

Recommendation Report for Planning Permission

REF NO: Y/106/21/PL

LOCATION: Stakers Farm
North End Road
Yapton
BN18 0DU

PROPOSAL: Variation of condition 1 imposed under Y/72/20/RES relating to amended plans. This application affects the character & appearance of the Main Road/Church Road Yapton Conservation Area & affects the setting of Listed Buildings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The purpose of this application is to agree a revision to the previously approved scheme to: - Remove all 33 car ports across the site in addition to the removal of 15 linked roofs on the Upnor+ house type (plots 1, 2, 7, 8, 9, 10, 11, 14, 15, 16, 20, 21, 26, 68 & 69); and - Remove 1 parking space from each of plots; 7, 8, 26, 27, 28, 38, 39, 62 & 70 (9 in total) with these instead having 2 spaces. This reduces hardstanding whilst also increasing private garden amenity spaces on these plots. These changes are required to allow agreement to the surface water drainage design which was previously refused under Y/58/21/DOC and on which the Councils Engineers had raised concerns with regard to concentrated flows of water run-off from carport and linked roofs. The application is accompanied by a suite of revised layout plans, a revised streetscene and revised Upnor+ plans. Otherwise the application remains the same as approved by Y/72/20/RES.
SITE AREA	The total site area is 3 hectares but this includes the 0.35ha area in the north eastern corner reserved for the future expansion of Yapton C of E Primary School.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	No change (26.4 dwellings as based on the site area excluding the school expansion land).
TOPOGRAPHY	Predominantly flat but undulating.
TREES	The site has an established hedge to the boundaries with the School and there are no plans in this application to remove any of this. The approved reserved matters scheme proposed to fell T26 (category C), T27 (B) & T28 (c) which were within a cluster set in from the south western boundary and T31 (B), T32 (C), T33 (B) which were wholly within the site. In addition,

pruning was proposed to T21 (B), T24 (B), T25 (B), T28 (C).

T35, a 11m high category B Ash tree is situated within the centre of the School expansion site. There are no plans for this but it must be recognised that it may be necessary to remove this in the future to facilitate the new school facilities.

The remaining trees and hedges are proposed for retention with protection in accordance with the submitted Tree Protection Plan.

BOUNDARY TREATMENT

The boundaries are a mix of 2 bar ranch style fencing, walls (to Stakers Farm), hedging and trees. The hedging to the school boundaries is 2-3m high. There is currently an open gap in the boundary between the retained Stakers Farm agricultural buildings and the edge of The Croft residential development.

SITE CHARACTERISTICS

The site formerly comprised of 6 separate agricultural fields previously used for the grazing of sheep & horses and a pitched roof single storey agricultural barn building. It is now a construction site as the approved permissions are being implemented.

CHARACTER OF LOCALITY

The site lies on the edge of the settlement of Yapton. The site previously included an existing agricultural barn building but excludes two further buildings just south east of the first. These buildings, the large arable field to the west and also the track running between the southern boundary of the site and the adjacent Bonhams Field site are owned by a third party. Beyond this track is a site (Bonhams Field) with permission for 56 houses (Y/1/17/OUT & Y/70/19/RES) on which development has commenced.

Stakers Farmhouse and associated buildings lie to the east and consist of a two storey Grade II Listed dwelling with a mix of single and two storey outbuildings which are curtilage listed structures. These outbuildings provide screening to the windows of the farmhouse itself.

The site is overlooked to the east by the ground & first floor windows of the residential properties of The Croft. To the east/northeast is the Yapton Primary School with surrounding playing fields. To the north lies a further field ("Land North of Yapton C of E Primary School") which has the benefit of Reserved Matters permission (Y/71/20/RES) and is being developed by the same developer.

The wider village of Yapton is considered to be semi-rural in character, but benefits from two GP surgeries, a pharmacy, two churches, a public house, a village hall and playing fields, the primary school and a small selection of shops (including post office and a Co-Op convenience store). Barnham railway station is located 2 miles to the west (as the crow flies).

Yapton is served by a bus service.

