

PLANNING APPLICATION REPORT

REF NO:	WA/63/21/PL
LOCATION:	Land East of Tye Lane Walberton BN18 0LU
PROPOSAL:	Proposed alternative vehicular accesses off Tye Lane and emergency access off Avisford Park Road, along with minor highway works following WA/95/18/RES (resubmission following WA/93/20/PL). This site is CIL Zone 2 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>This planning application is for the construction of an alternative vehicular access onto Tye Lane and an emergency access onto Avisford Park Road.</p> <p>The approved vehicular access is onto Yapton Lane and the emergency access is onto Tye Lane.</p>
SITE AREA	0.26 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	The site includes a number of mature trees along the boundary of the site with Tye Lane; and hedgerow trees along the boundary with Avisford Park Road.
BOUNDARY TREATMENT	The site of the proposed vehicular access onto Tye Lane is bounded by hedgerows and hedgerow trees and a drainage ditch; and the site of the proposed emergency access onto Avisford Park Road is bounded by railings and by contractor fencing.
SITE CHARACTERISTICS	<p>Trees and hedgerows have been cleared to accommodate the approved emergency access, to form the visibility splays and for the footway / cycleway link onto Tye Lane; and Avisford Park Road is an unadopted single track road. The route of the proposed alternative emergency access leading from Avisford Park Road to the estate road on Avisford Grange is currently a building site.</p> <p>Vistry Homes (formerly Linden Homes) are marketing the wider site as Avisford Grange and they have constructed and opened the site access from Yapton Lane; they have closed-off the former contractor access from Avisford Park Golf Club and turfed it over. The show homes and the visitor reception are not currently open for business and none of the houses on the site are occupied. There is a barrier controlling access into the construction area. The TPO'd trees in the south eastern</p>

corner of the site are protected by fencing. The large attenuation pond in the south east part of the site has been excavated.

CHARACTER OF LOCALITY

The area is rural in character with housing in Walberton Village, including the Conservation Area and related listed buildings, the Walberton and Binstead Primary School, Walberton Recreational Ground and Avisford Park Road to the south of the application site. The Recreational Ground includes a playing field which contains a cricket square and the outfield has also been used to provide football pitches.

The site is bounded to the north by Avisford Park Golf Course, associated buildings and historic parkland. To the west the site is bounded by Tye Lane, with open farmland beyond. To the east the site is bounded by housing and Yapton Lane, beyond which is open farmland and the Golf Club's back 9 holes.

RELEVANT SITE HISTORY

WA/59/20/PL	A re-plan of part of the approved (outline planning permission WA/44/17/OUT and reserved matters approval WA/95/18/RES) and partially implemented development on the site, which currently has approval for 175 dwellings; to develop an additional 30 dwellings including 9 affordable units on part of the site. The proposal includes an increase in the number of dwellings on part of the site from 81 units to 111 units.	Refused 20-05-21
WA/95/18/RES	Approval of reserved matters following outline consent WA/44/17/OUT for the erection of 175 No. dwellings, car parking including garages, internal access roads, footpaths, parking & circulation areas, hard & soft landscaping, allotments, play areas/equipment & community orchard & other associated infrastructure & engineering works. This application may affect the character & appearance of the Walberton Village Conservation Area.	ApproveConditionally 16-04-19
WA/44/17/OUT	Outline application with some matters reserved for up to 175 dwellings, new vehicular access, together with associated car parking, landscaping & community facilities to include allotments, play space & community orchard. This application is a Departure from the Development Plan & may affect the character & appearance of the Walberton Village Conservation Area.	App Cond with S106 23-02-18

WA/93/20/PL Alternative vehicular access off Tye Lane & emergency Withdrawn
access off Avisford Park Road, along with minor highway 02-06-21
works following WA/95/18/RES. This site is in CIL Zone 2
(Zero Rated) as other development.

The outline planning application (WA/44/17/OUT) was subject to a call-in request, but the Secretary of State resolved not to call-in the application; and WA/44/17/OUT was granted by Arun District Council on 23rd February 2018. Work commenced on implementing WA/95/18/RES but the site has been mothballed until there is more certainty about the route of the A27 Arundel Bypass.

This application is a re-submission of WA/93/20/PL which was withdrawn by the applicant. At the time of withdrawal, further information was requested to determine the developments impact on the A27/A29 Fontwell West Junction with the A27 Arundel Bypass flows that accurately reflect the preferred Grey Route announcement scheme.

REPRESENTATIONS

WALBERTON PARISH COUNCIL:

Object.

- The application is premature; the proposed A27 route may not block existing access onto Yapton Lane.
- The planning application refers to a theoretical loss of access via Yapton Lane.
- The logic is flawed as the A27 Bypass route would block Yapton Lane access and sever Tye Lane heading north.
- There is no justification for an alternative access via a route already deemed inappropriate for WA/68/20/OUT.
- No effective community engagement has been carried out by the developer. No meeting taken place with WPC.
- Avisford Park Road is narrow, unsurfaced and unadopted and is unsuitable for use as an emergency access.
- Tye Lane is narrower than Yapton Lane; the proposal is to reduce it to a minimum of 4.8m rather than 5.0m.
- The reduced width of Tye Lane poses dangers for pedestrians, cyclists and vehicles.
- The Traffic Flow Diagrams have incorrect data; all data demonstrating traffic heading north to A27 is flawed.
- The consultants should have modelled the scheme on a 'with' and 'without' A27 Grey Route Bypass.
- Construction traffic would proceed via routes permitted to HGVs i.e. West Walberton Lane, which is narrow.
- Traffic levels on The Street and local roads would increase dramatically.
- Letter from NH (17/06/21) states NH will maintain access from Yapton Lane during/after constructing A27 bypass.
- The applicant claims "the application is proposed to be implemented as soon as possible, disregarding the future status of the Arundel Bypass". The LPA should require the applicant to submit a revised Planning Statement.

224 letters of objection on the following grounds:

- This proposal is a re-hash of withdrawn application WA/93/20/PL.
- The Grey Route option was identified in the PCF Stage 1 Technical Appraisal Report back in 2017.
- WA/68/20/OUT refused because Tye Lane not cope with increased traffic & is too narrow for 2 vehicles to pass. The full impact of this application cannot be appreciated without details of Grey Route junction crossing Tye Lane.

