

Recommendation Report for Planning Permission

REF NO: Y/18/20/PL

LOCATION: Land east of North End Road &
West of Church Lane Nursery
Yapton

PROPOSAL: 6 No. residential dwellings & associated infrastructure. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	6 new dwellings using the same access but with some minor improvements to provide a new 6m radii kerb with footpath and verge extended to the new kerb edge. The dwellings are detached but a mix of chalet bungalow (plots 3-6) and two storey (plots 1-2). Plots 1 & 2 have a separate garage whilst the other 4 have integral garages. All have off street driveway parking spaces. All garages are large enough to provide cycle parking along with a car. All houses are shown to have a bin store in the rear garden but no elevational details of this are provided. The layout also includes 3 visitor spaces.
SITE AREA	0.28 Hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	21.4 dwellings per hectare.
TOPOGRAPHY	The site is predominantly flat but is approximately 1.2m higher than North End Road and has a retaining wall to part of this boundary.
TREES	There are number of trees either in or overhanging the site and it is proposed to remove the majority of these. Most are of low quality and the most significant trees to be retained are a linear group of crown-modified hornbeam (G22) along the southern boundary and an individual maturing off-site beech (T3).
BOUNDARY TREATMENT	- Mixed 1.2m timber post & rail fencing, hedging (of varying heights) and trees to southern boundary; - Approximately 2m high green painted metal palisade fence / part of light green metal building to the northern boundary with the Business Park; - No current boundary to the east with the Church Lane Nursery dwelling; and - Currently open save for trees and part low retaining Wall to North End Road.
SITE CHARACTERISTICS	Part former private garden land associated with the Church Lane Nursery dwelling and part unused grassland. The site includes a track along the northern edge which accesses

CHARACTER OF LOCALITY

North End Road with a gate and painted breeze block pillars.

The site borders dwellings to the south & east, with part business park, part newbuild residential dwellings to the north (including a single storey metal clad building right on the boundary) and with North End Road to the west. The dwelling to the east, "Church Lane Nursery" is a bungalow with no rooms in the roof. The dwellings to the south are a mix of 1 and 2 storey with some first floor bedroom windows overlooking the site. There is a telephone exchange adjacent to the south west corner.

RELEVANT SITE HISTORY

Y/49/18/PL	Development of 10No. residential properties & associated infrastructure. This application is a Departure from the Development plan	ApproveConditionally 07-03-19
Y/84/16/PO	Application to discharge planning obligation dated 14/03/1995, under planning application Y/52/94 relating to occupation of dwelling as a single dwelling & to selling or letting of land.	Approve 20-02-17
Y/66/16/CLE	Lawful development certificate for the existing dwelling to be used without an agricultural occupancy condition.	Approve 21-11-16
Y/40/15/PL	Installation of 4 no. 1.2 x 1.2 UPVC white double glazed windows. Change of use from B1 (Business) & B8 (Storage & Distribution) to sheltered employment.	ApproveConditionally 07-09-15
Y/30/04/	Recladding and change of use of former nursery buildings to B1/B8 commercial units and formation of a new access road.	ApproveConditionally 22-12-04
Y/52/94	Nurserymans bungalow and replacement packhouse	App Cond with S106 14-03-95

There is no relevant history for the west part of the site. The part that was connected to the dwelling was formerly tied to an agricultural occupation but this was removed in 2016/17.

The industrial building that sits on the northern site boundary (23-25 Orchard Business Park) has a permitted use for B1 light industry or B8 storage/distribution (ref Y/30/04/) and is subject to an operating

hours restriction (7am to 6pm on Mondays to Fridays and 7am to 1pm on Saturdays with none on Sundays or Public Holidays). That permission granted the access from North End Road which this application proposes to use.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council

Yapton Parish Council state no objection. They note the site is not an allocated housing site and is outside the built up area boundary but it is surplus land to the business park and would not result in a loss of existing or designated employment land. They consider the 6 dwellings would contribute towards YPC's suggested increased housing requirement. However, their position is conditional upon:

- (a) All materials to be subject to final approval;
- (b) Plot 1 not to exceed 2 storeys to maintain and enhance the mixed street scape of North End Road;
- (c) The proposed hedging fronting North End Road to be native species which do not have poisonous berries in order to ensure the hedge enhances the scheme and does not place primary school children walking to school at risk;
- (d) The developer to protect the wide grassed verge fronting North End Road and extending to Church Lane by installing small 0.5m high bollards to prevent verge side parking; and
- (e) All garages to either be car ports or to have a planning restriction preventing conversion to ancillary accommodation to the main dwelling.

5 letters of objection raising the following material planning concerns:

- (1) Too many houses being built in Yapton and insufficient road capacity & infrastructure plus adverse impact on highway safety, noise & air pollution;
- (2) Site not allocated for development;
- (3) Rain causes flooding on local roads & at the level crossing causing hold ups to traffic;
- (4) How has planning been granted for 150 dwellings north of St Mary Church when it was refused by the SoS and High Court;
- (5) Stuart Lyons Haulage should not have been allowed to relocate to Lake Lane;
- (6) Overdevelopment;
- (7) Layout does not reflect quality and low density of surroundings;
- (8) No detail on cycle paths & links to existing across the site;
- (9) Cycle storage should be at the fronts of plots;
- (10) At least 3 parking spaces per dwelling with underground parking considered;
- (11) Need solar panels and electric vehicle charge points;
- (12) Harm to trees and bushes on the boundary;
- (13) Location of a Cypress tree in the survey is wrong;
- (14) Who is responsible for the shared access to plots 4 & 5; and
- (15) Who is responsible for the site fencing after occupation.

