

REPORT UPDATE

Application No: Y/49/18/PL

Reason for the Update / Changes

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ENVIRONMENTAL HEALTH (NOISE)

The Councils Environmental Health Officer has provided the following comments in respect of noise:

"1. With reference to Clarke Saunders Acoustic Design Statement (May 2018) Ref: AS10285.180326.ADS and the subsequent Technical Note Ref: AS10285.180326 ADS, Environmental Health require that all mitigation measures referred to therein are adhered to.

2. Please place the following condition on any permission given:

Before first occupation of each dwelling, post validation testing shall be undertaken by a competent person to determine compliance with the acoustic report referred to in point 1 produced by Clarke Saunders. This must be submitted to and agreed in writing with the Local Planning Authority before first occupation."

Two additional conditions are proposed (nos. 05 & 13) and these are included in the attached amended replacement recommendation.

CHANGE TO THE RECOMMENDATION

The current report requests delegated authority to determine the application on a date after this Committee Meeting in accordance with the comments of Environmental Health. However, as Environmental Health have now responded and have raised no objections, there is no longer any need to obtain such delegated approval and members are now able to determine the application on the day of the Meeting. Members are therefore requested to ignore the third paragraph in the summary section of the report's conclusions.

ADDITIONAL REPRESENTATION

The Council has received an email from a local resident stating that:

"I write to say that so long as this site for 10 units forms part of Yapton Parish's additional allocation numbers then I am prepared to withdraw my objection. As a horse rider, may I add that any measures that planners are able to take when considering applications in this area generally, to help us to get off the increasingly busy roads and onto safe off-road multi-user routes, would be very welcome."

This does not warrant any changes to the recommendation.

CORRECTIONS TO THE PLANS CONDITION

The agent has requested a couple of changes to the plans condition to remove duplicate plans. The changes have removed Drawing 2.10 Rev A "Site Plan" (1:250 scale) which was superseded at the

validation stage and Drawing 2.13 - Street Elevations (colour) which is a repeat of the non-colour version.

The amended plans condition (no. 2) is included in the attached amended replacement recommendation.

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 Planning Permission

REF NO: Y/49/18/PL

LOCATION: Land East of North End Road
Yapton

PROPOSAL: Development of 10No. residential properties & associated infrastructure. This application is a Departure from the Development plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	10 x two storey residential dwellings (7 x 3 bedrooms, 2 x 2 bedrooms and 1 x 4 bedrooms) accessed by new ramped access onto North End Road situated at the north end of the site. Parking provision will be 2 spaces per dwelling except for the 4 bedroom which will have 3 spaces. There will be 3 visitor spaces. Total parking is 24 spaces. Four of the spaces are provided by car barns and a fifth by a garage. All the plots include bin and cycle stores and new landscaping and boundary treatments are shown. The boundary to North End Road will have 1.8m timber fencing set 1m back from the top of the retaining wall and with hedging in between.
SITE AREA	0.4 hectares
RESIDENTIAL DEVELOPMENT DENSITY	25 dwellings per hectare.
TOPOGRAPHY	The site is predominantly flat but is approximately 1m higher than North End Road and has a 1.2m retaining wall to this boundary.
TREES	Trees within the site are almost exclusively managed as hedgerow, are of variable quality and confined to the perimeter.
BOUNDARY TREATMENT	The site is bordered by a Leylandii hedge to the north and west. There is a 1.8m green palisade fence to the southern boundary.
SITE CHARACTERISTICS	Unused grassed land in the ownership of the Orchard Business Park. The business park (located to the east) is accessed by a road to the south of the site. There is a dropped kerb on the north side and a track still runs within the site up to

the boundary in line with this dropped kerb. Access to the track is bricked up along the frontage

CHARACTER OF LOCALITY

Located on the edge of Yapton but relatively built up. The business park is to the east (comprising of one to one and a half storey buildings) and there are a mix of houses and commercial buildings to the south. Further dwellings on the western side of North End Road.

