MIX:

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

Paragraph 63 of the "Updated Housing Needs Evidence" (September 2016) stated the evidence highlights a direction towards the provision of 2 and 3 bed units for market units and smaller affordable units. Table 29 identifies a suggested broad mix of market housing by size for the District:

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

YNDP2 policy H2 requires the following mix for developments of fifteen or more dwellings:

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

The scheme includes the following mix (expressed as the number and % of market only units (119) and the number and % of market & affordable combined (170) in order to assess against both of the above housing mix ranges):

- 0 / 0 x 1 bed dwellings (0% / 0%).

- 70 / 102 x 2-bed dwellings (59% / 60%).
- 84 / 101 x 3-bed dwellings (71% / 59%); and
- 16 / 18 x 4-bed dwellings (13% / 11%).

It is material that H DM1 allows for the mix to be negotiated on a site-by-site basis and this does not need to be in complete accordance with the latest SHMA. The applicant has provided a Housing Mix Assessment which assesses local needs, trends, and concludes that:

- The demographic, market trend, and consumer data analysis supports a development formed primarily of 2, 3 and 4-bedroom houses to support younger working families with school age children.
- None of the evidence points to a need for flats or 1-bed properties; and
- Without development capable of attracting younger working families with school age children, the ALP definition of Yapton as a village and suburban centre will be in jeopardy, as the amenities which the ALP characterises Yapton as sustaining (a range of shops, employment, housing, community facilities and local services, supported by improved transport links) will become unviable.

The increased use of larger homes results in a reduction in overall site density in an edge of settlement location which is in accordance with the ADG. The affordable and market mixes are in accordance with ALP policy H DM1.

LANDSCAPE, CHARACTER, DESIGN & DENSITY:

ALP policies D SP1 and D DM1 require development make the best possible use of land by reflecting or improving on the character of the site/surrounding area. Policy LAN DM1 states development should respect the particular characteristics & natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas. Policy AH SP2 seeks to ensure affordable housing is visually indistinguishable from market housing and layouts avoid large clusters. YNDP2 policy H4 encourages high quality & sympathetic design, appropriate density, and sufficient outdoor space.

Section G of the Arun Design Guide (ADG) suggests a density of 15-25 for detached/semi-detached houses and 20-30 for village locations. The ADG states 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 is 17 dwellings per hectare. The density of the adjacent strategic development is 21.5 dwellings per hectare however it is appropriate for density to decrease away from the settlement centre or on sites outside of the defined settlement area. The density is in accordance with the guidance in the ADG.

The layout has been designed to maximise the use of the space available and to keep development out of the very southern area of the site in order to minimise harm to the nearby hamlet of Bilsham. The layout features a main road route 6m wide with a secondary 6m wide road loop extending southwards and then some narrower 4.5m wide shared surface roads extending off the main routes. There is one instance of a 3.7m wide shared surface serving 6 houses (plots 165-170).

The vast majority of houses are orientated to front onto the roads that serve them. The exception being those on corners and plots 75-79 which front onto a pedestrian path and are serviced from the rear. The layout includes landscaped soft edges to roads, street trees and landscape screening to the few instances of parking courts. A linear strip of open space/community facilities (fruit orchard, growing zone, activity spaces) are proposed broadly in the centre of the site and will benefit from surveillance from the houses to each side. Additional Public Open Space (POS) is provided in the northern area and to the south of the site.

The houses to the Bilsham Road frontage will be set back either by a road and landscaping or by a footpath and landscaping. All houses will front onto Bilsham Road reflecting the orientation of existing dwellings including those being developed on the adjacent strategic site to the North. It is positive that the scheme attempts to hide flank elevations from main public viewpoints such as views from Bilsham Road when approaching the site from the south.

In addition to the POS areas described above, a number of play facilities are proposed comprising: an unequipped play area, activity spaces, an equipped play area, kickabout space. One of the play spaces will be designed with parkour facilities and covered seating areas to cater with older children.

The layout includes two potential pedestrian accesses into the adjacent strategic site. These are being discussed with the developers of the adjacent site but there is nothing to suggest they cannot be achieved particularly as the links would access onto POS in the adjacent scheme. The layout includes numerous paths suitable for pedestrians and cyclists allowing for people to easily move around the site for the purposes of exercise or accessing other places.

Notwithstanding the concerns of the council's affordable housing manager, the location of the affordable housing is appropriate as although they are in small clusters, these are spread through the site. There is a concentration of affordable homes in the very northern area however, these are reflective of the tenure of the adjacent strategic development which is 100% affordable. The applicant has sought to break up this area by relocating the affordable M4(3) dwellings, originally in plots 15 & 16 to plots 155 & 156. The only instances of terraced dwellings (3 or 4 house) are in the affordable tenure but otherwise there will be no visual difference between the market and affordable tenured houses. The amendments made in October to the affordable housing distribution further spread these tenures throughout the site.

The scale of the scheme is predominantly two-storey which reflects the previous scheme and the adjacent strategic development. Unlike both of these, there are some three storey dwellings proposed. These are all semi-detached dwellings and are well in the site (plots 21/22, 102/103, 112/113, 137/138, 144/145 153/154, 161/162 & 163/164) with the nearest to Bilsham Road being plot 102/103 at 82m. Plots 161/162 are close to the western boundary but there will be a distance of around 160m to the public right of way to the west (ref YAP/156_1/2). The extra height will not be harmful to the amenity of public viewpoints or to the character of Yapton in general.

