

Report following a request for further information, negotiations or consultation

REF NO: Y/44/17/OUT

LOCATION: Land at Stakers Farm
North End Road
Yapton

PROPOSAL: Outline Planning Application for 70 No. residential dwellings including 30% affordable, public open space & associated landscaping. All matters to be reserved apart from Access . This application is a Departure from the Development plan. This application affects the character & appearance of Main Road/Church Road Yapton Conservation Area & the setting of Listed Buildings

This application was previously heard at the Development Control Committee on the 11th April 2018 at which time members voted in favour of delegating the decision back to the Director of Place in consultation with the Chairman and Vice Chairman of the Development Control Committee in order to enable the Section 106 Agreement to be completed and signed. However, the application currently remains undetermined because the S.106 agreement has not yet been completed.

As members will be aware, the Arun Local Plan was adopted on the 18th July 2018 and this resulted in a change to the development plan. In addition, a new National Planning Policy Framework (NPPF) was issued on the 24th July 2018. Arun DC is required to demonstrate that all planning decisions reached after 18 July 2018 are in compliance with the requirements of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004.

As a result of this, it has been decided that the application will be re-presented to the Development Control Committee upon completion of the obligation in order to seek confirmation of the Development Control Committee that their previous decision remains the same or not.

There has been only a small change to the application in that the access was to be taken through the adjacent land which had the benefit of an outline planning (ref Y/93/14/OUT). That permission has now expired so the applicants have amended their plans to remove references to this expired permission and have also added to the submission, the access drawings previously accepted by application Y/93/14/OUT.

The report and conditions have been amended to (a) reflect the current development plan framework including the NPPF; (b) incorporate the previous report updates into the report; (c) reflect the final wording of the S.106 Agreement; (d) to provide an updated assessment of the number of other contributions pooled to the S.106 projects; and (e) reflect representations received since the April Committee Meeting including the withdrawal of the Yapton Parish Council objection.

REPORT UPDATE

Application No: Y/44/17/OUT

Reason for the Update / Changes

Reason for Update/Changes:

UPDATE ON THE SECTION 106-

The Section 106 is yet to be signed but our solicitor has advised that the Agreement has been agreed by all parties and will be signed today by both Arun DC and the applicants. It will then be sent to West Sussex County Council for them to sign and return. All being well, it will be fully signed and formally completed on Friday. The recommendation before you is to approve subject to competition of the Section 106 Agreement after the Meeting.

REPORT CHANGES-

(1) The first page of this report refers to the text having been amended to reflect representations received since the April Committee Meeting including the withdrawal of the Yapton Parish Council objection. This should instead say the "conditional withdrawal of the Yapton Parish Council objection".

(2) The section of the report which responds to the Consultation Responses, in particular that of Southern Water refers to a new Infrastructure Charging Regime coming into force on the 1st of April 2018. This is now in force and as such Southern Water are unable to now refuse connections to the foul system and will receive a per plot payment from the applicant to fund network improvements.

FURTHER OBJECTIONS-

One late letter of objection from an interested third party which raises the following concerns:

- The report was not published 5 working days before the Meeting;
- It is not clear whether the report's inclusion within the agenda is in accordance with the Council's constitution;
- The report's late appearance is prejudicial to the interests of interested parties and the Committee members themselves;
- The report misrepresents the further response of Yapton Parish Council as it is clear that none of the conditions to which their withdrawal was subject to can or will be met;
- The report is contrary to the law in terms of Section 38 (6) and the Planning services Code of Conduct as it recommends approval when there are clear conflicts with relevant development plan policies;
- The suggested Section 106 is unlawful and the suggested pre-commencement conditions are also unenforceable & unlawful;
- Any decision by the Committee would be unlawful and may lead to a Judicial Review
- The application is already 14 months old so a further delay should not be an issue;

OTHER MATTERS-

Members may wish to note that a new outline planning application was submitted on Monday 12th November concerning the adjacent land to the north of the Yapton C of E Primary School which forms part of the neighbourhood plan residential allocation.

Officers Comment:

In response to the objections of the interested third party, the report was published on the website on Wednesday 7th November i.e. one week ago. Members should also note that this application has previously been before the Committee in April 2018 at which time there were full public speaking rights. In accordance with the Councils Constitution, there are no public speaking rights on applications that are being reconsidered. There are no other comments in respect of the points raised above and as such, there are no proposed changes to the recommendation, conditions or reasons.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Outline Consent

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SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks outline planning permission for 70 dwellings, 3625m² of open space, 3500m² of additional open space reserved for expansion of the Yapton C of E Primary School and associated landscaping.

All matters are reserved except for access which is proposed to be taken from North End Road via the adjacent site to the north which is an allocated housing site in the Yapton Neighbourhood Development Plan and until recently had benefitted from an outline consent with access for 38 dwellings (Y/93/14/OUT).

Of the 70 dwellings proposed, 21 would comprise affordable homes. The proposed mix of homes would be:

- * 4 x 1 bedroom apartments (5.7%);
- * 17 x 2 bedroom houses (24.3%);
- * 43 x 3 bedroom houses (61.4%); and
- * 6 x 4 bedroom houses (8.6%).

Detailed issues such as housing layout & design, parking,

appearance, scale and landscaping are all reserved for a later detailed planning application. However, the illustrative layout plan suggests that:

- * Open space will be provided in the south eastern corner of the site providing a green buffer between Stakers Farm/The Croft and the new houses;
- * An area of land totalling 3500m² in the north eastern corner will be reserved for the future expansion of Yapton C of E Primary School and will allow (subject to a separate application and funding being secured) for a doubling of the school's capacity;
- * The north western boundary will include a 4.5m wide strip of buffer planting;
- * The part eastern boundaries to the School site will have 2m wide buffer planting to supplement the existing hedgerows;
- * Internal site roads will be 4.8m wide with 2.0m wide footpaths either side;
- * Allocated car parking will be provided in the following ratios - 1 space per 1-bedroom flat, 2 spaces per 2- & 3-bedroom house and 4 spaces per 4-bedroom house;
- * 14 unallocated visitor parking spaces will be provided; and
- * 2 cycle spaces will be provided per dwelling either in rear garden sheds or garages.

SITE AREA

3 hectares.

RESIDENTIAL DEVELOPMENT DENSITY 23.3 dwellings per hectare.

TOPOGRAPHY

Predominantly flat but undulating.

TREES

The following trees are considered to be potentially affected:

- T1 - a 10m high Monterey Cypress - just outside of the site adjacent to the south western corner;
- G2 - a group of up to 7m high English Oak, Hawthorn & Ash - on the north western boundary;
- G3 - a group of up to 5m high Ash & Hornbeam - just outside of the site adjacent to the north western corner;
- H4 - 2m high Field Maple & Ash hedge - on part of the eastern boundary with the School site;
- G5 - a group of up to 9m high Weeping Willow, Alder & Silver Birch on part of the northern boundary with the school site;
- T6 - 8m high Ash - within the eastern half of the site/due west of the school;
- T7 - a 4m high Lime - within the site roughly east of centre;
- T8 - a 3m high Horse Chestnut - within the site roughly east of centre;
- T9 - a 2m high Horse Chestnut - within the site roughly east of centre; and
- T10 - a 6m high Beech tree - within the eastern half of the site/due west of Stakers Farm.

It is proposed to fell T7, T8 & T9 but retain all of the other

BOUNDARY TREATMENT

trees/hedges. However, T6 is located in the area of land to be reserved for expansion of the School and could therefore be felled if the School is expanded in the future.

2-3m high hedge to the school boundaries. Otherwise 2 bar ranch style fencing to boundaries.

SITE CHARACTERISTICS

The site comprises of 6 separate agricultural fields currently utilised for the grazing of sheep & horses and an existing pitched roof single storey agricultural barn building. The site is grassed with few trees. In addition to the barn building, there are a few timber field shelters or stables.

CHARACTER OF LOCALITY

The site 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 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.

The site is located within the Parish of Yapton but just outside the Settlement Boundary of Yapton village. The site includes an existing agricultural barn building but excludes two further buildings just south east of the first. These buildings, the large arable field to the west and also the track running between the southern boundary of the site and the adjacent Bonhams Field site are owned by a third party.

Stakers Farmhouse and associated buildings lies to the east and consists of a two storey Grade II Listed dwelling with a mix of single and two storey outbuildings (these outbuildings were previously the subject of a barn conversion application - ref Y/58/17/PL). These outbuildings provide screening to the windows of the farmhouse itself.

The site is overlooked to the east by the ground & first floor windows of the residential properties of The Croft. To the east/north/east lies the Yapton Primary School with surrounding playing fields. To the north lies a further field ("Land North of Yapton C of E Primary School") which has the benefit of an extant outline consent for 38 dwellings with access from North End Road.

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

RELEVANT SITE HISTORY

Y/58/17/PL

Conversion of barn to form to 2 No. dwellings; detached garage & conversion of part link single storey building to

garaging. This application may affect the setting of a listed building & affects the character & appearance of the Main Road/Church Road Conservation Area.

Y/1/17/OUT	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.	App Cond with S106 07-12-17
Y/33/17/PL	2No. detached dwellings. This application affects the setting of a Listed Building & the Character & Appearance of the Yapton (Main Road) Conservation Area.	Refused 13-09-17
Y/108/14/PD	Prior notification under Class MB for change of use of agricultural building to 2 No. dwellings (Use Class C3)	Objection 12-02-15 Appeal: Dismissed 10-12-15
Y/93/14/OUT	Outline application for the erection of 38 dwellings to comprise 6 No. 4-bed houses, 20 No. 3-bed houses, 10 no. 2-bed houses and 2 no. 1-bed houses each with a garage and parking space, together with the means of access off North End Road	App Cond with S106 05-08-15
Y/69/14/PL	Construction of outdoor riding arena. This application affects the setting of a Listed Building.	Approve Conditionally 10-11-14
Y/77/14/PD	Prior notification under Class MB for change of use from agricultural to 2 No. dwelling houses (Use Class C3)	Objection 03-11-14
Y/77/13/PD	Prior Notification for change of use of agricultural building to Use Class B1 (Business)	No Objection 23-12-13

The site itself has a relatively limited planning history and the recent 2014 permission for an outdoor riding arena was never implemented. Furthermore, although there are some horses still grazing the land, it is understood that the former equestrian use is no longer operating.

Prior Approval type applications have been lodged concerning the use of the two third party owned

agricultural barns. An application for business re-use was considered to be acceptable but has never been implemented. Two schemes for residential conversion were turned down with the second subject to an appeal dismissal on the grounds that the change of use would result in unsafe conflict between residential occupiers and both users of the equestrian business and vehicles requiring access to the adjacent third party owned grain store. However, this decision has no bearing on the current application as access is to be taken from elsewhere.

More recently, there was an application to site two detached dwellings within the gardens to the north side of Stakers Farmhouse. This was refused on the grounds of harm to the Listed farmhouse building.

Members should note that this current application proposes to take access from North End Road but via the site to the north which until recently had outline planning permission for 38 dwellings (Y/93/14/OUT). This permission expired in August 2018. In addition, regard should be had to the recent approval concerning the Bonhams Field site to the southwest (Y/1/17/OUT).