RELEVANT SITE HISTORY

Y/30/04/	Recladding and change of use of former nursery buildings to B1/B8 commercial units and formation of a new access road.	ApproveConditionally 22-12-04
Y/39/01/	Renewal of temporary permission Y/48/99 for the use of former agricultural buildings for B1 (business) and/or B8 storage use.	ApproveConditionally 19-11-02

There are two planning permissions concerning the use of the units within the adjacent business park.

Application Y/39/01/ relates to units 1-3 and allows for use as B1 (light industry/office/research & development) or B8 (storage & distribution). It was subject to an hours of working restriction that only allows work between 7am and 6pm Monday to Friday and 7am and 1pm on Saturdays (no Sunday or Bank Holiday). This permission also led to the closure of the access onto North End Road which this application now seeks to reinstate.

Subsequently Y/30/04/ was permitted in respect of blocks A and B. It contains the same conditions in respect of use and hours of working.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council

Yapton Parish Council

Originally wrote to object to the application but provided a revised/updated response on the 13/11/18 supporting the scheme subject to certain criteria.

"...there have been two significant changes in planning terms, impacting YPC's assessment, of this particular site.

- YPC's objection on loss of employment land ie contrary to Policy EMP DM1 no longer stands.
- YPC has begun its review and updating of its made Neighbourhood Plan along with engaging fully with ADC's Non-Strategic Site Allocations Development Plan Document (DPD) process. Yapton Parish's housing allocation will need to increase from its historic YNP 120 unit figure by a possible additional 90 unit maximum, subject to ADC carrying out a further SA.

ADC recognise and agree that the proposed 10 units will positively contribute as part of Yapton Parish's non-strategic site allocations housing number currently being suggested by ADC.

This being the case, YPC will consider this application as part of the ALP's policy to accommodate additional housing through either an updated NP or the non-strategic site allocations DPD process (ALP 2018 H12.1.6) whichever is finally deemed the most appropriate route to adopt. YPC is therefore prepared to withdraw its objection to the above planning application on this basis and conditional upon the following criteria been met:

1. YPC wish to see active promotion of a permanent safe crossing point, ideally a pelican crossing or at very least a zebra crossing, on North End Road close to the Primary School.
2. YPC and its residents have a strong desire to ensure that all new developments within the Parish are connected via multi-user routes and good use of new open space or landscaped through ways. Such a route would eventually link with all new schemes creating a green outer village BUAB multiuser non-vehicular route linking both the old with the new and ensuring safe passage to all the villages' facilities and surrounding countryside thus promoting wellbeing and healthy lifestyles whilst enhancing Yapton's rural heritage.
3. Any scheme must reflect the village's historic core.
4. YPC expect this proposal and its housing numbers to form part of the Parish's additional housing requirement as stated earlier in this letter and as agreed with ADC's Planning Policy Team.
5. The proposed housing mix must account for village need and not purely District requirements.

YPC is therefore prepared to withdraw its standing objection to this proposal on the basis set out above.

In addition, 7 letters of objection have been received raising the following issues:

- (1) Application is premature until the Yapton Neighbourhood Plan has been reviewed;
- (2) Departure from Development Plan;
- (3) Already enough housing applications in Yapton;
- (4) This should be considered alongside all other current/recent Yapton housing developments;
- (5) Unsustainable application;
- (6) Impact of new level crossing and school parking on the new access;
- (7) How does the new access relate in safety terms to other approved developments in Yapton;
- (8) Insufficient detail provided to explain how non-motorised user movement is designed into scheme;
- (9) Insufficient detail to show how on-street parking will be eliminated; and
- (10) Loss of land needed for employment purposes - conflict with EMP DM1 and YNDP policy BE1.

COMMENTS ON REPRESENTATIONS RECEIVED:

The following comments are offered in respect of the Yapton Parish Council response:

1. Traffic

This was not necessary for Stakers Farm (Y/44/17/OUT) to provide for this. It is not considered that this can be justified as there is no request from highways, no policy in the development plan and the small size of the site.