COMMENTS ON REPRESENTATIONS RECEIVED:

Items (a), (c) & (e) of the Yapton Parish Council comments will be enforced through conditions and item (b) is covered because the plans show a two storey dwelling. The applicant does not agree to item (d) for the following reasons:

- The applicant does not own the verge, it is owned by WSCC highways;

- The scheme provides appropriate on-site parking required by the newly adopted SPD. Residents will not need to park on the verge;
- There is not a WSCC highways objection or a WSCC advisory that these bollards be provided for the scheme to be considered acceptable in highways terms;
- As noted by the Parish, WSCC refuse to maintain the bollards and thus it is suggested that it is not a WSCC highway priority;
- This request does not meet the planning obligation tests - it is not required and it is on land not within the applicants control;
- If it does not meet the tests, then how will contributions be collected. In addition, it should not be conditioned as it would not be enforceable being on land out of the applicants control;
- If it is not a WSCC priority but hypothetically bollards are placed on WSCC land, how will they even be maintained in the long term; and
- Crayfern have met with the Parish and have worked hard to meet their aspirations whilst regularly updating them on progress prior to submission. At no time before submission was this issue raised.

The Local Planning Authority agree that this is not a reasonable request. These points were put back to the Parish Council for their comment but they have not responded.

In respect of the resident objections, items (1), (2), (6), (7) and (12) will be considered in the report's conclusions section and the following is offered in respect of the other issues:

- (3) Noted however, the site is some distance from the level crossing and will only generate a limited number of new vehicle movements.
- (4) Outline permission (Y/80/16/OUT) for up to 100 dwellings was granted on appeal on 15th January 2018. It is unclear what the writer is referring to but in any case, this is not relevant to the application;
- (5) Noted but this is not relevant to this 6 dwelling application;
- (8) Noted, the site only has 1 boundary with public land (North End Road) so it would not be possible to provide links into adjoining private land. Given the low number of traffic movements, it is not necessary to include a cycle lane within the new road layout;
- (9) It is stated that cycles will be stored within the garages at the front of the plots however a condition will be imposed to secure details of the storage racks;
- (10) Noted, according to the Councils Parking SPD and policy PK1 of the Yapton Neighbourhood Development Plan, the parking requirement should be only 2 spaces per 3 bed dwelling or 3 spaces per 4 bed dwelling. Underground parking is not required or appropriate on a 6 dwelling site;
- (11) Conditions will be used to secure these;
- (13) The Tree Surveys have been checked by the Councils Tree Officer who raises no concerns with the plotting of trees;
- (14) There is no shared access solely for plots 4 & 5 as the access road serves all of the plots. This will either be adopted by the County Council or subject to a private maintenance contract; and
- (15) Either the individual home owners or a private maintenance company.

CONSULTATIONS

WSCC Strategic Planning

Arboriculturist

Parks and Landscapes

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

Ecology Advisor

Environmental Health

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - No objection and recommend conditions regarding access, vehicle parking & turning, construction management, cycle parking and electric vehicle charge points. State that:

- No visibility issue at the existing point of access onto North End Road;
- No personal injury accidents related to the existing access point within the past 5 years
- The access road is wide enough for 2 cars;
- A Stage 1 Road Safety Audit of the access arrangements identified no issues;
- Vehicular visibility splays of 2.4m by 52.9m to the north and 57.3m to the south have been demonstrated as achievable entirely within the publicly maintained highway and this is in line with the 85th percentile recorded speeds;
- It has been demonstrated that refuse collection vehicles and emergency vehicles can access and turn on site, in order to exit to the public highway in a forward gear;
- It is estimated that the development could generate around 3 x trips in the AM and PM peak respectively with 26 x trips over the day; and
- The site is located sustainably with access by means other than the private car.

SOUTHERN WATER - No objection. Request an informative regarding sewer treatment connections.

ADC TREE OFFICER - Objection. The vast majority of trees are proposed for removal but most are of low quality. The most significant trees to be retained for the long-term are a linear group of crown-modified hornbeam (G22) and an individual maturing off-site beech (T3) however none of these are suitable for a TPO. Have significant concerns with implications of drainage scheme for tree roots.

ADC DRAINAGE ENGINEERS - No objection subject to conditions. The applicant has submitted a preliminary surface water drainage strategy and have some concerns with the detail of this however, this can be resolved at the condition discharge stage.

ADC ENVIRONMENTAL HEALTH - No objection. Request conditions to secure a contamination remediation strategy plan & verification report, noise mitigation measures as per the submitted report, electric vehicle charge points, and a Construction Environmental Management Plan. Also request a condition to control working hours.

ADC LANDSCAPE OFFICER - No objection and request a landscaping scheme condition

COUNCIL's ECOLOGIST - No objection. Request mitigation and enhancement measures concerning bats, nesting birds, reptiles and small mammals.

COMMENTS ON CONSULTATION RESPONSES:

All comments noted unless discussed below.