- If the A27 Arundel Bypass goes ahead, NH propose to close Tye Lane just to the north of the proposed access.
- Traffic will not be able to turn right from site onto Tye Lane and access the A27 if the Grey Route goes ahead.
- The developer is not able to guarantee the northwards connections onto or off the Grey Route.
- The Transport Assessment fails to provide any mitigation for cumulative effects if Grey Route goes ahead.
- Approval would set a precedent for consents on The Street and Tye Lane in traffic, amenity & social capital terms.
- Tye Lane is an unsafe road and there will be safety issues for residents, walkers, horse riders and cyclists.
- There are serious drainage issues around the proposed Tye Lane access which have not been addressed.
- Inadequate traffic modelling submitted to assess how 2 main accesses (Yapton Lane & Tye Lane) would function.
- The original consent had a Yapton Lane access for sound reasons. There has been no material change.
- NH has assured the applicant that there will be access to the site via Yapton Lane; & responded to an Fol request.
- NH not disclosed how it will maintain access to site during construction and operation of the A27 Arundel Bypass.
- Unlike the applicant, NH considers the future A27 alignment, that is the reason why the application was submitted.
- The application should include the full impact on all local roads before and after mitigation.
- Applicant falsely assumes the Local Plan policy to protect line of Bypass is untenable; line of Bypass is unknown.
- WSCC states that methodology for assessment presented in the Transport Assessment has not been agreed.
- The Local Highway Authority has made no commitment to mitigate impacts on the local road network.
- NH should provide access to the site via a bridge over the A27 Arundel Bypass to the old A27.
- The likely increase to traffic in The Street would also detrimentally impact on Walberton's Conservation Area.
- Avisford Park Road is an unsuitable, unsafe, un-adopted no-through road, which includes a public footpath.
- The Title Plan shows no legal right of vehicular access to the field along Avisford Park Road.
- Bollards at each end of emergency access would not prevent use by motorcyclists accessing Avisford Park Road.
- Removal of part of hedgerow on Avisford Park Road would destroy wildlife habitat and nesting sites for birds.
- Widening of the path to facilitate emergency vehicles is likely to impinge on approved POS and RPAs of trees.
- The proposal fails paragraph 32 of NPPF (2021), Policy T SP1 of the Local Plan and NP Policy GA6.

3 letters of objection following the submission of the applicant's email on 14th September 2021:

- The developer wants a replacement access onto Tye Lane regardless of the proposed A27 bypass.
- Vistry's overly cautious legal advice regarding NH's commitment to retain the access at Yapton Lane is irrelevant.

COMMENTS ON REPRESENTATIONS RECEIVED:

One of the reasons for refusing WA/68/20/OUT (Land west of Tye Lane) was that insufficient information had been submitted identifying the potential impacts of the development on the strategic road network.

The Transport Assessment needed updating to include additional information on existing local conditions, trip distribution and route assignment, junction capacity assessment. The preferred route for the A27 Arundel Bypass: the Grey Option 5BV1 route would be constructed in close proximity to the north of the proposed development, which would have the effect of stopping up Tye Lane to the north of the development. The Fontwell West roundabout is already over capacity as it is severely impacted by traffic in the peak periods and accordingly any additional traffic on top of already severe conditions are in themselves classed as severe. The applicant had not demonstrated that their impacts on the A27 were mitigated to a NIL detriment. Consequently, insufficient information had been submitted to determine whether or not the proposal complied with Policy T SP1 of the Local Plan and the National Planning Policy Framework.

All planning related comments are noted and covered in the Conclusions section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

NATIONAL HIGHWAYS (Formerly HIGHWAYS ENGLAND):

No objection. Two conditions are required to be imposed if planning permission is granted: 1) for a Construction Management Plan and 2) for the improvements at the A27 Tye Lane junction: "Prior to bringing the development hereby permitted into use, the scheme of highways works forming the A27/Tye Lane junction improvements as shown on the Ardent Consulting Engineers drawing No. 183248-005 Rev D 'PROPOSED A27 / TYE LANE JUNCTION' dated June 2021 (or other such alternative scheme that may be agreed in writing by the Local Planning Authority who shall consult National Highways) shall be completed and opened for use". In addition, 2 informatives are required: 1) an informative which explains the scenarios based on the existing permissions and conditions and 2) an informative regarding works affecting the Public Highway.

LOCAL HIGHWAY AUTHORITY:

No objection subject to conditions regarding the submission of a revised Construction Management Plan; a timescale for the closure of the Yapton Lane access, but pedestrian and cycle access should be retained; the development should be constructed in compliance with Access Drawing numbers 183248-002 and 183248-003 Rev. C - Proposed Alternative Access (including pedestrian improvements to Tye Lane); the mitigation measures at the A27/Tye Lane junction should be delivered prior to the access on Tye Lane being first utilised; and the emergency access provision onto Avisford Park Road should be provided prior to the closure of the existing access onto Yapton Lane.

WSCC FIRE & RESCUE SERVICE:

No objection. A suitable control measure would need to be put in place for the removal of the bollards should the emergency access route need to be used.

ADC ENVIRONMENTAL HEALTH:

No objection in principle, however conditions should be imposed regarding the submission of a Construction Management Plan, restricting the hours of construction activities, the submission of a detailed assessment of air quality impacts, and the submission of a detailed noise mitigation scheme to address noise impacts on nearby residential dwellings arising from the development and associated activities.

ADC DRAINAGE:

Object.

There would be a clash between the proposed culvert and the foul pipe. Proposals to provide the longer

culvert rely upon deepening the watercourse, it is not clear if this would be possible with the constraints that exist. In order to form a pavement along the east of Tye Lane it is proposed to divert the ditch; the proposed cross sections are proposed to have banks that are steeper than existing banks, which would result in erosion and collapse. It is unclear how the new watercourse profile could be provided without damaging the TPO'd trees.

ADC CONSERVATION OFFICER:

There are no heritage assets on the site, but there are a number in close proximity to it. These assets include Walberton Village Conservation Area and Avisford Park Hotel a Grade II Listed Building, and a number of Grade II listed buildings and locally listed 'Buildings or Structure of Character' fronting The Street, to the south and south-east of the site. There are concerns regarding the impact that additional traffic would have on the conservation area, the development could have some negative impact upon the conservation area. The application is considered to cause less than substantial harm in accordance with paragraph 202 of the NPPF (2021). The level of harm is considered to be on the lower end of the scale. You will also need to take into account the contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

ADC GREENSPACE:

No objection. The landscape drawing (Drawing No. CSA/3823/107 Rev. R: Sheet 1 of 4) shows the proposed landscape mitigation including native thicket and tree planting along Tye Lane. The proposed landscape mitigation for the Tye Lane entrance would appear sufficient and appropriate. The proposed emergency access off Avisford Park Road is not ideal with routing through public open space, the community orchard and passing a Local Area of Play (LAP); the landscaping plan (Drawing No. CSA/3823/109 Rev Q: Sheet 3 of 4) has been amended to include knee rail fencing around the LAP, which is acceptable.

ADC ECOLOGY:

No objection. A condition is required whereby the additional mitigation as proposed in the Ecology Technical Note dated June 2021, should be implemented in its entirety.