2. Connectivity

There have been discussions between the Council and developers about linking developments on the west side of North End Road via a new footpath link. This site lies on the opposite side of North End

Road. It is accepted the site borders with site approval Y/80/16/OUT for up to 100 dwellings. There are no firm layout plans for that scheme and it would be difficult, at this time, given that Y/49/18/PL is a detailed application, to work out how or where a footpath could be provided. The description for Y/80/16/OUT includes a pedestrian link to North End Road. This would exit onto the pavement and this pavement ensures a seamless pedestrian route southwards along the front of the site.

3. Conservation Area/Design

The site is sensitive due to its elevated position however, the closest part of the Conservation Area is around 170m to the south east therefore it is not appropriate to describe the site as being adjacent to the Conservation Area. Design and character issues are considered within the report's conclusions.

4. Parish Allocation Housing Numbers

Noted.

5. Housing Mix

Yapton Neighbourhood Development Plan (YNDP) policy H2 sets out a desired dwelling mix but this only applies for schemes of 15 or more dwellings. In accordance with YNDP policy H3, a condition will be imposed to ensure that 25% of the 2 and 3 bed dwellings to be provided are delivered to Lifetime Homes (or equivalent) standards.

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

- (1) - (2) These issues will be considered within the report's conclusions;
- (3) Noted, Yapton Parish Council state they would like this site to contribute to the amount of housing required to be allocated through a Yapton Neighbourhood Development Plan (YNDP) revision;
- (4) The application is being considered in the same policy environment as other Yapton developments;
- (5) Sustainability is considered within the report's conclusions;
- (6) - (7) WSCC Highways have assessed the application having regard to the issues present in the locality which include on-street parking near the school and the level crossing upgrade.
- (8) There is sufficient detail as the plans demonstrate there will be a pedestrian link between the site and the existing pavement along the frontage;
- (9) The proposals demonstrate a sufficient level of parking to meet the likely parking demand according to WSCC standards; and
- (10) This will be considered within the report's conclusions.

CONSULTATIONS

WSCC Strategic Planning
Surface Water Drainage Team
Parks and Landscapes
Southern Water Planning
Sussex Police-Community Safety
Engineering Services Manager
Engineers (Drainage)
Archaeology Advisor
NHS Coastal West Sussex CCG

Economic Regeneration
Arboriculturist
Ecology Advisor
Environmental Health

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - no objections subject to an informative regarding connections to the foul sewer.

SUSSEX POLICE - no objections but list a number of notes on the scheme and methods to improve security.

WSCC HIGHWAYS - raise no objection subject to conditions. Comments as follows:

Access - The previous access will be re-instated and will allow two cars to pass each other. A footpath will link the development to the existing roadside pavement.

Turning - There is adequate turning on site for cars as well as refuse/fire vehicles.

Visibility - Proposed splays at the access will be 2.4m x 55m to the north and 2.4m x 120m to the south. The existing wall outside the site will be reduced in height to accommodate the 120m visibility splay to the south.

Parking - The WSCC car parking calculator suggests that the parking proposal would meet the expected demands. All spaces are to the correct sizes.

Road Safety Audit - A Stage 1 Road Safety Audit was undertaken but no issues were found. In the last 5 years there has been 3 recorded accidents along North End Road in the vicinity of the application; but not at the access location. These were not related to any highway defect.

Capacity Impact - A TRICS analysis was undertaken and proposed an additional 4 trips onto the highway network in the morning and afternoon peaks; as such this would not be considered severe.

Sustainability - The site is located in a good position in close proximity to local amenities, and public transport, and the national cycle network. Bus stops are on both sides of the road and provide routes within and beyond Yapton.

WSCC FLOOD RISK MANAGEMENT - no objection subject to a surface water drainage condition. Note the following:

- The site is at a low risk of surface water flooding;
- Any existing surface water flow paths across the site must be maintained;
- A wholesale site level rise via the spreading of excavated material should be avoided; and
- The area of the proposed development is shown to be at high risk from groundwater flooding based on current mapping (which is based on modelled data only).