ADC TREE OFFICER - The applicant amended the application to (a) shorten the access road length by plot 6; and (b) relocate the domestic soakaways outside of the Root Protection Areas. These changes reduce the impact on the Root Protection Areas on retained trees. The Tree Officer has considered these changes and advises he can now withdraw the objection. He states there remains significant growth potential in trees near to the drainage systems and the design of these will need to account for the long-term integrity of apparatus against root intrusion. Conditions are recommended.

ADC ENVIRONMENTAL HEALTH - The response states that parts (1) & (2) of the standard contamination condition have been satisfied by the submitted reports therefore the condition as imposed only contains parts (3) & (4) (albeit renumbered as 1 & 2).

POLICY CONTEXT

Designations applicable to site:

Outside Built Up Area Boundary;
Lidsey Treatment Catchment Area;
Area of Special Control of Adverts;
Flood Zone 1; and
CIL Zone 3.

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HWBSP1	HWB SP1 Health and Wellbeing
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems
WDM1	WM DM1 Waste Management
WSP1	W SP1 Water

[Yapton neighbourhood plan 2014 Policy BB1](#)

Yapton neighbourhood plan 2014 Policy H1	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy H3	Housing requirement
Yapton neighbourhood plan 2014 Policy E3	Dwellings appropriate for the needs of older people
Yapton neighbourhood plan 2014 Policy E4	Protection of natural habitats
Yapton neighbourhood plan 2014 Policy E5	Minimising the environmental impact of development
Yapton neighbourhood plan 2014 Policy E5	Enhancement of biodiversity

Yapton neighbourhood plan 2014 Policy E11

Minimising the impact of flooding from development

Yapton neighbourhood plan 2014 Policy PK1

Parking standards for new residential development

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities
SPD3	Parking Standards

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans 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 Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

The relevant policies within the Yapton Neighbourhood Development Plan have been considered in the preparation of this report.

It should be noted that section 38 (5) of the Planning and Compulsory Purchase Act 2004, states that: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Therefore, any conflict between the Yapton Neighbourhood Development Plan and the Arun Local Plan 2011-31, should be resolved in favour of the latter.

Yapton Parish Council are currently working on a review of their Neighbourhood Plan, but they have not yet reached the Regulation 18 stage in this process.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal conflicts with the Arun Local Plan (policies C SP1 & SD SP2) and the Yapton Neighbourhood Development Plan (policy BB1) as the site lies outside the built up area boundary where residential development is not normally allowed.

OTHER MATERIAL CONSIDERATIONS

There are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background as detailed in the Conclusion section. These are as follows:

- The location of the site which although outside the built up area boundary, has existing or committed built development on all sides;
- The Councils' 2019 HELAA which assessed the site (ref 18Y1) as being deliverable, sustainably located and with limited constraints;
- The result of the Governments 2019 Housing Delivery Test which states Arun have underdelivered on its housing targets and recommends the application of a 20% buffer to be included in the calculation of the authorities 5-year Housing Land Supply;
- The Council's Authority Monitoring Report (AMR) as considered at the Planning Policy Local Plan Sub-Committee on 17th December showed the Council can no longer demonstrate a 5 year Housing Land Supply (HLS) as required. The AMR shows there is 3.7 year supply (amended on a recent appeal to 2.9 years); and
- The National Planning Policy Framework (NPPF) and associated guidance particularly in respect of the presumption in favour of sustainable development.

CONCLUSIONS

PRINCIPLE:

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the plan unless material considerations indicate otherwise. The development plan for the Arun District currently comprises the Arun Local Plan 2011-2031, the Yapton Neighbourhood Development Plan (November 2014) and the West Sussex Waste and Minerals Plans.

Section 38 (5) states: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Any conflict between the Yapton Neighbourhood Development Plan and the Arun Local Plan, should therefore be resolved in favour of the latter.

All development policies that relate to the supply of housing in the Local Plan (policies C SP1, SD SP2) have reduced weight because Arun cannot demonstrate an adequate supply of housing land (only 2.9 years). In addition, policies in the Yapton Neighbourhood Development Plan that relate to the supply of housing (policies BB1 & H1) have even less weight because they relate to out of date housing needs as the policies were based on the 2003 Local Plan.

Paragraph 14 of the NPPF states that in situations where the 'presumption in favour of sustainable development' applies to applications involving the provision of housing, then the adverse impact of allowing development that conflicts with the neighbourhood plan will not significantly and demonstrably outweigh the benefits if four specific criteria apply. In this case, criteria (a) to (d) are not all applicable because the Neighbourhood Plan was made over two years ago. Therefore, the presumption in favour of sustainable development is unaffected by the Neighbourhood Plan.

The Arun Local Plan (ALP):

The key policy considerations in the determination of this application which relate to the principle of development are considered to be H SP1, SD SP2 and C SP1.

Policy H SP1 "The Housing Requirement" sets out an overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes a reference to additional non-strategic allocations being made across the District through reviews of Neighbourhood Plans. Yapton Parish Council are currently working on a review of their Neighbourhood Plan, but they have not yet reached the Regulation 18 stage in this process. However, it is clear from the Parish comments that they would use this development to contribute to their suggested increased housing requirement.

Policy SD SP2 "Built up Area Boundary" states that the Built-Up Area Boundary (BUAB) is defined for the main towns and villages in the District and shown on the Policies Maps. Development should be focused within the BUAB and will be permitted, subject to consideration against other policies of the Local Plan.