An application concerning the residential conversion of the existing Stakers Farm outbuildings was withdrawn in January 2018.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council

Yapton Parish Council

Yapton Parish Council

PARISH COUNCIL:

Yapton Parish Council originally objected to the application for a number of reasons including the lack of sufficient land for the expansion of the primary school. However, on the 28th October 2018, they provided a new letter stating that their objection would be considered withdrawn subject to the application meeting the 6 criteria raised in their letter. Their response is summarised below with the 6 main points numbered (a) to (f):

- (1) It is likely that Yapton Parish will need to increase its housing allocation from the original YNDP figure of 120 by around 90 more homes;
- (2) The Stakers Farm application could positively contribute, as part of, or possibly the whole of Yapton's non-strategic site allocations housing number currently being suggested by ADC;
- (3) Yapton will therefore consider this application as part of either an updated Neighbourhood Plan or the non-strategic site allocations Development Plan Document process;
- (4) Yapton Parish Council is prepared to withdraw its objection conditional upon the following criteria being met:

(a) Planning Permission cannot be granted until suitable land has been safeguarded for the School expansion. Any legal agreement must ensure that the School's expansion is promoted in a timely fashion and should not be dependent upon delivery of the Stakers Farm dwellings but instead dependent upon occupation of an agreed number of houses within the district;

(b) A new permanent safe crossing point (Pelican or Zebra crossing) on North End Road should be promoted to enable school children from the east of the village to walk to School thus reducing the need for parents to drive as well as enabling residents to cross the road safely;

(c) The development should be connected to other developments via a new non-vehicular green route that affords residents and school children the opportunity to avoid North End Road. This site is key in linking new development to the north and south;

(d) The scheme must reflect the village's historic core particularly as the site is located so close to the Conservation Area and being a gateway into surrounding countryside;

(e) YPC expect this proposal to form part of the Parish's additional housing requirement;

(f) The proposed housing mix must account for village not district need. There is a strong demand in the Parish for bungalow accommodation suitable for downsizers;

(5) Any proposed development on this land must be part of a cohesive development plan document or updated Neighbourhood Plan. It must ensure good multiuse connectivity with the whole of the village and surrounding countryside thus compensating for the loss of countryside.

LOCAL RESIDENTS:

19 letters of objection from residents and interested persons received between July 2017 and April 2018. These raise the following concerns:

- (1) Loss of open countryside;
- (2) Site is not allocated within the Yapton Neighbourhood Plan;
- (3) National policy is to build on brownfield not greenfield land;
- (4) This site was not proposed for allocation in the Neighbourhood Plan;
- (5) Loss of Agricultural land;
- (6) Harm to the setting of Stakers Farmhouse;
- (7) Inadequate water supplies for future generations;
- (8) Inadequate local foul sewer capacity;
- (9) Existing school and doctors are already at capacity;
- (10) Yapton only has two shops;
- (11) Yapton needs more cycle paths, a railway station, cafe's/restaurants & pubs to cope with extra housing;
- (12) Impact on safe operation of Yapton Level Crossing;
- (13) Increased congestion on North End Road around the School;
- (14) Greater use of the approved access for Y/93/14/OUT would be unsafe;
- (15) Density is excessive and greater than the two sites either side;
- (16) Impact on wildlife species inc foxes, birds of prey, woodpeckers, crows, magpies, tits, finches, bats, owls, butterflies and bees;
- (17) Flooding and drainage;
- (18) Harm to enjoyment of The Croft retirement complex (occupied by retired police officers & their families);
- (19) Concern over the relationship of the proposed development to the expansion of the school - how will the school expansion be secured;
- (20) Not enough detail on the application to enable Councillors to make an informed decision - with an impact on the community;
- (21) No consideration as to impact of this proposal on primary education, parking and housing needs for Yapton;
- (22) The current level of planning applications in and around Yapton is a disgrace;
- (23) The Southern Water challenge has to be supported, upheld and not ignored by the committee; and
- (25) Impact of school expansion combined with this development on the local road infrastructure.

A further five letters were received between July and October 2018 (all from the same person) and these are summarised separately below:

(26) This application should be reconsidered by the Development Control Committee due to the material change in circumstances from those that previously existed when the DCC gave favourable consideration to the application (i.e. the adoption of the new Local Plan & revision of the NPPF);

(27) This application does not need to go back to the Development Control Committee as a refusal could be made under delegated powers;

(28) The application must be determined in accordance with the development plan unless material considerations indicate otherwise;

(29) Planning conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission but they should not be imposed where they do not meet the tests as set out within planning practice guidance;

(30) S.106 planning obligations must only be sought where they meet all of the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010;

(31) Pedestrian, vehicular & cycle access to the site is entirely reliant on the implementation of the access onto North End Road approved under Council reference Y/93/14/OUT;

(32) According to the submitted application forms, the applicant does not own or control any of the land necessary to implement Y/93/14/OUT. This is a material consideration as the local planning authority (LPA) needs to be satisfied that the applicant has sufficient control over land necessary to deliver the development proposed subject to any conditions considered necessary and any S106 Obligations;

(33) Y/93/14/OUT has now expired and cannot be lawfully implemented. Therefore a new permission will need to be granted in order for that permission to be implemented.

(34) Both the land subject of the application site and the land covered by Y/93/14/OUT are outside of the built up area of Yapton;

(35) Conditions previously proposed for imposition fail the relevant tests and are not compliant with national policy or practice guidance

(36) The proposed S.106 is not CIL Compliant and also includes elements previously agreed but not finalised which conflict with now adopted Arun Local Plan policies and those of relevance in the NPPF;

(37) Y/44/17/OUT should be refused at the earliest opportunity because:

(a) The application is not in accordance with ALP policies SD SP1, SD SP1a, SD SP2, C SP1, GI SP1, H SP1 & SO DM1 Soils, YNDP policies BB1, H1, H2, H3 & E1 - and there are no material considerations that indicate that a decision should be made otherwise than in accordance with the same.

(b) The proposed access to the development which forms part of the application cannot now be achieved over land within the control of the applicant and no conditions relating to same as required can now be imposed.

(c) The necessary infrastructure contributions towards education, transport, library, fire and rescue and

affordable housing generated by the development proposed cannot be secured by way of conditions or a CIL compliant S106 and the proposals therefore conflict with development plan Policy INF1.

(d) The application does not seek permission for any expansion of the Yapton Primary school and any such expansion will decrease the amount of POS proposed to a level below that which is required by way of adopted ALP Policy for a development of 70 dwellings.

(38) The ability of the previously approved access to serve 70 dwellings (as opposed to 38 dwellings) needs to be reassessed as do any off site highway contributions triggered by that scheme;

(39) Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. The proposed transfer of land to the School is not compliant with the CIL regulations;

(40) The applicant has misrepresented the position regarding the relationship of their site to the implementation of ALP allocation SD7. It is not true to say that an approval of Y/44/17/OUT "enables the expansion of the Yapton Primary School" particularly as no planning permission for same is sought or exists;

(41) The background to the submitted application and the delays in the determination of the application are unfortunate but they are not material to the determination of the application;

(42) The previous resolution to grant permission at the DCC is not a grant of planning permission so therefore the application remains undetermined at this date;

(43) The arguments that this site "is absolutely essential to enable housing growth within the village" and that the Council can only demonstrate a 5.3 years of housing land supply on the basis of provision of suitable windfall development such as development at the site in question are not tenable arguments at this time;

(44) The Arun Local Plan makes it clear that the windfall sites outside of the built up area boundary should only be released for development by way of allocation through either the Non-Strategic Sites Allocation DPD underway or a review of the Yapton NP - so not by way of ad hoc planning permissions;

(45) Not allowing this site now would not have any ramifications for the claimed housing land supply situation in the District as it does not form part of that claimed supply and whether or not this site is necessary to meet housing need remains to be assessed as part of the annual HLS assessment in accordance with the NPPF;

(46) An approval now would compromise the ability of the ALP and its housing strategy to deliver the desired or intended results; and

(47) Application should be withdrawn and resubmitted due to the way it has changed (access) and the lack of proper consultation on the changed elements with WSCC Highways and Highways England.

COMMENTS ON REPRESENTATIONS RECEIVED:

The following comments are offered in response to the points made by the Parish Council:

(1) - (3) Noted;

(4) (a) The agreed S.106 requires that the School expansion land be transferred to WSCC at a trigger point of 6 months from the end of a 6 week Judicial Review Challenge Period following the date of issue of the planning permission. This will ensure that WSCC have the land well in advance of there being an additional need for School expansion;

(4) (b) It is not considered that the promotion of this by the Stakers Farm developers could be justified and that instead, this should be promoted by the school itself (by WSCC) when plans are drawn up to physically expand the school. It is also noted that WSCC Highways did not identify any requirement for the Stakers Farm application to provide a new crossing point;

(4) (c) A condition is to be imposed to require that the reserved matters application include details of how the scheme will link with surrounding land;

(4) (d) This would be a matter to be assessed and adhered to at the Reserved Matters application stage;

(4) (e) Noted;

(4) (f) A condition is to be imposed to require that the reserved matters application is compliant with policy H2 of the Yapton Neighbourhood Plan which requires a specific dwelling mix. This does not specify bungalows but does require that all schemes provide 1 bedroom dwellings as 10-15% of the total and 2 bed dwellings as 25-35%. It is considered that 1 or 2 bed dwellings could be provided as bungalows. This condition will ensure that the housing mix accounts for currently expressed village need; and

(5) The detailed design of the application scheme pursuant to a reserved matters application could be influenced by a development plan document or an updated Neighbourhood Plan if such is produced before the Reserved Matters application is submitted. As noted above, under point (4) (c), a condition will be imposed requiring that the reserved matters application include details of how the scheme will link with surrounding land.

The following comments are offered in response to the local resident objections:

(1) The location of the site in the countryside will be discussed within the report's conclusions section under "Principle";

(2) This will be discussed within the report's conclusions section under "Principle";

(3) The National Planning Policy Framework (NPPF) encourages the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. The NPPF does not state that no development is permitted on greenfield sites;

(4) This will be discussed within the report's conclusions section under "Principle";

(5) Agricultural land will be discussed within the report's conclusions section;

(6) Heritage Impacts will be discussed within the report's conclusions section and regard will be had to the advice of the Council's Conservation Officer;

(7) The comments of Southern Water are set out in the next section of this report. They do not raise any objection on grounds of inadequate water supplies

(8) The comments of Southern Water support this objection. This will therefore be discussed within the

Conclusions section;

(9) It is accepted that the primary school is at capacity. This application will make provision for the future expansion of the school through (a) a potential gift of land, and (b) a financial contribution. In respect of local doctors, the Council has sought a response from the NHS and their comments on whether a financial contribution is required are awaited;

(10) It is accepted that Yapton only has two convenience style shops but there are other retail premises. Additional dwellings may generate greater economic activity within the settlement;

(11) WSCC Highways have requested a contribution towards cycling improvements between Barnham and Littlehampton and this will benefit Yapton which lies between these two locations. It is unlikely that a railway station would be built in Yapton. Furthermore, the addition of cafes and pubs would depend on whether there is a commercial reason to locate these in Yapton. However, it is fair to say that if more people live in a settlement then there is likely to be a greater case for businesses to want to move into the area to cater for the increased population;

(12) The applicants consulted with Network Rail prior to submitting the application. A copy of their response is provided within the Transport Statement and states that:

"The crossing is due to have RLSE (Red Light Safety Equipment) cameras installed in the next couple of weeks. Essentially this means that when a vehicle goes over the white stop line when the red lights are flashing, the incident is captured on film and a prosecution of at least 3 points and a fine (or worse) will take place. In addition, NR is proposing to install full barriers at the crossing in June of next year. Therefore the addition of these movements shouldn't make too much difference at the crossing."