RELEVANT SITE HISTORY

Y/102/21/PL	Variation of condition 7 (foul drainage strategy) imposed under Y/44/17/OUT relating to rewording condition to state 'prior to occupation'.	
Y/112/21/DOC	Approval of details reserved by condition imposed under Y/44/17/OUT relating to conditions 7-drainage strategy, 8-proposed surface water drainage & 9-Suds maintenance system.	
Y/72/20/RES	Approval of reserved matters following outline approval Y/44/17/OUT for the erection of 70 No. dwellings, public open space, play area, drainage & landscaping. This application affects the character & appearance of the Main Road/Church Road Yapton Conservation Area & affects the setting of Listed Buildings.	App Cond with S106 16-03-21
Y/101/21/DOC	Approval of details reserved by condition imposed under Y/72/20/RES relating to condition 2-pre commencement site meeting between Planning Authority's Tree Officer and Arboricultural Expert.	DOC Approved 08-09-21
Y/78/21/DOC	Approval of details reserved by condition imposed under ref Y/71/20/RES relating to Condition No 8 - scheme of signage/visual measures to alert user of Public Right of Way No. 329 to give way and/or watch for other pedestrians/cyclists at the junction of this path with North End Rd & the junction of the path with the pavement running alongside the school boundary.	DOC Approved 22-07-21
Y/58/21/DOC	Approval of details reserved by condition imposed under Y/44/17/OUT relating to conditions 6-tree protection, 7- drainage strategy, 8-surface water drainage, 9- maintenance & management of SuDS system, 10- Construction Management Plan, 11-contamination risk, 12-high speed broadband & 25-decentralised & renewable low carbon energy source.	DOC Part Approved 01-07-21

Y/74/20/PL	Variation of conditions 3 (plans condition) to replace 'Proposed Arrangement Drawing', remove 'Swept Path Analysis' & amendment to referencing/wording of the Location Plan currently referred to as 'drawing 6468-04 REV B as there is no revision B & 24 (range of dwellings) to include the wording 'or as otherwise agreed in writing by the Local Planning Authority following Y/44/17/OUT. This application is in CIL Zone 3 (Zero Rated) as other development.	ApproveConditionally 12-11-20
Y/44/17/OUT	Outline Planning Application for 70 No. residential dwellings including 30% affordable, public open space & associated landscaping. All matters to be reserved apart from Access . This application is a Departure from the Development plan. This application affects the character & appearance of Main Road/Church Road Yapton Conservation Area & the setting of Listed Buildings	App Cond with S106 14-12-18

The site benefits from outline planning permission and a reserved matters permission for 70 dwellings (Y/44/17/OUT & Y/72/20/RES). In addition, standalone permission (Y/17/20/PL) has been granted for the access that serves both this site and the adjoining Land North of Yapton Primary School site which similarly has outline and reserved matters permissions (38 dwellings). In addition, all of the plans detailed in the decision notice for Y/44/17/OUT and the specific requirements of condition 24 were varied by application Y/74/20/PL.

More recently, conditions 2 and 8 of Y/72/20/RES have been discharged (Y/101/21/DOC & Y/78/21/DOC). The drainage scheme required by Y/44/17/OUT was refused under Y/58/21/DOC but subject to the approval of the application subject of this report, can now be approved under Y/112/21/DOC. Y/102/21/PL is another current application seeking a variation of one of the conditions on Y/44/17/OUT.

REPRESENTATIONS

Yapton Parish Council have no objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC CONSERVATION OFFICER - no response

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary / Countryside;
 Lidsey Wastewater Treatment Catchment Area;
 CIL Zone 3;
 Grade 1 Agricultural Land;
 Current/Future Flood Zone 1 (low risk);
 Special Control of Adverts;
 Setting of two Grade II Listed Buildings; and
 Setting of a Conservation Area (Main Road/Church Road).

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

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
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix
HSP1	HSP1 Housing allocation the housing requirement
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
HERDM6	HER DM6 Sites of Archaeological Interest
HWBSP1	HWB SP1 Health and Wellbeing
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

Yapton neighbourhood plan 2014 Policy BE2

High speed broadband

Yapton neighbourhood plan 2014 Policy E3

Protection of natural habitats

Yapton neighbourhood plan 2014 Policy E4

Minimising the environmental impact of development

Yapton neighbourhood plan 2014 Policy E5	Enhancement of biodiversity
Yapton neighbourhood plan 2014 Policy E6	Green infrastructure and development
Yapton neighbourhood plan 2014 Policy E8	Conservation Areas
Yapton neighbourhood plan 2014 Policy E9	Listed Buildings and Buildings or Structures of Character
Yapton neighbourhood plan 2014 Policy E11	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy H2	Dwelling size
Yapton neighbourhood plan 2014 Policy H3	Dwellings appropriate for the needs of older people
Yapton neighbourhood plan 2014 Policy PK1	Parking standards for new residential development

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD6	Archaeology
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.