The proposal is for modular prefabricated housing whilst the previous scheme proposed bricks & mortar type homes. Whereas the Boklok development in Littlehampton (which this scheme may be compared to) is predominantly grey and cream in colour, the houses will be predominantly clad in dark or light red brick, with some instances of charcoal and brown/grey brick. There will be some variations in roof shape, and these will feature grey natural slate. Although the designs will be different to what already exists in the surrounding area, the use of brick cladding will help these blend in.

There are no instances of prefabricated modular housing nearby. It is clear from the surrounding area that there is a mix of dwelling designs and types on Bilsham Road such that there is no unifying sense of character. The adjacent strategic site has several character areas in it that were defined by an approved Design Code masterplan. The adjoining area to the immediate North is designated as the "Bilsham Street Character Area" and features red & plain brick types, tile hanging, natural boarding, painted brick, and red/grey/brown roof tiles. The adjoining development includes various design features such as dropped eaves, chimneys, two different porch designs, canted bays and a mix of railings and brick walls to frontages.

The Boklok development is similarly defined into character areas as set out by Part 3 of the submitted Design & Access Statement. These areas are as follows:

Community Park (northern area adjoining the strategic site) - 2/3/4 beds, green gateway to the site, mix of light and dark red brick homes with scattered grey and charcoal homes to aid wayfinding, a focal village green, attenuation pond, children's playgrounds, and a quiet public open space. Narrow 2-4m landscaped frontages with native shrub and hedgerows

Green Avenue (central and southern areas) - 2/3/4 beds, east-west green park to include grow zones, a community hub and outdoor exercise area, north-south green streets lined with trees and micro-swales, shared surfaces to denote quieter tertiary streets. Narrow 2-4m landscaped frontages with native shrub and hedgerows

Meadow Views (western and southern edges) - 2/3 beds, predominantly detached units addressing the open fields to the south and west, shared surface streets to denote a more semi-rural feel and an increased sense of privacy, focal point dwellings treated in grey and charcoal brick colours. Narrow 2-4m landscaped frontages with native shrub and hedgerows.

The Landscape Visual Impact Assessment (LVIA) concludes the proposals would have a very slight adverse effect on the surrounding landscape character, and that significant effects on visual amenity would be restricted to short to medium term effects from viewpoints in close proximity to the site from, nearby footpaths. The council's landscape officer raises no concerns with these conclusions.

The proposal will result in a change to the character of this edge of settlement location deriving from the loss of the arable field and the development with new homes. There is existing and committed residential development to the North and East such that this part of Bilsham Road has a residential character. The scheme is heavy on landscaping to site edges and in the layout, which will help to soften and green the development. The change in character is not harmful to the settlement as a whole and the proposal is in accordance with all of the relevant development plan policies. The proposal exceeds the POS and play requirements for a development of this size.

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 council's Design Guide (ADG) sets out the following guidance on interface distances between houses:

- Back-to-Back: min. 21m between habitable rooms of properties or to existing buildings.
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property.
- Front to Front: min. 16m between habitable rooms of properties facing each other.
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.
- There are no standards for either side to side or front to back.

The layout has been assessed versus the ADG standards and there are two shortfalls versus the standards, these being (a) the front-to-front relationship of plots 150 and 157/158 which is 14m not the required 16m; and (b) the fact that plot 86/87's first floor bed/study windows look onto the side of plots 88/127's gardens at only 9.5-10m. The ADG is guidance only and states a flexible approach can be taken to schemes. The study windows on plots 86/87 can be obscure glazed to be enforced by a condition (it would not be appropriate to do the same for the bedroom windows). There are no shortfalls in respect of the relationship of new homes to existing ones on Bilsham Road or those being built on the strategic site.

The new access and use will result in an increase in activity levels on this part of Bilsham Road but existing residents here are already adjacent to a main road where traffic and activity is to be expected. It

is material that up to 140 homes have already been approved. The increase in activity levels will contribute to a change in character but will not be detrimental to the amenities of existing residents. The conflict with the ADG is very minor and there is no conflict with the development plan policies.

QUALITY OF ACCOMMODATION:

ALP policy D DM2 states internal spaces should be of an appropriate size and that the Nationally Described Space Standards provide guidance. The application demonstrates all dwellings meet or exceed required standards. The ADG requires rear gardens to be a minimum of 10.5m deep and front gardens at least 2m. The layout has been checked and all front/rear gardens meet the required standards.

HOMES FOR OLDER PEOPLE:

YNDP2 policy H3 requires that a minimum of 25% of the 1, 2 and 3 bed dwellings are delivered to standards set out in Part M4 (2) of the Building Regulations or to any update of those standards. In order to comply with the YNDP2 policy, the application should provide 39 no. M4(2) homes. The scheme exceeds this with 162 homes meeting 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 has some weight as a material planning consideration and is supported by references in ALP policies D DM1 & D DM2. It would require 85 M4(2) homes and 8 M4(3) homes. The proposal exceeds these requirements. The ADC policy states schemes larger than 100 units should make some provision for bungalows. As no bungalows are proposed there is conflict with this requirement but a refusal on this basis would not be sustainable given the status of the document and the benefits of the over-provision of M4(2) units.