(13) & (14) Highway related issues are discussed within the report's conclusions section;

(15) The proposed density of the whole site is 23.3 dwellings per hectare and this compares favourably with the site approved to the north for 38 dwellings at 23.1 dwellings per hectare. Character issues will be discussed within the report's conclusions section;

(16) The application was accompanied by a Preliminary Ecological Appraisal which was checked by a MCIEEM ecologist. This shows that the site has a low biodiversity value and that there was no evidence of bats or Great Crested Newts. It is proposed that the development site be enhanced with bats and bird boxes and also that any trees to be removed are carefully checked for bird nests. It is also noted that aside from bats, none of the species referred to in the letters are protected by law;

(17) The site is within Flood Zone 1. In respect of surface water drainage, the Council's Drainage Engineers have not raised any objections;

(18) Residential amenity issues are discussed within the report's conclusions section;

(19) Members should note that this application does not seek planning permission for a school and there is no requirement for them to provide land to do so. Rather, the requirement is in respect of the proposed site allocation SD7 within the emerging Local Plan. However, as a gesture of good will the applicants have proposed to transfer sufficient land to the County Council to enable the expansion of the school to 3 Form Entry size. The applicants have provided a revised illustrative layout which shows sufficient land can be reserved for the expansion of the School. The Section 106 agreement will ensure that this land is reserved and then transferred following a set period of time after formal determination of the planning application;

(20) Noted;

(21) The report's conclusions consider matters concerning primary education, parking and housing needs;

(22) Noted;

(23) The Southern Water objection is considered within the "Foul Drainage" section of the report's conclusions; and

(25) It would not be appropriate at this time to require additional assessment of the highway implications of a school expansion proposal as this does not form part of the planning application and there is no guarantee that the school expansion will happen or if it does then when it will take place.

The following comments are made in respect of the more recent objections:

(26) - (30) Noted;

(31) The application red edge as shown on the submitted Location Plan includes the land necessary to form an access to North End Road through the adjacent site as per the access drawings approved by Y/93/14/OUT. The same access drawings will be listed within the plans condition so that this development is carried out in accordance with the previously approved access configuration.

(32) The applicant has confirmed that the adjacent site, subject of application Y/93/14/OUT, is within the land ownership and control of the applicant (as illustrated by the blue edge within the layout plan for planning application Y/44/17/OUT). The intricacies of the current ownership arrangements are not known however, the applicants for Y/93/14/OUT were "Mr Christopher White and others". This group included Hannah Seydeh White and she was formerly (now deceased) the partner of Mr Piers Bucknall who is the applicant for Y/44/17/OUT;

(33) - (34) Noted and agreed;

(35) No detail has been provided in respect of which conditions fail the relevant tests;

(36) The writer considers that the act of giving land to the School is not in accordance with the CIL regulations. However, members should note that the offer to safeguard the land and transfer it to the County is a gift. The writer also suggests that other parts of the draft S.106 conflict with now adopted Arun Local Plan policies and with the NPPF. However, the writer does not explain in detail why this is so;

(37) Noted. The LPA's position is set out in the conclusions section;

(38) WSCC Highways had assessed this application on the basis of an access onto North End Road shared between the 70 dwellings of this site and the 38 as approved by Y/93/14/OUT. They did not raise any objections during the course of the determination process to the ability of the access to serve a total of 108 dwellings and they have already set out the level of highway related infrastructure necessary to make the development acceptable;

(39) As per (36) above;

(40) Noted. An approval will however enable the transfer of the land necessary for expansion of the School;

(41) - (42) Noted and agreed; and

(43) - (46) Noted.

(47) There has been no material change to the access configuration which is the same as that previously approved by Y/93/14/OUT and therefore is the same configuration as was previously considered by WSCC Highways and Highways England when Y/44/17/OUT was first considered.

In addition, the applicant has made the following points in response to the recent objections:

- Whilst the site is now technically located outside of the established Built-up Area Boundary of the newly adopted Local Plan, the site is absolutely essential to enable housing growth within the village and enables the expansion of the Yapton Primary School.

- Without this site, the expansion of the school would not be possible and therefore is a material consideration of significant weight. Without the expansion of the school (encouraged by both Parish and District Council) it is questioned whether development of site SD7 is acceptable in planning terms given other recent extant permissions within the village.

- Council clearly resolved to grant planning permission for this application previously and there are no substantive changes in policy or sufficient reasoning that should prevent the Council doing so again, at the earliest opportunity.

- The Local Plan Sub-Committee resolved in December 2016 to invite planning applications on sites identified as being 'deliverable' within the Housing and Employment Land and Availability Assessment (HELAA) where they are considered sustainable and will not prejudice the emerging local plan and/or infrastructure delivery. This site is clearly part of the Council's Housing Implementation Strategy that was carried into the Local Plan. The 2017 HELAA report assesses the application site (Ref Y8) as being suitable in principle for future housing development based on its sustainable location and lack of insurmountable constraints.

- Whilst the Council can demonstrate a 5.3 years of housing land supply, this is on the basis of provision of suitable windfall development such as development at the site in question and such provision of housing is required in the short term and indeed strategic site SD7 would be unable to come forward until the school provision is dealt with.

CONSULTATIONS

Highways England

WSCC Strategic Planning

Environment Agency

Surface Water Drainage Team

Environmental Health

Parks and Landscapes

Arboriculturist

Southern Water Planning

Head of Planning Policy & Cons

Planning and Housing Strategy

Sussex Police-Community Safety

Engineering Services Manager
Engineers (Drainage)
NHS Coastal West Sussex CCG
Listed Building Officer
Conservation Officer
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

NHS:

The NHS responded on the 22nd December to request that the Section 106 Agreement include a contribution of £81,517 towards the infrastructure needs of managing "Treatment Rooms capacity" at the "Avisford Medical Group" in Yapton. This is considered to be CIL compliant and will therefore be included with the Section 106 Agreement that is currently being prepared.

ENVIRONMENT AGENCY:

No response received.

HIGHWAYS ENGLAND:

Initial Comments:

Commented that there is insufficient information provided to assess the impact of the proposal on the strategic road network particularly in respect of the A27/Yapton Lane junction & the right turn lane from the A27. Requested that the applicant demonstrate that the proposed development would have no detrimental impact on the A27/Yapton Lane junction or if this is not the case, propose mitigation. Also requested that the applicant consider the impacts in conjunction with other allocated developments within the emerging Local Plan. Recommend that until such time as sufficient information has been provided to Highways England to allow a clear view to be taken then this application should not be approved because of its potential for severe harm to the strategic road network.

Further Comments:

A subsequent response from Highways England advised that they have no objection to the application subject to the inclusion of a Construction Management Plan condition and a contribution being secured to enable the A27/Yapton Lane junction (extension of right turn only lane) improvement works to be completed.

Highways England confirmed that the same approach should be taken as was agreed for the Tye Lane, Walberton scheme (175 dwellings) whereby if Highways England do not undertake a Road Improvement Scheme (RIS) that improves the A27 Yapton Lane junction (e.g. Arundel Bypass Option 5A or similar) then the applicant will be required to provide the improvements to the A27 right turn lane in accordance with the approved drawing prior to occupation of the 50th dwelling. However, in the event that Highways England do carry out a RIS improvement scheme at the A27 Yapton Lane junction (Option 5A) then the applicant would instead provide a contribution to Highways England's scheme to the value of the cost of the right turn lane improvement, that being £180,000.

Highways England have said that the applicant would be concerned that if he occupies to the trigger

point and Land East of Tye Lane do not then the Stakers farm applicant would be required pay for the full right turn lane improvement which the Tye Lane development site would then benefit from. However, Highways England see this as an acceptable arrangement as both of the sites are outside of the emerging Local Plan (eLP) and as such they are required to mitigate their own impacts rather than contribute to the collective pot for highway improvements as agreed in the eLP. Furthermore, there is nothing to stop the two applicants from bringing forward the right turn lane improvements on a cost sharing basis (in the event HE do not proceed with a RIS scheme).

SOUTHERN WATER:

Object. State that Southern Water's Lidsey Wastewater Treatment Works does not have the capacity to accommodate flows from the proposed development nor will have the plant on completion of currently planned improvement works. Southern Water will attempt to ensure capacity in respect of sites allocated in the emerging Local Plan but not in other cases. Therefore, Southern Water has not had reasonable time to make provision for the additional treatment capacity and it is considered that this development is premature.

Further advice was received on the 29th January 2018 which stated that:

- * Although sites may be located in the vicinity to each other, the outcome of the capacity assessments undertaken for each application site may differ due to a number of factors considered at time of an application such as numbers, modelling criteria, location etc;
- * Southern Water cannot reserve any capacity for a specific development due to the fact that a development may or not go ahead due to financial problems and other constraints; and
- * As such, the objection is maintained.

In addition, Southern Water wrote on the 6th March to correct a perceived misunderstanding on the Local Authority's behalf in respect of the difference between (a) 'Sewer Capacity' which refers to capacity within piped sewerage systems; and (b) 'Treatment Capacity' which refers to capacity of the Wastewater Treatment Works to treat the sewerage of an entire catchment.

SUSSEX POLICE:

Have no concerns with the site layout/design as shown on the illustrative drawing other than an unobserved parking area behind plot 52 that is vulnerable and which provides unobserved access to a number of rear gardens. Recommend that this as well as details of boundary treatments & lighting are addressed at the detail stage.

WSCC HIGHWAYS:

Originally raised no objections subject to conditions relating to car parking, cycle parking, construction management plan and a travel plan. The access to the adjacent site was the subject of a safety audit and its intensification is considered to be acceptable. The impact on the Oyster Catcher and Comet Corner junction has been assessed and is considered acceptable. Parking provision as shown on the illustrative layout is in accordance with WSCC standards. Do raise a concern about the lack of pedestrian footpath access either to the adjacent site (Bonhams Field - ref Y/1/17/OUT) or through Stakers Farm to North End Road. Consider that land should be safeguarded to provide for this purpose. Also advise that a contribution should be sought towards cycleway improvements between Barnham and Littlehampton. The contribution would be £110,530 and is considered to comply with the CIL tests. This would provide a valuable link from the development site via Yapton Road to Barnham station and Main Road, Burndell Road and Yapton Road towards Littlehampton and facilitate sustainable transport

Subsequent correspondence received on 18/12/17 set out a HOLDING OBJECTION on the grounds that should it be possible to increase the capacity of the primary school from 1.5 Form Entry (FE) to 2.5FE using funding from the proposed strategic site on the south western side of Yapton then there would be an increase in traffic/activity around the school and it would therefore be necessary to reconsider the highway implications of the Stakers Farm proposal. It is requested that determination of this application be delayed until such time as WSCC know whether a school expansion has merit and can therefore reassess this proposal.

Further correspondence dated 19th March states that Highways have no additional comments to make.