The relevant policies within the Yapton Neighbourhood Development Plan have been considered in the preparation of this report. Yapton Parish Council are currently working on a review of their Neighbourhood Plan and are between the Regulation 14 and 15 stages in this process. This has only limited weight in this determination.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would result in a development of an appropriate scale, layout and appearance which is not harmful to the character & appearance of the area, the amenities of existing residents or the existing road and public footpath network.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Where the building is located in a Conservation Area, Section 71(1) of the Act states:

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

The proposal is considered to comply with this in that it preserves the character of the Conservation Area and the setting of the nearby Listed Buildings by providing a landscaped buffer open space area. This latest proposal also reduces the amount of built development and hardstanding on the site.

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

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

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE:

The site benefits from outline permission (Y/44/17/OUT) and reserved matters approval under Y/72/20/RES and so now has the equivalent of a full planning permission for 70 homes on site. This application only seeks to remove approved elements from the scheme and so not to increase the number of dwellings or add new floorspace.

As such, it is only necessary to assess the impacts of these changes in terms of compliance with conditions on the outline, heritage, layout/appearance/scale, the amenities of existing residents, amenities of future occupiers and parking provision. It is not necessary to reconsider drainage, biodiversity, climate change, landscaping, waste management, housing mix or public open space/play provision.

COMPLIANCE WITH OUTLINE CONDITIONS:

Certain conditions imposed by the outline permission set parameters for the nature and form of the Reserved Matters submission. These were previously considered by the reserved matters permission Y/72/20/RES and were found to have been complied with. The new proposal does not alter the previous considerations. In particular, in respect of Outline condition 23, despite the reduced floor area, the Upnor+ house type remains M4(2) compliant thus being suitable for older people.

HERITAGE:

A small (approx. 35m) section of the eastern boundary (between the agricultural barns & The Croft) adjoins with the Yapton Conservation Area & the curtilage of the Grade II Listed Stakers Farmhouse. There are further listed buildings on North End Road to the east of the site although these are hidden from view by The Croft and are not affected.

Arun Local Plan (ALP) policy HER SP1 states that development likely to prejudice heritage assets including Non-Designated Heritage Assets and their settings will be refused. Policy HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings. HER DM3 lists criteria for proposals affecting the setting of a Conservation Area and those relevant are:

- (a) New buildings and structures should acknowledge the character of their special environment in their layout, form, scale, detailing, use of materials, enclosure and the spaces created between buildings;
- (e) It retains historically significant boundaries, important open spaces and other elements of the area's established pattern of development, character and historic value, including gardens, roadside banks and verges; and
- (f) It does not harm important views into, out of or within the Conservation Area.

Yapton Neighbourhood Development Plan (YNDP) policy E8 states that development proposals will be required to preserve or enhance the character of Conservation Areas. Policy E9 refers to Listed Buildings but only concerns the loss of such buildings and does not refer to impacts on setting. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are also relevant and are set out in full above.

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

Heritage impact was considered at the outline stage (on Y/44/17/OUT) and again on the reserved matters (Y/72/20/RES) at which time it was concluded by the Councils Conservation Officer that the proposal would result in 'less than substantial harm' (and on the lower end of the scale) to the Conservation Area & Listed Buildings and that the level of public benefit would outweigh this impact. This was on the basis that the impacts would be mitigated by the proposed green buffer and well planted boundaries to the east of the development site. The benefits of the proposal are as follows:

- the sustainable development of 70 new homes including 21 affordable homes to help meet local and district wide needs;
- the transfer of land to the School to facilitate future expansion from 1.5FE to 3FE;
- an increase in Council Tax receipts associated with the 70 new homes;
- potential 'New Homes Bonus' payments from the Government*;
- new public open space & play facilities available for use by existing & new residents;
- provision of pedestrian/cyclist links to surrounding land contributing to a safer route than North End Road;
- financial contributions towards local libraries, education establishments, fire services & doctors surgeries;
- the creation/maintenance of construction jobs albeit not necessarily assisting local people;
- additional spending by new residents on goods & services albeit not necessarily in the local area; and
- a boost to the vitality & viability of the settlement of Yapton as a whole.

