

Recommendation Report for Outline Consent

REF NO: Y/1/17/OUT

LOCATION: Bonhams Field
Main Road
Yapton
BN18 0DX

PROPOSAL: Outline Application with some matters reserved for the erection of 56 No. dwellings with associated open space and creation of new access. This application is a Departure from the Development plan & affects the character & appearance of the Yapton (Main Road) Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks outline planning permission for 56 dwellings with associated open space on land at Bonhams Field, Main Road, Yapton. Means of access is not to be reserved.

Of the 56 dwellings proposed, 16 would comprise affordable homes (50:50 split between social rent and shared ownership). The proposed mix of homes would be:

- 4 x 1 bedroom houses;
- 24 x 2 bedroom houses;
- 20 x 3 bedroom houses; and
- 8 x 4 bedroom houses.

The proposal also includes:

- a retained hedgerow through the site and reinforced boundary hedgerows and additional native tree planting;
- over 0.5 hectares of public open space comprising a Community Orchard/wildlife corridor;
- Local Play Area (LAP) and general amenity areas;
- a new vehicular access with Main Road;
- pedestrian access;
- sustainable urban drainage; and
- reinforced hedgerows and additional hedge and tree planting.

Detailed approval for appearance, layout, scale and landscaping are reserved for later detailed consideration.

A S106 agreement has also been prepared to provide for financial contributions towards:

- Affordable Housing;

- Open Space;
- Play Areas;
- Fire and Rescue Contribution;
- Primary Education Contribution;
- Secondary Education Contribution;
- Further Education Contribution;
- Library Contribution;
- NHS, and
- Travel Plan Contribution.

SITE AREA

The total site area is 3.2 hectares.

RESIDENTIAL DEVELOPMENT DENSITY

The development would provide a gross density of approximately 17.5 dwellings per hectare.

TOPOGRAPHY

Predominantly flat, but rises gently northwards.

TREES

None of any significance affected by the proposed development. Two trees are proposed to be removed (T26 Monterey Cypress and T13 Hawthorn), both are category U due to diminished vitality. New planting would be included with the development, details for which would be considered at reserved matters stage.

BOUNDARY TREATMENT

The northern and western boundaries of the site are defined by established hedgerow and mature trees. Where it meets Main Road, the western boundary also lies adjacent to an existing row of cottages. Several mature trees line the eastern boundary also, together with a flint wall which forms the boundary of the Main Road Conservation Area. Beyond the flint wall lies a row of properties along North End Road. To the south, the boundary is formed of a combination of fencing and low stone walls at the point where it runs along Main Road. Bonhams Farm complex lies to the south of the site, but north of Main Road, and is contained by a flint wall that runs along the application boundary here.

SITE CHARACTERISTICS

The site currently comprises an agricultural field utilised for grazing and is located in open countryside, but immediately abuts the western edge of the Settlement Boundary of Yapton and the Main Road Conservation Area. The site wraps around Bonhams House and Elms Barn; a residential barn conversion, these properties do not form part of the proposed site.

The site is not located in an area at risk from fluvial flooding, nor is it designated in an area of high landscape sensitivity or ecological importance.

CHARACTER OF LOCALITY

The site is located within the Parish of Yapton, just outside the Settlement Boundary of Yapton village. To the east on the corner of North End Road there is the former Olive Branch public house which is being converted to residential use. Properties on the west site of North End Lane back on to the proposed site. The site is set within an area that has an open character with a mix of large properties in large plots and smaller terraced properties located along Main road.

Residential development is located along the length of North End Road to the east, and along either side of Main Road to the South and west of the site. An established hedgerow runs from north to south towards the eastern end of the site.

Main Road serves the village and runs south of the site. The wider village is rural in character, but benefits from GP surgeries and pharmacy, two churches, a village hall and playing fields, Yapton Church of England Primary School, a pub and a small selection of shops (including post office and local convenience store). Barnham railway station is located 2 miles to the west and a regular bus service serves the village.

RELEVANT SITE HISTORY

PAA/104/16: Pre-application advice.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council

Raises an OBJECTION to the proposed development for the following reasons:

- The application is premature to the Local Plan making process and should be deferred;
- The proposal is contrary to the Yapton Neighbourhood Plan;
- The site provides an essential setting for the Main Road Conservation Area, its listed buildings and the village settlement as a whole;
- The introduction of built form beyond the existing Main Road Conservation Area would represent an inappropriate incursion into the countryside;
- Yapton's rural character would be eroded;
- It would remove the village's sense of place;
- The sensitive location for the proposed housing development is unsuitable and unsustainable;
- The proposal fails to meet policy criteria established by the NPPF, saved Local Plan policies GEN2 and GEN3 and emerging policy;
- The proposal is a departure from the development plan;
- The site is agricultural land;
- The emerging Local Plan has designated two (300 unit) Strategic Housing sites within Yapton Parish (Y11 Land South of Tack Lee Road and NEW19 Land at Drove Lane). These sites will adequately accommodate the suggested increase enabling the Parish and its residents time to consider additional HELAA sites;
- Arun District Council originally allocated Yapton 100 new homes over the new Local Plan period which the Yapton Neighbourhood Development Plan adequately accommodated including a 20% buffer;
- Allocated sites within the Parish have exceeded 100 homes and the recent HELAA has identified sites that could increase housing numbers in the village by a further >405 homes excluding the 208 units currently awaiting appeal or High Court ruling. Housing numbers exceed Yapton's need;
- The cumulative impact has not been assessed. Emerald Gardens (178 homes), Fellows Gardens extension (34 homes), the adjoining site in Ford Parish (Burndell Road) (45 homes). This will amount to 257 new homes all within 350m of each other. A further 208 units await appeal and High Court ruling;
- There will be an impact upon local infrastructure and services (such as GP surgeries, shops and the

primary school);

- The layout of the site is well thought out with sympathetic use of planting to reflect the rural nature of the site, however the Parish does not consider No 33 to blend in or enhance the setting of the listed buildings and Conservation Area. The building is isolated and sits in a key area of open space which defines the rural approach to Yapton and enhances the historic rural nature of Elms Barn. The Parish would seek to retain this as open space;
- Drainage is a concern - foul water drainage has insufficient capacity in the local network;
- The access is in close proximity to bends in Yapton Road along with potential exit traffic from Drove Lane in relation to small strategic sites NEW19/Y11;
- The Parish would like additional information on the likely cumulative impact this proposal will have on Main Road/Yapton Road with other housing development nearby;
- Network Rail's response is also noted where there is concern regarding application Y/80/16/OUT and the level crossing;
- Cycleway improvements should be made linking Yapton to Barnham;
- The applicant has engaged with the local community;
- Overall, the development would have a significant adverse impact on the community in terms of sustainability, impact on local facilities, infrastructure and on the rural nature of the village.

To date, 36 representations raising concern have been received raising the following comments:

- There are preferred alternative strategic housing sites in and around Yapton that are deliverable and will contribute to meeting the housing land supply requirement. The proposed development is premature on a site that is not allocated for housing and does not accord with the Development Plan;
- The site is outside the existing built up area boundary and would result in the loss of a rural village setting;
- Impact upon the countryside - the development would result in the incremental coalescence of Yapton and Barnham. The existing 'gap' contributes towards their rural character and setting;
- The proposed development is not sustainable;
- There are adverse impacts that would significantly and demonstrably outweigh any identified benefits when assessed against the NPPF;
- It is possible that a lack of spare capacity in the foul water network could be dealt with through a planning condition;
- The current illustrative layout and design completely fails to avoid harm on neighbouring properties;
- Impact upon the Main Road Conservation Area. The scheme neither protects or enhances the special character of the Conservation Area;
- Impact upon Elm Barn, a Listed Building due to architectural and historic merit associated with its rural farmland setting, which has an intimate relationship with the surrounding landscape setting together with other listed buildings such as Bonhams Farmhouse, Laburnham Cottage, Malt House;
- The applicant has provided no illustrations showing the impact of a suburban intrusion into the views of the Conservation Area as you enter the village from the west, in particular showing the visual impact on the listed barn and farmhouse;
- Loss of Grade 1 Agricultural Land and the conclusion made by the Agricultural Assessment is challenged. This is contrary to emerging planning policy;
- Bonhams Field is not identified as a preferred housing site in the emerging Arun Local Plan and Housing Implementation Strategy;
- The development of Bonhams Field would adversely impact upon the livelihood of the existing tenant farmer;
- Impact upon local infrastructure (local primary school and GP surgeries);
- The Yapton Neighbourhood Plan has allocated 152 homes. Any increase in this allocation must be from sites chosen by the local community as part of a revision to the current Neighbourhood Plan and when ADC provide revised allocations;
- No consideration of cumulative impact as a result of other housing developments in Yapton;