COMMENTS ON CONSULTATION RESPONSES:

All planning related comments are noted and covered in the Conclusions section of this report.

POLICY CONTEXT

Designation applicable to site:

Inside the Built-up Area Boundary (BUAB) of Walberton in the Arun Local Plan and Walberton NP2.

DEVELOPMENT PLAN POLICIES

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

- DDM1 D DM1 Aspects of form and design quality
- ENVDM4 ENV DM4 Protection of trees
- ENVDM5 ENV DM5 Development and biodiversity
- ENVSP1 ENV SP1 Natural Environment
- HERDM1 HER DM1 Listed Buildings
- HERDM2 HER DM2 Locally Listed Buildings or Structures of Character
- HERSP1 HER SP1 The Historic Environment
- HERDM3 HER DM3 Conservation Areas

INFSP1	INF SP1 Infrastructure provision and implementation
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP3	T SP3 Safeguarding to Main Road Network
WDM2	W DM2 Flood Risk
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems

[Walberton Neighbourhood Plan Policy 2019-2031 GA2](#) Footpath Bridleway and Cycle Patch Network

Walberton Neighbourhood Plan Policy 2019-2031 GA5 Traffic Management

Walberton Neighbourhood Plan Policy 2019-2031 GA6 A27/A29 Junction West, and Other Strategic Junctions

Walberton Neighbourhood Plan Policy 2019-2031 HP1 Built up boundary (BUAB)

Walberton Neighbourhood Plan Policy 2019-2031 VE1 Designation of Local Green Space

Walberton Neighbourhood Plan Policy 2019-2031 VE3 Protection of Trees and Hedgerows

Walberton Neighbourhood Plan Policy 2019-2031 VE4 Conservation Areas and Areas of Special Character

Walberton Neighbourhood Plan Policy 2019-2031 VE6 Protection of Watercourses

Walberton Neighbourhood Plan Policy 2019-2031 VE7 Surface Water Management

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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POLICY COMMENTARY

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

The revised Walberton Neighbourhood Development Plan was made on 14/07/21 and its policies are

referred to in this report.

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."

Section 70(2) of TCPA 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, 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.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Listed Buildings Act): "In considering whether to grant planning permission for development which affects a Listed Building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

Planning (Listed Building and Conservation Areas) Act 1990 Section 72 (1)

"In the exercise with respect to any buildings or other land in a Conservation Area of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

The proposed alternative vehicular access off Tye Lane and the emergency access off Avisford Park Road are located inside the built-up area boundary (BUAB) of Walberton and therefore comply with the relevant Development Plan policies. The proposal would have a material effect on the visual amenities of the locality along Tye Lane and Avisford Park Road, with the removal of trees but these are acceptable.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The principle of residential development was established in 2018 when WA/44/17/OUT was granted for 175 dwellings on the Land East of Tye Lane; with the access to the site directly off Yapton Road. The reserved matters (WA/95/18/RES) were approved in April 2019.

The outline permission included the construction of the main vehicular access into the site from Yapton Lane, which has already been constructed, together with the provision of a new vehicular access point onto Tye Lane for use by emergency services vehicles. Much of the vegetation clearance including the removal of scrub and a few trees and leaning tree limbs has already been completed to construct the emergency access onto Tye Lane.

KEY ISSUES

The key issues to be considered as part of this application are:

- Is this planning application for alternative vehicular accesses onto Tye Lane and Avisford Park Road premature as there is no Development Consent Order in place for the preferred Grey Route for the A27 Arundel Bypass?
- Would the creation of a new permanent vehicular access onto Tye Lane, the construction of a footway along the eastern side of Tye Lane, and the proposed mitigation measures at the A27/Tye Lane junction adversely affect the appearance of the lane?
- Would the diversion of the surface water drainage ditch and the construction of a new culvert lead to surface water flooding on Tye Lane?

TRANSPORT

A27 Arundel Bypass:

The preliminary design of the A27 Arundel Bypass including its horizontal alignment has not been published nor finalised and no design fixes have been released; and the 2020 Preferred Route Announcement made no change to the status of the scheme. Whilst the preferred Grey Route for the A27 Arundel Bypass has the potential to impact traffic assignment from the site, there is no Development Consent Order in place and it is not at present a committed scheme, and as such would not have any formal planning status. National Highways current programme is to submit a Development Consent Order in 2022 and commence works in 2024. In bringing forward these proposals National Highways would ensure that access to the site is maintained during and after construction of the proposed bypass. As the preferred Grey Route for the A27 Arundel Bypass has no formal planning status, WA/63/21/PL considers the proposed access onto Tye Lane in isolation; it does not consider the future situation under a new alignment of the A27, which would result in a re-distribution of trips on the local highway network. National Highways have confirmed that if/when this alternative alignment of the A27 comes forward, any impact on the site access/trip distribution would be considered in detail and if needed this would be mitigated appropriately.

As it has been confirmed that the revised access would be implemented as soon as possible, it should be noted that an application has to be assessed and considered at face value based on the information presented and the intentions of the housebuilder to deliver 175 dwellings on the site. It is also noted that a standard timescales condition would be included on the permission which would lapse within 3 years of consent should it not be implemented.

Should planning permission be granted for WA/63/21/PL in advance of National Highways submitting a Development Consent Order for the Arundel Bypass it would then become National Highways responsibility to assess the revised assignment of the application site (and indeed all existing and consented flows) on a number of junctions on the local highway network, which are the responsibility of the Local Highway Authority, and the A27 Fontwell Roundabouts.

Trip Generation and Distribution:

It is estimated that there would be an additional 45 two-way trips in the morning (AM) peak and 69 two-way trips in the afternoon (PM) peak at the junction of Tye Lane and The Street. An additional 52 and 33 two-way movements are estimated in the AM and PM peaks respectively utilising the junction of the A27 and Tye Lane. It is estimated that there would be a reduction in trips at the junction of the A27 and Yapton Lane from the site, following the closure of the site access on Yapton Lane.

Proposed Improvements at the existing A27 / Tye Lane Junction:

An improvement scheme is proposed for the A27 / Tye Lane Junction (Drawing No. 183248-005 Rev. D) which would be in addition to the highway improvements secured through the outline permission. The A27 / Tye Lane Junction improvements comprise the formation of a new merge taper for vehicles

accessing the A27 westbound from Tye Lane. The proposed improvements to the A27/ Tye Lane junction should be provided in advance of the opening of the Tye Lane access to all vehicles and this should be conditioned. As stated above, WA/63/21/PL considers the proposed access onto Tye Lane in isolation; it does not consider the future situation under a new alignment of the A27. Consequently, should the preferred Grey Route for the A27 Arundel Bypass proceed it would make the proposed improvements at the existing A27 / Tye Lane Junction (Drawing No. 183248-005 Rev D, dated June 2021) redundant. However, the LPA can only consider the application as submitted.