WSCC INFRASTRUCTURE - requested the provision of contributions to the following local infrastructure projects:

- additional equipment at Yapton Primary School (£42,675);
- additional equipment at Ormiston Six Villages Academy (£45,927); and

- classroom infrastructure at St Philip Howard Catholic High School Sixth Form (£10,759).

Where the developer intends to keep some of the estate roads private, there will need to be a provision in any s106 agreement to ensure that they are properly built, never offered for adoption and that a certificate from a suitably qualified professional is provided confirming their construction standard.

COUNCILS ECOLOGIST - no objection subject to wildlife enhancements being secured, a bat sensitive lighting scheme, no felling of trees during bird breeding season unless first checked by an ecologist) and the land to be managed so as to prevent reptile habitat developing.

COUNCILS ARCHAEOLOGIST - no objection. State that whilst this site is on a part of the coastal plain that would be expected to contain archaeological deposits, it is not so large that this is likely to be a certainty. In the circumstances, and given the lack of any other reason to expect it to contain anything of archaeological interest, there is little reason to recommend either refusal or the requirement of other mitigation measures.

ADC LANDSCAPE OFFICER - no landscape objection. Require a landscape condition to ensure the final scheme is sufficiently greened and to maximise/enhance the biodiversity of the site.

ADC TREE OFFICER - no objection subject to conditions. Consider that:

- The Tree Survey data is comprehensive and accords with the requirements of BS5837:2012;
- Those trees within the site are almost exclusively managed as hedgerow, of variable quality and confined to the perimeter;
- While the roadside section of hedgerow (H1) has screening value it is not of sufficient value so as to be a complicating factor;
- That said, it is reassuring to see that the vast majority of H1 will be retained and afforded adequate group protection. This will undoubtedly add some value to the development;
- H2 is of low value although the removal of such a long group of established trees of any kind should be mitigated by the implementation of a comprehensive replacement tree planting scheme; and
- There would appear to be ample opportunity to implement an ambitious replacement tree/shrub planting programme, utilising some species that will have longevity and thereby provide both landscape and ornamental value for this development and the surrounding area.

ADC ECONOMIC REGENERATION - no objection. Would ask that the developer sign the Arun Developer and Partner Charter and work with the ED Team on an event to engage with local suppliers as well as producing and implementing a Work and Skills Plan.

ADC DRAINAGE ENGINEER - no objection subject to conditions. Surface water drainage strategy states soakaways will be used but infiltration test results are very low. It is suspected this is due to tests being completed at too great a depth. Require winter groundwater monitoring completed between October and March inclusive and winter infiltration testing to be completed at appropriate depths based on this (i.e. infiltration tests completed above maximum recorded winter groundwater levels and at proposed depths of soakaways). Soakaways must be investigated for surface water disposal.

ADC ENVIRONMENTAL HEALTH -

The Councils Environmental Health Section has now commented on the application. They have made the following points:

Construction, Contamination & Air Pollution:

- (1) Request further sampling to determine the extent of asbestos contamination;
- (2) Request that the groundwater monitoring report be provided when complete;
- (3) Request a condition to secure electric charge points to serve the dwellings;
- (4) Request an hours of working condition for the construction phase of the development; and
- (5) Request a scheme for the minimisation of dust generation/suppression of dust during construction.

Noise:

- (A) Consider that the site and plot layout does not appear to have been considered in order to mitigate noise impact sufficiently. Private gardens are placed closest to the known noise source (extractor fan);
- (b) The assessment of noise from the industrial units has taken account of the existing set up rather than the worst case scenario for the existing business class use of all units. Any intensification of the site could therefore have a detrimental impact on the dwellings once occupied;
- (C) The acoustic report has not provided outside amenity noise levels in the gardens across the entire site to show compliance with the WHO standards. There may be multiple potential noise point sources (from the industrial units) and a line source of noise from the road;
- (D) The noise from the extractor fan unit may constitute a Statutory Nuisance under the Environmental Protection Act 1990 and therefore the development, if approved, would curtail use of the industrial site contrary to paragraphs 170e and 180 of the NPPF;
- (E) There is no indication of the reasoning behind the high noise levels apparent in the raw noise data;
- (F) The proposed mitigation measures (sealed shut windows & alternative ventilation) will not provide sustainable well built residential properties for future residents; and
- (G) Any future submission should include (i) discussion of the noise sources and the specific & separate (or cumulative if appropriate) impacts that these would have on the dwellings; (ii) a noise contour map for the LAeq daytime and night time for both road noise and industrial noise using the worst case scenario; and (iii) the full workings out and raw data for any BS4241 calculations to be provided.