The public benefits were stated on Y/72/20/RES to be of a level that the "less than substantial harm" can be outweighed and that the proposal could be considered in accordance with the NPPF guidance and therefore compliant with the relevant development plan policies. The changes proposed by the current application do not alter this assessment and it is also relevant to note that the changes result in less built development overall and slightly more green space.

In respect of sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, whilst the setting of such designated heritage assets will be subject to some harm, this harm is not significant and can be outweighed by the strength of the public benefits. It was accepted in *Jones v Mordue* EWCA Civ 1243, 1 W.L.R. 2682 that if the approach in paragraphs 193 to 196 of the NPPF is followed, then the section 66(1) duty is likely to have been properly performed.

Therefore, the revised proposal is considered to be in accordance with the relevant development plan policies and the guidance within the NPPF.

LAYOUT, APPEARANCE AND SCALE:

ALP policy D SP1 states development should seek to make efficient use of land but reflect the characteristics of the site and local area. Policy D DM1 looks at aspects of form and design quality, including; character, attractiveness, innovation, residential amenity impact, adaptability, density, scale, trees and crime prevention. New buildings should be harmonious with their surroundings and successfully integrate with the existing surrounding environment.

ALP policy LAN DM1 states that development should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas. Supporting text to YNDP policy H1 refers to meeting housing needs by; encouraging small-scale residential developments that are sympathetic to their surroundings and providing well-designed dwellings that are sympathetic to the character of the village.

The Arun Design Guide suggests a density of 15-25 for detached/semi-detached houses in village locations and states that density should decrease with distance from the centre of a settlement, to ensure that development relates sensitively to its setting and addresses the edges of the site in a positive way. It states that this is particularly important to development which is adjacent to the settlement particularly where there are open fields. The site density is 26 dwellings per hectare and is unchanged by the latest proposal. Whilst the site does lie adjacent to fields, the density was set by the outline permission and the field edge is to be protected by a 4.5m buffer to reduce the visual impact of the new development. This is therefore acceptable.

The proposed changes do not alter the previously approved layout, the location of affordable dwellings or the amount of proposed Public Open Space. The scale of development is also unchanged by the new proposal but the loss of the linked roofs to the Upnor+ dwellings reduce bulk which can only be positive. The design changes associated with the removal of the linked roofs do not change the overall appearance of the development site or result in any new conflicts with policy.

Therefore, the layout, appearance and scale of the scheme as revised is in accordance with ALP policies D DM1, D SP1 & LAN DM1, the NPPF, the National Design Guide and the Arun Design Guide.

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 Arun Design Guide sets out guidance on garden depths and 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; and
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.

There are no standards given for either side to side or front to back.

The approved reserved matters layout was found to be in accordance with the Design Guide standards. The revisions to the scheme do not result in any increased harm to existing neighbouring properties or future occupiers. No new flank windows have been added where the linked roofs have been removed. As such, there are no conflicts with policies D DM1 or QE SP1 of the Arun Local Plan.

QUALITY OF ACCOMMODATION:

ALP policy D DM2 states that internal spaces should be of an appropriate size and that the Nationally Described Space Standards provide guidance. The approved reserved matters included a breakdown of the internal floor areas for all of the dwellings. These were checked and it was found that all of the dwellings either met or far exceeded the required internal floor space standards. The loss of the linked roofs to the 15 Upnor+ dwellings reduces the floor area for these plots but these house types still meet the standards required for a 3 bed 5 person dwelling.

The Arun Design Guide sets out standards for garden sizes as follows:

- Private Rear Garden: min. 10.5m depth;
- Private Front Garden: min. 2m depth;
- Balconies: max. 2m beyond the building frontage, subject to minimum balcony to balcony distances of 17m. At least 3sqm of useable space; and
- Communal Shared Spaces for flats: minimum 40sqm plus 10sqm for each unit if not provided as balcony space.

It was clear from the assessment on Y/72/20/RES that some gardens were not the full 10.5m deep but all were in excess of 10m. The instances of gardens being between 10 & 10.5m were accepted as the Design Guide allows for flexibility in the overall approach. The proposed flatted building did not provide balconies but the communal amenity space surrounding the building was 100m² in area and so met the communal space requirement. It was also evident that whilst some dwellings do not provide a 2m deep front garden, overall the layout was well proportioned with decent amounts of space around the dwellings.