WSCC INFRASTRUCTURE:

Initially raised no objection. Stated that contributions are required towards the provision of additional County Council service infrastructure, namely education (primary, secondary & 6th form), libraries and fire & rescue infrastructure. WSCC also accepted the principle of a land gift of land for the expansion of the school site.

Further comments received on the 18th December raised a holding objection on the basis that the highway impacts of the future expansion of the school needed to be assessed alongside the impacts of the proposal. WSCC therefore requested that the application be deferred until it was known for sure whether the school expansion has merit.

WSCC issued an amended Section 106 Consultation response on the 23rd March. This included the following additional sentence: "We are aware that the developer will be entering into a separate agreement for the transfer of land to Yapton CofE Primary School at nil cost to the County Council."

WSCC have also informally written to say that WSCC commissioned consultants to assess the Yapton school site and the feedback WSCC got was that the plans proposed by the Stakers Farm applicant are Building Bulletin 103 compliant and that although further detail will be required, this would not be a requirement for the applicants.

WSCC DRAINAGE:

Note that the site is at low risk of surface water flooding and a moderate to high risk of groundwater flooding. There are no records of historic flood events relating to the site. There is a watercourse 170m from the south western boundary and field boundary ditches may exist on or around the site. These should be maintained and no development should take place within 5m of an watercourse or drainage ditch. Existing surface water flows across the site should be maintained and no site level raising should take place.

ADC CONSERVATION OFFICER:

No objections.

Note that the site adjoins the Conservation Area and also will affect two Grade II listed Buildings to the east of the site. States that the National Planning Policy Framework (NPPF) requires great weight to be given to the conservation of designated heritage assets and notes that significance can be harmed or lost through inappropriate development within their settings. Considers that the development will have an adverse effect on the setting and therefore significance of Stakers Farmhouse. The development will also cause some degree of harm to the significance of the second listed building, the Homestead. Furthermore, the proposal will result in some degree of harm to the significance of the conservation area mainly as a result of increased traffic and increased activity & noise.

These impacts are somewhat mitigated by the green buffer and well planted boundaries to the east of the development site. The harm would therefore be less than substantial. Para 134 of the NPPF therefore advises that 'the harm should be weighed against the public benefits of the proposal'. It is recommended that an on-balance planning decision be made as to whether the wider benefits of the proposal outweigh the resultant harm to the significance of the affected designated heritage assets.

Also comment on design matters relating to the illustrative aspects of the scheme. Welcome the proposed scaling down of the development towards its edges but consider that buildings greater than two storeys in the central may not be appropriate in the rural context. Also raise concern with the lack of pedestrian connectivity between the new development and the existing settlement. Lastly, provides guidance on design for the reserved matters stage.

ADC ARBORICULTURAL CONSULTANT:

No objection subject to conditions. Consider that there are very few trees of any real significance on the site and none are deemed to require additional TPO protection. Furthermore, the majority of tree cover is to be retained and those to be lost are acceptable.

ADC ENVIRONMENTAL HEALTH:

No objections in principle. Raise a concern with any future layout if a sewage treatment plant or related pumping station is required on site. This would then require a distance of 15m between a pumping station/treatment plant and any residential dwelling. Ask for conditions to protect against contamination, a condition requiring a construction management plan and a condition to require each dwelling to have an electric car charge point.

ADC HOUSING STRATEGY:

States that there is no objection in principle to the affordable housing provision but that the applicant needs to give consideration to the viability of providing all the affordable homes for rent as registered partners may not be able to offer a suitable bid based on the proposal.

ADC DRAINAGE ENGINEERS:

No objection subject to the imposition of standard conditions ENGD2B, ENGD3A, ENGD5A, & ENGD5B. Engineers note that a perched water table may be present on this site and that therefore, a proposed deep drainage system suggested in the Flood Risk Assessment may not be viable, and that a shallow system will need to be designed. Also, infiltration to the Chalk layer may not be feasible for the same reason. Engineers also note that if the perched water table exists, it may be necessary to have open areas (POS) on the northern & western parts of the site in order to locate shallow infiltration ponds.

ADC GREENSPACE:

Consider that the 4000m² public open space provision (POS) is insufficient for a development of this size and that 5376m² should be a minimum recommendation. Advise that a Locally Equipped Area for Play (LEAP) should be provided on site and that maintenance contributions will be required for the POS if it is to be transferred to the Council. Do not consider that a multi use games area (MUGA) contribution would be CIL compliant due to other committed improvements to the existing Yapton provision at the community centre. Provides advice on the form of future landscaping and open space.

COMMENTS ON CONSULTATION RESPONSES:

HIGHWAYS ENGLAND - The Stakers Farm applicant accepts the need for junction improvements and the suggested 50th dwelling trigger point (albeit on the proviso that the trigger point could be changed if agreed in writing with the local planning authority). However, the applicant cannot accept the suggested contribution towards the junction improvement. They consider that the requested contribution of £180,000 would not be CIL compliant as it would not be fair to require the same level of contribution for a 70 dwelling scheme as for a 175 dwelling scheme. They therefore expect a lower contribution. This was put back to Highways England on the 21st December 2017 but no further response has been received and therefore the Highways England requirement will form part of the Heads of Terms.

SOUTHERN WATER - In respect of the Southern Water (SW) objection, further comments were sought from SW but they maintained their objection on the basis that they assess sites individually and with regard to variety of factors and this is why sites adjacent or close to each other may receive contrasting responses. However, members should note that:

- * Southern Water did not raise any objection to the proposed residential developments on the adjacent land at Bonhams Field (Y/1/17/OUT), to the proposed residential development of land at Street Buildings (Y/49/17/OUT), to the proposed residential development at Ford Lane (Y/80/16/OUT) or to the proposed residential development at Burndell Road Yapton (Y/19/16/OUT). None of these other nearby sites were allocated in any existing or emerging Development Plan;
- * In all of the above cases, a condition requiring approval of foul drainage details was recommended;
- * Whilst the Stakers Farm site is not allocated for development, it is likely that those sites identified within the Housing & Economic Land Availability Assessments (HELAA) such as Stakers Farm would likely then be 'allocated' through a "Non-Strategic Site Allocations" Development Plan Document;
- * Southern Water have published their new Infrastructure Charges and these will come into force from 01/04/18. Under this new scheme, for developments greater than 20 units, the infrastructure charge will be £765 per plot. This will entitle the developer to undertake a like for like connection into an existing public sewer as a direct connection without the need for a capacity check. This means that from April, Southern Water will not be able to refuse connections to new development; and
- * Southern Water have not confirmed (despite being asked to do so) that they will defend an appeal if the application were to be refused on foul drainage grounds.

On this basis and in the interests of consistency, it is not considered reasonable or sustainable to maintain the Southern Water objection.

WSCC HIGHWAYS/ADC CONSERVATION - The applicants note the concerns from both the Councils Conservation Officer and County Highways in respect of a lack of pedestrian connectivity. It is noted that a track access runs between the Stakers Farm and Bonhams Field sites and this is owned by a third party. However, it should be noted that layout is a reserved matter and the applicant has stated a willingness to agree to explore how the two sites could be linked within a reserved matters submission should the outline permission be granted. It is also clear from a comparison of the two illustrative layouts that there is scope to at least connect a footpath between the two sites.

ADC CONSERVATION - It is also noted that the applicants have some objections to the Conservation Officer response and are strongly of the view that there remains only a minor impact on heritage assets and that this impact is significantly less than substantial. They also consider that the significant benefit of providing new, sustainably located homes with a large area of public open space alongside the potential gifting of land to Yapton C of E Primary School and ecological enhancements are considerable benefits of the scheme which would clearly outweigh the negligible (and considerably less than substantial) harm.

ADC GREENSPACE - Although it is true that the proposed public open space (POS) is short of the required total (3,625m² versus 5,376m²), it should be noted that an additional area of POS totalling 3000m² is proposed as a land gift to the primary school. The gifting of this land would therefore benefit children playing at the school and will assist with the expansion of the school itself. If however, the land transfer does not take place, then the site would retain this additional parcel of land and therefore have more than enough space to provide POS to meet the requirements.

OTHER - All requested planning conditions are considered to meet the necessary tests and would be included within any planning permission.

POLICY CONTEXT

Designations applicable to site:

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

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
AHSP2	AH SP2 Affordable Housing
CSP1	C SP1 Countryside
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
HSP1	HSP1 Housing allocation the housing requirement
HSP2C	H SP2c Inland Arun
INFSP1	INF SP1 Infrastructure provision and implementation
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment

SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

Yapton neighbourhood plan 2014 Policy BB1

Yapton neighbourhood plan 2014 Policy E1	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E3	Protection of high value agricultural land
Yapton neighbourhood plan 2014 Policy E4	Protection of natural habitats
Yapton neighbourhood plan 2014 Policy E5	Minimising the environmental impact of development
Yapton neighbourhood plan 2014 Policy E8	Enhancement of biodiversity
Yapton neighbourhood plan 2014 Policy E9	Conservation Areas
Yapton neighbourhood plan 2014 Policy E11	Listed Buildings and Buildings or Structures of Character
Yapton neighbourhood plan 2014 Policy PK1	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy H1	Parking standards for new residential development
Yapton neighbourhood plan 2014 Policy H2	Housing requirement
Yapton neighbourhood plan 2014 Policy H3	Dwelling size
Yapton neighbourhood plan 2014 Policy SA1	Dwellings appropriate for the needs of older people
Yapton neighbourhood plan 2014 Policy BE2	Land north of Yapton CE Primary School
	High speed broadband

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD1	Open Space & Recreation Standards
SPD2	Conservation Areas
XXX6	Interim Affordable Housing Policy

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011-31, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

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; Littlehampton; Rustington; Walberton; Yapton.

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

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

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 both the Arun Local Plan and the Yapton Neighbourhood Development Plan. However, there are considered to be significant material considerations that would weigh in favour of the proposals.

OTHER MATERIAL CONSIDERATIONS

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

- The National Planning Policy Framework (NPPF) and associated guidance particularly in respect of Sustainable Development;
- The fact that the Council's 5.3 year housing land supply includes a provision of at least 1,250 homes to be identified through both the review of Neighbourhood Plans and through a Non-Strategic Site Allocations Development Plan Document (DPD) and that Yapton Parish Council has expressed their support for the proposed development as they have a desire for this site to contribute to that process.

CONCLUSIONS

PRINCIPLE:

The development plan for the Arun District currently comprises the Arun Local Plan 2011-2031, the Yapton Neighbourhood Development Plan or YNDP (November 2014) and the West Sussex Waste and Minerals Plan.

Arun Local Plan:

The key policy considerations in the determination of this application are considered to be H SP1, H SP2c, SD SP1, SD SP2 and C SP1 of the Arun Local Plan (ALP) 2011 - 2031.

Policy H SP1 "The Housing Requirement" sets out an overall provision of 20,000 new homes through the Local Plan phased over the plan period to 2031. It includes a reference to additional non-strategic allocations being made across the District through reviews of Neighbourhood Plans and through the publication of a "Non-Strategic Site Allocations Development Plan Document (DPD).

Policy H SP2c "Strategic Site Allocations" includes a proposal for at least 500 dwellings on a site to the south west of Yapton. Development must provide a contribution towards new primary education facilities or the improvement or expansion of the relevant existing facilities. The application site does not form part of this allocation.