FLOOD RISK:

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

ALP policy W DM2 refers to the sequential and exceptions tests, need for a Flood Risk Assessment (FRA) and mitigation. Policy ECC SP1 states development must be located & appropriately designed to adapt to impacts arising from climate change such as the increased probability of tidal and fluvial flooding. YNDP2 policy E11 requires developments be designed and constructed to minimise the overall level of flood risk in the parish.

The extent of FZ 2/3 extends at most up to 1m from the edge of the Rife and so does not affect any of the proposed layout with only landscaping proposed in this area. The future FZ3a areas (2111 extent) are limited again to the line of the Rife and with a larger extent in the very southwestern corner of the site but this is in the area indicated to be public open space. There will be no harm to the safety of future occupiers and there is no need for a sequential assessment or the exceptions test to be undertaken.

The application is accompanied by an FRA which advises the site is as at low risk of flooding from all sources of flooding and that the drainage strategy will not increase flood risk on or off the site for the lifetime of the development. The Environment Agency have not raised any objections and there are no conflicts with relevant development plan policies.

SURFACE WATER DRAINAGE:

ALP policy W DM3 states all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS) as appropriate to the size of development. YNDP2 policy E11 requires developments be designed and constructed to minimise the overall level of flood risk in the parish; and provide surface water drainage.

A drainage strategy forms part of the submitted FRA and proposes storage of surface water runoff in detention basins across the site area with a controlled discharge to the adjacent Rife. It is proposed to incorporate areas of permeable paving and a cellular storage tank to provide additional attenuation storage. The surface water from site would be restricted to greenfield run off rates using vortex control devices. The basins, permeable paving and cellular storage tank are stated to have been designed to accommodate a 1 in 100-year storm plus 51% to account for climate change.

The council's drainage engineers have not responded to the consultation, but it is noted they previously raised no objections to Y/3/22/OUT and that the new application proposes a similar drainage system. Pre-commencement conditions will be imposed to reflect those imposed previously. WSCC Drainage object however, it is material that they did not object to the previous application and the applicant has responded to their objection. On this basis, there is no conflict with the relevant drainage policies. A further condition to control levels would be required as this is linked to drainage.

FOUL DRAINAGE:

The site is not in the Lidsey Wastewater Treatment Catchment Area so there is no policy requirement for a full Drainage Impact Assessment. ALP policy W DM1 states all major developments must demonstrate, that adequate drainage capacity exists or can be provided as part of the development. Where adequate capacity does not exist, there will be a requirement that facilities are adequately upgraded prior to the completion and occupation of development. YNDP2 is silent on foul drainage.

The FRA states there is an existing public foul sewer running adjacent to the eastern site boundary and that taking account of site levels constraints, a combination of gravity and pumped systems are proposed to drain foul effluent from the site with a discharge into the existing public sewer.

Southern Water do not object and state they will endeavour to provide the necessary network reinforcement works in a 2-year period to accommodate the additional flows. It is material that, as per Ofwat rules, where a development can communicate directly to an existing public sewer system at no more than the existing pipe diameter, there is no requirement to undertake a capacity survey and the new connection would be subject to infrastructure charges. There is no conflict with policy W DM1.

CONTAMINATION:

ALP Policy QE DM4 states development will be permitted on land that is contaminated as long as remediation is provided. The "Phase I Desk Study, Site Reconnaissance & Phase II Site Investigation Report" advises that contamination risk is very low and that no remedial measures are required in respect of contamination. The EHO did not previously object and there is no policy conflict.

TREES:

ALP policy ENV DM4 states TPO protected trees, Ancient Woodland, those in a Conservation Area or trees that contribute to local amenity are not damaged or felled unless the development meets the certain criteria including that the benefits outweigh the loss of trees or woodland. YNDP2 policy E4 states development sites should retain well-established features of the landscape, including mature trees and species-rich hedgerows. New tree planting will be required to mitigate any significant loss and should use native tree species.

The application proposes no removal of trees. The Tree Officer has not commented but given the absence of tree loss and there being no trees in the affected parts of the site, it is unlikely that there would be an objection. The application proposes the retention of trees along Bilsham Road and proposes the significant enhancement of all boundaries. In particular, planting to the southern and eastern boundaries will be in the region of 7.5m to 10m wide. A landscaping condition will be imposed, and this will be worded to require native plant and tree species. There is no conflict with relevant policies.

BIODIVERSITY:

ALP policy ENV DM5 states development schemes shall seek to achieve a net gain in biodiversity and protect habitats on site. YNDP2 policy E5 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. YNDP2 policy E5 sets out a requirement for biodiversity net gain.

The application is accompanied by an up-to-date Ecological Assessment which identifies that the most important wildlife habitats (hedges, wet ditches) are to the site boundaries, and these are expected to be retained and the boundaries enhanced throughout the whole of the application area. Much of the site is an arable field of low value and so the development would result in a negligible impact on this leading to a non-significant effect.

It is stated that the loss of habitat will have a negative impact on foraging/commuting bat populations albeit limited due to the retention of the habitat around the periphery. The loss of habitat will have a negative impact on the reptile population in the site, albeit this will be limited due to reptiles being predominantly restricted to the periphery. The assessment states that higher predation levels to reptiles and bats may occur from increased pet cats when the homes are occupied. To combat these impacts, a range of mitigation and enhancement measures are proposed.