Policy C SP1 "Countryside" states that residential development in the countryside outside the BUAB will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development. It is noted that none of these relate to the proposal. As this site lies outside the nearest BUAB, it is categorised as being within the countryside and the scheme would therefore conflict with ALP policies SD SP2 and C SP1.

Yapton Neighbourhood Development Plan (YNDP):

The YNDP was made in November 2014 on the basis of the saved policies in the 2003 Arun Local Plan and the draft policies in the 2014 publication version of the then emerging Arun Local Plan. Page 13 of the YNDP includes a BUAB drawn around the edge of the settlement of Yapton which, save for proposed allocations within the YNDP, broadly compared with that provided by the 2003 Local Plan. The BUAB in the ALP is different having been amended to include Yapton strategic allocation SD7 as well as various approved but not yet built developments the area of Yapton village itself. However, in both cases, the site lies outside of the defined BUAB and therefore lies in the countryside.

Policy BB1 states that development outside of the BUAB will not be permitted unless in accordance with 4 listed criteria. Criteria 1-2 & 4 are not relevant to the proposal but number 3 is where the development relates to additional allocations for housing land in accordance with policy H1.

Policy H1 allows for a buffer of up to an additional 20% of the ALP housing requirement of 100 dwellings for the Yapton Neighbourhood Plan area. It is considered that this 20% has already been achieved through recent applications on unallocated sites in the village such as Y/1/17/OUT (56 dwellings), Y/44/17/OUT (70 dwellings), Y/49/18/PL (10 dwellings), Y/49/17/OUT (45 dwellings), Y/80/16/OUT (100 dwellings) and Y/83/19/OUT (33 dwellings).

Above and beyond this 20%, the policy states any further housing development will only be permitted if it can be demonstrated that either the expected child yield would not result in the Yapton CE Primary School exceeding the maximum number of children permitted or that appropriate modifications and/or extensions to the School can be delivered at the developer's expense. The development would be subject to CIL and therefore, it would be possible for a portion of the required payment to go towards the funding of school improvements.

The National Planning Policy Framework (NPPF):

The NPPF (Feb 2019) is an important material consideration in determining planning applications. As discussed below under "Other Material Considerations", the Council cannot currently demonstrate a 5-year Housing Land Supply (HLS) and therefore paragraph 11 (d) of the NPPF and the application of the 'presumption' for sustainable development is triggered.

This means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (such as where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

There is no question that (i) does not apply to this determination as the site does not lie in a protected landscape. The part (ii) test will be applied at the end of this report.

Other Material Considerations:

(1) The Councils Current Housing Land Supply (HLS) Position

On 12 February 2020, following appeal decision APP/C3810/W/19/3236911 a Planning Inspector considered the authority was only able to demonstrate 2.9 years HLS. The Council is of the view that its AMR evidence is robust but that this needs to be improved. The Council is of the view that this will be more concise and transparent via signed Statements of Common Ground for the Strategic Allocations and the authority is now pursuing this. In the interim, the position on the 5 year HLS must remain at 2.9 years as determined by this appeal. The council will update its position in due course.

In February 2020 (a day after receipt of the appeal), the government published Arun's Housing Delivery Test (HDT) result for November 2019. The HDT was 68% triggering the application of a 20% buffer to be included in the calculation of the authorities 5-year HLS. The above appeal position reflects this buffer.

The Council's Action Plan published in June 2019 makes a series of recommendations in order to boost housing delivery. This includes relying on the 'presumption in favour of sustainable development' until such time as the 5-year housing land supply is re-established and the HLS is progressed through plan making. It recommends that the Council consider inviting applications from landowners/developers on 'deliverable' HELAA sites to re-establish the 5 year housing land supply. The release of further land for housing will help to maintain delivery rates.

The Councils 2019 Housing and Economic Land Availability Assessment (HELAA) assessed the application site (ref 18Y1) as being deliverable, sustainably located and with limited constraints.

(2) The Location of the Site

The site borders existing dwellings to the south & east and with a part business park, part newbuild residential dwellings to the north. To the north and east of the adjacent business park, there is land benefiting from outline planning permission for 100 new dwellings. Furthermore, to the west beyond North End Road are sites benefiting from outline planning permission for residential development.

The defined BUAB specifically excludes the business park but is present to the south of the site and to the north/east/west of the business park. Therefore, this site does not lie in open countryside and it is considered that development here would not result in any harm to landscape character. It is sufficient to simply refuse an application on the grounds of being in the countryside unless there is also harm arising from this location.

(3) The NPPF & the Presumption in Favour of Sustainable Development;

The National Planning Policy Framework (NPPF) 2019 is a material consideration in determining

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

This means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (such as where the local planning authority cannot demonstrate a five year supply of deliverable housing sites), planning permission should be granted unless (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

There is no question that (i) does not apply to this determination as the site does not lie in a protected landscape. In respect of (ii), the remainder of this report will assess whether there are any adverse impacts associated with the proposal.

Conclusion on Matters of Principle:

The principle of development is clearly contrary to the policies in the development plan. The policies of the ALP that relate to the supply of housing have reduced weight due to the Council not being able to demonstrate an adequate supply of housing land. Policies in the YNDP that relate to the supply of housing have even less weight because they relate to out of date housing needs as the policies were based on the 2003 Local Plan.