- It would generate an increase in road traffic and impact upon the local road network. This will impact Main Road, the level crossing at North End Road and at the C of E Primary School, a known local congestion area;
- Impact upon Biodiversity including birds (raptors such as buzzards, kestrels and sparrow hawks and owls and woodpeckers) and mammals, including bats (as a result of increased light pollution);
- Sheep grazing is an important feature of Bonhams Field;
- There would be an increase in flood risk on Main Road as surface water run off increases.
- There is inadequate parking provision proposed. Any overflow parking onto Main Road will increase the risk of accidents;
- The proposed housing density is too high;
- The site comprises greenfield land that has not altered in use for over 300 years;
- The development would generate overlooking into existing adjacent properties;
- pedestrians walking from the site into Yapton village to gain access to the shops would be at risk because the pavement is too narrow;
- There is no need for more housing in Yapton;
- The value of existing properties would decrease;
- No sustainable transport options have been considered and should include on site routes and off site links to schools, shops and other transport hubs. Links to existing cycle routes should be considered.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments are noted and issues are addressed by the Conclusions section of this report.

CONSULTATIONS

WSCC Strategic Planning
Conservation Officer
Engineering Services Manager
Engineers (Drainage)
Surface Water Drainage Team
Environmental Health
Arboriculturist
Southern Water Planning
Head of Planning Policy & Cons
Ecology Advisor
NHS Coastal West Sussex CCG
NHS Coastal West Sussex CCG
Mr Clavell-Bate
Environmental Health
Listed Building Officer
Archaeology Advisor
Parks and Landscapes
Listed Building Officer
WSCC Strategic Planning
Highways England
Highways England

CONSULTATION RESPONSES RECEIVED:

ARCHAEOLOGY ADVISOR:

Provides the following COMMENTS:

- The conclusions of the Archaeological Desk Based Study (dated July 2016) are agreed with;
- The mitigation proposed by the study is also agreed with whereby the site should be investigated ahead of development; and
- A condition requiring the submission of a Written Scheme of Archaeological Investigation is suggested. The Scheme should include proposals for an initial trial investigation and for mitigation of damage through development to deposits of importance identified.

HISTORIC BUILDINGS ADVISOR:

Raises an OBJECTION for the following reasons:

- The site is an area of agricultural land which informs the setting of Yapton Conservation Area (Main Road) and a number of listed buildings;
- As former agricultural buildings and farm houses, the relationship with the landscape is an intimate one;
- There would be harm upon the setting of the Conservation Area and associated listed buildings, particularly with regard to views of the buildings from the public highway, but also from within the curtilages of the heritage assets themselves. Limited or private views also carry great weight;
- Setting can be harmed not only from visual impacts, but also from noise, lightspill and increased activity;
- The change in land use can be harmful if it takes on an inappropriate character. The introduction of 56 dwellings therefore has to have an impact and given the site's history and previous use, its transformation must be considered to represent a level of harm;
- The conclusion by the Heritage Statement that there would be an 'overall negligible adverse effect' is questioned;
- The conservation of heritage assets and their settings must be given great weight;
- The design of the development represents a townscape rather than a village extension;
- A number of suggested amendments to the layout and design have been proposed, however overall it is considered that at present, the design, scale and layout of the buildings appears to represent a 'Poundbury - type' development. There is not the density in the existing setting to support such an approach; and
- Before the scheme can be considered as acceptable, further consideration should be given to mitigating potential harm through layout and design and better integration of the scheme into its surrounds.

On the revised layout, the OBJECTION is maintained and the following comments are raised:

- Acknowledges the attempt to mitigate potential harm should the scheme be approved in principle;
- It is impossible to suggest that there is no harm from the proposal as the scheme occupies two fields which contribute to the historic setting of the listed buildings and their relationship with the landscape;
- The 'degree of change' (a key consideration for the setting of heritage assets) has not been sufficient enough to offset a housing development of this nature or scale;
- The Heritage Statement also refers to potential harm which is concurred with by the Historic Buildings Officer;
- Design can go part of the way to mitigating harm, which the statement suggests, but it is unlikely to remove it completely;
- It was helpful to see the layout options during the site visit, in addition to a pair of houses on the main road. The reduction to two houses here, as from the terrace discussed, works better in that it continues the building line along the main road, but doesn't bridge the gap to the barn. The main concern with having a more open gap and the houses set back, is that the development would appear more isolated and less integrated into the existing built environment;

- The houses are set back enough to not disturb the views of the listed barn;
- The main development itself has two very different characters. The barns which would occupy the smaller field reflect neighbouring agricultural buildings in terms of typology and have some relation architecturally and spatially to the neighbouring Stakers Farm. The success of this depends upon the degree of detail which is not yet available;
- There is concern that these dwellings will have individually laid out gardens with tightly defined boundaries. This is likely to domesticate the setting, which should be avoided. Some separation might be possible, but limited;
- Other design considerations should also be considered such as roof lights and solar panels which can all contribute to the level of harm upon the setting of heritage assets;
- The proposed 'buffer zone' to the north of Bonham's Farm and Barn is an improvement on the original layout in terms of their close setting and provides some screening;
- The main development beyond this to the north remains the most difficult aspect of the scheme. The main housing and its layout doesn't have the same reference points and therefore is more difficult to ground within the existing environment. The major concern here, is the potential for this to appear overtly suburban or incongruous and therefore harmful to the setting.
- The layout and landscaping are vital to the setting as are the number of houses proposed;
- Internal road layout and parking should be sensitively thought out in order to appear organic. Parking in the form of front of house or bays should be avoided;
- There is a need of 'understated architecture'. A cottage terrace is a good example of this. The images provided with this application are indicative, however the variation in roof profiles and material palette should avoid over complexity. Doors, windows, chimneys, pointing and boundary treatments should all differ slightly. Close boarded fencing should be avoided, to prevent the development appearing as 'suburban';
- Unfortunately, these are not all things that can be addressed at outline stage. If the scheme is supported in principle by the planning authority we can work with you on these points at a later stage.

CONSERVATION AREA ADVISORY COMMITTEE:

Raises an OBJECTION for the following reasons:

- There would be an adverse impact upon the Main Road Conservation Area.

SOUTHERN WATER:

Provides the following COMMENTS:

- No development or new tree planting should be located within 3 metres either side of the centreline of the surface water sewer;
- No new soakaways should be located within 5 metres of a public sewer;
- All existing infrastructure should be protected during the course of construction works;
- An initial desk top study confirms that Southern Water currently cannot accommodate the needs of this application without the development providing additional infrastructure;
- The development would increase flows into the wastewater sewerage system and consequently increase the risk of flooding in and around the existing area;
- The applicant will need to ensure that long term maintenance arrangements exist for any SUDS proposed; and
- Should the Planning Authority be minded to approve the planning application however 3 conditions regarding foul water drainage and an informative are recommended.

DRAINAGE OFFICER:

Provides the following COMMENTS:

- Satisfied that surface water is to be discharged to SuDS system.
- Soakage appears to be feasible. The soakaway system must include adequate groundwater monitoring to determine the highest winter groundwater table in support of the design. Extent of groundwater monitoring should be discussed with Drainage Officers.

- Infiltration rates to be based on percolation tests carried out during winter months and at location and depth of proposed structures.
- Satisfied that further information can be provided at details design stage and as a result of pre-commencement conditions regarding surface water management.

TREE OFFICER:

Raises NO OBJECTION, subject to conditions and comments that:

- The Arboricultural Impact Assessment (and tree constraints plan and tree protection plan) is satisfactory and accords with requirements of BS5837:2012;
- The most important trees on the site are contained within the perimeter hedges and there are also specimen trees off-site that have root protection areas that will overlap the site;
- Wherever possible, trees have been incorporated into Open Space area and where this has not been possible, they have been afforded the full root protection area protection distances required by the adopted standard; and
- The condition of trees T26 and T13 is agreed with for reasons of sound arboricultural management and safety.
- Two conditions are proposed requiring the implementation of an Arboricultural Method Statement and the inspection of tree protection fencing and site supervision where development has the potential to impact tree root protection areas.