COMMENTS ON CONSULTATION RESPONSES:

The Environmental Health requests relating to construction, contamination and air pollution are all covered by planning conditions.

In response to the noise objection, the applicant has provided a written response which is currently with the Environmental Health Officer (EHO) for review. Further EHO advice will be reported to members at the meeting.

It should be noted that all of the pre-commencement conditions have been agreed by the applicant.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Flood Zone 1;
PD Restriction;
Lidsey Treatment Catchment Area; and
Area of Advertisement Control.

DEVELOPMENT PLAN POLICES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality

DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
HERSP1	HER SP1 The Historic Environment
HSP1	HSP1 Housing allocation the housing requirement
INFSP1	INF SP1 Infrastructure provision and implementation
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
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 E4	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E5	Minimising the environmental impact of development
Yapton neighbourhood plan 2014 Policy E11	Enhancement of biodiversity
Yapton neighbourhood plan 2014 Policy H1	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy H2	Housing requirement
Yapton neighbourhood plan 2014 Policy H3	Dwelling size
Yapton neighbourhood plan 2014 Policy PK1	Dwellings appropriate for the needs of older people
Yapton neighbourhood plan 2014 Policy BE1	Parking standards for new residential development
	Protection of existing commercial premises or land

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's

Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

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

Relevant policies of the Yapton Neighbourhood Development Plan have been considered in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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 location of the site which although outside the built up area boundary, has designated built up area boundary on two sides and partly opposite - and has a long established business park to the rear;
- The National Planning Policy Framework (NPPF) and associated guidance particularly in respect of Sustainable Development;
- The Council's 5.3 year housing land supply includes provision of at least 1,250 homes to be identified through 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 development as they have a desire for this site to contribute to that process;
- The Councils' 2017 HELAA which assessed the site (ref 17Y1) as being deliverable and noted the site is considered suitable in principle for future housing potential, because of its accessibility to facilities, job opportunities and public transport, and because there are no insurmountable constraints.

CONCLUSIONS

PRINCIPLE:

The Development Plan comprises the Arun Local Plan 2011-2031, the Yapton Neighbourhood Development Plan (November 2014) and the West Sussex Waste and Minerals Plans.

Arun Local Plan:

The key policy considerations in the determination of this application are considered to be H SP1, 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 SD SP1 states the council takes a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

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. Policy C SP1 "Countryside" states 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.

The proposal would be contrary to the principles of ALP policies SD SP2 and C SP1. However, it is noted the site lies in a pocket of countryside with settlement designations (BUAB) to both the immediate north (outline permission Y/80/16/OUT), south (which is existing built housing forming part of the settlement) and in part to the west (being the neighbourhood plan residential allocation for dwellings north of the primary school). The land to the east is an existing, long established business park.

Yapton Neighbourhood Development Plan:

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

Policy BB1 states 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.

Policy H1 states that:

"The minimum housing requirement for Yapton over the period 2014 to 2029 will be established by the (emerging) Arun Local Plan. An additional buffer of 20% over and above the minimum housing requirement will be permitted to allow for flexibility and consumer choice..... Additional allocations will be made if the (emerging) Arun Local Plan requires such action or if the identified housing sites do not proceed."

The proposal therefore conflicts with YNDP policy BB1 and H1.

National Planning Policy Framework (NPPF):

The NPPF was published in July 2018 and is a material consideration in the determination of planning applications. It sets out a presumption in favour of approving sustainable development. However, at para 12, it is clear that:

"The presumption in favour of sustainable development does not change the statutory status of the

development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."