The council's ecologist raises no objection subject to conditions to secure enhancements, secure a construction environmental management plan, secure a Landscape & Ecological Management Plan, secure an enhancement strategy, and ensure lighting is bat friendly. They note the Biodiversity Net Gain data states a 15.68% in Habitat Units and 69.98% for hedgerows. It is acknowledged that the development will see the loss of a field however it must be acknowledged that the field is of low ecological value, and this explains why it is possible to demonstrate a net gain by developing it.

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

CLIMATE CHANGE:

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

The application includes an Energy & Sustainability Statement which proposes air source heat pumps to all dwellings and solar panels to 40 dwellings. It is stated that the development will achieve a 27% reduction on the predicted energy requirement from low carbon or renewable energy. This exceeds policy requirements. A condition will be imposed to secure the detail of these measures. As per Y/3/22/OUT a condition will be imposed to minimise water consumption. On this basis, there would be no conflict with the relevant policies.

AFFORDABLE HOUSING:

Developments over 11 residential units require a minimum provision of 30% affordable housing on site as per ALP policy AH SP2. The council's interim affordable housing policy sets out the need to secure first homes as part of the affordable housing mix.

The Housing Strategy and Enabling Officer state the application should provide 51 Affordable Dwellings consisting of 34 Affordable Rented, 4 Shared Ownership and 13 First Homes. The scheme accords with this requirement and the affordable housing provision will be secured through a s106 agreement. Providing a legal agreement is completed in the agreed time period after the committee, then there would be no conflict with the policy.

PUBLIC OPEN SPACE (POS) & PLAY:

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

The council's SPD sets out an overall requirement of 14,025m² of POS to include 2,057m² of play facilities. The play provision should comprise a Neighbourhood Equipped Area of Play (NEAP) and mix of Local Equipped Area of Play (LEAPs) and informal Local Areas of Play (LAPs). The play provision can be accommodated by POS areas.

The scheme proposes 2,063m² of equipped POS, 24,235m² of ecology open space, 2,542m² in the east-west central park and 17,671m² of green open space (including 2 attenuation ponds). This represents a total of 46,511m² (4.6Ha) which is far in excess of the requirements. The Landscape Officer raises no objections to this provision which will be secured by conditions not by a s106 legal agreement.

As it is not possible to secure off-site contributions through a s106 Agreement due to CIL, contributions to off-site leisure & sports facilities plus allotments would need to be funded by CIL instead. There is no conflict with the relevant ALP policies.

SUPPORTING INFRASTRUCTURE:

ALP policy INF SP1 requires development proposals provide or contribute towards the infrastructure & services needed to support development to meet the needs of future occupiers and existing community.

This development would be liable for CIL. Infrastructure providers such as WSCC and the NHS can bid for a portion of the CIL payments collected to spend on their own projects. The Parish council will be provided with a percentage of the CIL receipts (25%) to spend on their own projects. These payments go towards infrastructure the district needs to support existing and future development.

Where CIL is applicable, it is only possible to use s106 agreements to require affordable housing and on-site mitigation and the latter is generally restricted to items in the red edge. In this case the off-site highway works are within the red edge. The applicant has proposed a contribution to the Comet Corner junction improvements that has been discounted to account for CIL contributions. WSCC Highways accept this and as it has been calculated to account for CIL, it can be included in the s106. This contribution is the same as Y/3/22/OUT. It is also necessary to include a requirement for a Travel Plan and the associated monitoring/auditing fee in the s106.

WSSC Education request a school transport contribution. Subject to the applicant entering into a s106 Agreement to secure a school transport contribution of a level that is agreed by WSSC, the Comet Corner contribution, the affordable housing, and the travel plan (plus associated monitoring/auditing fee) then there would be no conflict with ALP policy INF SP1. WSSC Education previously advised the school transport contributions are CIL compliant, so securable under s106, but cannot be secured through CIL.

SUMMARY & TILTED BALANCE:

As the Council cannot demonstrate a 5-year HLS (currently 2.36-years), para 11(d) of the NPPF and the application of the 'presumption' for sustainable development is triggered.

This report identifies some negative impacts in respect of character and loss of agricultural land plus conflict with policies relating to countryside development. On the other hand, the site is sustainable, and the scheme will result in significant benefits to the local and wider area such as housing (including affordable housing), the creation/retention of construction jobs, new income to the council, spending by future residents on local shops/services, infrastructure improvements across the district and biodiversity enhancements. The scheme benefits from support from the Interim Housing Statement and Action Plan.

The weight to be applied to the contribution of housing development to the HLS was discussed in a recent appeal concerning a site in Paghham (ref P/178/21/OUT). The provision of 170 dwellings should be considered substantial/significant weight.

It is appropriate to allocate substantial/significant weight to the delivery of affordable housing and moderate weight to the economic benefits and biodiversity net gain. The loss of the agricultural land is unfortunate, but policy allows for development of such land where there is a clear need. On this basis, it would be appropriate to allocate moderate weight to the loss of this resource. Development in the countryside is against policy but a refusal reason would not be sustainable unless there was associated harm and this report finds none.

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

RECOMMENDATION:

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

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

Should the s106 not be completed in 4 months of the date of the Planning Committee's resolution to grant permission, or should the applicant refuse to reach agreement with WSSC as to the amount of secondary school transport contribution, the application shall be refused for the following reasons:

(1) In the absence of a signed Section 106 agreement, the development fails to make any affordable housing provision and is thereby contrary to the aims and objectives of the NPPF and policy AH SP2 of the Arun Local Plan.