A27 / Yapton Lane Junction Improvement:

The Transport Assessment Addendum, June 2021 states that a restriction on U-turn movements at the A27 / Yapton Lane junction could be provided (paragraph 3.16). National Highways have confirmed that this is a very minor matter of detail and would be tied into the agreed works forming the Section 278 agreement once the detailed design is completed. The provision of minor signage changes at A27 Yapton Lane can be dealt with at Stage 2 Road Safety Audit.

Section 106 Agreement (WA/44/17/OUT) mitigation and trigger points:

National Highways is content that the original mitigation and trigger points set out in the Section 106 Agreement for WA/44/17/OUT requiring the provision of an 80 metre long right turning lane on the A27 into Yapton Lane and a developer contribution of £400,000 towards improvements to the A27/A29 Fontwell Avenue roundabout are still appropriate. In the event the A27 Arundel Bypass comes along before the point at which the right turning lane on the A27 into Yapton Lane is improved then the £180,000 would go towards the A27 route improvements as per the agreement and the £400,000 for the scheme of works at the A27/A29 Fontwell Avenue roundabout would finance an alternative scheme of works that National Highways considers necessary to achieve improvement at the junction in accordance with the wording in the S106 Agreement).

Site Access:

Site access was approved under WA/44/17/OUT and provided vehicular access from Yapton Lane and emergency access from Tye Lane. The vehicular access from Yapton Lane has been constructed and it has been used by contractor vehicles accessing the site. Construction work has started on the emergency access and cycleway / footway link onto Tye Lane. This current application (WA/63/21/PL) is for an alternative vehicular access off Tye Lane and emergency access off Avisford Park Road, with the closure of the existing site access onto Yapton Lane; and this application considers the impacts in a non A27 Arundel Bypass scenario.

A simple priority junction is to be provided onto Tye Lane as shown on Drawing No. 183248-002 Rev. G with a 5.5 metre wide carriageway and 7.0 metre kerb radii; visibility splays of 2.4m x 54m southbound and 2.4m x 60m northbound are achievable in line with Manual for Streets requirements.

The Proposed Alternative Access Plan (Drawing No. 183248-003 Rev. C) and Drawing No. CSA/3823/110 Rev. O - Public Open Space Landscape Proposals (Sheet 4 of 4) still show the existing vehicular access onto Yapton Lane as retained. As no assessment has taken place of having both accesses onto Yapton Lane and Tye Lane open at the same time and its impact on redistributing vehicles, a condition is required to be imposed upon the timescale for closure of the existing access onto Yapton Lane and details of the closure, but retaining access for pedestrians and cyclists from Yapton Lane.

Emergency Vehicular Access:

The approved emergency access point is located onto Tye Lane, but the proposal is to provide an alternative emergency access onto Avisford Park Road. Vehicle tracking has been provided for the emergency access which shows a Fire Tender can utilise the access on Avisford Park Road and internal links within the development; and WSCC Fire and Rescue Service has raised no objection to the

alternative emergency access onto Avisford Park Road. It is acknowledged that Avisford Park Road is an unadopted no-through road, which includes a public footpath, and that it is wide enough only for a single vehicle; but the emergency vehicular access would only be used in the rare occurrence that the main site access was blocked, apart from this it would be used by pedestrians and cyclists. A removable bollard would be provided to allow pedestrian / cycle movements and restrict public motor vehicles.

It is also acknowledged that the alternative emergency access is not ideal as it would be routed through an area of public open space (POS), including the community orchard and it would run alongside a Local Area of Play (LAP). It is unfortunate that the emergency access road crosses an area of POS and runs through the site of the approved community orchard and runs up against the LAP in the southern part of the site, but it is acknowledged that this is the shortest route between the footprint of the residential development on the site and Avisford Park Road, and there is limited space on the site to accommodate an alternative emergency access through to Avisford Park Road.

Tye Lane Pavement:

A new 1.5 metre pavement is proposed along the eastern side of Tye Lane connecting to The Street; and dropped kerbs are proposed at the junction with The Street. The proposed pavement reduces to 1.2 metres for approximately 25 metres but given the anticipated vehicle flows, alternative pedestrian accesses to the site and land constraints, the width proposed is acceptable. In order to accommodate the pavement, the carriageway width of the road would be narrowed to between 5.6 metres and 5.0 metres (i.e. a 5.0 metre wide road would allow a HGV and car to pass). The proposed improvements to the pedestrian links along Tye Lane to High Street should be provided in advance of the opening of the Tye Lane access to all vehicles. The proposed pavement along part of Tye Lane would ensure that the site links up with the village centre, and it complies with Policy T SP1 and Policy T DM1 of the Local Plan, in terms of connectivity.

Stage 1 Road Safety Audits (RSA):

A Stage 1 RSA (June 2021) for the alternative site accesses onto Tye Lane and Avisford Park Road, and the proposed pavement along the eastern side of Tye Lane has been provided and the Designers Response has been agreed and signed. The Local Highway Authority and the Local Planning Authority are satisfied with the two Stage 1 RSAs and the Designer's Responses which have been signed and agreed.

Conclusion on Transport:

This application for an alternative vehicular access off Tye Lane and emergency access off Avisford Park Road, considers the impacts in a non A27 Arundel Bypass scenario. The application is proposed to be implemented as soon as possible, disregarding the future status of the Arundel Bypass. The original mitigation and trigger points set out in the Section 106 Agreement for WA/44/17/OUT are still appropriate. It is recommended that conditions be imposed upon the timescale for closure of the existing access onto Yapton Lane and details of the closure, but retaining access for pedestrians and cyclists from Yapton Lane. Subject to conditions, the proposed development is acceptable and it complies with Policy T SP1 and Policy T DM1 of the Local Plan and the National Planning Policy Framework, 2021.

LANDSCAPE

The amended Public Open Space Landscape Proposals Plan (Drawing No. CSA/3823/107 Rev. R: Sheet 1 of 4; Drawing No. CSA/3823/109 Rev. Q: Sheet 3 of 4 and Drawing No. CSA/3823/110 Rev. O: Sheet 4 of 4) which have been submitted with this application for the alternative vehicular accesses shows that a significant amount of the landscaping that was approved under WA/95/18/RES is to be retained across the site except within the visibility splays of the vehicular accesses onto Tye Lane and Avisford Park Road. These show amendments to the landscaping that has been approved under reserved matters and which are outside the red line boundary for this site.