It is therefore considered that this application should not be determined as being unacceptable in principle and that the development of this countryside site can be considered acceptable subject to an assessment of whether the proposal represents sustainable development and whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

EMPLOYMENT LAND:

The land is not designated in the ALP or the YNDP for employment purposes and also the land is not used in connection with the existing business park. It was formerly part of the land associated with the dwelling known as Church Lane Nursery, however there is no current nursery business. On this basis, there would not be any conflict with ALP policy EMP DM1 which seeks to only protect existing employment sites and premises.

YNDP policy BE1 sets out protection for land which could provide future potential employment opportunities. However, the Plan does not identify any land that 'could provide future employment opportunities'. Further, policy BE1 is in conflict with ALP policy EMP DM1 which does not seek to protect land with future potential for employment uses. Yapton Parish Council also state that the site is surplus and would not result in a loss of existing or designated employment land.

NOISE POLLUTION:

Policy QE DM1 of the Arun Local Plan states that: "To safeguard the continued use of existing industrial and commercial uses and to protect amenity, noise sensitive development should not normally be permitted where: (a) high levels of noise will continue throughout the night, especially during the hours when people are normally sleeping; (b) there is a likelihood of complaints about noise from industrial development."

This site is adjacent to the Orchard Business Park and also shares a boundary with a building with permission for Class B1 light industry or B8 storage & distribution uses. The applicant has provided an

Acoustic Stage 1 Risk Assessment and an Acoustic Design Statement in order to assess the impact from the existing business premises. This states that:

- Mitigation measures including acoustically specified double-glazing have been recommended in a small number of areas;
- The acoustic performance of the external building fabric would be reviewed to verify compliance with the performance specification;
- Noise sensitive windows on exposed facades will require an alternative means of ventilation due to high external noise levels;
- A suitable acoustic specification has been provided for trickle ventilation, where this solution is desired;
- The sound impact of an extractor fan used by "Classic Perfections", a tenant of Orchard Business Park, has been assessed following procedures in BS4142:2014 (Methods for rating and assessing industrial and commercial noise), as required by Arun District Council. The assessment summary indicates a 'low impact' when considered in the context of the environment in which the assessment is set.

Environmental Health have been consulted and raise no objection subject to a condition to secure the started noise mitigation measures as per the submitted report. A condition will also be imposed to control construction working hours to minimise noise pollution to existing residents during the development of the site. The proposal therefore accords with ALP policy QE DM1.

HIGHWAY SAFETY & PARKING:

ALP policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport. In respect of highway safety, it states: "The Council will support transport and development which: explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

In respect of parking, T SP1 states: "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". In addition, policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes, contribute to the improvement of such routes & facilities and contribute towards the provision of a joined-up cycle network and Public Rights of Way network.

Para 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The advice of WSCC Highways is summarised above and it is clear that they consider that the access arrangements are safe & suitable and that the traffic impact of the development will be low. They raise no objections.

The Council has recently adopted a Parking Standards Supplementary Planning Document (SPD) and this sets out a need for 13 allocated spaces and 2.5 (so 3) visitor spaces. The proposed layout shows at least 16 spaces (including the 3 visitor spaces) but there is also potentially two more tandem spaces on plot 1 & 2's driveways. YNDP policy PK1 is also relevant in respect of car parking and states that 3 bed

houses need to have 2 spaces each and 4 bed houses need to have 3 spaces. These are the same standards as in the SPD and therefore there is no conflict with this policy.

WSCC Highways do not consider that the proposals would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (para 109), and that there are no transport grounds to resist the proposal.

The proposal is therefore in accordance with the development plan policies and the guidance within the NPPF.

CHARACTER & DESIGN:

Policy D DM1 of the Arun Local Plan requires that the Council seek to make the best possible use of land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area. In terms of density, D DM1 requires that housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keep within the general confines of the overall character of a locality.

ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character. There are no relevant design policies in the YNDP.

Paragraph 127 of the NPPF states that "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)." Para. 122 states that planning decisions should support development that makes efficient use of land but the desirability of maintaining an area's prevailing character and setting should be considered. Para. 130 states that planning permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The National Design Guide (September 2019) forms part of the Government's collection of planning practice guidance. Paragraphs 20-21 of the Design Guide explain how good design should pay regard to place and context and that 'a well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. Part 2 of the Guide sets out ten characteristics for good design, namely Context, Identity, Built form, Movement, Nature, Public spaces, Uses, Homes and buildings, Resources and Lifespan.

There are concerns from residents that this represents overdevelopment and is not in character with the spacious surroundings. It is acknowledged that the houses to the south whilst similar in footprint do have much larger garden areas, principally as a result of being set back a significant distance from the road. However, this site is more closely related to the new build development to the front of the business park and it clearly reflects the character of that development. Furthermore, whilst not as spacious as those houses to the south, the proposal is not considered to be overdevelopment as the houses all have good sized gardens that exceed the Councils emerging standards (more on this later in the report) and the layout offers plenty of greenery and respects existing tree cover to the south.

The elevation of plot 1 to North End Road, whilst not the principal elevation is considered to be attractive and includes active windows, a prominent gable and the use of flint. The siting of this dwelling higher

than the road level (noting the existing height difference) will make it quite prominent but this is acceptable given the design quality and will enhance the streetscene in this location. The remainder of the dwellings are considered to be traditional in appearance and include some chalet bungalows to reflect the scale of dwellings to the south and east. Materials and landscaping will be secured through conditions.