It was previously concluded that as the Design Guide is intended as guidance only, the shortfall in rear and front garden sizes would not result in material harm to the amenities of future residents. The proposed revisions have the effect of increasing the rear gardens associated with plots 7, 8, 26, 27, 28, 38, 39, 62 & 70. The changes do not reduce the front/rear garden areas for any other parts of the site.

PARKING PROVISION:

ALP policy T SP1 states in respect of parking that: "The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking". YNDP policy PK1 sets out required parking standards but this

now has lower weight due to the adoption of the Arun Parking Standards SPD which requires a total of 146 allocated spaces and 14 visitor spaces (160 total) for the site.

The scheme as approved by Y/72/20/RES proposed a total of 196.5 spaces comprising 146 allocated spaces, 7 garage spaces (considered as 0.5 spaces per garage therefore 3.5), 33 car ports and 14 visitor spaces. The provision therefore exceeded the parking requirements set out in the SPD. The revised proposal seeks to remove all 33 car ports but this has no effect on the parking provision as the spaces under the car ports will remain. In addition, it is proposed to remove a 3rd parking space on plots 7, 8, 26, 27, 28, 38, 39, 62 & 70 (9 in total). However, there would still be an overall over-provision of parking spaces therefore no conflict with adopted policy.

CONDITIONS:

It has been established by the Supreme Court decision in *Lambeth LBC v SSHCLG* (2019) that whilst the conditions in the original permission cannot be taken to be implied in the new permission if they are omitted from it, they nevertheless continue to have effect (except to the extent that the section 73 permission has varied them). Nevertheless, it is still good practice, to repeat in the section 73 permission all the unamended conditions from the earlier permission, as well as those that have been amended.

Condition 1 must be amended to reference the amended plans showing the scheme revisions. The existing permission has already been implemented and as such, it is not appropriate to reimpose pre-commencement conditions. This has necessitated the removal of the pre-commencement part of previous condition 2 and the amalgamation of this condition with condition 3 as they both relate to tree protection. Furthermore, certain conditions on the reserved matters requiring approval of details have already been approved (condition 2 by Y/101/21/DOC & condition 8 by Y/78/21/DOC) or need to be slightly amended to refer to plans/documents as approved by Y/72/20/RES so the conditions have been amended to reflect these.

SUMMARY:

This report demonstrates there are no materially harmful concerns with the revisions to the approved reserved matters scheme and the application is in accordance with the development plan when read as a whole. It is therefore recommended that this permission be granted subject to the following amended conditions alongside those imposed on Y/44/17/OUT.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

This decision is subject to the Deed of Variation (DoV) to the Section 106 legal agreement that accompanied the decision on Y/44/17/OUT with the DoV having been completed alongside application Y/72/20/RES. This DoV amended the affordable housing mix, made amendments to the wording of the provisions relating to the education & library contributions and made amendments to the wording of the clause concerning the transfer of land to WSCC for expansion of the Primary School. The applicant has taken legal advice which confirms that this will continue to apply despite the granting of this s73 permission. This position has been accepted.

CIL DETAILS

It is not possible to secure CIL for this development as infrastructure contributions have already been secured through the S.106 Agreement attached to the outline planning permission.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans which include plans approved under Y/72/20/RES:

- 102-70-Location Plan LOC-01 Rev -;
- 102-70-PL01 Planning Layout Coloured-Rev E;
- 102-70-PL01 Planning Layout Rev G;
- 102-70-PL03 Storey Heights Layout Rev E;
- 102-70-PL04 Unit Types Layout Rev E;
- 102-70-PL05 Tenure Layout Rev E;
- 102-70-PL06 Parking Layout Rev E;
- 102-70-PL07 Boundary Treatment Layout Rev F;
- 102-70-PL08 Materials Layout Rev E;
- 102-70-PL09 Garden Areas Layout Rev E;
- 102-70 SS-01 Street Scenes Rev B;
- 102-70 Plot by Plot Accommodation Schedule Rev B;
- 102-70-1 BED FLATS-E1 Rev -;
- 102-70-1 BED FLATS -P1 Rev -;
- 102-70-BIN-E1-P1 Rev -;
- 102-70-BUNGALOW-E1-P1 Rev B;
- 102-70-BUNGALOW-E2-P2 Rev -;
- 102-70-CARPORTS-E1-P1 Rev A;
- 102-70-CARPORTS-E2-P2 Rev A;