Policy SD SP1 states that the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). It will work to secure development that will contribute to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland).

Policy SD SP2 "Built up Area Boundary" states that outside the BUAB, apart from strategic, site specific and other broad allocations, development will not be permitted unless consistent with other plan policies. In addition, policy C SP1 "Countryside" states that residential development in the countryside outside of the BUAB will not be permitted unless in accordance with policies in the Plan which refer to a specific use or type of development. It is noted that the built up area boundary immediately adjoins approximately three quarters of the boundary of the application site. In this context, the contribution that the application site makes to the characteristics of the countryside is limited and the proposals are considered to be a natural rounding off of the settlement boundary to the west of Yapton.

Yapton Neighbourhood Development Plan:

The Yapton Neighbourhood Plan (YNDP) was made (adopted) in November 2014 on the basis of the saved policies in the 2003 Arun Local Plan and the draft policies in the 2014 publication version of the emerging Arun Local Plan (eALP).

Figure 4.1 on page 13 of the YNDP includes a BUAB drawn around the edge of the settlement of Yapton which, save for the proposed allocations within the YNDP, broadly compared with that provided by the 2003 Local Plan. However, the BUAB in the new Arun Local Plan is different in this area having been amended so as to include allocation SD7, the development recently approved on the corner of North End Road & Yapton Road by Y/1/17/OUT and the development on North End Road towards Maypole Lane as approved by Y/49/17/OUT. Nevertheless, the application site remains adjacent to the western boundary of the BUAB and the application site is therefore classified as countryside.

Policy BB1 states that development outside of the BUAB will not be permitted unless in accordance with 4 listed criteria. The third of these is where the development relates to additional allocations for housing land in accordance with policy H1.

The application if approved would include a S.106 contribution towards small scale improvements at the Yapton Primary School. In addition, the application proposes to transfer land to the School for the purposes of expansion and this would allow (subject to a separate application and funding being secured) for the size of the school to increase from a 1.5 Form Entry (FE) to 3FE. The application includes a feasibility drawing which demonstrates that a 3FE expansion can be achieved and this is in

accordance with Building Bulletin 103 requirements.

Yapton Parish Council have indicated support for the proposals on the basis that they would wish for this site to come forward through their requirements for the Parish following adoption of the Local Plan either through a new development plan document or Neighbourhood Plan.

Planning Balance:

For the reasons given above, the application is not in accordance with policies SD SP2 & C SP1 of the Arun Local Plan. Furthermore, it is not in complete accordance with policies BB1 & H1 of the YNDP. The following sets out whether there are any material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

Firstly, it should be noted that in order to bolster housing land supply in advance of the adoption of the current Local Plan, the Council previously (early 2017) resolved to invite planning applications on sites identified as being 'deliverable' by the HELAA where they were considered to be sustainable and would not prejudice the emerging local plan and/or infrastructure delivery.

The 2017 HELAA report assessed the application site (Ref Y8) as being suitable in principle for future housing development based on its sustainable location and lack of insurmountable constraints. The Report also considered that the site was currently deliverable but might need to be delayed in order to allow time for a joint development scheme to be agreed with adjoining landowners. The total yield was suggested to be 72 dwellings.

The Council's current 5.3 year housing land supply includes a provision of at least 1,250 homes to be identified through both the review of Neighbourhood Plans and through a Non-Strategic Site Allocations Development Plan Document (DPD).

It should also be noted that the YNDP was produced based on both the Local Plan (Summer 2013) and the Publication Version of the Local Plan from October 2014. Both of these documents predate the version of the Arun Local Plan which has been adopted. Indeed, the YNDP was prepared at a time when the proposed level of growth for the district over the period 2014 to 2031 was to be 580 homes on average per year. The current level of growth as set out within the adopted ALP is an average of 1000 homes a year. It is therefore considered that only limited weight can be given to the conflict with the YNDP to protect the countryside, as the context within which the YNDP was prepared has significantly changed.

Finally, it is considered that the proposal is, on balance, sustainable development as according to the National Planning Policy Framework (NPPF) and that the site itself is a sustainable location for new development. Paragraph 8 of the NPPF states that in order to achieve sustainable development; economic, social and environmental gains should be pursued in mutually supportive ways through the planning system.

Assessment of Sustainable Development

It is considered that the proposal is clearly environmentally and socially sustainable. There would be a cost to the local economy from the loss of high quality agricultural land but this is weighed against the previous and current uses of the land (grazing by horses or sheep) and the economic benefits of the scheme which are considered to override the costs. Therefore, it is considered, on balance, that the proposal would be environmentally, socially and economically sustainable and would therefore benefit from the NPPF presumption in favour of sustainable development.

Conclusion on Matters of Principle:

Overall, the principle of development on this site is contrary to the development plan. However, it should be noted that the intention of the YNDP to protect countryside (policies BB1 & H1) are out of date and that the Council's current 5.3 year housing land supply (as set out in the ALP) includes a provision of at least 1,250 homes to be identified through both the review of Neighbourhood Plans and through a Non-Strategic Site Allocations Development Plan Document (DPD). Yapton Parish Council have indicated support for the proposals on the basis that they would wish for this site to come forward through their requirements for the Parish following adoption of the Local Plan either through a new development plan document or Neighbourhood Plan.

It is also considered that the scheme is sustainable development and therefore benefits from support from ALP policy SD SP1. It is considered that these factors outweigh the limited conflict with C SP1. For these reasons, it is considered that the principle of development is acceptable despite the conflict with the adopted Arun Local Plan.

These conclusions will now consider other policy considerations and whether this gives rise to any adverse impacts.

PREMATURITY:

Paragraph 014 (Reference ID: 21b-014-20140306) of the Governments online Planning Policy Guidance states with regard to prematurity that:

"arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

(a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood planning; and

(b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process."

The Council has now started working on a Non-Strategic Site Allocations DPD and is also discussing with the Parishes the review of made Neighbourhood Plans. However, neither of these are at an advanced stage and the proposal is not considered to be so substantial or have a cumulatively significant effect on the settlement. Furthermore, this application was submitted following the Local Plan Sub-Committee resolution in December 2016 to invite planning applications for sites identified as being 'deliverable' and sustainable within the HELAA. It would be difficult to justify a refusal on these grounds for an application that had been invited by the Council.

HOUSING MIX:

YNDP Policy H2 requires that proposals of 15 or more dwellings provide a mix of dwelling sizes (market and affordable) that fall within the following ranges: (a) 1-bed dwellings: 10-15% of all dwellings; (b) 2-bed dwellings: 25-35% of all dwellings; (c) 3-bed dwellings: 45-55% of all dwellings; and (d) 4+-bed dwellings: 5-10% of all dwellings.

Regard is also had to ALP policy H DM1 which states that: "For developments of 11 units or more the Council shall require a balanced mix of market and affordable dwelling sizes including family sized accommodation based on the most up to date SHMA recommendations."

The application submissions sets out the following mix of dwellings:

- * 4 x 1 bedroom apartments (6%);
- * 15 x 2 bedroom houses (21%);
- * 43 x 3 bedroom houses (61%); and
- * 8 x 4 bedroom houses (11%).

This would not comply with the stated criteria within the YNDP. However, the layout and mix are illustrative at this time and a condition imposed on the planning permission could ensure that this policy is complied with at the reserved matters stage.

It is also necessary to consider YNDP Policy H3 which requires that developments of five or more dwellings ensure that a minimum of 25% of the 1-, 2- and 3-bed dwellings provided are delivered to Lifetime Homes standards. A condition will be imposed to ensure that the reserved matters application fulfil this requirement (or the equivalent standard of the time)

Therefore, the proposal is considered to be in accordance with the relevant YNDP policies H2 & H3 and with ALP policy H DM1.

AGRICULTURAL LAND:

Objections have been raised by local residents regarding the loss of agricultural land. As per the plan at Figure 2 of the YNDP, the site is classified as Grade 1 agricultural land. Policy E1 of the YNDP states that:

"Planning permission will be refused for development on grade 1 and grade 2 agricultural land unless: (1) it involves the granting of planning permission for the development of the housing allocations identified in this Plan (Policy SA1 and Policy SA2); or (2) 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."

YNDP Policy H1 is an out of date policy with reduced weight. However, 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 in this location. One such consideration is that there is a need for additional housing development within the district over the plan period beyond that proposed by the strategic allocations and this is a specific exception within policy E1.

Arun Local Plan policy SO DM1 also considers soils and states that: "Unless designated by this Plan or a Neighbourhood Development Plan, the use of Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted

unless need for the development outweighs the need to protect such land in the long term.

The applicant has not supplied any information to justify the proposal against the requirements of this policy. The site is shown to be Grade 1 Agricultural Land as per the Figure 2 plan within Appendix 4 of the YNDP. It could therefore support the growing of crops in a similar way to that of the large agricultural field to the west. However, it is noted that the site was previously used for equestrian purposes (grazing & exercise of horses). This use has ceased but the land is currently only being used for the grazing of third party owned sheep under an agreement with the landowner. In short, the land has not been used within recent years for the growing of crops and there is no realistic possibility that crops would be grown on the land in the future.

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 this loss. Therefore, the proposal is considered to be in accordance with the YNDP (policy E2) and with policy SO DM1 of the ALP.

IMPACT ON HERITAGE ASSETS:

Objections have been raised by local residents on the grounds of harm to the setting of Stakers Farmhouse; harm to the Conservation Area and harm to the character & beauty of this historic rural setting.

Arun Local Plan policy HER DM3, sets out the following (relevant) criteria in respect of development affecting Conservation Areas:

- a. New buildings and structures acknowledge the character of their special environment in their layout, form, scale, detailing, use of materials, enclosure and the spaces created between buildings;
- c. Traditional features such as shop fronts, walls, railings, paved surfaces and street furniture are retained and restored;
- e. It retains historically significant boundaries, important open spaces and other elements of the area's established pattern of development, character and historic value, including gardens, roadside banks and verges; and
- f. It does not harm important views into, out of or within the Conservation Area.

In addition ALP policy HER DM1 is relevant and states that proposals should protect, and where possible enhance the setting of Listed buildings.

YNDP policy E8 requires that developments either preserve or enhance the character of Conservation Areas. In addition, development proposals will be expected to be suitably designed taking account of the local character/context and use traditional/vernacular building materials.

YNDP Policy E9 refers to Listed Buildings but only concerns the loss of such buildings and does not refer to impacts on setting.

The Council's Conservation Officer has assessed the proposals including with reference to the illustrative layout drawing. It is considered the development will have an adverse effect on the setting and therefore the significance of Grade II Listed Stakers Farmhouse. Furthermore, that the development will cause some degree of harm to the significance of the second listed building, the Homestead and to the significance of the conservation area mainly as a result of increased traffic and increased activity & noise.

However, the Conservation Officer considers that these impacts are somewhat mitigated by the

proposed green buffer and well planted boundaries to the east of the development site. This being the case, it is considered that the harm to the heritage assets would be less than substantial. Paragraph 196 of the NPPF advises that less than substantial harm should be weighed against the public benefits of the proposal. It is therefore necessary to make an on balance judgement as to whether the wider benefits of the proposal outweigh the resultant harm to the significance of the affected designated heritage assets.