The proposal is considered to accord with ALP policies D DM1 & D SP1 and with the guidance on design in the NPPF and the National Design Guide.

TREES:

ALP policy ENV DM4 states that: "Development will be permitted where it can be demonstrated that trees protected by a Tree Preservation Order(s), (TPO) identified as Ancient Woodland, in a Conservation Area or contributing to local amenity, will not be damaged or destroyed now and as they reach maturity unless development:

- a. Would result in the removal of one or more trees in the interests of good arboricultural practice. This shall be demonstrated by the developer following the advice of a suitably qualified person which shall be guided by BS 5837 (2012). Details of any advice received having regard to BS 5837 (2012) shall be submitted, in writing, as part of a planning application; or
- b. Would enhance the survival and growth prospects of other protected trees;
- c. The benefits of the proposed development in a particular location outweigh the loss of trees or woodland, especially ancient woodland."

YNDP policy E4 states that development sites should retain well-established features of the landscape, including mature trees and species-rich hedgerows. New tree planting will be required to mitigate any significant loss.

The application proposes to remove a number of small to medium class trees from within the site and to prune a group of class C Beech & Hornbeam. The exception is a class B Ash tree (T14) which is to be felled as it is located where the access road will turn south to reach plots 5 & 6.

Whilst the proposal does result in a loss of trees across the site, the Councils Tree Officer does not raise any objections. It is considered that the benefits of the development in providing new homes in a sustainable location to contribute to the Councils HLS shortfall outweighs the loss of the existing trees. Furthermore, the scheme clearly retains the established trees and hedging along the southern boundary. A condition will be imposed to secure details of new landscaping with new trees required at a ratio of 2 to every 1 lost.

On this basis, the proposal is in accordance with ALP policy ENV DM4 and YNDP policy E4.

BIIODIVERSITY:

ALP policy ENV DM5 states: "Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

YNDP policy E3 seeks to prevent the loss of natural habitat except where mitigation measures ensure the integrity of the habitat or where the habitat is relocated to a site within 500m of the existing. Paragraph 175 of the NPPF states: "If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately

mitigated, or, as a last resort, compensated for, then planning permission should be refused;"

The application is accompanied by a Preliminary Ecological Appraisal Report and also by a Reptile Presence/Absence Survey Report. These documents have been assessed by the Councils ecologist who has advised no objection subject to planning conditions being imposed to secure various protection, mitigation and enhancement measures.

The ecologist does not comment specifically on whether the proposed development would secure a net gain in biodiversity, however, it is noted that the majority of the site is simply grassland and that the ecologist's mitigation/enhancement measures will comprise of: 2 trees for every one felled, gaps in hedgerows filled with native species, wildflower meadow planting to amenity areas, Bat & bird boxes, grassed areas managed to benefit reptiles, log piles and gaps in fences to allow small mammals access. The submitted Preliminary Ecological Appraisal advises that "By including landscaping with native trees and a native hedge along the northern boundary, the development has the potential to offset much of the development impact upon biodiversity".

Although it is accepted that a number of trees are to be felled, the scheme as it stands is judged, on balance to provide a biodiversity gain. Therefore, the proposal would comply with the NPPF para 175, with ALP policy ENV DM5 and YNDP policy E3. However, this judgement is made on the basis that the trees to be retained are not damaged during construction and that no further trees are felled by homeowners in the future.

DRAINAGE:

Policy W DM3 (Sustainable Urban Drainage Systems) states: "To increase the levels of water capture and storage and improve water quality, all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development, at an early stage of the design process."

YNDP Policy E11 requires developments be designed and constructed to minimise the overall level of flood risk in the parish; and provide appropriate surface water drainage.

The Councils drainage engineers have some concerns with the drainage strategy as proposed, however they raise no objections to the principle of the development and consider that the issues can be resolved through the discharge of appropriate conditions. However, there is no reason to suggest that the proposal does or will not comply with the development plan policies regarding drainage.

RESIDENTIAL AMENITY:

ALP policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Regard should be had to para 127 of the NPPF which states that developments should provide a high standard of residential amenity for existing and future users. ALP policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity".

In addition, the Council has an emerging Design Guide which has recently completed its consultation stage (09/01/20 to 21/02/20) and which sets out guidance on interface distances between houses. These are: 21m for back to back, 16m for front to side and 14m for back/front to side. All of the new houses are sited in such a way as to exceed these standards in relation to existing and proposed dwellings and are therefore in accordance with the guidance in the emerging Design Guide

The access road terminates close to the shared boundary with a dwelling known as "The Bund" to the south. Its use could therefore affect the amenity of the neighbours garden. However, this will be a low speed road and the road ends some 2.3m in from the boundary with existing tree cover in place to provide screening. It is not considered that the (likely infrequent) use of this part of the new road system will adversely affect the amenity of the neighbouring garden.

It is not considered the proposal would conflict with the aforementioned development plan policies and policy guidance.