The creation of a new permanent vehicular access onto Tye Lane; the construction of a pavement along the eastern side of Tye Lane from the site to High Street; and the proposed mitigation measures at the A27/Tye Lane junction shown on Drawing No. 183248-005 Rev. D would have an impact on the character of the Lane and alter the appearance of the lane from a country lane with grass verges to a country lane with a pavement running along the eastern side of the lane. The initial impact of the visibility splay and the pavement on the eastern side of the Lane would affect the visual character of the Lane when viewed from High Street; and alter its character from a rural lane into a suburban street. However, over the course of time the tree belt along the Lane would grow back and soften the initial impact of the visibility splay and the pavement. The construction of a pavement on the eastern side of Tye Lane would be acceptable as it would ensure safer access for pedestrians from Avisford Grange walking into the centre of Walberton.

Drawing No. CSA/3823/107 Rev. R - Public Open Space Landscape Proposals (Sheet 1 of 4) includes proposed additional tree planting along the verges of the new vehicular access route onto Tye Lane, which is acceptable as it would further enhance the visual appearance of the development. There is sufficient space to accommodate the proposed mitigation measures at the A27/Tye Lane junction, but a number of trees on the western visibility splay would be affected by the proposed mitigation measures, but on balance it is acceptable to ensure highway safety and the safe functioning of the junction and the free flow of traffic along the A27.

The route of the emergency access road goes through the site of the approved community orchard and runs alongside a Local Area of Play (LAP), but additional tree planting is proposed on Drawing No. CSA/3823/109 Rev. Q - Public Open Space Landscape Proposals (Sheet 3 of 4), which is acceptable as it would further enhance the visual appearance of the development and mitigate the visual impact of the road going through the orchard. Additional tree and shrub planting is also proposed in the north east corner of the site along the boundary with the houses on Manser Road and Yapton Lane (Drawing No. CSA/3823/110 Rev. O - Public Open Space Landscape Proposals (Sheet 4 of 4), in close proximity to the existing vehicular access onto Yapton Lane, which is acceptable. This area is outside the red line boundary. Subject to the imposition of a compliance condition for the provision of tree planting, the proposed new vehicular access onto Tye Lane and the emergency access onto Avisford Park Road comply with Policy D DM1 of the Local Plan, in terms of soft landscaping.

TREES

An Arboricultural Impact Assessment, dated 1st June 2021 has been submitted with WA/63/21/PL; and the Combined Tree Retention / Removal & Protection Plan (Drawing No. BHA_401_03 - Rev. A) has been updated to reflect the revised vehicular accesses onto Tye Lane and Avisford Park Road on the internal layout of the site. The amended access onto Tye Lane would require the removal of a small number of trees. The proposed pavement on the eastern side of Tye Lane is not part of the application; it constitutes off-site highway works and it would be dealt with by the Local Highway Authority under a Section 278 application. The pavement would be within a small portion of the RPA of a high quality oak tree (T23) but it should have a minor impact due to its location on the other side of the ditch. The trees within the wider site that are subject to a Tree Preservation Order would be retained and are already protected by the provision of screen fencing; it is proposed to re-align the screen fencing to allow construction of the emergency access route through the site, which is acceptable. As works are taking place within an RPA then they will need to be done in a certain way, which should be set out in an Arboricultural Method Statement (AMS). A condition is required whereby prior to the commencement of development, an AMS should be submitted which should also include the recommendations set out in the updated Combined Tree Retention / Removal & Protection Plan - Access Arrangements (Drawing No. BHA-401-03 - Rev. A) requiring the provision of protection measures around the adjacent trees and hedges which are to be retained and whose canopy and root protection areas would fall within the construction area. Subject to a condition requiring the submission of an AMS, the proposed alternative vehicular accesses for Avisford Grange comply with Policy ENV DM4 of the Local Plan and Policy VE3 of

the Walberton NP2 in relation to tree protection.

BIODIVERSITY

The Ecological Mitigation and Enhancement Plan providing details relating to the wider site regarding badgers and the ecological enhancements have been discharged under WA/99/18/DOC. An Ecology Technical Note (June 2021) has been submitted with this application which sets out the acceptability of the proposed alternative vehicular accesses following the approval of WA/99/18/DOC. The Ecology Technical Note proposes the following precautionary works: a number of bat boxes would need to be checked and be re-located; an update to the badger survey should be undertaken prior to any ground works commencing, to ensure badgers are not using the site; if any of the trees which require felling have bird boxes installed on them then these should be re-located to an alternative nearby tree by an Ecologist, but the boxes cannot be moved until any young have fledged. The site needs to be checked for reptiles by an ecologist, prior to any vegetation removal works commencing. These remedial works to the existing ecological enhancements should be conditioned.

An updated Ecological Mitigation and Enhancement Plan (Drawing No. CSA/3823/114 Rev. D) has been submitted with the application showing the proposed locations of additional ecological enhancements comprising bat, bird, bee and invertebrate boxes, and log piles; which would work with and compliment the plans approved at the outline and reserved matters stages. The additional ecological enhancements are suitable and should be conditioned. Subject to a condition ensuring that the remedial works to the existing ecological enhancements set out above and the additional ecological enhancements are implemented, the proposed development complies with Policy ENV DM5 of the Local Plan in relation to the impact on protected species and the potential for the scheme to protect existing habitats where possible.

IMPACT ON WALBERTON CONSERVATION AREA AND THE SETTING OF LISTED BUILDINGS

Walberton Village Conservation Area:

The impact of the proposed development on the Conservation Area needs to be considered in accordance with paragraph 202 of the NPPF (2021) and if there is harm is it substantial or less than substantial, and this needs to be weighed against the public benefits of the proposal.

Walberton Village Conservation Area is linear in nature, following the line of The Street from the junction with Tye Lane at the west towards the junction with Yapton Lane at the east, along with Church Lane which extends towards the south-west as far as the parish church. The boundary of this part of the conservation area consists primarily of the rear boundaries of various properties which front on to The Street. Walberton Green Conservation Area is focussed on the village green and pond, set at the meeting point of historic routeways. A limited number of houses front onto this space, with the boundary drawn along their rear property boundary lines. Development in this conservation area tends to be focused towards the green/roads. The application site is separated from the conservation areas by a small buffer of residential development and mature gardens. Tye Lane runs between The Street and the A27 and forms a link between the conservation area and the surrounding countryside.

In accordance with paragraph 194 of the NPPF (2021), a Heritage Impact Assessment has been prepared which assesses the impact the development has on the setting of the Conservation Areas and assesses how this may affect the proposed development.

With regard to paragraph 206 of the NPPF (2021) the main consideration is the indirect effect that the proposed development could have on the appreciation of the significance of the identified nationally and locally listed buildings and their settings and the setting of the Conservation Areas. The Heritage Impact Assessment confirms that the current proposal includes works within the highway that lie within the Walberton Village Conservation Area. The Assessment concludes that the proposed works are minor in nature and are consistent with the existing form and character of highway works in Walberton; and these

works would not cause any material harm to the significance of the identified heritage assets.