It is considered that the development would result in the following benefits:

- * The sustainable development of 70 new homes including 21 affordable homes to help meet local and district wide needs;
- * The transfer of land to the School to facilitate future expansion from 1.5FE to 3FE;
- * An increase in Council Tax receipts associated with the 70 new homes;
- * New Homes Bonus payments from the Government paid to the Council;
- * Financial contributions towards local libraries, education establishments and doctors surgeries;
- * The creation/maintenance of construction jobs;
- * Additional spending by new residents on local goods & services; and
- * A boost to the vitality & viability of the settlement of Yapton as a whole.

It is considered that on balance, these benefits as a whole outweigh the less than substantial harm to the significance of the affected designated heritage assets. Therefore, the proposal is considered to be in accordance with the relevant development plan policies and the guidance within the NPPF.

LANDSCAPE CHARACTER:

Although the site is neither within a protected landscape nor likely to impact on the setting of the South Downs National Park, the protection of landscape character is still an important consideration.

Policy D DM1 of the Arun Local Plan requires that the Council have regard to certain aspects including:

7. Trees and woodland - All new development will be expected to incorporate existing and new tree planting as an integral part of development proposals.

9. Public realm - Provide or enhance layouts, streets and public spaces so that they are attractive, socially inclusive, safe and secure, adaptable, with appropriate provision for planting, street furniture, and facilities for bicycle storage to create a place with attractive and successful outdoor areas.

Policy LAN DM1 of the ALP states that:

"Development throughout the plan area should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas. The historic character and development pattern of settlements within the District should be respected, taking into account their distinct identity and setting"

A landscape statement has been submitted which seeks to assess the impact of the proposal on the landscape and to determine what mitigation measures are appropriate. This states that:

- * In the short-term, there are likely to be minor adverse effects on landscape character across a limited area;
- * In the short-term there are likely to be minor adverse effects on visual receptors across a limited area;
- * In the mid-long term, subject to the recommended mitigation, there are likely to be minor beneficial effects on landscape character;
- * In the mid-long term, subject to the recommended mitigation, there are likely to be negligible to minor

beneficial effects;

- * Built form and mass would be softened as planted trees and vegetation matures, and this would aid integration into the wider enclosed rural setting within the Barnham-Yapton Coastal Plain Local Landscape Character Area (LLCA 22);

- * Planting belts including native hedgerows and tree standards along the western edge of the site would filter and screen the built form from public footpaths to the west;

- * When considering the cumulative impacts with the consented adjacent schemes at Yapton C of E Primary School North End Road (Y/93/14/OUT) to the north of the Site (although noting that this permission has expired), and Bonhams Field to the south of the site (Y/1/17/OUT), the Stakers Farm proposal is identified as comprising mid-long term negligible cumulative effects on landscape & views; and

- * Should all of these schemes progress, then the urban edge of Yapton will effectively be moved to alongside the western edge of the site, with a redefined vegetated rural boundary to its western edge.

The illustrative layout plan shows that open space will be provided on the eastern side of the site to provide a green buffer between Stakers Farm/The Croft and the new houses. It also includes 4.5m wide buffer planting to the north western boundary and 2m wide additional planting to the western boundary of the school site to supplement the existing hedgerows.

In particular, it is noted that the 4.5m wide buffer planting to the north western boundary is as per the illustrative layout from the now expired outline approval of the land to the north. Therefore, the Stakers Farm proposal will provide the same level of buffer planting as the site to the north had previously shown. This has the potential therefore to ensure a seamless landscaped buffer along the western/north western edge of both sites.

Arun DC Landscape Officers have not raised any objections to the scheme on landscape or visual grounds. The proposal is therefore considered to accord with ALP policies D DM1 and LAN DM1.

HIGHWAY SAFETY & PARKING:

Objections have been raised by local residents on the grounds of increased congestion on North End Road around the School and that the greater use of the approved access for Y/93/14/OUT would be unsafe.

Policy T SP1 of the Arun Local Plan seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of highway safety, it states that:

"The Council will support transport and development which: Explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) gives priority to pedestrian and cycle movements & has access to high quality public transport facilities; (iii) creates safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter; (iv) incorporates facilities for charging electric and plug-in hybrid vehicles (where charging facilities are to be omitted from the development, evidence of market demand and viability must be provided); and (v) considers the needs of people with disabilities by all modes of transport."

Regard should also be had to paragraph 109 of the NPPF which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

West Sussex Highways originally assessed the application back in August 2017 and their comments

were based on a site visit. They stated that they had no objections subject to conditions. In particular, that the access to the adjacent site was the subject of a safety audit and that its intensification was considered to be acceptable. They also stated that the impact on the A259 had been assessed as acceptable and that the proposed parking provision would be appropriate.

However, a concern was raised in respect of the lack of footpath connectivity between the site and adjoining land to the south and east. In response, the applicants have stated that there is a track situated between this and the Bonhams (Y/1/17/OUT) site which is owned by a third party who, it is understood, will not grant access without financial recompense. However, they would be willing to investigate whether this would be possible after outline permission has been granted.

As layout is not currently applied for, the approval of permission would not be binding on the drawing that has been provided and therefore, the layout could be varied at the reserved matters stage to provide better connectivity with adjacent land. It is also clear, from a comparison of the illustrative layouts for Stakers Farm & Bonhams, that there is scope to at least connect a footpath between the two sites. It may also be possible to provide a footpath through the Stakers Farm buildings to the east to link to North End Road.

West Sussex Highways then wrote in December 2017 to advise that they wished to reassess the impact of the proposal alongside potentially proposed improvements to the Yapton primary school and that until such time as this assessment is carried out, a holding objection must be imposed. However, it was considered that this should have been assessed much earlier in the process and it was not considered reasonable to delay the determination of this application with no set timescale whilst WSCC Highways finalised their revised position.

In addition to the comments of West Sussex Highways, it is also necessary to consider those of Highways England (HE) who have responsibility for the impact of development on the Strategic Road Network. As set out above, there was initially an objection from HE on the grounds of impact on the A27/Yapton Lane junction but they have since informally accepted the additional assessment undertaken by the applicants and have specified the appropriate level of mitigation required to overcome the objection. This is to be included with the S.106 legal agreement.

In respect of parking, policy T SP1 states that:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

The Council uses the West Sussex Parking Demand Calculator to assess the parking needs of new developments. According to this calculator, the parking demand for the development would be a total of 166 spaces. The illustrative layout satisfies this requirement with 152 allocated spaces and 14 unallocated spaces for additional residents or visitors. It is also noted that the illustrative layout suggests that 2 cycle spaces will be provided per dwelling either in rear garden sheds or garages. The car parking provision is also in accordance with YNDP Policy PK1 "Parking standards for new residential development" which would require a minimum parking provision of 144 spaces.

It is therefore considered that the proposal is in accordance with the relevant development plan policies and the guidance on highway safety within the NPPF.

FLOODING & DRAINAGE:

Objections have been raised by local residents on the grounds of increased flooding due to drainage.

The first thing to note is that the site does not lie in an area of high flooding risk. Therefore, policy W DM2 of the ALP ("Flood Risk") is not relevant. However, policy W DM3 (Sustainable Urban Drainage Systems) states that: "To increase the levels of water capture and storage and improve water quality, all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development, at an early stage of the design process." In addition, YNDP Policy E11 requires that developments be designed and constructed to minimise the overall level of flood risk within the parish; and provide appropriate surface water drainage.

Both WSCC and ADC Drainage Engineers have commented on the application. However, neither raise any objection to the principle of development and instead require details to be provided at a later stage in respect of surface water drainage. ADC Engineers do identify the potential presence of a perched water table on the site and consider that, if present, this could present problems for the proposed siting of the POS on the eastern side of the site. However, the approval of permission would not be binding on the layout drawing that has been provided and therefore, the layout could be varied at the reserved matters stage if a perched water table was present and if deemed to be a constraint.

It is therefore considered that the proposal is in accordance with the relevant development plan policies.

FOUL DRAINAGE:

As noted above, Southern Water had raised an objection on the grounds that there is inadequate existing wastewater treatment infrastructure to serve the development and that this application is therefore premature. In addition, local residents raise concern about there being inadequate local foul sewer capacity.

Part 3 of Arun Local Plan policy W DM1 is relevant. It states that:

"Major development within this area must also be accompanied by a full Drainage Impact Assessment which must take account of surface water disposal and foul water disposal." And that: "Where surface water and foul water drainage systems are approved as part of the consideration of a planning application, conditions may be imposed upon the permission relating to dates for implementation or other detailed technical requirements."

It is noted that Southern Water did not raise any objection to the proposed development on the adjacent land at Bonhams Field even though that site was also not an allocated site in the emerging Local Plan. Similarly, Southern Water raised no objection to the subsequent proposed outline residential development of land at Street Buildings (Y/49/17/OUT) and instead recommended a condition to ensure that details of foul sewerage disposal are agreed.

On this basis and in the interests of consistency, it would not be reasonable or fair to maintain the Southern Water objection and it is considered that subject to the full details of wastewater treatment being provided at reserved matters stage (enforced by a planning condition), that the scheme is in accordance with development plan policy.

TREES & ECOLOGY:

Objections have been raised by local residents as to the impact of the proposed development on wildlife species using the fields. It is noted that none of the specific wildlife species mentioned are protected species.

Policy D DM1 of the Arun Local Plan requires that the Council have regard to certain aspects including:

"7. Trees and woodland - All new development will be expected to incorporate existing and new tree planting as an integral part of development proposals."

In addition, policy ENV DM4 "Protection of Trees" states that:

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

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

Policy ENV DM5 states that: "Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)." And: "Where there is evidence of a protected species on a proposed development site, planning applications shall include a detailed survey of the subject species, with details of measures to be incorporated into the development scheme to avoid loss of the species."

YNDP policy E3 seeks to prevent the loss of natural habitat. However, it lists two possible exceptions - where mitigation measures ensure the integrity of the habitat or where the habitat is relocated to a site within 500m of the existing. In addition, policy E4 states that development sites should retain well-established features of the landscape, including mature trees and species-rich hedgerows. New tree planting will be required to mitigate any significant loss.

There are hedgerows surrounding the site and these will be retained and, in respect of the boundaries to the west & around the school, will also be enhanced. The application has been accompanied by a Preliminary Ecological Appraisal prepared by a chartered ecologist. This found there to be no protected species using the site or the buildings and that with the exception of bats using the field margins, the existing habitat was not suitable to support any protected species.

The site does not contain many trees and the Council Tree Officer does not consider that any of these warrant any additional protection. It is proposed to fell three of the on-site trees and no objection is raised to this. In addition to the enhancement of the existing hedgerows, it is also proposed to enhance the site with bird & bat boxes.

Overall, subject to the mitigation measures secured by planning condition, it is considered that the proposed development accords with the relevant development plan policies in relation to the impact on protected species and the potential for the scheme to protect existing habitats where possible and provide enhancements.

RESIDENTIAL AMENITY:

Objections have been raised by local residents as to the potential for harm to residential amenity.