Other Material Considerations:

The Councils' 2017 HELAA assessed the site (ref 17Y1) as being deliverable and states the site is considered suitable in principle for future housing potential, because of its accessibility to facilities, job opportunities and public transport, and because there are no insurmountable constraints.

It is noted that the Council's 5.3 year housing land supply includes a provision of at least 1,250 homes to be identified through the review of Neighbourhood Plans and through a Non-Strategic Site Allocations Development Plan Document (DPD) and Yapton Parish Council has expressed support for the development as they have a desire for this site to contribute to that process.

Sustainability:

The site is clearly environmentally sustainable as it lies on the northern edge of Yapton and it will be possible for residents to use non-car means of transport to access schools, shops and other basic services. It is noted that pedestrians would have the benefit of street lit pavement to access services to the south of the site.

The proposal could help to support the local community by providing 10 dwellings with a mix of bedrooms to help meet future needs. If approved, the development would be required to contribute financially towards local schools and as such, there would be a further benefit to the local community.

The development will likely result in economic benefits to the local area in the form of the following:

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

Conclusion on Matters of Principle:

Overall, the principle of development on this site is contrary to the development plan however the proposal represents sustainable development and there are other material considerations as set out above which are considered to outweigh the in principle policy objection.

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.

The Council has started working on a Non-Strategic Site Allocations DPD and is discussing with Parishes the review of made Neighbourhood Plans. 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. It is therefore considered that it would be difficult to justify a refusal on these grounds.

EMPLOYMENT LAND:

The land is not designated in the ALP or the YNDP for employment purposes and also that the land is not currently used in connection with the existing business uses. It is not considered there would be conflict with policy EMP DM1 which seeks to only protect existing employment sites and premises.

YNDP policy BE1 sets out protection for land which could provide future potential employment opportunities. However, the Plan does not identify any land that 'could provide future employment opportunities'. Further, policy BE1 is in conflict with ALP policy EMP DM1 which does not seek to protect land with future potential for employment uses.

NOISE POLLUTION:

Policy QE DM1 of the Arun Local Plan states that:

"To safeguard the continued use of existing industrial and commercial uses and to protect amenity, noise sensitive development should not normally be permitted where:

- High levels of noise will continue throughout the night, especially during the hours when people are normally sleeping.
- There is a likelihood of complaints about noise from industrial development."

This site is adjacent to Orchard Business Park and the applicant has provided a Acoustic Design Statement in order to assess the impact from the existing business premises. This states that:

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

Environmental Health have been consulted and although they have objected on grounds of noise, it is

considered that there is a likelihood for this to be resolved prior to the date of the Committee Meeting. Members will be updated at the meeting.

HIGHWAY SAFETY & PARKING:

Arun Local Plan policy T SP1 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.

Policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes.

NPPF para 108 states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should also be had to paragraph 109 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."

The proposal is to re-open a previously closed access point. There is a dropped crossing on the site frontage and there is a historical access track along the north boundary between the retaining wall and the business park.

WSCC Highways raise no objection and consider the site provides a safe access onto the public highway within recommended guidelines; and that the proposal provides a well-connected layout providing a sustainable development in line with NPPF guidelines. They note that turning on site has been demonstrated for a refuse vehicle. In respect of parking, they consider that the parking proposal is in accordance with the demand anticipated by the WSCC Parking Demand Calculator.

YNDP policy PK1 is also relevant in respect of car parking and states that:

For all new residential developments, the following minimum standards shall apply for the provision of off-road parking:

- 1-bed house/flat = 1 off-road car parking space
- 2-bed house/flat = 2 off-road car parking spaces
- 3-bed house/flat = 2 off-road car parking spaces
- 4-bed house/flat = 3 off-road car parking spaces
- 5+ bed house/flat = 4 off-road car parking spaces

The requirement of policy PK11 would be 21 spaces. The proposal complies with these requirements and provides 3 visitor spaces. In addition, cycle storage is shown to each plot. Car barns are proposed for some plots and this will prevent such spaces from being used for domestic storage. There will be only one instance of a garage space (plot 10).