GREENSPACE:

Provides the following COMMENTS:

PUBLIC OPEN SPACE:

- New FIT (Fields in Trust) guidelines require that 3.2 Ha of open space is provided for every 1,000 people. Based on this requirement, the proposed development should provide 0.43Ha;
- The open space areas indicated would appear to be in excess of the minimum required and the proposed layout takes into account a buffer zone between existing historic buildings and proposed development with consideration of existing tree locations;
- The proposed layout indicates that much of the proposed open space will form a good green corridor within the site, creating a usable space with the potential for existing and additional tree cover; and
- The proposed number of dwellings (56) triggers the need for onsite play provision, MUGA contribution as well as landscaped open space areas. The layout indicates LAP, which doesn't need to be equipped, but onsite LEAP would also be sought in addition to this. This detailing can be managed through reserved matters and through a S106 agreement.

LANDSCAPING:

The emerging landscape design aims should be:

- To design and implement a scheme that reflects and incorporates elements of its surroundings and enhances the atmosphere of local distinctiveness;
- To create a visually pleasing and interesting landscape for owners, employees and visitors to the development;
- To enhance the landscape quality of the site when viewed from the surrounding area;
- To provide a planting scheme that includes native species to blend with the surrounding location, enhance biodiversity and create enhanced wildlife corridor opportunity;
- To provide a sense of flow and cohesion between the different elements of the landscape, buildings, open areas and surrounding environment; and
- Consider long-term management of any future landscaping scheme.

BIODIVERSITY/ECOLOGY:

- A habitat survey report must be included with recommendations covered by conditions of any planning approval;

- Clearing of any vegetation must not be carried out during the bird nesting season;
- Vegetation where detailed for retention to boundaries to be retained; and
- Bat and bird boxes would be recommended to be provided to enhance the ecological potential of the site and mitigate for any loss of vegetation.

Conditions are recommended for:

- Landscaping scheme; and
- Tree protection measures.

ECOLOGIST:

Provides the following COMMENTS:

- Notes the results of the Ecological Assessment of the site and mitigation and enhancements proposed in section 6 of the report.
- Should permission be granted, these should be conditioned and implemented in their entirety, including:
 - Retention and protection of the boundary features during construction;
 - Clearance of vegetation outside the bird nesting season (which is Feb - August inclusive), unless under the supervision of a qualified ecologist;
 - Native tree, hedgerow, orchard and grassland planting;
 - A total of 6 nest boxes to be installed on trees and 6 house martin/house sparrow terrace boxes at suitable locations on-site; and
 - 12 bat roost units to be installed at suitable locations on-site.
- The following should be submitted to the local authority at reserved matters or before work commences on-site:
 - Details of external lighting. The boundary features should not be lit and downward facing directional lighting;
 - A detailed mitigation plan for reptiles providing a method statement and sites for translocation of any reptiles.

LOCAL HIGHWAY AUTHORITY:

Raises NO OBJECTION subject to conditions and comments that:

- Main Road is a single carriageway 'B' class road designated as the B2233. The road is subject to a 30mph speed limit which changes to 40mph approximately 140m to the north of the proposed site;
- The LHA is satisfied with the conclusions of the Transport Statement (TS) which includes TRICS data and a Stage 1 Road Safety Audit (RSA) with Designer's Response;
- The LHA does not consider that the development would result in a 'severe' impact on the operation of the local highway network, that it accords with policy in terms of highways and that there are no transport grounds to resist the development; and
- Conditions are recommended for access, visibility splays and a construction management plan together with informatives regarding S278 works and S59 of the 1980 Highways Act.

On the revised layout, the Local Highway Authority provides the following advice:

- It is unlikely that 'Resin Bound Gravel' would be a suitable surface for the access road and would not be accepted at detailed design under a Section 38 Agreement with the Local Highway Authority. If the estate road remains private and a section 38 Agreement not be entered into, then the surface type would be considered acceptable;
- As per previous advice, the design of the internal road layout accords with the Manual for Streets parameters.

WEST SUSSEX COUNTY COUNCIL - STRATEGIC PLANNING:

The following COMMENTS are provided and request that a S106 agreement includes financial contributions towards:

- School infrastructure provision;
- Library infrastructure provision; and
- Fire and Rescue service infrastructure.

The s106 is to include a standard WSCC formula that will relate to housing mix as a means of calculating contributions.

At present primary/secondary/further secondary schools within the catchment area of the proposal currently would not have spare capacity and would not be able to accommodate the children generated by the assumed potential residential development from this proposal. Accordingly, contributions would need to be requested.

The contributions generated by this proposal shall be spent on expansion at Yapton Primary School.

The contributions generated by this proposal shall be spent on additional facilities at Ormiston Six Villages Academy.

The contributions generated by this proposal shall be spent on additional facilities at St Philip Howard Sixth Form.

Housing Strategy

The proposal includes the provision of 30% affordable housing, 16 units where the aim is to provide 8 intermediate units and 8 rented units. The S106 is drafted to stipulate that there would be affordable housing provided on-site in the first instance at 30% of the total dwellings permitted. A commuted sum (Planning Obligation) would become payable only if the first and second offer was not implemented by the developer. At that stage a sum of £80,000 per foregone affordable home would be payable upon commencement of the development. I would want evidence however from the developer showing that they had attempted to seek offers for the affordable housing on two occasions before the commuted sum becomes an option. It is always by preference to seek affordable housing on-site wherever possible.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

The heritage objection is addressed in the assessment of the application.

Landscaping details can be conditioned and linked through to an application for reserved matters.

POLICY CONTEXT

Designation applicable to site: NONE

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
AREA2	Conservation Areas
AREA17	Sites of Archaeological Interest
DEV17	Affordable Housing
GEN11	Inland Flooding

GEN12	Parking in New Development
GEN18	Crime Prevention
GEN20	Provision of Public Open Space within New Development
GEN25	Water Resources
GEN29	Nature and Conservation Across the District
GEN32	Noise Pollution
GEN33	Light Pollution
GEN9	Foul and Surface Water Drainage
GEN7	The Form of New Development
GEN8	Development and the Provision of Infrastructure

Publication Version of the Local Plan (October 2014):

INF SP1	Infrastructure provision and implementation
H SP2	Affordable Housing
SD SP1	Sustainable Development
D DM1	Aspects of Form and Design Quality
C SP1	Countryside
SD SP2	Built -Up Area Boundary
LAN DM1	Protection of Landscape Character
HER DM1	Listed Buildings
HER DM3	Conservation Areas
HER DM6	Sites of Archaeological Interest
H DM1	Housing Mix
OSR DM1	Open Space, Sport & Recreation
T DM1	Sustainable Travel and Public Rights of Way
W DM3	Sustainable Urban Drainage Systems
QE DM1	Noise Pollution
QE DM2	Light Pollution
SO DM1	Soils
ECC DM1	Renewable Energy
ECC SP1	Adapting to Climate Change

Yapton neighbourhood plan 2014 Policy BB1

Yapton neighbourhood plan 2014 Policy BB1	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E1	Protection of high value agricultural land
Yapton neighbourhood plan 2014 Policy E8	Conservation Areas
Yapton neighbourhood plan 2014 Policy E11	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy H1	Housing requirement
Yapton neighbourhood plan 2014 Policy H2	Dwelling size
Yapton neighbourhood plan 2014 Policy PK1	Parking standards for new residential development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
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POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector. A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Kingston; Littlehampton; Rustington; Walbarton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Whilst an NDP is under preparation it will be afforded limited weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Policies contained in the Yapton Neighbourhood Development Plan have been considered in the preparation of this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is not considered to comply with the relevant development plan policies in that it is located outside of the defined built up area boundaries within the development plan. However, there are significant material considerations that would weigh in favour of the proposals and the policies within the development plan that relate to the supply of housing are out of date.

OTHER MATERIAL CONSIDERATIONS

The council cannot demonstrate a 5-year housing land supply at present and therefore the need for housing, and the presumption in favour of sustainable development is a material consideration.

The NPPF provides a presumption in favour of sustainable development. The application must be assessed as to whether the benefits of the development outweigh any adverse impacts. This is addressed in the body of the report.