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance." Regard should also be had to paragraph 127 of the NPPF which states that

"Planning policies and decisions should ensure that developments: (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

It is not considered possible to make a detailed assessment of residential amenity at this stage given that layout, scale and appearance are all reserved matters. However, in principle it is not considered that any of the proposed dwellings shown on the illustrative layout would be sited in such a way as to result in any harm to the privacy, outlook or amount of light to existing neighbouring properties. In particular the illustrative layout shows that there would be at least 50m between The Croft and any proposed dwelling. It should also be noted that there is no right in planning law to a view.

SPACE STANDARDS:

Arun Local Plan policy D DM2 states that: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) in order to determine whether the proposed replacement dwelling is suitable for residential use. However, it is not possible to make an assessment at this time as there are no floorplans.

Arun Local Plan policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to replace policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Until such time as this Design Guide is published, there is no policy within the ALP regarding private gardens sizes. However, paragraph 127 of the NPPF states that: "Planning policies and decisions should ensure that developments: (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

The applicants have proved a schedule of garden sizes to accompany the illustrative layout drawing. This shows that all gardens will exceed 10m in depth requirement which was a requirement of policy D DM3 and that garden areas will all comply with the area measurements as also previously required by policy D DM3. There is no current detail as to whether the four flats (plots 18-19 & 69-70) will have balconies or ground level patios. However, as layout, appearance and scale are reserved matters, it would not be possible to raise this as an objection.

AFFORDABLE HOUSING:

For all developments over 11 residential units, the Council requires the minimum provision of 30% affordable housing on site, as set out in Policy AH SP2 of the Arun Local Plan and in the Interim Affordable Housing Policy (2010).

The proposal includes 30% affordable housing, equating to 21 units and this therefore complies with the policy requirement. The applicant has stated that all of the affordable homes will be provided for rent and this has been queried by the Councils Housing Strategy and Enabling Manager on the grounds that it

may not be a viable offer for a registered partner to take forward. However, this can be resolved at a later time and the S106 agreement will specify that a detailed mix of affordable house types & tenures will be confirmed at the reserved matters stage.

Therefore the proposal accords with policy AH SP2 of the Arun Local Plan.

PUBLIC OPEN SPACE & PLAY:

Arun Local Plan policy OSR DM1 states that:

"Housing and, where viable, commercial development will be required to contribute towards:

- a. Open space provision in accordance with guidance set out in the current Open Space Study In some parts of the District open space provision is identified as being sufficient in terms of quantity. Therefore, provision of new open space is not deemed necessary but what is needed is to seek contributions for quality improvements and/or new offsite provision in order to address any future demand. For larger scale developments, the quantity standards should be used to help determine the requirements for open space provision as part of that development.
- b. Playing pitch provision in accordance with guidance set out in the Playing Pitch Strategy. This will include improvements to existing provision to increase playing capacity and providing hubs of new pitches.
- c. Indoor sport and leisure facilities through financial contributions in accordance with guidance set out in the Indoor Sport and Leisure Facilities Strategy which identifies a need for a new leisure centre in the West of the District.
- d. Strategic projects identified in the Leisure and Cultural Strategy."

The Councils supplementary planning document "Open Space & Recreation Standards" sets out standards for public open space. This guidance is considered to be out of date and so reference is made instead to the current Fields in Trust (FIT) standards as set out in "Guidance for Open Sport and Play: Beyond the Six Acre Standard" (October 2015).

The requirements in respect of this proposal are for public open space (POS) in accordance with the 32m² per person FIT standard (therefore a total of 5376m²) as well as a Local Equipped Area Play (LEAP) and a Multi Use Games Area (MUGA) all to be on the site. In addition, where open space is provided and is to be transferred to Council ownership, there would be a maintenance contribution equating to £13.51 per m².

The Councils Landscape department commented that the amount of public open space falls well short of the requirements (it was to be only 4000m²) and they also advised that an off-site contribution towards the existing multi use games area on the playing fields within the centre of Yapton cannot be sought as more than 5 contributions have already been allocated to this facility.

It should be noted that the applicants have proposed to gift 3500m² of the site to the School for the purposes of future expansion. This has therefore significantly reduced the amount of public open space available and has also reduced the space available for an on-site MUGA. It has therefore been agreed that a MUGA contribution/provision will not be sought and that the shortfall in the amount of public open space is acceptable. Therefore, the proposal includes an area of POS including an on-site Local Equipped Area of Play (LEAP) and the on-site POS will be subject to one of the following:

- (a) a management plan for the forward maintenance of the POS & LEAP which details the management regime and responsibility; or
- (b) where the POS & LEAP is to be handed over to the Council post practical completion, a commuted

sum payment of £13.51 per m2 of POS for future maintenance.

It should be noted though that if the area of land to be reserved for the expansion of the school is not taken up in a reasonable time period then it would revert back to being POS and the maintenance payment would be adjusted.

The proposal is therefore considered to be in accordance with policy OSR DM1 of the Arun Local Plan.

SUPPORTING INFRASTRUCTURE:

Arun Local Plan policy INF SP1 states that:

"The Local Planning Authority will support development proposals which provide or contribute towards the infrastructure and services needed to support development to meet the needs of occupiers and users of the development and the existing community. Infrastructure provision and contribution towards services should be delivered using the following approach:

(1) Testing the capacity of existing infrastructure and where there is insufficient infrastructure capacity to support new development, mitigate the impacts of the development, provision should be secured and must be operational no later than the completion of the development or phase of development for which it is needed.

(2) Infrastructure provision or improvements should be provided on-site as an integral part of a development, wherever possible and appropriate;

(3) Off-site measures will require planning obligations or financial contributions, to secure the necessary provision; and

(4) Where a contribution towards other district wide infrastructure improvements or provision is needed and viable this will be achieved through the Community Infrastructure Levy Charging Schedule and Regulation 123 Infrastructure List which will be introduced as soon as possible after the adoption of this Local Plan. Until such time as a Charging Schedule is adopted contributions will be achieved through planning obligations (where they meet the statutory tests).

Any on-site provision or financial contribution required to address unacceptable impacts must meet the statutory tests for planning obligations required by Regulation 122 of the Community Infrastructure Regulations 2010.

The Local Planning Authority will support proposals by service providers for the delivery of utility infrastructure and the improvement or development of locally and regionally important infrastructure where needed to serve existing or new development required through this Plan, or to secure long term supply, subject to other relevant policies."

West Sussex County have requested financial contributions in respect of primary education, secondary education, 6th form education, libraries and fire & rescue. The level of these contributions will be based on a formula to allow the contribution amounts to be calculated using the housing mix at the reserved matters stage.

The contributions will be spent on the following projects:

- * Additional small scale improvements at Yapton CE Primary School (or on alternative primary school provision elsewhere in the District subject to meeting the CIL tests);
- * Expansion of the Ormiston Six Villages Academy in Westergate;
- * Restructuring of the St Phillip Howard, Catholic School (6th Form) in Barnham;
- * Expansion of facilities at Littlehampton Library;

- * The supply and installation of additional fire safety equipment in the West Sussex Fire Rescue Services Southern Area serving Yapton; and
- * The Barnham to Littlehampton Cycle Improvements Scheme (ID 82).

It is noted that the inspector, in determining a relatively recent (Burndell Road, Yapton) Call in appeal decision (ref APP/C3810/V/16/3158261), considered that the requested fire safety contribution was not compliant with the CIL Regulations. However, WSCC have justified their request in respect of this application on the basis that the request for the Burndell Road application was for smoke alarms whereas on a more recent Ford Lane appeal (APP/C3810/W/17/3170059), the request was for fire safety equipment and this was accepted as being compliant by that Inspector. WSCC are strongly of the opinion that the fire & rescue contribution are CIL compliant.

Sussex Police were consulted on the application and did indicate in August 2017 that a request for funding contributions might be forthcoming but no communication has since been received. It is not considered appropriate to delay the application due to this non-response so the Section 106 is being prepared without any Police contribution.

The NHS have requested a contribution of £81,517 to be spent on managing Treatment Room capacity at the "Avisford Medical Group" facility in Yapton.

In addition, there is currently an offer to transfer 3500 sqm of land to WSCC for the purposes of enlarging the school site and potentially enabling its expansion (subject to a separate application and funding being secured). The amount of land to be reserved for the school has been arrived at through an Inception Study which built on the previous MACE High Level Feasibility Study. The Inception Study details the land required for a 3 Form Entry (FE) School meeting BB103 (Building Bulletin 103 "Area Guidelines for Mainstream Schools"). This transfer is not required to mitigate the needs to this development. However, it has been offered in order to facilitate the expansion of primary education in Yapton in accordance with the wishes of Yapton Parish Council and WSCC. This is an element of the planning obligation that cannot be taken into consideration in the determination of this application as the obligation is not required in order to make this scheme acceptable.

The expansion plans have been subject to consultation with Yapton Parish Council, WSCC and with the Headteacher of the School.

The land transfer has been accepted in principle by WSCC and will form part of the S.106 legal agreement.

With the exception of the land for the school all of the above contributions/provisions are considered to be necessary to make the development acceptable in terms of ALP policy INF SP1, are directly related to the needs of the development (with the contributions required to meet the demands of - and mitigate the impacts of - the development), and are fairly & reasonably related in scale and kind (the level of contributions have been calculated so as to be proportional to the amount of new development).

SUMMARY:

This outline planning application considers the development of 70 residential dwellings together with access through an adjoining site. This adjacent land is in the control of the applicant, previously benefitted from an outline planning permission and is also allocated for residential development within the Yapton Neighbourhood Development Plan (YNDP). All other matters regarding design, layout, appearance, scale and landscaping are to be the subject of a reserved matters application.

It is recommended that the application be approved subject to the following conditions and signed

Section 106 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

This recommendation is made subject to the completion of a S106 legal agreement which will concern the following provisions and triggers:

AFFORDABLE HOUSING

30% (21) affordable homes on-site with a tenure split and dwelling type to be agreed at a later date with the Council and set out in an Affordable Housing Statement. To be transferred to an Affordable Housing Provider prior to occupation of the 30th dwelling.

PUBLIC OPEN SPACE & PLAY

An area of Public Open Space including an on-site Local Equipped Area of Play. The on-site Public Open Space will be subject to one of the following:

- (a) a management plan for the forward maintenance of the Public Open Space & Local Equipped Area of Play which details the management regime and responsibility; or
- (b) where the Public Open Space & Local Equipped Area of Play is to be handed over to the Council post practical completion, a commuted sum payment of £13.51 per m2 of Public Open Space for future maintenance.

The Public Open Space and Local Equipped Area of Play shall be provided prior to occupation of the

50th dwelling.

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LIBRARIES

Formula for calculation at the reserved matters stage to be spent on the expansion of facilities at Littlehampton Library. To be paid on commencement of development.

FIRE & RESCUE:

Formula for calculation at the reserved matters stage to be spent on the supply and installation of additional fire safety equipment in the West Sussex Fire Rescue Services Southern Area serving Yapton. Payable prior to occupation of the 30th dwelling.

EDUCATION LAND

The land shown hatched on the illustrative block plan (3500m²) to be safeguarded and retained as cleared land from the point that the development is commenced. The land will then be transferred to WSCC at a trigger point of 6 months from the end of a 6 week Judicial Review Challenge Period following the date of issue of the planning permission.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 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 3 years beginning with the date of this permission:-
 - (a) Layout;
 - (b) Scale;
 - (c) Appearance;
 - (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 be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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 plans:
 - Drawing 6468-04 "Location Plan";
 - Swept path analysis drawing 2014/2270/002 Rev A; and
 - Proposed access arrangement drawing 2014/2270/001 Rev C.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1 and T SP1 of the Arun Local Plan.
- 4 All demolition & construction works are to be carried out in strict accordance with:- Arboricultural Method Statement Report Ref: PJC 4372/17-02 -23rd June 2017 and Tree Protection Plan ref: PJC 4372/17/A Rev 01 - 16th May 2017.