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

CHARACTER & DESIGN:

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects including Character, Appearance/attractiveness, Density and Scale.

Furthermore, policy D SP1 "Design" states that:

"All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. Development proposals should have been derived from: a thorough site analysis and context appraisal."

There are no relevant design policies within the YNDP. Para 127 of the NPPF states that "Planning policies and decisions should ensure that developments: (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."

Para 122 states planning decisions should support development that makes efficient use of land but that the desirability of maintaining an area's prevailing character and setting should be taken into account. Para 130 states planning permission should be refused for development that fails to take opportunities available for improving the character and quality of an area and the way it functions.

The applicant has retained the hedge along the frontage and by ensuring that the elevations to North End Road (plots 1, 3 & 4) are attractive and include active windows and have a mix of brick, flint & weatherboard materials. It is also positive that the new dwellings are to be set back from the edge of the raised area as this reduces the sense of scale. Additional tree planting to the frontage would help to soften the frontage and this will be sought by condition.

The layout is appropriate to this site and it is welcomed that the scheme has been reduced from 11 to 10 dwellings as this ensures a more spacious layout with more space for landscaping and the set back from the road boundary. The proposal accords with Local policies D DM1 & D SP1 and with the guidance on design in the NPPF.

RESIDENTIAL AMENITY:

Arun Local Plan policy D DM1 requires 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." Arun Local Plan policy QE SP1 states that: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity".

The site is not close enough to nearby dwellings for there to be any concerns in respect of overlooking or loss of light. The residential property on the west side of North End Road is well set back from the road and also screened by front boundary hedging. There are houses proposed in the field to the southwest of the site (ref Y/88/18/OUT) and some of these will be closer to the road frontage than existing house to the north. The set back nature of plots 1, 3 & 4 will ensure that there will be a more than adequate separation distance. The scheme has been designed so as to avoid unsatisfactory relationships between proposed dwellings.

The proposal complies with policies D DM1 and QE SP1 as well as guidance on amenity in the NPPF.

SPACE STANDARDS:

The applicant has provided a schedule to demonstrate compliance with the space standards guidance and demonstrates that all of the houses provide internal floor area that exceeds the requirements. There is no conflict with ALP policy D DM2.

Para 127 of the NPPF states: "Planning policies and decisions should ensure that developments: (f) create places ... with a high standard of amenity for existing and future users;". All gardens are now decent useable spaces. There is therefore no conflict with the guidance on garden sizes.

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."

WSCC have requested financial contributions in respect of primary education, secondary education and 6th form education.

The Council is aware that on a recent appeal decision (ADC ref LU/162/17/PL, PINS ref APP/C3810/W/18/3197149) concerning 10 dwellings on land at Toddington Lane, Littlehampton, the Inspector considered that it was not possible to require education contributions for a scheme of 10 dwellings or less due to the contribution being based on a tariff and to contribute to pooled funding pots. The Inspector stated that although the County Council could demonstrate that their approach had been accepted by previous appeal Inspectors, these appeal decisions pre-date the Court of Appeal decision (Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council EWCA Civ 441), the Written Ministerial Statement dated 28/11/14 and the changes to the Government's Planning Practice Guidance, which states that affordable housing and tariff style contributions should not be sought from developments of 10-units or less.

West Sussex County Council were made aware of this appeal decision on the 7th January 2019 and duly provided a further response on the 13th February. Their response is summarised below:

- Remain of the opinion that the education contributions are CIL compliant
- Consider that the Toddington Lane appeal decision was likely a result of County not sufficiently justifying their position in respect of the where the money would go to the Inspector;

- Other appeal results across the County justify the collection of S106 money on schemes of 10 or less dwellings;
- An appeal concerning a Mid Sussex DC application (ref DM/17/4601) for 10 units was towards additional equipment at St Lawrence C of E Primary School, and the Inspector found it to be CIL compliant;
- It is premature to change our policy on the basis of a single appeal decision which is at odds with other appeal decisions;
- Request a change to the wording of the requested contributions for this application as follows:

- (a) The contributions generated by this proposal shall be spent on improved digital infrastructure for classrooms at Yapton Primary School.
- (b) The contributions generated by this proposal shall be spent on improved digital infrastructure for classrooms at Ormiston Six Villages Academy.
- (c) The contributions generated by this proposal shall be spent on improved digital infrastructure for classrooms at St Philip Howard Catholic High School Sixth Form.