SPACE STANDARDS:

ALP policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the buildings will be suitable for residential use. The following is a breakdown of the proposed homes:

Plot	Unit Type	Internal Space	National Standard
Plot 1	- 2S/4B/6P	- 130.5m ²	- 106m ²
Plot 2	- 2S/3B/5P	- 108m ²	- 93m ²
Plot 3	- 2S/3B/6P	- 131.8m ²	- 102m ²
Plot 4	- 2S/3B/6P	- 130.6m ²	- 102m ²
Plot 5	- 2S/3B/6P	- 130.6m ²	- 102m ²
Plot 6	- 2S/3B/6P	- 130.6m ²	- 102m ²

All of the proposed dwellings therefore comply with this guidance. There are no policies in the ALP relating to garden sizes but the emerging Arun Design Guide sets out standards for garden sizes as follows:

- Private Rear Garden: min. 10.5m depth, 50sqm area for two-bedroom homes and 60sqm area for three or more bedroom homes;
- 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.

All of the gardens have gardens that exceed the 10.5m depth and all are either as wide as they are deep or wider. Therefore, they all more than exceed the area requirements. It is also noted that although there are trees along the southern and eastern boundaries and so will affect the light reaching these gardens in either the morning or midday hours, these trees only cover the ends of the gardens and therefore do not affect the usability of these garden spaces.

The scheme provides a decent standard of amenity for future occupiers and there is no conflict with any adopted development plan policy.

SUSTAINABLE DEVELOPMENT:

Policy SD SP1 "Sustainable Development" states the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy

Framework (NPPF). Paragraph 8 of the NPPF states that in order to achieve sustainable development; economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The following is an assessment of the benefits and costs associated with the proposal.

The site location is environmentally sustainable in that it possible to walk, cycle or take a fairly regular bus service to access nearby shops, services, places of employment and other facilities and that these are all within an appropriate distance such that it is not necessary to travel by car.

It is acknowledged that the development will result in a loss of some trees and the loss of some grass land wildlife habitat, however, a landscaping scheme will secure replanting at a rate of 2 for every 1 tree lost and this alongside the wildlife enhancement measures are considered to offset any impact on the existing biodiversity.

It is considered that the proposal could help to support the local community by providing up to 6 new family sized homes to help meet future needs. In addition, CIL receipts could be used to contribute financially towards local infrastructure including the primary school as such, there would be a further benefit to the local community. The economic benefits would consist of:

- (1) An increase in Council Tax receipts;
- (2) Potential 'New Homes Bonus' payments from the Government;
- (3) The creation/maintenance of construction jobs; and
- (4) Additional spending by new residents on local goods & services.

Paragraph 11 (d) of the NPPF sets out the application of the 'presumption' for sustainable development which is triggered where the Council's policies most important for determining the application are out-of-date. This states that planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

This report finds no adverse impacts associated with the proposal and there are significant benefits to take account of too. Therefore the presumption in favour of sustainable development is engaged.

SUMMARY:

This full planning application considers the development of 6 new residential dwellings on existing part residential curtilage, part greenfield land surrounded on all sides by either existing/committed built development associated. The site lies outside of the built up area boundary but there are considered to be material considerations that serve to override the in-principle policy objection and it is considered that the NPPF presumption in favour of sustainable development should be engaged. As such, it is recommended that permission be granted in accordance with the following conditions.

HUMAN RIGHTS ACT

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

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms

of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

This is a CIL Liable development. It is located in Zone 3 and as a result a CIL amount of £131,235 is payable unless the applicant subsequently applies for an exemption subject to the requirements of the CIL Regulation 2010 (as amended).

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:

Dwg. 2.07 "Location Plan";
 Dwg. 2.01 Rev B "Site Plan";
 Dwg. 2.02 "Floor Plans";
 Dwg. 2.03 "Elevations - Sheet 1";
 Dwg. 2.04 "Elevations - Sheet 2";
 Dwg. 2.05 "Detached Garage - Plots 1 & 2"; and
 Dwg. 2.06 "Street Elevations".

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

- 3 All activity at the site is to be carried out in strict accordance with the Arboricultural Assessment and Method Statement, ref. 18063-AA-AN, Barrell Tree Consultancy.

If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones, then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reasons: To comply with BS5837 and policy ENV DM4 of the Arun Local Plan 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. This is required to be a pre commencement condition because it is necessary to ensure that trees are fully protected before the ground is disturbed and works commence.

- 4 Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a PRE-COMMENCEMENT Site Meeting is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s) or other competent person - at this meeting all protective fencing will be inspected to verify it is 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan, ref. 18063-BT1.

Reasons: To comply with BS5837 and policy ENV DM4 of the Arun Local Plan 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. This is required to be a pre commencement condition because it is necessary to ensure that trees are fully protected before the ground is disturbed and works commence.

- 5 Prior to the commencement of development, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. As based on (a) Soils Ltd.'s Phase I Desk Study Report (ref 16612, dated Nov 2017); (b) Soils Ltd.'s Phase II Ground Investigation Report (ref 16612/GIR, dated Nov 2017); and (c) Soils Ltd.'s Soil Gas Risk Assessment letter report (ref 16615/SGRA, dated Feb 2018) - an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

2. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (1) are completed and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall then be implemented as approved.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences. It should be noted that this is a modified version of the standard condition as the Council is satisfied that the standard initial two stages have already been satisfied.

- 6 No development shall take place, including any works of demolition, until a Construction & Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with West Sussex County Council and the Councils Environmental Health Officers). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- An indicative programme for carrying out of the works;

- Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
- Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- Measures to control the emission of dust and dirt during construction; and
- A scheme for recycling / disposing of waste resulting from demolition and construction works.