102-70-CARPORTS-E3-P3 Rev A;
 102-70-CARPORTS-E4-P4 Rev A;
 102-70-FARRINGFORD -B-E1-P1 Rev B;
 102-70-FARRINGFORD-E1-P1 Rev A;
 102-70-FROGMORE-E1-P1 Rev B;
 102-70-FROGMORE-E2-P2 Rev A;
 102-70-FROGMORE-E3-P3 Rev A;
 102-70-FROGMORE-E4-P4 Rev A;
 102-70-FROGMORE-E5-P5 Rev A;
 102-70-FROGMORE-E6-P6 Rev A;
 102-70-GARAGES-E1-P1 Rev A;
 102-70-GARAGES-E2-P2 Rev B;
 102-70-GARAGES-E4-P4 Rev A;
 102-70-KELMSCOTT-E1-P1 Rev A;
 102-70-SHED-E1-P1 Rev -;
 102-70-TYPE B-E1-P1 Rev -;
 102-70-TYPE B-E2-P2 Rev -;
 102-70-TYPE B-E3-P3 Rev A;
 102-70-TYPE B-E4-P4 Rev -;
 102-70-TYPE D-E1-P1 Rev -;
 102-70-TYPE D-E2-P2 Rev -;
 102-70-TYPE D-E3-P3 Rev A;
 102-70-TYPE J-E1-P1 Rev -;
 102-70-UPNOR+-E1-P1-Rev C;
 102-70-UPNOR+-E2-P2 Rev C;
 102-70-UPNOR+-E3-P3 Rev C;
 102-70-UPNOR+-E4-P4 Rev B;
 102-70-UPNOR+-E5-P5 Rev C;
 102-70-UPNOR+-E6-P6 Rev B;
 102-70-VYNE-E1-P1 Rev A;
 102-70-VYNE-E2-P2 Rev B;
 102-70-VYNE-E3-P3 Rev A;
 102-70-VYNE-E4-P4 Rev -;
 102-70-WINDSOR-E1-P1 Rev A;
 102-70-WINDSOR-E2-P2 Rev A;
 102-70-WINDSOR-E3-P3 Rev A;
 102-70-WINDSOR-E4-P4 Rev A;
 Arboricultural Impact Assessment PJC: 5593/20-01 Rev 01;
 Arboricultural Method Statement PJC ref: 5593/20-02 Rev 01 including Tree Protection Plan
 PJC/5593/20/C (sheets 1-6 inclusive);
 Preliminary Ecological Appraisal (July 2020);
 Ecological Design Strategy July 2020 UE0306_NorthEndRd_EDS_1_200731;
 Bat Activity Survey July 2020 UE0306_NorthEndRd_Bats_2_200722;
 Landscape General Arrangement Plan_1 of 2 DD427L01 Rev B;
 Landscape General Arrangement Plan_2 of 2 DD427L02 Rev C;
 Detailed Planting Plan_1 of 7 DD427L04 Rev B;
 Detailed Planting Plan_2 of 7 DD427L05 Rev B;
 Detailed Planting Plan_3 of 7 DD427L06 Rev B;
 Detailed Planting Plan_4 of 7 DD427L07 Rev C;
 Detailed Planting Plan_5 of 7 DD427L08 Rev B;
 Detailed Planting Plan_6 of 7 DD427L09 Rev C;
 Detailed Planting Plan_7 of 7 DD427L10 Rev B;

Landscape Management Plan DD427R01 Rev A;
 Refuse Vehicle Tracking YAP-190-01 Rev B;
 Fire Tender tracking YAP-190-02 Rev B;
 Pantechicon Vehicle Tracking YAP-190-03 Rev B;
 Car Parking and Pumping Station Tracking YAP-190-04 Rev B;
 F4926-MD-01 "Mains Design" Rev -;
 Residential Travel Plan ref 19-156 Rev C;
 YAP-190-EVC-002 Rev A Electric Vehicle Charging Layout; and
 YAP-EVD-01 Rev A EV Charging Point Details.

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

- 2 All activity at the site is to be carried out in strict accordance with the Arboricultural Method Statement, PJC ref: 5593/20-02 Rev- (28/07/2020) as approved by Y/72/20/RES and the tree protection measures as approved by Y/101/21/DOC on 08/09/21 shall be maintained throughout the duration of the site's construction.