Supreme Court Ruling dated 10th May 2017 on the application of Paragraph 49 and 14 of the NPPF as it relates to lack of a 5-year housing land supply.

Written Ministerial Statement December 2016.

The Local Plan Sub-Committee decision in December 2016, followed by the Full Council decision that the Council would invite planning applications on sites identified as being 'deliverable' by the HELAA where they are considered sustainable and will not prejudice the emerging local plan and / or infrastructure delivery.

The Secretary of State decision at Ford Lane, Yapton is also a material consideration. The decision to refuse the application for up to 100 dwellings had been challenged in the High Court where the decision was upheld.

The emerging Local Plan (eLP) is a material consideration.

CONCLUSIONS

The site lies in a countryside location outside the built up area boundary of Yapton village as defined by saved ALP policies GEN2 and GEN 3 and adopted policy BB1 of the Yapton Neighbourhood Development Plan. These development plan policies seek to exert strict control over development in the countryside to protect it for its own sake.

The status of these three development plan policies has been clarified by the Supreme Court Decision and therefore should no longer be considered to be policies for "the supply of housing" for the purposes of paragraph 49 of the NPPF. ALP Policy GEN 5 and YNP Policy H1 are policies for the supply of housing and are therefore out of date. As the Council is unable to demonstrate a 5 year supply of deliverable housing the tilted balance in favour of the grant of permission is triggered in the NPPF except where the benefits are significantly and demonstrably outweighed by the adverse effects of the development.

Policies GEN2 and GEN3 were derived in a plan that was adopted in 2003, prior to the publication of the

NPPF, and based on a much lower OAN that sought to accommodate residential development needs up to 2011. The weight that would be attributed to GEN 2 & 3 was considered in the 2014 appeal at Lake Lane, Barnham (paragraph 12 of appeal decision ref. APP/C3810/A/14/2220943, February 2015). The policies (although still 'saved') carry limited weight due to the lack of a 5-year housing land supply within Arun District, in accordance with paragraph 49 of the NPPF.

The Ministerial Statement 'Neighbourhood Planning: Written Statement dated 12 December 2016 sought to clarify matters, but this has been challenged (pre-action Judicial Review papers have been served). This statement sets out that the neighbourhood plans should not be deemed out of date under paragraph 49 of the NPPF if all of the following circumstances arise at the time the decision is made:

- The Ministerial Statement is less than 2 years old or the Neighbourhood Plan has been part of the development plan for 2 years or less;
 - The neighbourhood plan allocates sites for housing and;
 - The local planning authority can demonstrate a 3 year supply of deliverable housing sites.
- The Written Ministerial Statement does not apply in this case as the housing land supply is substantially less than 3 years.

Policy BB1 and H1 of the YNP was made in 2014 and is based on an OAN that is approximately 50% less than the current figure. The Ford Lane, Yapton decisions are relevant in as much as the Inspector found that a site for up to 100 dwellings could be supported on the basis the OAN at that time of 758 dpa. The Secretary of State (SoS) disagreed with his Inspector and concluded that while the YNP is currently underpinned by an outdated OAN (IR11.9), Policy H1 has flexibility to allow any shortfall in housing supply to be met. As such, the SoS gives significant weight to the housing policies of the YNP. The SoS agrees that policy BB1 is out of date (IR11.10) in the absence of a 5 year HLS. However, given his conclusions on Policy H1 he gives it significant weight. The Secretary of State considers that neighbourhood plans, once made part of the development plan, should be upheld as an effective means to shape and direct development in the neighbourhood planning area in question. Consequently, in view of Framework paragraphs 198 and 185, and guidance on neighbourhood planning that this is the case even in the absence of a 5 year housing land supply, the Secretary of State places very substantial negative weight on the conflict between the proposal and policy BB1. The decision was to refuse Ford Lane.

The Yapton Neighbourhood Development Plan identifies two sites to meet its housing requirements (of 95 dwellings) for the Parish SA1 - Land to the north of Yapton Primary School and SA2 - Land at Cinders Lane. Yapton Neighbourhood Development Plan rely on a figure in the emerging Local Plan at a point in time, which is approximately 50% lower than the present figure, they are no longer consistent with the latest housing supply situation, with the most recent figures being assessed as part of the Housing Implementation Strategy, March 2017. Neither allocation has yet brought forward housing within the Parish. The Parish Council has stated that they have no intention of renewing or updating the YNP at this time and have a preference for the LPA to prepare a small sites DPD which would cover Yapton. This means that whilst Policy H1 does have flexibility to allow any shortfall of supply to be met, there is no evidence to suggest that this is taking place at the moment. The OAN figure has also increased since the SoS made his decision and the housing land supply figure reduced further. For the reasons set out above, Policies BB1 and H1 of the YNP are considered to out of date and are therefore afforded little weight.

The emerging Local Plan can only be afforded limited weight given its current status.

Currently the Council is unable to demonstrate a 5-year housing land supply as required by paragraph 49 of the NPPF. The primary purpose of paragraph 49 is to act as a trigger to the operation of the tilted balance in favour of approving sustainable development. As the Council currently can only demonstrate

1.9 years housing land supply the tilted balance of para 14 applies. Where there is presumption in favour of sustainable development - and where relevant policies contained in the development plan are out of date - paragraph 14 of the NPPF considers that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF, or specific policies in the NPPF indicate development should be restricted. In rural areas, housing should be located where it would enhance or maintain the vitality of rural communities.

Yapton is considered to be a sustainable location for further residential development. The Housing and Economic Land Availability Assessment (HELAA) supports the principle of residential development on this site and recognises it as 'deliverable'. The Local Plan Sub-Committee decision in December 2016, followed by the Full Council decision that the Council would invite planning applications on sites identified as being 'deliverable' by the HELAA where they are considered sustainable and will not prejudice the emerging local plan and / or infrastructure delivery.

The site is in a sustainable location and has a positive relationship to the built up area given that Yapton has existing shops, services, major routes for good public transport links. As indicated by the indicative layout plan, the site would also be physically and visually connected to the existing built up area, particularly along the approach to the village along Main Road from the north. The Ford Lane decision confirmed that Yapton is one of the most sustainable settlements in the district. This further supports the principle of additional residential development in the village.

Overall, given that the Council doesn't have an up to date Local Plan, the Council cannot currently demonstrate a 5-year housing land supply and that the weight to be afforded to the Yapton Neighbourhood Plan in relation to housing supply policies is very limited (given that the housing figures are based on evidence which is now out-of-date as well as implications of the Ministerial Statement), the proposed development should be considered with regard to other material considerations. The proposed development would provide an additional 56 houses which are needed in Arun District. The proposed development should be considered in the context of the presumption in favour of sustainable development. It is considered that the development would have a positive effect upon the supply and location of housing and therefore, the principle of residential development on this site would, in current policy circumstances and as set out in the NPPF, be acceptable. The assessment will now consider other policy considerations and whether this gives rise to any adverse impacts.

AFFORDABLE HOUSING:

Of the 56 total dwellings proposed, 30% would equate to 16 affordable dwellings. This meets the requirement of emerging Local Plan policy AH SP2 to provide 30% affordable homes as part of any housing development. If approved the S106 is drafted to stipulate that there would be affordable housing provided on-site in the first instance at 30% of the total dwellings permitted. A commuted sum (Planning Obligation) would become payable only if the first and second offer was not implemented by the developer. At that stage a sum of £80,000 per foregone affordable home would be payable upon commencement of the development. The Council would want evidence from the developer showing that they had attempted to seek offers for the affordable housing on two occasions before the commuted sum becomes an option. It is always by preference to seek affordable housing on-site wherever possible. This is in line with saved policy DEV17, emerging policy AH SP2 and Interim Affordable Housing Policy for Arun 2010.

DESIGN, LAYOUT & PUBLIC OPEN SPACE:

GEN 7 requires a high quality of design and layout the applicant has provided a Design and Access Statement. The design, layout, public open space provision and landscaping of the site would be the

subject to a reserved matters application, however to provide context for the outline application an indicative layout has been provided as well as a brief design concept. The scheme aims to appear traditional in style with a range of architectural styles, ridge heights and materials to reflect varied local vernacular and complement the nearby Listed Buildings and Conservation Area.

The applicant has provided an indicative layout the detailed design would be reserved for a future application should the application be approved.