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

- 7 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 8 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the development is satisfactorily drained in accordance with policies W

DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 9 No development shall commence until a mitigation method statement has been submitted to and approved in writing by the Local Planning Authority to provide details of how the existing hedgerows are to be retained, protected and enhanced. There must be a 5m buffer zone in place secured by fencing around the hedgerows during construction. The development shall thereafter proceed in accordance with the approved hedgerow protection and enhancement measures.

Reason: Bats use the hedgerows for foraging and commuting and therefore in accordance with the NPPF and policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition because the hedgerow protection scheme must be in place prior to construction starting.

- 10 No development above damp proof course (DPC) level shall take place until a wildlife enhancement/mitigation plan has been submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures shall then be provided prior to occupation of any of the dwellings and permanently retained in good working condition thereafter. The Plan shall provide details as appropriate but including the following:

- At least one bat brick in one of the houses (facing south/south westerly & positioned 3-5m above ground);
- Bird boxes either on buildings or within retained trees;
- At least two hedgehog boxes within the site;
- The management of future grassland areas to benefit reptiles; and
- The provision of log piles on the site.

Reason: In accordance with the NPPF and policy ENV DM5 of the Arun Local Plan.

- 11 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.'

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

- 12 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and local character in accordance with policy D DM1 of the Arun Local Plan.

- 13 No development above damp proof course (DPC) level shall take place until details of all new screen walls and fences have been submitted to and approved by the Local Planning Authority and none of the approved dwellings shall be occupied until such screen walls/fences associated with them have been erected. The details to be provided shall also ensure that gaps are provided at the bottom of all boundary treatments to ensure that hedgehogs and other small mammals are able to move into/out of and around the development.

Reason: In the interests of amenity and of wildlife in accordance with policies D DM1 and ENV DM5 of the Arun Local Plan.

- 14 No development above damp proof course (DPC) level shall take place unless and until details are provided and approved in writing by the Local planning Authority to show how at least one of the new 3 bed dwellings will be delivered to meet Part M of the Building Regulations 2010 (as amended). The Part M compliant dwelling or dwellings shall thereafter be delivered in accordance with the approved details and these shall be maintained in good working condition thereafter.

Reason: To ensure that part of the development allows for residents to remain in their own homes over the course of their lifetime in accordance with policy H3 of the Yapton Neighbourhood Plan.

- 15 No part of the development shall be first occupied until such time as the vehicular access and the vehicle parking and turning spaces serving the development have been constructed in accordance with the approved plan.

Reason: In the interests of road safety and to provide adequate on-site car parking and turning space for the development in accordance with Arun Local Plan policy T SP1.

- 16 No part of the development shall be first occupied until covered and secure cycle parking spaces (or if in garages then details of storage racks) have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

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

- 17 The mitigation measures set out at sections 3.3, 3.4, 3.5, 3.6, 4.3 & 4.4 of the submitted acoustic report "ProPG Stage 2 Acoustic Design Statement; Land to the West of Church lane Nursery, Yapton. Ref AS10284.19.11.28.ADS" (02/12/19) shall be implemented in full and permanently retained in good working order. Prior to occupation of any of the dwellings, a noise test shall be carried out to ensure that the installed noise reduction measures have been successful in achieving the levels set out in BS8233:2014 "Guidance on sound insulation and noise reduction for buildings". This noise test shall be provided to the Local Planning Authority for approval in writing prior to occupation of any of the dwellings.

Reason: To protect the amenity of nearby local residents and the new residents within the proposed accommodation in accordance with policies QE DM1 and QE SP1 of the Arun Local Plan.

- 18 None of the houses shall be first occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and includes the use of renewable energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the dwellings and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: In order to secure on site renewable energy in accordance with national planning policy, in accordance with policy ECC SP2 of the Arun Local Plan.

- 19 Prior to the occupation of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

- 20 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations within BS5489:1-2013 but also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1, QE DM2 & ENV DM5 of the Arun Local Plan.

- 21 No construction / demolition 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 works taking place on Sunday or Bank Holidays.

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

- 22 The garages and car parking spaces hereby approved shall not be used for any purpose other than for the parking of vehicles and the 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.

- 23 All bathroom and toilet windows hereby approved shall be glazed with obscured glass and permanently retained 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.

- 24 No windows (other than those shown on the plans hereby approved) shall be constructed in the first floor 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.

- 25 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning

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

- 26 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information, please contact the Environmental Health Department on 01903 737555.
- 27 INFORMATIVE: The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A statutory nuisance may be caused by smoke and ash from fires or noise from the cutting or chipping trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should also be contacted regarding Exemption Permits to burn on site.
- 28 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.
- 29 INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.
- 30 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 via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.
- 31 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.
- 32 INFORMATIVE: Please ensure that the landscaping scheme as submitted to discharge condition 11 includes native species, areas of new wildflower meadow planting and new trees at a ratio of 2:1 to replace any to be removed. Please also ensure that the landscape scheme

does not include any species to the road frontages which have poisonous berries.

- 33 INFORMATIVE: This application is liable for CIL in accordance with the Councils CIL Charging Schedule available to view at: <https://www.arun.gov.uk/cil>.
- 34 INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.