(2) In the absence of a signed Section 106 agreement, the development will not provide the highway improvements necessary to deliver the development & mitigate any residual harm to the local and strategic road network and is thereby contrary to ALP policies T SP1, T DM1 and the NPPF.

(3) In the absence of a signed Section 106 agreement, the development will not provide the contribution required to mitigate the additional cost of transporting to secondary school pupils to the nearest school and is thereby contrary to ALP policy INF SP1 and the NPPF.

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission 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 permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

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

- (1) The provision of 51 Affordable Dwellings across the whole scheme consisting of 34 Affordable Rented, 4 Shared Ownership and 13 First Homes.
- (2) A Travel Plan and its associated fee of £3,500 (at the time of writing) for monitoring and auditing of the Travel Plan.
- (3) A contribution of £266 per dwelling to the Comet Corner Improvements Scheme; and.
- (4) A Secondary School Transport Contribution based on the uplift in dwellings (30) and as agreed with WSCC. This will include a mechanism to enable a review of the remaining contribution with ADC and WSCC after the first and second payments.

The drafting of the s106 agreement has been commenced by ADC and WSCC.

CIL DETAILS

This is a CIL Liable development. It is in Zone 3 and a CIL amount of £1,773,674.60 would be payable unless the applicant applies for an exemption subject to the requirements of the CIL Regulations 2010 (as amended). For example, if Social Housing relief was claimed then the CIL payment would reduce. A proportion of the total (25%) would go direct to the Parish Council (equating to £443,418.65).

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 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:

- Hardworks Landscape Masterplan BRY-NTA-XX-XX-DR-L-PL-0501-P06.
- Softworks Landscape Masterplan BRY-NTA-XX-XX-DR-L-PL-0502-P06.
- Block Plan BRY-NTA-XX-XX-DR-L-PL-0511-P03.
- Site Layout BRY-NTA-XX-XX-DR-L-PL-0512-P06.
- Parking Provision and Cycle Stores BRY-NTA-XX-XX-DR-L-PL-0514-P03.
- Location Plan Dwg No BRY-ECE-XX-XX-DR-A-SL-5010_P03.
- Refuse Stores and Tracking BRY-ECE-XX-XX-DR-A-SL-5015_P03.
- Tenure Affordable Plan Allocation BRY-ECE-XX-XX-DR-A-SL-5016_P05.
- Building Heights BRY-ECE-XX-XX-DR-A-SL-5018_P02.
- Building Materials BRY-ECE-XX-XX-DR-A-SL-5019 P02.
- Boundary Treatments Plan BRY-ECE-XX-XX-DR-A-SL-5020 P02.
- Houses 165-170 (3 Bed Terr) Floor Plans, Elevations and Sections Dwg No BRY-ECE-T01-DR-A-XX-5100_P02.
- Houses 21-22 (4 bed semi) Floor Plans, Elevations and Sections Dwg No BRY-ECE-HC908-ZZ-DR-A-XX-5101_P02.
- Houses 7-10 and 30-33 Aff (2 Bed terr) Floor Plans, Elevations and Sections Dwg No BRY-ECE-T02-ZZ-DR-A-XX-5102_P02.
- Houses 23-25 (2 Bed Terr) Floor Plans, Elevations and Sections Dwg No BRY-ECE-T03-ZZ-DR-A-XX-5103_P02.
- Houses 141-143 (2 bed Terr) Floor Plans, Elevations and Sections Dwg No BRY-ECE-T04-ZZ-DR-A-XX-5104_P02.
- Houses 102-103, 144-146 and 161-162 (4 bed semi) Floor Plans, Elevations and Sections Dwg No BRY-ECE-HC908-ZZ-DR-A-XX-5105_P02.
- Houses 112-13, 137-138, 153-154 and 163-164 (4 bed semi) Floor Plans, Elevations and Sections Dwg No BRY-ECE-HC908-ZZ-DR-A-XX-5106_P02.
- Houses 1-2, 15-16, 104-105 and 155-156 (2 bed M4(3)) Floor Plans, Elevations and Sections Dwg No BRY-ECE-HC601-ZZ-DR-A-XX-5107_P02.
- Houses 128-132, 147-152 (3 Bed_Study Detached) Floor Plans, Elevations and Sections Dwg No BRY-ECE-HC401-ZZ-DR-A-XX-5108_P02.
- Houses 86-87 and 133-46 (3 Bed Semi_Study Detached) Floor Plans, Elevations and Sections Dwg No BRY-ECE-HC401-ZZ-Dr-A-XX-5109_P02.
- Houses 26-27, 75-76, 90-93, 98-99, 116-117, 122-125 and 139-140 (3 Bed Semi) Floor Plans, Elevations and Sections Dwg No BRY-ECE-HC308-ZZ-DR-A-XX-5110_P02.
- Houses 17-20, 42-45, 49-52, 61-62, 88-89, 126-127, 100-101, 114-115 and 159-160 (3 bed semi) Floor Plans, Elevations and Sections Dwg No BRY-ECE-HC308-ZZ-DR-A-XX-5111_P02.
- Houses 77-79 (3 Bed Terr) Floor Plans, Elevations and Sections Dwg No BRY-ECE-T05-ZZ-DR-A-XX-5112_P02.
- Houses 59-60 (3 bed semi) Floor Plans, Elevations and Sections Dwg No BRY-ECE-HC308-

ZZ-DR-A-XX-5113_P02.