The eastern part of the site is located in part within the Conservation Area. This part of the site accommodates an informal green corridor with only single storey dwellings with the appearance of 2 barn conversions with courtyard parking. The barn conversion style buildings would be timber clad with brick and flint. The 'barns' are separated from the other part of the site by the existing field boundary which is a mature hedge.

Around two thirds of the application site is in a 'Poundbury' style where the proposed street scene has been designed to remove cars from the front of houses where possible and to present a more pedestrian-friendly environment. The internal roads include raised platforms and changes in surfacing to reduce vehicle speeds within the site. The street edges would be softened with planting. A number of no-through roads are designed to reduce traffic speed and provide turning areas. All public open spaces are designed to be overlooked for safety in the form of passive surveillance.

The indicative layout has also been revised following advice from the Historic Buildings Officer to ensure that the street scene from Main Road would be more acceptable in terms of the approach into the village and the Main Road Conservation Area.

While the design and layout is a reserved matter the form of development and the low density is generally acceptable. This has brought about layout changes to address mitigation of harm caused by the proposal in the vicinity of heritage assets and the Conservation Area. The heritage impacts are considered in a separate section below.

The layout provides 2 car parking spaces per dwelling and additional visitor parking. The proposed layout would be in accordance with ALP GEN7 and YNP PK1.

Section 7 of the NPPF recognises that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Design should be high quality and inclusive for all development, including individual buildings, public and private spaces and wider development schemes. In particular, paragraph 58 of the NPPF considers that planning decisions should aim to ensure that developments:

- function well and add to the overall quality of the area, over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential to accommodate development, create and sustain an appropriate mix of houses (including green and public open space) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

The proposed housing scheme is of low density (providing a density of 17.5 dwellings per hectare) and the indicative layout is the result of consultation with the local community, particularly in terms of how the

site should be viewed from with the Main Road Conservation Area.

As the indicative layout is low density there are large areas of open space that includes informal areas of public open space and the introduction of a community orchard, that has the dual purpose of adding a open space but adds as a buffer between the proposal and the existing heritage assets. The landscaped open space creates a corridor within the site which creates a useable space with the potential for existing and additional tree cover. It is on this basis that the Greenspace Officer is satisfied with the indicative design and layout of the site.

The proposed development also accords with Saved policies GEN7, GEN20 GEN27 and Emerging policy D SP1.

Overall, it is considered that the details for design, layout, appearance, scale and landscaping would be a matter for a reserved matters application. However, the indicative layout and design of the scheme has been informed by engagement with the local community and is considered to be acceptable in terms of the development plan and the NPPF.

FLOOD RISK AND SURFACE WATER DRAINAGE:

A flood risk assessment (FRA) has been submitted with the planning application. The site lies within Flood Zone 1 which is an area with a low probability of flooding. Residential development is considered as suitable within Flood Zone 1 areas. The FRA concludes that surface water drainage would be possible via infiltration and SuDS and this is supported by the ADC Drainage Engineers who are satisfied with the proposed surface water management measures, subject to conditions requiring the formal submission of drainage details for the site. Conditions are proposed to ensure that the most appropriate surface water drainage scheme is applied to the site.

On this basis, it is considered that the proposed development accords with Saved policy GEN9, GEN26, Emerging policies ECC SP1, W SP1 and W DM3, Policy E11 of the Yapton Neighbourhood Plan and paragraphs 100, 101 and 103 of the NPPF.

FOUL DRAINAGE:

Policy GEN9 seeks to ensure that appropriate foul drainage capacity can be provided as part of new development.

Any proposed connection to the existing discharge system must be approved by Southern Water prior to commencement of any construction works. The site is within the Lidsey waste water treatment works catchment area. Southern Water have commented that in order to accommodate the needs of this application additional local infrastructure would need to be provided. It is proposed to collect and discharge all foul wastewater from the site by gravity to the south western corner of the site.

The indicative layout includes a location for a package treatment works. This would not be acceptable and at a nearby application this was rejected by the Environment Agency.

Overall, it is considered that through the use of conditions relating to foul water drainage and an informative requiring the applicant to enter into an formal agreement with Southern Water, that the requirements of GEN9 and emerging policy W DM1 regarding foul drainage would be met.

IMPACT ON HERITAGE ASSETS:

Listed Buildings and the Main Road Conservation Area:

Policy AREA2 of the ALP states that permission will be granted for development which preserves or

enhances the character or appearance of a Conservation Area or its setting. This is echoed by Policy E8 of the YNP, which also includes requirements to ensure that the design, scale, massing and building materials respect the surrounding area.

The site is located adjacent to and partly within the Main Road Conservation Area, but no houses are proposed within it. Concern has been raised by Yapton Parish Council, the Conservation Area Advisory Committee and ADCs Historic Buildings Advisor. All of these consultees have objected to the proposed development for the reasons specified in the consultation section of this report, which in summary consider that the transformation of an agricultural field into housing would result in harm to the Conservation Area, listed buildings and their setting.

A Heritage Statement has been submitted with the planning application which suggests that 'the open farm land of the site adds to the significance of the listed buildings as a reflection of their original setting'. The Historic Buildings Advisor has commented that the 'change of land use can be harmful if it takes on an inappropriate character', however also considers that such harm is likely to amount to 'less than substantial harm' as the development would not result in the physical removal or alteration to existing heritage assets. Paragraph 134 of the NPPF states that "where a development proposal will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use". Paragraph 133 of the NPPF does not apply, the impact therefore should only be considered in terms of 'heritage asset setting' and subject to reserved matters, there would be scope to mitigate any potential harm in terms of appearance, scale, layout and landscaping at a later stage.

The initial layout submitted reflected comments made by the local community to ensure that it addressed their aspirations and concerns regarding the adjacent Main Road Conservation Area and listed buildings located within it. However, it is recognised that much of the concern regarding the setting of the heritage assets relates predominantly to the appearance of the development, something which can only be considered indicatively at this stage. The application concerns the overall principle of developing the site for residential development and although it does have a bearing on whether or not it would be acceptable in terms of impact upon the setting of that Conservation Area and listed buildings, this would be more of a matter for consideration at reserved matters as oppose to outline.

Paragraph 61 of the NPPF considers that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Following a site meeting with the applicant and the Historic Buildings Advisor, the original indicative layout has been revised to reflect design concerns raised, particularly with regard to how the site is viewed from Main Road and from key view points within the Conservation Area. The Historic Buildings Advisor has raised an objection to the original indicative layout stating that a level of harm is likely to result due to the role Bonhams' Field plays in providing the setting for the heritage assets, however it would be possible to reduce that level of harm through appropriate mitigation via good design.

Following a site meeting with the applicant and heritage advisor the revised layout has reoriented the barn style dwellings to close off the courtyards from Main Street this has the effect of shielding the front of the dwellings and parking areas. It will be necessary at reserved matters to address the external space to avoid the barns being too domesticated when viewed from Main Street.

The layout has also sought to mitigate the potential harm caused to the listed building - Bonhams, located on Main Street. This is achieved with the introduction of a community orchard, landscaped buffer between the proposal and Bonhams.

Paragraph 128 of the NPPF advises that the local planning authority should require the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The submitted Heritage Statement does this and adequately understands the impact of the

proposal on the significance of Main Road Conservation Area and the C19th listed buildings lying within.

In summary there would be harm to the Conservation Area but the harm is limited and can be mitigated against to reduce the level of harm. This is accepted by the Heritage officer. Subject to reserved matters, the houses would be separated from the conservation area by open space, gardens and landscaping. For these reasons, the scheme would have a limited affect on the significance of this designated heritage asset (Bonhams) or the character or appearance of the conservation area. As there is no substantial harm the proposal would accord with historic environment policy.

Archaeology:

The site comprises an agricultural field 'Bonham's Field' and as a greenfield site, has the potential for archaeology to be present. An archaeological statement has been provided whereby it is advised that evidence for Bronze Age, Iron Age and Roman-British archaeological activity and finds are not uncommon. Similar finds may be encountered at this site. The south eastern portion of the site falls within the Yapton Archaeological Notification Area. A Bronze Age pot was found to the south west of the site in 1951. The probability of finding archaeological remains on the site are considered to be low to possibly moderate, a conclusion that the ADC Archaeologist concurs with. In order to ensure that the development complies with paragraph 141 of the NPPF, a condition is recommended in order to record any archaeology that may be discovered as a result of a programme of archaeological work prior to commencement of the development.