Reasons: 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.

- 3 The development must be carried out in accordance with the recommendations of the Preliminary Ecological Appraisal (July 2020), the Ecological Design Strategy (July 2020) and the Bat Activity Survey (July 2020) all by Urban Edge Environmental Consulting as approved by Y/72/20/RES. The enhancements and mitigation measures shall be implemented as per the document and the enhancements permanently retained and thereafter maintained as fit for purpose. This condition supersedes condition 5 imposed on Y/44/17/OUT.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 4 The foot/cyclepath link shown to the south of plot 31 shall be laid out in accordance with the approved details and shall be open to the adjacent private farm track. The access onto the track shall thereafter be permanently retained and maintained in good condition.

Reason: To facilitate foot and cycle access from the site into an adjacent approved development in the interests of sustainable transport in accordance with Arun Local Plan policies T SP1 & T DM1 and with section 9 of the NPPF.

- 5 No development above damp proof course (DPC) level shall take place unless and until full details (in colour) of the type of brick and bond to be used for the new 1.2m high brick wall to the presently open boundary with Stakers Farm (as shown in blue hash marks on drawing PL-07 Rev F "Boundary Treatment Layout") has been submitted to an approved in writing by the Local Planning Authority and the materials so approved shall be used in the construction of the wall. The wall shall then be completed prior to occupation of any of the approved dwellings and permanently retained thereafter.

Reason: In the interests of protecting the setting of the nearby Listed Building, curtilage listed buildings and the Yapton Conservation Area in accordance with policies D DM1, HER SP1, HER DM1 and HER DM3 of the Arun Local Plan.

- 6 Upon the first occupation of the residential dwellings, the applicant shall implement the measures incorporated within the approved Residential Travel Plan ref 19-156 Rev C

(22/09/20) as approved by Y/72/20/RES. The applicant shall thereafter monitor, report and subsequently revise the travel plan as specified within the approved document.

Reason: To encourage and promote sustainable transport to accord with policies T DM1 and T SP1 of the Arun Local Plan.

- 7 The signage to alert pedestrians on Public Right of Way no. 329 as approved by Y/78/21/DOC on 22/07/21 shall be erected in accordance with the approved details prior to occupation of any houses and the approved signs shall thereafter be permanently retained in a condition that is fit for purpose.

Reason: In the interests of amenity and in accordance with policy INF SP1 and TSP1 of the Arun Local Plan and in accordance with The Fire & Rescue Service Act 2004.

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

Reason: In the interests of ensuring sufficient vehicle parking and highway safety within the development in accordance with policy T SP1 of the Arun Local Plan.

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

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

- 10 No windows (other than those shown on the plans hereby approved) shall be constructed in the flank elevations of any of the dwellings hereby approved without the prior permission of the Local Planning Authority on an application in that behalf.

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

- 11 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.

- 12 INFORMATIVE: The applicant should note that this layout has been approved without the formal agreement of the Councils drainage engineers and therefore if it subsequently becomes clear that the drainage conditions cannot be agreed due to the layout not providing sufficient space for drainage then a new Reserved Matters application will need to be submitted as the Local Planning Authority will not be able to agree such changes through the Non Material Amendment process.

- 13 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 02/09/20) as received in connection with Y/72/20/RES and as available on the Councils website.

- 14 INFORMATIVE: The granting of this Reserved Matters permission does not give any formal

approval to the matters required to be approved in writing in connection with the conditions of Y/44/17/OUT or any of the matters which require separate approval through the terms of the s106 (as amended). Although approval for some of these matters may be implied through this Reserved Matters permission, separate applications are still required to formally agree these details.

- 15 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read the New Connections Services Charging Arrangements documents which is available to read on the SW website: <https://beta.southernwater.co.uk/infrastructurecharges>.
- 16 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 17 INFORMATIVE: This decision is subject to the Deed of Variation (DoV) to the Section 106 legal agreement that accompanied the decision on Y/44/17/OUT with the DoV having been completed alongside application Y/72/20/RES. This DoV amended the affordable housing mix, made amendments to the wording of the provisions relating to the education & library contributions and made amendments to the wording of the clause concerning the transfer of land to WSCC for expansion of the Primary School.