- Houses 108-109 (3 bed semi) Floor Plans, Elevations and Sections Dwg No BRY-ECE-HC302-ZZ-DR-A-XX-5114_P01.
- Houses 106-107 (3 Bed Semi) Floor Plans, Elevations and Sections Dwg No BRY-ECE-HC302-ZZ-DR-A-XX-5115_P02.
- Houses 82-85 (3 Bed Semi) Floor Plans, Elevations and Sections Dwg No BRY-ECE-ZZ-DR-A-XX-5116_P02.
- Houses 53-54, 110-111 (3 Bed Semi) Floor Plans, Elevations and Sections Dwg No BRY-ECE-HC302-ZZ-DR-A-XX-5117_P02.
- Houses 37-38 (3 Bed Semi) Floor Plans, Elevations and Sections Dwg No BRY-ECE-HC302-ZZ-DR-A-XX-5118_P02.
- Houses 28-29/63-66/96-97/118-119 (2 bed semi) Floor Plans and Elevations Dwg No BRY-ECE-HC211-ZZ-DR-A-XX-5119.
- Houses 55-58, 67-68, 94-95, 120-121, 157-158 (2 Bed Semi) Floor Plans, Elevations ad Sections Dwg No BRY-ECE-HC211-ZZ-DR-A-XX-5120_P02.
- Houses 34-36 (2 Bed Terr) Floor Plans, Elevations and Sections Dwg No BRY-ECE-T06-ZZ-DR-XX-5121_P02.
- Houses 80-81 Aff (2 Bed Semi) Floor Plans and Elevations Dwg No BRY-ECE-HC208-XX-DR-A-XX-5122.
- Houses 39-41 Aff (2 bed Terrace) - Floor Plans and Elevations Dwg No BRY-ECE-T07-ZZ-DR-A-XX-5123.
- Houses 72-74 Aff (2 Bed terr) Floor Plans, Elevations and Sections Dwg No BRY-ECE-T08-ZZ-DR-A-XX-5124_P02.
- Houses 134-136 Aff (2 bed Terr) Floor Plans, Elevations and Sections Dwg No BRY-ECE-T09-ZZ-DR-A-XX-5125_P02.
- Houses 69-71 Aff (2 Bed Terr) Floor Plans, Elevations and Sections Dwg No BRY-ECE-T10-ZZ-DR-A-XX-5126_P02.
- Houses 3-6, 11-14 Aff (2 Bed/3 Bed Terr) Floor Plans, Elevations and Sections Dwg No BRY-ECE-T11-ZZ-DR-A-XX-5127_P02.
- Street Scenes Sheet 1 Dwg No BRY-ECE-XX-XX-DR-A-EL-5150_P2.
- Street Scenes Sheet 2 Dwg No BRY-ECE-XX-XX-DR-A-EL-5151_P2.
- 3D Visual - Site Entrance Dwg No BRY-ECE-XX-XX-VS-A-XX-5160_P01; and
- 3D Visual - Village Green Dwg No BRY-ECE-XX-XX-VS-A-XX-5161_P01.

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

- 3 The development shall proceed and be carried out in full accordance with the mitigation measures set out in the "Acoustic Planning Assessment: Land West of Bilsham Road, Yapton" (ref 12185.RP01.APR.2, dated 19/05/23).

Reason: To protect the amenity of future residents in accordance with Policy QE 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 Ecological Assessment (Derek Finnie Associates, May 2023) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This shall 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 by s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species) and Arun Local Plan policy ENV DM5.

- 5 The approved development shall achieve a minimum of 10% energy supply reduction from either the use of decentralised/renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF). Any physical features that are required as part of the works must be installed prior to the occupation of each dwelling and shall be thereafter permanently maintained in good working condition.

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

- 6 Development shall not commence, on each phase of the development, other than the enabling works (specified below), until full details of the proposed foul drainage system and a phased occupancy plan have been submitted for that phase of development and approved in writing by the Local Planning Authority. This shall include details of siting, design and subsequent management/maintenance. Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development.

The 'Enabling Works' referred to above shall comprise the following:

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

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, on each phase of the development, other than the enabling works (specified below), until full details of the proposed surface water drainage scheme have been submitted for that phase of development consistent with the surface water drainage strategy set out in and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

The 'Enabling Works' referred to above shall comprise the following:

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

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, on each phase of the development, other than the enabling works (specified below), 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.

The 'Enabling Works' referred to above shall comprise the following:

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

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 Development shall not commence, on each phase of the development, other than the enabling works (specified below) until a detailed level survey of the site including existing and resulting ground levels and the slab levels of the buildings the subject of this approval, has been 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.

The 'Enabling Works' referred to above shall comprise the following:

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

(g) temporary builders supply (electricity, water, data etc).

Reason: In order to safeguard the amenities of the area and neighbouring residents in accordance with policy D DM1 of the Arun Local Plan. This is required to be a pre-commencement condition because site levels must be set prior to works commencing on the new houses as otherwise it would be difficult and expensive to rectify any changes.