Overall, no houses are proposed within the Conservation Area, the development would result in 'less than substantial harm' to the significance of the designated heritage assets. The potential harm can be reduced through mitigation and on balance the application can be recommended for approval on the basis that an acceptable layout and design can be achieved. There would be no adverse impact upon archaeology and although there remains an objection to the scheme on the basis that there would be an impact upon the setting of heritage assets, concerns raised regarding appearance, scale and layout should be considered at a later stage. Through appropriate design, mitigation could be provided to ensure that the level of harm upon the setting of the Main Road Conservation Area, and listed buildings contained within it, is reduced. It is therefore considered that the proposed development would not be contrary to Policies E8 of the Yapton Neighbourhood Development Plan and emerging policy HER DM3 of the Arun Local Plan.

IMPACT ON LANDSCAPE & TREES:

Landscape:

A Landscape and Visual Impact Assessment has been submitted with the planning application. The site is located in the landscape character area of the 'South Coast Plain'. The South Coast Plain is characterised by gently sloping topography towards the coast, with flinty marine and valley gravels forming the underlying geology. Coastal inlets exist with narrow tidal creeks, shingle beaches and stretches of farmland exist between developed areas, often with large arable fields defined by low hedges or ditches. The Greenspace Officer raises no concern regarding landscape and recommends that the scheme should reflect and incorporate elements of its surroundings and enhances the atmosphere of local distinctiveness; create a visually pleasing and interesting landscape for owners, employees and visitors to the development; enhance the landscape quality of the site when viewed from the surrounding area; To provide a planting scheme that includes native species to blend with the surrounding location, enhance biodiversity and create enhanced wildlife corridor opportunity; provide a sense of flow and cohesion between the different elements of the landscape, buildings, open areas and surrounding environment; and consider long-term management of any future landscaping scheme.

Trees:

No concern has been raised regarding trees. The proposed development does not lie within an area of protected landscape, nor does it contain any trees the subject of a Tree Protection Order (TPO). Along the eastern boundary of the site a TPO (TPO/Y/1/10) covers off-site trees T15 to T24 as referred to by the submitted Arboricultural Impact Assessment and Method Statement. It is also proposed remove T26 (a very poor quality Monterey Cypress) and T13 (a poor quality Hawthorn). ADC's Tree Officer has been consulted and has raised no concern subject to conditions relating to tree protection measures and implementation of the submitted Method Statement.

Overall, it is considered that the proposed development would be acceptable in terms of impact upon landscape and trees and complies with paragraph 109 of the NPPF, policies E4 and E6 of the Yapton Neighbourhood development Plan, saved policy GEN28 and emerging policies ENV DM4, C SP1 and LAN DM1 of the Local Plan.

IMPACT ON AGRICULTURAL LAND:

One representation has been received regarding the loss of Bonham's Field in relation to sheep grazing. Policy GEN3 seeks to protect the countryside for its own sake but as assessed above this policy is out of date and now has very little weight. Policy E1 of the Yapton NP seeks to protect Grade 1 & 2 agricultural land and carries full weight. The policy includes in the second bullet point the exception that providing "it involves the granting of planning permission for any additional housing sites required by Policy H1 to meet objectively assessed housing needs in the Plan area".

YNP Policy H1 is now an out of date policy with limited weight but it was amended by the YNP examiner to make explicit that it was an overarching policy to provide flexibility and choice for the provision of additional housing. As addressed in the principle section above there are material considerations for accepting additional residential development as set out in the NPPF. One such consideration is the OAN which is a specific exception included in E1.

Emerging policy SO DM1 considers soils, the Agricultural Assessment submitted with the application concludes that the site comprises Grade 1 agricultural land. Grade 1 land is the best quality land for growing crops. As technology has changed and arable farming has grown to become large scale, Bonham's Field has changed its use and it used for pastoral farming/grazing of sheep under the control of tenant farmers on the land. Despite the grade of soil at the site, it is considered that the site is limited for future agricultural use due to its size/workable area and accessibility.

Overall, it is considered that the proposed development would lead to the loss of Grade 1 agricultural land, however there are other material considerations that would outweigh the loss and a condition is recommended to ensure that a Soil Resources Plan is submitted and therefore accords with YNP policy E1 and emerging policy SO DM1 and paragraph 112 of the NPPF.

IMPACT ON LOCAL HIGHWAY:

A number of concerns have been raised by representations and the Parish Council regarding the location of the proposed access in relation to a bend in Main Road; the cumulative traffic impact associated with other strategic sites and housing sites nearby; increased congestion; lack of pedestrian footways; and lack of sustainable transport options. A Transport Assessment (TA) has been submitted with the planning application which considers existing traffic conditions, access, sustainability and the potential impact upon the local highway.

Access:

There is currently no formal access to the site. A new access in the form of a priority junction (6-metre bellmouth) onto Yapton Road (B2233) is proposed. Yapton Road is a two-way single carriageway road and is subject to a 30mph speed limit. The B2233 runs in a north-west/south-east direction between the A259 (Grevatt's Lane/Crookthorn Lane) to the south and the A29 (Nyton Road) to the north. There are intermittent footways on the northern and southern sides of the carriageway to aid pedestrian movement. On the southern side of the carriageway is a lay-by which provides informal parking provision.

Other key highway links to the site are North End Road and Drove Lane. North End Road is located to the east of the site and links Yapton with the A27 Arundel Road. This road is single carriageway, with footways either side and benefits from existing street lighting and a bus stop. Drove Lane is a single lane, private road which provides access to Drove Lane Farm, the junction for which lies opposite the site. The Local Highway Authority considers that the principle of the access is acceptable and the works to develop it would be the subject of a Section 278 Agreement.

Further, a temporary access for construction purposes would be required to enable construction traffic to access the site from Main Road. This would need to be the subject of a formal Section 59 Agreement with the Local Highway Authority.

Trip generation and capacity:

In terms of trip generation, this has been assessed using the Trip Rate Information Calculator System (TRICS). The recognised peak is 08:00 - 09:00 and 17:00 - 18:00 and during this time, it is suggested that up to 38 two way movements would be generated in the morning and 31 during the evening peak times. The Local Highway Authority agrees with the methodology used to assess the impact and considers that the proposed development would not increase entry flows into existing junctions by 30 or more movements during the course of any hour.

Although it has the potential to give rise to intensification in use of Main Road it is considered that the proposed development would not have a severe impact on the operation of the local road network. The Local Highway Authority does not raise an objection on the grounds of highway impact.

Parking:

Private vehicle parking provision has been calculated using the WSCC Parking Demand Calculator and indicates that the development would generate an 'expected parking demand' for 87 vehicles. On this basis, the proposed development would design a mix of one parking space for 1 and 2 bed dwellings and two spaces for 2 to 4 bed dwellings. A total of 87 car parking spaces would be provided. The YNP as set out in PK1 that 1 bed units should have 1 parking space, for 2 & 3 bed units 2 spaces and for 4 & 5 bed properties 3 spaces. It makes no reference to the provision of visitor spaces. The total level of parking meets the requirements of the policy and meets the requirements of the local highway authority.

Cycle parking is provided by covered and secure bike spaces at a rate of 2 spaces per dwelling. These would either be in sheds or within gardens. Where garages are provide, these would be longer to accommodate cycle storage.

Sustainability and Accessibility:

Pedestrian access has been considered by the TA. Improvements are proposed to pedestrian infrastructure, namely to provide a length of internal footway connecting to the southern side of Main Road. This would provide a route for pedestrians to use in order to gain access to the village centre and the nearest bus stop. Further design detail of the footway would be required at reserved matters stage,

including lighting and surfacing to ensure a safe and accessible footway is provided.

A review of accident data also concludes that in the last 3 years, no accidents have been recorded involving pedestrians or cyclists within Yapton. There is no evidence to suggest that the existing arrangements for pedestrians are inadequate or result in safety issues.

In terms of sustainability, there are several bus services operating in the vicinity of the site. Two buses operate solely on school days, Compas bus 228 from Ormiston Six Village Academy to Tangmere and the 665 Stagecoach from Littlehampton to Chichester High School. For general bus travel, the site would be served by Compas bus 66, which operates 8 services per day, linking the site with Bognor Regis, Barnham, Yapton and Walburton. Bus stops are located to the east of the site, one on North End Road and another further along the B2233 which is served with a shelter. There are other bus services from Yapton Village Hall further to the east.