Reasons: To comply with BS5837 and with Arun Local Plan policy ENV DM4 to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area.
- 5 The development must be carried out in accordance with the recommendations and mitigation measures as set out within section 5.10 "Ecological Enhancements" of the Preliminary Ecological Appraisal (June 2017) by PJC Consultancy and drawing LLD1136/01 Rev 01 "Ecological and Landscape Masterplan Strategy". The enhancements and mitigation measures shall be implemented as per the document and then permanently retained and thereafter maintained as fit for purpose.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.
- 6 Prior to any demolition or construction works or changes in site levels taking place or the introduction of machinery and plant to the site the following issues must be resolved to the

complete satisfaction of Arun District Council:-

(1) A Pre-Commencement Site Meeting is to take place between the Arun DC Tree Officer and the Arboricultural Consultant representing the site owners - at this meeting all protective fencing will be inspected along with ground protection measures - they will be assessed to verify that they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the Tree Protection Plan PJC 4372/17/A Rev 01 - 16th May 2017.

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

Reason: To comply with BS5837 and with Arun Local Plan policy ENV DM4 to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area. This is required to be a pre-commencement condition as it is necessary to protect the trees prior to any operations starting on site.

- 7 Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and a 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 that the proposed development has a satisfactory means of disposing of foul sewerage in accordance with policies W DM1 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a foul drainage scheme once development had been completed.

- 8 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 in accordance with policy W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because it would not be possible to implement a surface drainage scheme once development had commenced.

- 9 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 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 and policy W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because surface water drainage goes to the heart of the planning permission.

- 10 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with both Highways England and West Sussex County Council). 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 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 the provision of temporary Traffic Regulation Orders),
- * details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with policies D DM1 and T SP1 of the Arun Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction traffic.

- 11 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Where demolition is required 1. and 2. above should be submitted prior to demolition. Parts 3. and 4. can take place post demolition if necessary.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun Local Plan policies D DM1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 12 Prior to the commencement of development, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of 'superfast broadband' (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site shall be carried out in accordance with the approved strategy.

Reason: To safeguard the amenities of future residents in accordance with Arun Local Plan policy TEL SP1 and Yapton Neighbourhood Plan policy BE1. It is considered necessary for this to be a pre-commencement condition because the provision of broadband needs to be incorporated into the design for the site.

- 13 Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed in an appropriate standard in accordance with Arun Local Plan policies D DM1 and QE DM4.

- 14 No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking spaces for the use in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 15 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with policy T SP1 of the Arun Local Plan 2011-31 and the National Planning Policy Framework.

- 16 No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport in accordance with policy T SP1 of the Arun Local Plan 2011-31 and the National Planning Policy Framework.

- 17 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 policy W DM3 of the Arun Local Plan.

- 18 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 and in accordance with policy W DM3 of the Arun Local Plan.

- 19 Prior to occupation of any of the dwellings, an electric vehicle charge point shall be installed to serve each dwelling and this shall then be permanently retained and maintained in working condition.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan and the National Planning Policy Framework.

- 20 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 policy QE DM4 of the Arun Local Plan.

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

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

- 22 No removal of trees, shrubs or other vegetation that may contain birds' nests shall take place between 1st March and 31st August inclusive, unless a suitably qualified ecologist/wildlife specialist has undertaken a careful, detailed, check of vegetation for active birds' nests immediately before the vegetation is cleared and confirmed that no nests will be harmed. Where nests are discovered, the vegetation shall remain in place until nesting activity has ended naturally and the ecologist has confirmed that it is safe to proceed.

Reason: To prevent interference with the breeding success of wild birds in the interests of biodiversity conservation, as well as to ensure compliance with the legal protection of birds, their nests and eggs under Section 1 of the Wildlife and Countryside Act 1981, as amended and in accordance with policy ENV DM5 of the Arun Local Plan.

- 23 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 (or equivalent current standard).

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

- 24 There is a requirement that the proposed reserved matters submission conform to the following range of dwellings: 1-bed dwellings: 10-15% of all dwellings; 2-bed dwellings: 25-35% of all dwellings; 3-bed dwellings: 45-55% of all dwellings ; and 4+-bed dwellings: 5-10% of all dwellings.

Reason: In accordance with policy H2 of the Yapton Neighbourhood Plan and policy H DM1 of the Arun Local Plan in the interests of ensuring homes are provided to meet local demand.

- 25 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the National Planning Policy Framework, March 2012). Details and a timetable of how this is to be achieved for each phase or sub phase of development, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development in that phase or sub phase begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy in accordance with national planning

policy, in accordance with policy ECC SP2 of the Arun Local Plan.

- 26 As part of the approval of the reserved matters application, the applicant shall include details of how the scheme will link with surrounding land. The links shown shall then be provided prior to completion of the development and retained in perpetuity.

Reason: To promote sustainable development by encouraging walking and cycling in accordance with policy D DM1 of the Arun Local Plan and the National Planning Policy Framework.

- 27 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 28 INFORMATIVE: Please note the following comments of Landscape Officers:

"The indicative layout shows a large open space area which creates a usable space and is good to see. Open space in this form will also allow for the establishment of good sized habitat corridor buffers and for the bolstering of existing boundaries.

A clear indication of the proposed future management of the open space must be set out. A clear directive of responsibility should be set out with this statement explaining how the differing typologies will be maintained i.e. responsibility of any formal/informal public realm areas. Open space must be designed to include dog bins, litter bins, fencing and be gated and to prevent vehicular access except for maintenance. There must be no small unusable pockets of open space. Provision for interpretation ecological and historical features and management must be included.

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; and
- * To provide a sense of flow and cohesion between the different elements of the landscape, buildings, open areas and surrounding environment.

Whilst indicative information contained within the Landscape Strategy and Outline Plant Specification has been provided this will need to be provided in plan form detailing species choice, position, densities and size at time of planting. This should be plotted in plan and list form and in relation to the trees and vegetation to be retained so that a clear picture of the proposals can be seen. These details are required to ensure that appropriate screening is provided, maintaining and uncompromising the setting and ensuring that the proposals fit within the area of neighbouring properties, providing screening as required, whilst benefiting the potential of the proposed developments usage.

The use of any part of the POS for SUDS across the development needs to be integrated and detail provided regarding the future management and maintenance of these areas. The recommendation that these are subject to RoSPA or similar organisation inspection should be noted. Indication must be provided as to whether these are likely to be wet or dry areas; this has implications where situated near to residents and play areas. Where they are to remain wet for long periods their safety must be assessed where these are in close proximity to large residential areas. Any such SUDS features including swales, wet balancing ponds, reed beds and wetland areas should be designed as beneficial wildlife, amenity and landscape features as incorporated as part of an open space or landscaping scheme for the development."

29

INFORMATIVE: Please note the comments of Sussex Police:

"The development in the main has outward facing dwellings with back to back gardens which has created good active frontage with the streets and the public areas being overlooked, this design has all bar one, eliminated the need for vulnerable rear garden pathways. Parking has been provided for with in-curtilage, garage and on-street parking bays, this should leave the street layout free and unobstructed.

Where communal parking occurs it is important that they must be within view of an active room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. Gable ended windows can assist in providing observation over an otherwise unobserved area.

As the first line of defence, perimeter fencing must be adequate with vulnerable areas such as side and rear gardens needing more robust defensive barriers by using walls or fencing to a minimum height of 1.8 metres. In circumstances that require a more open feature such as a garden overlooking a rear parking court or a rear garden pathway, 1.5 metre high close board fencing topped with 300mm of trellis can achieve both security and surveillance requirements. This solution provides surveillance into an otherwise unobserved area and a security height of 1.8 metres. Gates that provide access to the side of the dwelling or rear access to the gardens must be robustly constructed of timber, be the same height as the adjoining fence and be lockable from both sides. Such gates must be located on or as near to the front of the building line as possible.

The design and layout whilst very positive has created an unobserved parking area behind plot 52 that is vulnerable, additionally this area provides unobserved access to a number of rear gardens.

Areas of play should be situated in an environment that is stimulating and safe for all children, be overlooked with good natural surveillance to ensure the safety of users and the protection of equipment, which can be vulnerable to misuse.

Planting must be managed to ensure natural surveillance is maintained at all times. I would recommend that the eventual location is surrounded with railings with self-closing gates to provide a dog free environment.

Lighting throughout the development would be very important and where implemented is to conform to the recommendations within BS 5489:2013. SBD promotes that external dwelling lighting is switched using a dusk till dawn sensor, not PIR operated lighting."

30

INFORMATIVE: If a sewage treatment plant or related pumping station is required on the site

then there should be a distance of at least 15m between the pumping station/treatment plant and any residential dwelling.

- 31 INFORMATIVE: Drainage Engineers advise that Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also available on request.
- 32 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.
- 33 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to:

AFFORDABLE HOUSING

30% (21) affordable homes on-site with a tenure split and dwelling type to be agreed at a later date with the Council and set out in an Affordable Housing Statement. To be transferred to an Affordable Housing Provider prior to occupation of the 30th dwelling.

PUBLIC OPEN SPACE & PLAY

An area of Public Open Space including an on-site Local Equipped Area of Play. The on-site Public Open Space will be subject to one of the following:

- (a) a management plan for the forward maintenance of the Public Open Space & Local Equipped Area of Play which details the management regime and responsibility; or
- (b) where the Public Open Space & Local Equipped Area of Play is to be handed over to the Council post practical completion, a commuted sum payment of £13.51 per m2 of Public Open Space for future maintenance.

The Public Open Space and Local Equipped Area of Play shall be provided prior to occupation of the 50th dwelling.

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A contribution of £81,517 to be spent on managing Treatment Room capacity at the "Avisford Medical Group" in Yapton. To be paid on commencement of development.

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A contribution of £180,000 to enable the A27/Yapton Lane junction (extension of right turn

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Formula for calculation at the reserved matters stage to be spent on the expansion of Ormiston Six Villages Academy, Westergate. To be paid on commencement of development.

6TH FORM EDUCATION

Formula for calculation at the reserved matters stage to be spent on the restructuring of the St Phillip Howard, Catholic School (6th Form) in Barnham to cater for the additional student population. To be paid on commencement of development.

LIBRARIES

Formula for calculation at the reserved matters stage to be spent on the expansion of facilities at Littlehampton Library. To be paid on commencement of development.

FIRE & RESCUE:

Formula for calculation at the reserved matters stage to be spent on the supply and installation of additional fire safety equipment in the West Sussex Fire Rescue Services Southern Area serving Yapton. Payable prior to occupation of the 30th dwelling.

EDUCATION LAND

The land shown hatched on the illustrative block plan (3500m²) to be safeguarded and retained as cleared land from the point that the development is commenced. The land will then be transferred to WSCC at a trigger of 6 months from the end of a 6 week Judicial Review Challenge Period following the date of issue of the planning permission.