In accordance with paragraph 195 of the NPPF (2021) which states the Local Planning Authorities should take account of any necessary expertise, in this case, the Conservation Officer reviewed the application and provided some comments.

The proposal has taken account of the policy objectives set out in paragraph 197 of the NPPF (2021) by maintaining the significance of the Conservation Area that may be affected by the application proposals. The impact on the Conservation Area has been given great weight in accordance with paragraph 199 of the NPPF (2021) The proposals have sought to minimise and mitigate the impact of the proposals on the significance of the Conservation Area, by ensuring that the pavement is only constructed on one side of Tye Lane and that only trees growing within the visibility splay on Tye Lane are proposed to be removed, and make a positive contribution to local character by enhancing the setting of the Conservation Area as required by paragraphs 197(c), 206 and 207 of the NPPF (2021) which states Local Planning Authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (hereafter referred to as 'the act') states that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.

The site is separated from the conservation areas by a small buffer of residential development and mature gardens. However, there is concern about the impact that the development could have on Tye Lane, which is a semi-rural lane which provides a pleasant entrance to the conservation area. The concern is that any necessary highways improvements and an increase in traffic using this lane would impact upon its rural character. Further, there is concern that the increase in traffic will ultimately impact upon The Street, which will also harm its semi-rural character.

Based on the concern regarding the impact that additional traffic will have on the conservation area, the development could have some negative impact upon the conservation area. The proposal is such that the impact can be described as causing less than substantial harm in accordance with paragraph 202 of the NPPF (2021). However this harm is to be on low end of the scale. As such, the public benefits that the development may achieve need to be considered as part of the assessment of the application, along with the contents the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). It is therefore necessary to consider the public benefits that the development may achieve. These include:

- Benefitting the local economy by bringing in additional customers to the village centre shops and services.

In conclusion, in terms of the Conservation Area it is acknowledged that there would be an impact on the setting of the Conservation Area resulting from the development proposed and conflict with paragraph 72 of the act. Overall, the proposal does cause some harm to the Conservation Area, but this level is such that the impact can be described as leading to less than substantial harm.

The public benefits sufficiently outweigh the harm caused to the Conservation Area and the proposal is therefore compliant with Policy HER SP1 and Policy HER DM3 (a),(d),(e) and (f) of the Arun Local Plan, Policy VE4 of the Walberton NP2 and the NPPF (2021). In terms of Policy HER DM3(f), the proposed development would not harm views into or out of the two Conservation Areas in Walberton.

Listed Buildings

Section 66 of the act states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the

desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Whilst there are no statutory Listed Buildings located within the site boundary, a number of Listed Buildings are situated within 50 metres of the site: The remains of the Village Pound, Numbers 15-20 The Street, Friars Oak and Friars Oak Cottage are some distance from the site. Pear Tree Cottage is located on the junction of The Street with Tye Lane, facing south and south-east; it has no significant inter-visibility with the Site. The Buildings and Structures of Character are located close to the South-West of the site in the Walberton Green Conservation Area. They are properties of 18th-19th century date and are focussed south towards the road at the point where it enters the village green. There are various Locally Listed Buildings and Structures of Character within The Street. However, there is no inter-visibility with the Site, due to the presence of development between the assets and the site.

The proposal is for revised point of access for the site. This new point of access would be via Tye Lane, which runs between The Street and the A27. It is also assumed that the lane would form the main route for the future residents into the village and the associated services, as well as the local road network. The proposal is such that the impact of the proposed alternative vehicular access off Tye Lane with the provision of visibility splays and a pavement along the eastern side of the Lane can be described as causing less than substantial harm in accordance with paragraph 202 of the NPPF (2021). However this harm is to be on low end of the scale. As such, the public benefits that the development may achieve need to be considered as part of the assessment of the application, along with the contents the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

It is therefore necessary to consider the public benefits that the development may achieve. These have been set out above.

In conclusion, in terms of listed buildings it is acknowledged that there would be an impact on the setting of the Listed Buildings resulting from the development proposed (in conflict with section 66 of the aforementioned act). Overall, the proposal does cause some harm to the Heritage Assets, but this level is such that the impact can be described as leading to less than substantial harm.

The public benefits sufficiently outweigh the harm caused to the listed buildings and the proposal is therefore compliant with Policy HER DM1 in terms of preserving the historic character of the Listed Building, and Policy HER SP1 of the Local Plan, and the NPPF (2021).

NOISE

A Noise Assessment was approved under WA/11/19/OUT. Environmental Health has requested that conditions be imposed requiring the submission of a Construction Management Plan, together with a condition controlling the hours of construction activities, to protect the amenity of local residents. Subject to the imposition of noise conditions, the future and existing residents of Walberton would not be adversely affected by noise in accordance with Policy QE DM1 of the Local Plan.

AIR QUALITY

The proposed development is not located in an Air Quality Management Area. However, Environmental Health has requested that a condition be imposed requiring the submission of a detailed assessment of air quality impacts, to protect the amenity of local residents, which would be covered in the Construction Management Plan.

DRAINAGE

The proposed access would need to cross the watercourse which runs along the eastern edge of Tye Lane as set out on Drawing No. 183248-001 Rev. P2 - Tye Lane Preliminary Site Access. This application refers to the construction of a piped culvert on Tye Lane and for the existing drainage ditch to

be backfilled to accommodate a footpath along the eastern edge of the lane. Any proposals to remove, narrow, infill or culvert a long stretch of this watercourse are not supported. ADC Drainage Engineers have requested the submission of details of the proposed ditch crossing, the proposed footpath location in relation to the watercourse, details of the proposals for the watercourse including drawings and a statement; but this information has not been submitted.

The new culvert on Tye Lane has proposed upstream and downstream invert levels of 13.05 and 12.95 respectively, which would clash with the foul pipe, which has an invert level of 12.8, with a diameter of 150mm and a crown level of 12.988. Proposals to provide the longer culvert rely upon deepening the watercourse, it is not clear if this would be possible with the constraints that exist. In order to form a pavement along the eastern side of Tye Lane it is proposed to divert the existing ditch, however, it has not been evidenced that the new access could be delivered whilst maintaining the free flow of water and capacity within the watercourse. To overcome the objection from ADC Drainage Engineers it is proposed to impose a condition whereby the development shall not proceed until details of the new culvert on Tye Lane and details of the diversion of the existing surface water drainage ditch to accommodate the new pavement along the eastern side of Tye Lane have been submitted and approved. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. Consequently, subject to the imposition of a surface water drainage condition the proposed development complies with Policy W DM1, Policy W DM2 and Policy W DM3 of the Arun Local Plan, Policy VE6 and Policy VE7 of the Walberton NP2, and the National Planning Policy Framework (2021).