The nearest rail service is located 1.2 miles north west of the site in Barnham, accessed by road and bus, or by foot (24 minutes). This provides an alternative transport mode to the car in terms of commuting or for longer distance travel to Portsmouth and London Victoria. The proposed internal footway to the east of the development would create a link for both pedestrians and cyclists.

The Local Highway Authority considers that Yapton is a sustainable area, with local shops and amenities within walking distance of the site and the local school would be accessible in a sustainable way.

Overall, it is considered that the proposed development would not have a severe residual impact on the operation of the highway network and is considered to be in accordance with paragraph 32 of the NPPF, saved policies GEN7, GEN14, GEN15, GEN12 of the Arun Local Plan and policies QE DM3, T SP1 and T DM1 of the emerging Local Plan and PK1 of the Yapton Neighbourhood Plan.

IMPACT ON BIODIVERSITY:

Concern has been raised by representations regarding impact upon birds and mammals. In particular, birds and bats. Paragraph 109 of the NPPF advises that the planning system should contribute to and enhance the local environment by, amongst other things, minimising impacts upon biodiversity, preventing new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution.

The site has no ecological designation and there are no Sites of Special Scientific Interest (SSSI) within 2km of it. There are no European designated sites (Special Area of Conservation (SAC), Special Protection Area (SPA), or Ramsar site) within 7km of the site. There are no Local Nature Reserves within 2km of the site, nor are there any Local Wildlife Sites present within 2km.

The site at Bonham's Field comprises grassland bounded by a mixture of trees, vegetation and wooden fencing. A report presenting the findings of an ecological assessment of the land at Bonham's Field has been submitted with the planning application. The removal of grass within the field has the potential to impact upon Barn Owl foraging for owls associated with Stakers Farm buildings north of the site. However, no activity over the site was recorded in 2016. The mature trees around the perimeter of the site have the potential for roosting bats. Although the assessment concludes that there is no record of bat roosts in those trees, it recommends that mitigation should be in place for any potential disturbance to bats as a result of lighting. The report concludes that provided mitigation measures are in place, there would be no significant residual effects upon the ecology of the site as a result of the proposed development. The ADC Ecologist concurs with the conclusions of the report and recommends that a condition should be used to ensure that all appropriate mitigation measures are in place.

Overall, it is considered that the proposed development would not have a significant impact upon biodiversity provided that appropriate mitigation is in place, in accordance with policy E5 of the Yapton Neighbourhood Development Plan, saved policies GEN29 and GEN33 and emerging policies ENV SP1 and ENV DM5 of the development plan.

IMPACT ON LOCAL INFRASTRUCTURE:

Concern has been expressed through representations where reference has been made to a lack of infrastructure to support further residential development in Yapton. Yapton is a sustainable location with a number of local shops and services. There is no capacity in local schools and there is a need for developer contributions, as the housing mix is not yet confirmed in this outline proposal the s106 will include formula. There would be a requirement for any major residential proposal to provide developer contributions towards education, fire and rescue, police, library and health services. The NHS have requested a contribution (£56,122) that would be directed to the Avisford Surgery. The principle of the proposal is considered to be acceptable and there is a presumption in favour of sustainable development. Therefore, the application is accompanied by a Section 106 Agreement which, based on index linked payments, would secure the following contributions towards local infrastructure in Yapton:

- Affordable housing;
- Open space;
- Play areas;
- Fire and rescue;
- Primary education;
- Secondary education;
- Further education;
- Library;
- Healthcare, and
- Travel Plan.

Full details are included in the s106 Table appended to the report.

IMPACT ON RESIDENTIAL AMENITY:

Saved policy GEN7 considers the form of new development and indicates that planning permission will only be granted for schemes of high quality design and layout. It further requires that development will be permitted if it takes into consideration impact on adjoining occupiers, land, use or property. The NPPF also requires new development to contribute positively to making places better for people. Although the detailed design does not form part of the application, an indicative layout has been provided and indicates that there would not be any significant impact on neighbouring residential amenity. The Environmental Health Officer has raised no concerns regarding residential amenity, but recommends that a condition is imposed regarding unsuspected contamination.

Overall, it is considered that there would not be a significant impact upon residential amenity as a result of the proposed development which accords with saved policy GEN7 of the Arun Local Plan 2003.

CONCLUSION & RECOMMENDATION:

This outline planning application considers the development of 56 residential dwellings together with associated access. All other matters regarding design, layout, appearance and scale are to be the subject of a reserved matters application. The proposed development is contrary to the Development Plan, but as the policies that relate to the built up area boundary and protection of the countryside are out of date and little weight can be given to them, namely ALP GEN2 & GEN3 and BB1 of YNP. The housing supply policies GEN5 and H1 of the YNP are out of date which means that they are also

afforded limited weight. The site is considered to be sustainable development and when applying the 'tilted balance' in para 14 of the NPPF there are no adverse impacts which would significantly or demonstrably outweigh the benefits. Significant weight must be given to the provision of housing and affordable housing in the district where the application can overcome adverse impacts, including the level of harm that would result by developing a site adjoining a conservation area and in proximity to listed buildings. The proposed development is on balance acceptable in terms of the development plan when taken as a whole and is therefore recommended for approval.

The lack of 5 year housing land supply and the requirement to make provision to meet the OAN, buffer and shortfall is a major consideration. The site is located in one of the most sustainable settlements in the district as stated in the Ford Lane Inquiry decision. The NPPF sets out a presumption in favour of sustainable development and for decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

There is potential for the development to have an impact upon the setting of heritage assets and to result in the loss of a parcel of Grade 1 Agricultural Land, however it is considered to be sustainable in terms of its location in proximity to local services and amenities, which can all be accessed without the need for private vehicle use. The proposed development is acceptable, subject to conditions in terms of highway impact and would not result in any adverse impacts upon biodiversity, landscape, trees, or surface water drainage. Formal agreements are required to secure the main site access and to ensure that capacity is available for foul drainage. Despite concerns over the impact upon local infrastructure including schools and health care facilities, the S106 Agreement would provide a financial contribution towards local infrastructure improvements.

The overall design, layout and appearance of the site would be determined at reserved matters stage, however a revised indicative layout of the site has been considered as part of this application and would provide a form of mitigation for any potential harm identified on the setting of heritage assets, which is considered as having 'less than substantial harm' which should be weighed against the public benefits of the proposal, including securing the development's optimal use (paragraph 134 of the NPPF).

It is therefore recommended to "Approve subject to conditions and a S106 Agreement".

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

A S106 agreement has also been prepared to provide for:

ADC Obligations

1.Affordable Housing:

- a.30% of Dwellings or 16 units.
- b.8 to be provided as Affordable Rent; and 8 as Shared Ownership.
- c.Final mix to be determined at reserved matters stage - indicative mix as follows:

Affordable Rent 3, 1 bed 3, 2 bed 1, 3 bed 1, 4 bed
 Shared Ownership 1, 1 bed 4, 2 bed 2, 3 bed 1, 4 bed

2.Open space:

- a.management plan and maintenance arrangements for all POS/landscaped areas and the proposed community orchard.

3.Play areas:

- a. management plan and maintenance arrangements for the on site provision of a LAP

4.NHS Contribution - £56,122 to be provided at Avisford GP Surgery, Yapton to meet the demand for infrastructure needs of the practice.

WSCC Obligations

1.Education contribution

- a.in accordance with WSCC formula for projects at Yapton Primary School, Ormiston six villages secondary and St Philip Howard 6th Form.
- b.calculated at reserved matters stage and paid in instalments

2.Library contribution - in accordance with WSCC formula for Library to serve six villages.

- a.in accordance with WSCC formula for projects to be specified
- b.calculated at reserved matters stage and paid in instalments

3.Fire & Rescue contribution- in accordance with WSCC formula for projects to be specified

- a.in accordance with WSCC formula for projects to be specified
- b.calculated at reserved matters stage and paid in instalments

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 2 years beginning with the date of this permission:-
 - (a) Layout;
 - (b) Scale;
 - (c) Appearance; and
 - (d) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall begin not later than one year from the date of approval of the first of the reserved matters to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 The development hereby approved shall be carried out in accordance with the following approved details:

SK04 Rev C (Site Location Plan); and
01 Rev D (Site Access Plan).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.
- 4 The reserved matters to be submitted pursuant to Condition 1 shall be substantially in accordance with drawing number SK05 Rev B, and the Design and Access Statement dated December 2016.