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

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

- 11 No development shall take place, apart from the enabling works listed below (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), until a Construction & Environmental Management Plan and accompanying Site Setup Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with National Highways, WSCC Highways, the council's environmental health officer and ecologist as appropriate). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. This shall require the applicant and contractors to minimise disturbance during demolition and construction and will include (but not be limited to) details of the following information for approval:

- the phased programme of construction works;
- the anticipated, number, frequency, types and timing of vehicles used during construction (construction vehicles should avoid the strategic road network during the peak hours of 0800-0900 and 1700-1800 where practicable);
- the preferred road routing for all construction traffic associated with the development;
- provision of wheel washing facilities (details of their operation & location) and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulations Orders);
- details of street sweeping;
- details of a means of suppressing dust & dirt arising from the development;
- a scheme for recycling/disposing of waste resulting from demolition and construction works (i.e. no burning permitted);
- details of all proposed external lighting to be used during construction (including location, height, type & direction of light sources and intensity of illumination);
- details of areas for the loading, unloading, parking and turning of vehicles associated with the construction of the development;
- details of areas to be used for the storage of plant and materials associated with the development;
- details of the temporary construction site enclosure to be used throughout the course of construction (including access gates, decorative displays & facilities for public viewing, where appropriate);
- contact details for the site contractor, site foreman and CDM co-ordinator (including out-of-hours contact details);
- details of the arrangements for public engagement/consultation both prior to and continued liaison during the construction works;

- details of any temporary traffic management that may be required to facilitate the development including chapter 8 traffic signage;
- measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s).
- risk assessment of construction activities potentially damaging to biodiversity.
- reasonable Avoidance Method Statement for reptiles.
- details relating to an updated Badger site walkover.
- identification of "biodiversity protection zones".
- practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts to biodiversity during construction (may be provided as a set of method statements).
- the location and timing of sensitive works to avoid harm to biodiversity features.
- the times during construction when specialist ecologists need to be present on site to oversee works.
- the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

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

The 'Enabling Works' referred to above shall comprise the following:

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

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

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

- 12 No development shall commence until the applicant has implemented a programme of archaeological work in accordance with the agreed Written Scheme of Investigation by Development Archaeology Services Ltd as received on July 26th 2023.

Reason: The site is of archaeological significance in accordance with Arun Local Plan Policy HER DM6. This is required to be a pre-commencement condition because otherwise the disturbance of earth could harm important deposits.

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

Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year and covering a minimum of a 30-year period).
- g) Details of the body or organisation responsible for implementation of the plan; and
- h) Ongoing monitoring and remedial measures.

The LEMP shall include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species in accordance with policy ENV DM5 of the Arun Local Plan and 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 Natural Environment and Rural Communities Act 2006 (Priority habitats & species).

- 14 No development above damp-proof course (DPC) level shall take place until a Biodiversity Enhancement Strategy for protected and priority species as prepared by a suitably qualified ecologist has been 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 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 by s40 of the Natural Environment and Rural Communities Act 2006 (Priority habitats & species) and Arun Local Plan policy ENV DM5.

- 15 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. The landscaping scheme must ensure that native plant and tree species are used. The proposed buffer planting to the southern boundary must use mature species wherever possible.

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

- 16 No development above damp-proof course (DPC) level shall take place until full elevation details of all of the proposed walls and fences as indicated on drawing BRY-ECE-XX-XX-DR-A-SL-5020 Rev P02 "Boundary Treatments Plan" have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such walls and fences associated with them have been erected. Development shall be carried out in accordance with the approved details and permanently retained in a useable condition thereafter.

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

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

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

- 18 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.

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

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

- 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 Prior to occupation of any of the approved dwellings, the applicant or developer shall provide the dwellings with electric vehicle charge points in accordance with the council's standards as set out in its Parking Standards SPD. This requires that where a dwelling has a driveway or garage then one of those parking spaces shall be provided with a charging point, with ducting then being provided to all other spaces, where appropriate, to provide passive provision for these spaces to be upgraded in future. The individual charge points shall be in accordance with the technical requirements set out in Part S, section 6.2 of the Building Regulations 2010 (as amended). The electric vehicle charge points shall thereafter be retained and maintained in good working condition.

Reason: To mitigate against adverse impacts on local air quality and to promote sustainable travel, in accordance with Arun Local Plan policy QE DM3(c), the Arun Parking Standards SPD and the NPPF.

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

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

- 23 No dwellings in the development hereby permitted shall be occupied until the completion and opening to the travelling public of the improvements to the A27 / Yapton Lane junction shown on drawing number ITB11324-GA-014 Revision C "Proposed extension to A27 Yapton Lane right turn" dated 30/8/2017 (or such other scheme of works substantially to the same effect, as may be approved in writing by the local planning authority (who shall consult with National Highways)).

Reason: To ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic and to satisfy the reasonable requirements of road safety in accordance with section 10 of the Highways Act 1980, Arun Local Plan policy T SP1 and the NPPF.

- 24 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) shall be submitted to and approved in writing by the Local Planning Authority. 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:

- (a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- (b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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: 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.

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

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

- 26 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plans. The parking 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 policy T SP1 of the Arun Local Plan and the NPPF.

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

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

- 28 None of the dwellings shall be occupied unless and until full details of the public open space (POS) and associated management arrangements have been submitted to and approved in writing by the Local Planning Authority. The POS shall thereafter be implemented in accordance with the details as agreed through the discharge of condition (or any subsequent variation application) prior to occupation of the 85th dwelling and permanently retained thereafter. The approved management details shall then be permanently adhered to.