SUMMARY

The proposed provision of an alternative vehicular access to the site off Tye Lane and an emergency access of Avisford Park Road is acceptable, in accordance with Policy D DM1, Policy T SP1, Policy T DM1, Policy HER DM1, Policy HER DM3, Policy HER SP1, Policy ENV DM4, Policy ENV DM5, Policy QE DM1, Policy W DM1, Policy W DM2 and Policy W DM3 of the Arun Local Plan, Policy VE3, Policy VE4, Policy VE6 and Policy VE7 of the Walberton Neighbourhood Plan (NP2) and the National Planning Policy Framework (2021).

RECOMMENDATION

It is recommended that this application is approved and the following conditions be imposed.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

- Drawing No. 183248-002 Rev. G - Proposed Access Improvements: Tye Lane / Avisford Park Road.
- Drawing No. 183248-003 Rev. C - Proposed Alternative Access (including pedestrian improvements to Tye Lane).
- Drawing No. 183248-005 Rev. D - Proposed A27 / Tye Lane Junction.
- Drawing No. CSA/3823/107 Rev. R - Public Open Space Landscape Proposals (Sheet 1 of 4).
- Drawing No. CSA/3823/109 Rev. Q - Public Open Space Landscape Proposals (Sheet 3 of 4).
- Drawing No. CSA/3823/110 Rev. O - Public Open Space Landscape Proposals (Sheet 4 of 4).
- Drawing No. CSA/3823/114 Rev. D - Ecological Mitigation and Enhancement Plan.
- Drawing No. BHA 401-03-REV A - Combined Tree Retention/Removal and Protection Plan - Access Arrangements.

- Transport Assessment Addendum (Tye Lane Access) Ref. 183248-07, prepared by Ardent Consulting Engineers, June 2021.
- Designers Response: Stage 1 Road Safety Audit, Land East of Tye Lane, Walberton. (Ref. 183248-08), prepared by Ardent Consulting Engineers, June 2021
- Road Safety Log Cover Sheet, prepared by WSCC, 22/6/21.
- Audit Response Report(WSCC Addendum): Stage 1 Road Safety Audit (Ref. 183248-11), prepared by Ardent Consulting Engineers, August 2021.
- Heritage Impact Assessment: Land East of Tye Lane, Walberton BN18 0LU, prepared by Savills, 21 June 2021.
- Ecology Technical Note: Land East of Tye Lane, Walberton, prepared by CSA Environmental, June 2021.
- Arboricultural Impact Assessment, Land East of Tye Lane, Walberton, prepared by Hyett Associates, 1st June 2021.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy D DM1 of the Arun Local Plan.

3 No construction activities shall take place other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no activities taking place on Sunday or Bank Holidays.

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

- 4 Prior to the commencement of development, details of the closure of the Yapton Lane access to motorised vehicles, and the associated provision of hard and soft landscaping and the access details for cyclists and pedestrians from Yapton Lane should be submitted for approval in writing by the Local Planning Authority in consultation with the Local Highway Authority.

The Yapton Lane access should be closed to motorised vehicles (using temporary measures) as soon as the Tye Lane access is open for use by motorised vehicles. Pedestrian and cycle access from Yapton Lane should be retained.

Reason: In the interests of road safety, in accordance with Policy T SP1 and Policy T DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure measures are in place to close the Yapton Lane access, to approve the hard and soft landscaping in and around the former vehicular access from Yapton Lane and to ensure that access to the site from Yapton Lane is retained for pedestrians and cyclists.

- 5 The approved mitigation measures at the A27/Tye Lane junction should be delivered prior to the access on Tye Lane being first utilised.

Reason: In the interests of road safety, in accordance with Policy T SP1 and Policy T DM1 of the Arun Local Plan.

- 6 The approved emergency access provision onto Avisford Park Road should be provided prior to the closure of the existing access onto Yapton Lane.

Reason: In the interests of road safety, in accordance with Policy T SP1 and Policy T DM1 of the Arun Local Plan.

- 7 Prior to bringing the development hereby permitted into use, the scheme of highway works forming the A27/Tye Lane junction improvements as shown on the Ardent Consulting Engineers Drawing No. 183248-005 Rev. D "PROPOSED A27 / TYE LANE JUNCTION" dated June 2021 (or other such alternative scheme that may be agreed in writing by the Local Planning Authority who shall consult National Highways) shall be completed and opened for use.

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

- 8 Prior to the first use of the approved alternative vehicular access off Tye Lane, the approved footway should be provided along the eastern side of Tye Lane as shown on Drawing No. 183248-003 Rev. C - Proposed Alternative Access (including pedestrian improvements to Tye Lane) and be retained and maintained thereafter.

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

- 9 No works (including site clearance and / or preparation) shall commence on the development hereby permitted until a Construction Management Plan has been submitted to and been approved in writing by the Local Planning Authority (who shall consult National Highways). The construction of the development shall be carried out in accordance with the approved

Construction Management Plan.

Reason: To ensure that construction of the development does not result in avoidable congestion and disruption on the A27 Trunk Road, to ensure that the A27 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with Section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety, in accordance with Policy D DM1 and Policy QE DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because of the need to ensure measures are in place to mitigate the impact of construction works and deliveries on neighbouring residential amenity.

- 10 All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the first use of the approved alternative vehicular access off Tye Lane and the completion of construction of the approved alternative emergency access off Avisford Park Road, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the 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.

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

- 11 Prior to the commencement of development, an Arboricultural Method Statement (AMS) should be submitted for approval in writing by the Local Planning Authority. The AMS should include the recommendations in the updated Combined Tree Retention / Removal & Protection Plan - Access Arrangements (Drawing No. BHA-401-03 - Rev. A) requiring the provision of protection measures around the adjacent trees and hedges which are to be retained and whose canopy and root protection areas would fall within the construction area.

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area, in accordance with Policy ENV DM4 of the Arun Local Plan and Policy VE3 of the Walberton Neighbourhood Plan (NP2) in relation to tree protection. It is considered necessary for this to be a pre-commencement condition because of the need to ensure tree protection measures are in place along Tye Lane and Avisford Park Road.

- 12 Prior to the commencement of construction works a Landscape and Ecological Management Plan (LEMP) shall be submitted to the Local Planning Authority for approval in writing and will be based on the remedial works to the existing ecological enhancements recommended in the Ecology Technical Note, prepared by CSA Environmental, dated June 2021 and the additional ecological enhancements set out in the updated Ecological Mitigation and Enhancement Plan (Drawing No. CSA/3823/114 Rev. D). All the approved details shall then be implemented in full and in accordance with the agreed timings and details.