Reason: For the avoidance of doubt and in the interests of amenity, the environment and the setting of the Main Road Conservation Area in accordance with Policies GEN7 and GEN22 of the Arun District Local Plan.
- 5 No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun District Local Plan Policy GEN7.
- 6 The landscaping and layout particulars to be submitted in accordance with Condition 1 shall include:
 - Details of all existing trees and hedgerows on the land, showing which are to be retained and which removed;
 - Details of the positions, height, design, materials and type of boundary treatment to be provided;
 - Details of any proposed alterations in existing ground levels and of the position of any proposed excavation, within the crown spread of any retained tree;

- The detailed landscape design for the development including layout and design of the public realm within the development; and
- Details of surfacing, lighting and signage of all footpaths, cycle routes and phasing plan for their provision.

No hedge or tree shall be felled, uprooted or otherwise removed before, during or after the construction period except where removal is indicated on a plan approved by the Local Planning Authority.

Reason: To protect and enhance the quality of the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 7 Prior to the commencement of development or any preparatory works, an Ecological Enhancement and Management Scheme shall be submitted to the Local Planning Authority for approval and is to be based on the recommendations within the supporting Ecological Assessment dated November 2016, as appropriate. All approved details shall then be implemented in full in accordance with the agreed timings and details.

Reason: To protect and retain the biodiversity value of the site, in particular the perimeter hedgerows and trees before any works commence on site in accordance with policy GEN29 of the Arun District Local Plan.

- 8 Prior to the commencement of construction all tree protection measures and ground protection measures are to be inspected by Arun District Council's Arboricultural Officer to ensure that it is in accordance with the Tree Protection Measures set out by the Tree Protection Plan. A schedule of site monitoring/supervision visits and reporting procedures should be submitted and approved in writing ahead of any works commencing on site.

If there is deemed to be a need for any utility service route connections to bisect retained tree Root Protection Areas/Zones then the Arboricultural Method Statement should set out how this would be achieved without adverse impact upon existing trees.

Reason: To ensure the retention and maintenance of trees and vegetation, before any works commence on site, which is an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan.

- 9 Landscaping (hard and soft) shall be carried out in accordance with the approved details. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the first occupation of each phase or sub-phase of the development hereby permitted or the completion of the development, whichever is sooner, and any trees or plants which, within a period of 5 years from the completion of the development or completion of the phase or sub-phase, 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: To protect and enhance the quality of the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 10 There is a requirement that 25% of 1, 2 and 3 bed dwellings included as part of the development must be delivered to Lifetime Home standards.

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 Yapton Neighbourhood Plan.

- 11 The exact position of the surface water sewer must be determined on site by the applicant

before the layout of the proposed development is finalised.

Reason: To ensure that the public sewer and Southern Water infrastructure is protected in accordance with GEN7 and GEN9 of the Arun Local Plan.

- 12 Development shall not commence 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, the recommendations of the SuDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

Reason: To ensure that the proposed development is satisfactorily drained before construction begins on site in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 13 Immediately following implementation of the approved SuDS scheme and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. There shall be no deviation to the approved scheme other than with the written consent of the Local Planning Authority. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 14 Development shall not commence until full details of the maintenance and management of the SuDS 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 (a) details of financial management of the site including arrangements made in the event that the management company (or any subsequent management company) is no longer able to fulfil its duties; and (b) arrangements for the replacement of major components at the end of the manufacturers recommended design life.

Reason: To ensure that the efficient maintenance and on-going operation of the SuDS system is incorporated at the earliest stages of the development and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32.

- 15 Upon completed construction of the SuDS System but prior to occupation of any part of the scheme, the owner or management company shall either provide the local planning authority with an updated copy of the management manual incorporating any changes as a result of construction/implementation or confirm in writing that no changes are required to the manual.

No further changes shall be made to the approved SuDS Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority.

The owner or management company shall thereafter strictly adhere to and implement the recommendations contained within the manual to ensure that the system is maintained in perpetuity.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32.

- 16 Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and an implementation timetable has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure adequate foul drainage capacity exists, or appropriate drainage capacity can be provided as part of the development and provided at the earliest stages of the development in accordance with policy GEN9 of the Arun District Local Plan.

- 17 Prior to the commencement of development or any preparatory works, a Soil Resources Plan shall be submitted to the Local Planning Authority for approval and is to be based on the supporting Agricultural Assessment dated September 2016, as appropriate. The Soil Resources Plan shall demonstrate measures to be taken to ensure that a community orchard will be provided on-site and comprise an area that is substantially in accordance with the 'Community Orchard Public Open Space and Green Buffer to Heritage Assets' as shown on the indicative 'Sketch Layout' drawing number SK02 Rev All approved details shall then be implemented in full in accordance with the agreed timings and details.

Reason: To protect and retain the value of the site's soil and to ensure that it is utilised in the proposed orchard area in accordance with emerging policy SO DM1 of the Arun District Local Plan.

- 18 No part of the development shall be first occupied until such a time as the vehicular access has been constructed in accordance with the approved plan 01 Rev D (Site Access Plan) and details set out in the transport Assessment dated December 2016.

Reason: In the interests of road safety and to accord with approved policy in accordance with policy GEN7 of the Arun District Local Plan.

- 19 The development hereby permitted shall not be occupied until visibility splays of 2.4m by 54m to the north and 2.4m by 53m to the south have been provided at the proposed site vehicular access onto Main Road. In accordance with approved plan 01 Rev D (Site Access Plan). Once provided, the visibility splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6m above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan.

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

- the construction hours;
- the details of the siting and type of all temporary construction buildings;
- 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;
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including provision of temporary Traffic Regulation Orders);
- measures to control the emission of dust and dirt during demolition and construction, lighting for construction and security; and
- details of public engagement both prior to and during construction works.

Reason: In the interests of road safety and amenity in accordance with policy GEN7 of the Arun District Local Plan

- 21 Prior to the occupation of the first property of the development hereby permitted, a Green Travel Plan describing the means by which residents of the development shall be encouraged to travel to and from the site by means other than the private car, shall be submitted to and approved in writing by the Local Planning Authority. The approved Green Travel Plan shall be implemented from occupation of the first dwelling within the development and thereafter complied with unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure sustainable modes of travel are encouraged at the earliest stage and to enhance the quality of the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 22 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

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 District Plan policy GEN7.

- 23 Prior to the commencement of development or any preparatory works, a lighting strategy shall be submitted to the Local Planning Authority for approval. All approved details shall then be implemented in full.

Reason: To ensure that lighting is considered and approved at the earliest stage in order to control the residential amenities of the local environment in accordance with Arun District Local Plan policies GEN7, GEN33.

- 24 No dwelling shall be occupied until refuse and recycling bins have been provided and space has been laid out for their storage in relation to that dwelling in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall not be used for any purpose other than the storage of refuse and recycling bins.

Reason: In the interests of amenity and in accordance with Arun District Local Plan policy GEN7.

- 25 No dwelling shall be occupied until space for that dwelling has been laid out for the parking of cars, motorcycles and cycles in relation to that dwelling in accordance with a drawing and schedule to be submitted to and approved in writing by the Local Planning Authority. These areas shall thereafter not be used for any purpose other than the parking of cars, motorcycles and cycles.

Reasons: In the interests of amenity and impact upon the setting of the Conservation Area and in accordance with Arun District Local Plan policies GEN7 and GEN22.

26 INFORMATIVE:

Please note that related to this permission there is an agreement under Section 106 of the Town & Country Planning Act 1990.

27 INFORMATIVE:

With reference to Condition 14, the applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. the applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk in order to progress the required infrastructure.

28 INFORMATIVE:

S278 Works:

The applicant is advised to enter into a legal agreement with 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.

29 INFORMATIVE:

Section 59 of the 1980 Highways Act - Extra ordinary Traffic:

The applicant is advised to enter into a Section 59 Agreement under the 1980 Highways Act, to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The applicant is advised to contact the Highway Officer (01243 642105) in order to commence this process.