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

- 29 None of the dwellings shall be occupied unless and until full details of the public play provision

and associated management arrangements have been submitted to and approved in writing by the Local Planning Authority. The play provision shall thereafter be implemented in accordance with the details as agreed through the discharge of condition (or any subsequent variation application) prior to occupation of the 85th dwelling and permanently retained thereafter. The approved management details shall then be permanently adhered to.

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

30 The study windows on the rear elevations of plots 86 and 87 shall at all times be glazed with obscured glass up to a height of 1.7m above floor level and fixed to be top opening only.

Reason: To protect the amenities and privacy of plots 88 and 127 in accordance with Arun Local Plan policies D DM1 and QE SP1.

31 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.

32 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.

33 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 in the application (as originally submitted) and negotiating, with the applicant, acceptable amendments 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 in the NPPF.

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

(1) The provision of 51 Affordable Dwellings across the whole scheme consisting of 34 Affordable Rented, 4 Shared Ownership and 13 First Homes.

(2) A Travel Plan and its associated fee of £3,500 (at the time of writing) for monitoring and

auditing of the Travel Plan.

(3) A contribution of £266 per dwelling to the Comet Corner Improvements Scheme; and.

(4) A Secondary School Transport Contribution in accordance with the published formula.

- 35 **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'.

- 36 **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.
- 37 **INFORMATIVE:** A surface water drainage verification condition guidance note is available at <https://www.arun.gov.uk/drainage-planning-consultations>, this clearly sets out our requirements for discharging this condition
- 38 **INFORMATIVE:** A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents via <https://beta.southernwater.co.uk/infrastructurecharges>.
- 39 **INFORMATIVE:** Following approval of details showing the 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 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 on the details given below:
Frs.waterandaccess@westsussex.gov.uk

40 INFORMATIVE: The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)

For guidance please visit: www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits or contact the National Customer Contact Centre on 03708 5062506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environmentagency.gov.uk.

The applicant should not assume a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with at the earliest opportunity.

41 INFORMATIVE: The EA strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage. To find out which measures will be effective for this development, please contact your building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. Further guidance on flood resistance and resilience measures can also be found online.

42 INFORMATIVE: This development involves work to public highways that can only be undertaken within the scope of a legal Agreement between the applicant and National Highways. Planning permission in itself does not permit these works. It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the Spatial Planning Team, National Highways, Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ. National Highways switchboard: 0300 470 1370. Email: PlanningSE@nationalhighways.co.uk

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

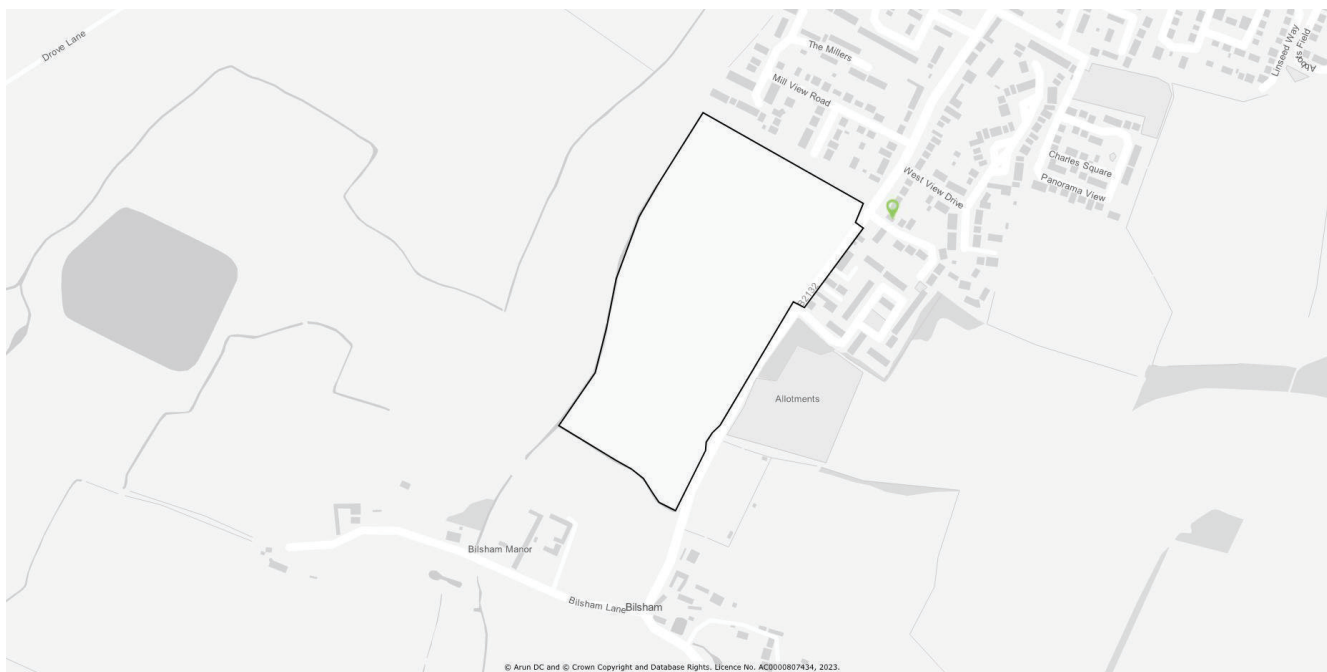
44 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 01/06/23) as available on the council's website.

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

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/52/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council 100018487. 2015