The LEMP shall include but not be restricted to:

- a number of bat boxes would need to be checked and be re-located;
- an update to the badger survey should be undertaken prior to any ground works commencing;
- if any of the trees which require felling have bird boxes installed on them then these should be re-located to an alternative nearby tree by an Ecologist, but the boxes cannot be moved until any young have fledged;
- the site needs to be checked for reptiles by an ecologist, prior to any vegetation removal works commencing; and

- the installation of additional bat, bird, bee and invertebrate boxes, and log piles.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national guidance and Policy ENV DM5 of the Arun Local Plan and the National Planning Policy Framework, 2021. It is considered necessary for this to be a pre-commencement condition because of the need to ensure measures are in place to protect wildlife and habitats on site prior to any disturbance.

- 13 The development shall not proceed until details of the new culvert on Tye Lane and details of the diversion of the existing surface water drainage ditch to accommodate the new pavement along the eastern side of Tye Lane should be submitted for approval in writing by the Local Planning Authority. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to the culvert or the surface water drainage ditch on, or adjacent to, the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with Policy W DM1, Policy W DM2 and Policy W DM3 of the Arun Local Plan, Policy VE6 and Policy VE7 of the Walberton NP2, and the National Planning Policy Framework (2021) and to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 14 INFORMATIVE: This planning application is linked to the original planning application WA/44/17/OUT - Land East of Tye Lane, Walberton which was conditionally approved with a signed S106 Agreement in place. Section 11 of the Agreement relates to the contribution of £400,000 towards the scheme of works at the A27 / A29 Fontwell Avenue Roundabout and Section 12 of the Agreement referring to the additional scheme of works given in Schedule 6 which describes the necessary highway works to the A27 Yapton Lane right turn lane. These are unaffected by this application WA/63/21/PL save for the following:
- In the event that the Arundel Bypass proceeds (option 5Bv1) and Tye Lane is disconnected from the A27 then the agreed works as shown on the Ardent Consulting Engineers Drawing No. 183248-005 Rev. D "PROPOSED A27 / TYE LANE JUNCTION" dated June 2021 will be deemed unnecessary.
 - In the event that the Arundel Bypass proceeds (option 5Bv1) and Tye Lane is disconnected from the A27 then the agreed contribution of £400,000 for the scheme of works at the A27/A29 Fontwell Avenue Roundabout shall be an alternative scheme of works that National Highways considers necessary to achieve improvement at the junction in accordance with the S106 Agreement.
 - In the event that the Arundel Bypass proceeds (option 5Bv1) and Tye Lane is disconnected from the A27 and the agreed works as shown on the Ardent Consulting Engineers Drawing No. 183248-005 Rev. D "PROPOSED A27 / TYE LANE JUNCTION" dated June 2021 are deemed unnecessary by National Highways as too are the agreed works on i-Transport's Drawing No. ITB11324-GA-014 Rev. C "Proposed extension to A27 Yapton Lane right turn" dated 30/8/17 then the works costs of £180,000 will be contributed towards improvement of the A27 corridor in accordance with the S106 Agreement.

- 15 INFORMATIVE: Works affecting the Public Highway.
Section 175(b) of the Highways Act 1980 (as inserted via The Infrastructure Act 2015) requires those proposing works affecting the public highway to enter into an agreement with the Strategic Highway Authority (National Highways). This development involves work to the

public highway that can only be undertaken within the scope of a legal Agreement (s278) between the applicant and National Highways. Planning permission in itself does not permit these works. The works proposed to the public highway as part of this planning application (contained in Condition 5) will need to be completed in full and be maintained through the requisite defects period prior to formal adoption by National Highways.

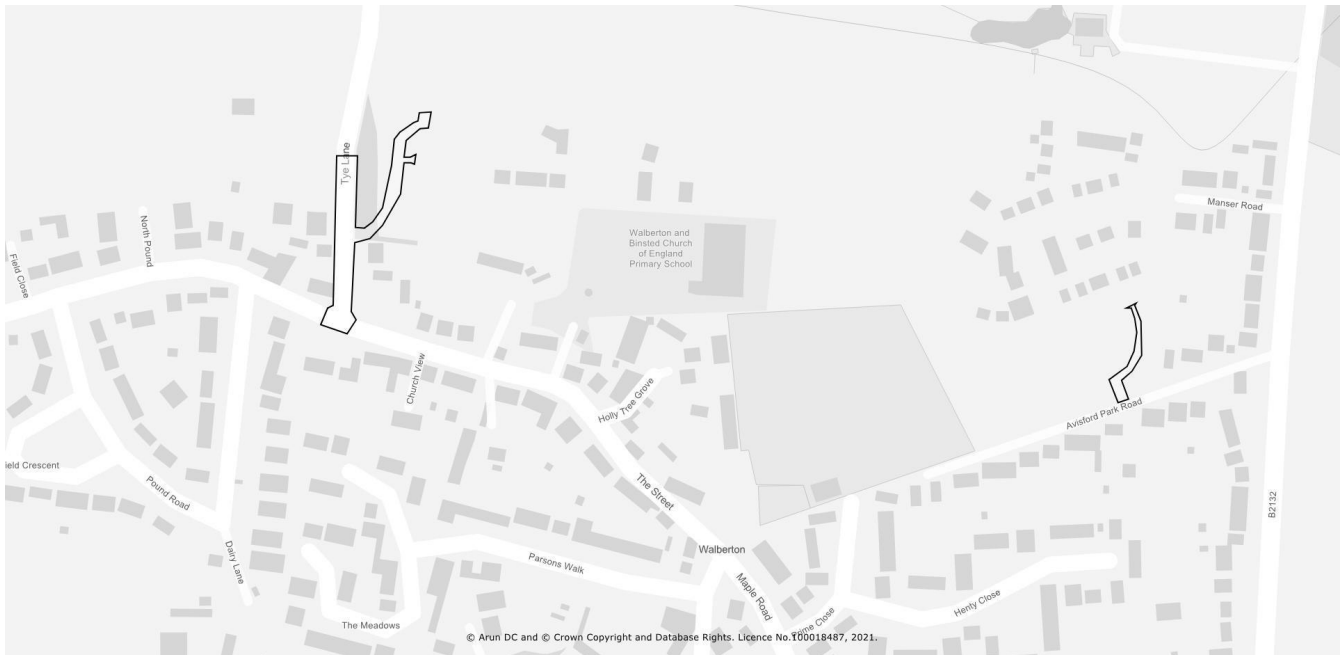
It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the Spatial Planning Team, National Highways, Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4LZ. National Highways switchboard Tel. 0300 470 1370. Email: planningse@highwaysengland.co.uk.

- 16 INFORMATIVE: The landscaping and ecological enhancements proposed outside the area of the red line plan will need to be the subject of a minor Non-Materials Amendment application as they affect the area that was subject to the reserved matters approval (WA/95/18/RES).
- 17 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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.](https://www.arun.gov.uk/weekly-lists)

WA/63/21/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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