The above points are noted however, it is the planning authority's view that for schemes of 10 or less, s106 contributions will only be secured with exceptional and specific justification. It is not considered that the case presented by WSCC is adequate.

It is also noted that for the Mid Sussex DC appeal decision that WSCC refer to, the Inspector stated that given the significant policy conflicts with the proposed development, there was no point in him discussing whether or not the contributions were CIL compliant. This does not therefore support the request for the contributions to be applied to this application.

Therefore, although the applicants had previously agreed to secure these contributions by Section 106 Agreement and an agreement has been drafted, it is not considered that the requested contributions can be justified in the context of national planning policy.

SUMMARY:

This full planning application considers the development of 10 residential dwellings on existing greenfield land associated with a business park (but not used or allocated for employment uses). The site lies outside of the built up area boundary but there are considered to be material considerations that serve to override the in-principle policy objection. In particular, Yapton Parish Council have stated that they wish for this development to form part of the future housing land supply for the Yapton neighbourhood plan area.

It is considered that the scheme is acceptable in all other respects and although there remains an outstanding request from the Parish for a new crossing point on North End Road, it is not considered that this can be justified for a development of this size.

HUMAN RIGHTS ACT

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

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

their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Dwg 1.01 "Location Plan";
Dwg. 2.10 Rev A "Site Plan" (1:500 scale);
Dwg. 2.11 "Floor Plans";
Dwg. 2.12 "Elevations";
Dwg. 2.13 "Street Elevations"; and
Dwg. 2.14 "Cycle Stores".

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

- 3 All activity at the site is to be carried out in strict accordance with the submitted Arboricultural Appraisal and Method Statement ref: 18062-AALet-AN (dated 28th February 2018) by Barrell Tree Consultancy.

Reason: To comply with BS5837 and 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.

- 4 The development must be carried out in strict accordance with the recommendations and mitigation measures as set out within Section 4.0 of the submitted "Preliminary Ecological Appraisal and Phase 1 Habitat Survey" (Rev 01, 043/06/18). The enhancements and mitigation measures shall be implemented as per the document and then the enhancements shall be 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.

- 5 The development must be carried out in strict accordance with the mitigation measures proposed by the Clarke Saunders Acoustic Design Statement (May 2018) ref: AS10285.180326.ADS and the subsequent Technical Note Ref: AS10285.180326 ADS entitled "Response to Objection from Arun District Council's Environmental Health Department". The mitigation measures shall be implemented as per the document and shall be permanently retained and maintained as fit for purpose.

Reason: In accordance with Arun Local Plan policies QE SP1 and QE DM1 and the National Planning Policy Framework.

- 6 No development shall take place, including any works of demolition, until a Construction & Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with West Sussex County Council and the Councils Environmental Health Officer). 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),
- an indicative programme for carrying out of the works,
- the arrangements for public consultation and liaison during the construction works,
- measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s),
- details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination,
- measures to control the emission of dust and dirt during construction,
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of the amenity of nearby residents & occupiers of any nearby noise sensitive premises, the general amenities of the area and in the interests of highway safety in accordance with policies D DM1, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 of the Arun Local Plan and the 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.

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

1. 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 QE SP1 and QE DM4. This is required to be a pre-commencement condition because these details have to be agreed and in place before any work commences.

- 8 Prior to the commencement of construction/demolition work or any works to site levels, the developer must ensure that the protective fencing as described is correctly installed as per the Tree Protection Plan, ref. 18062-BT1.

Reason: To comply with BS5837 and 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 because it is necessary to ensure the protection of the protected and otherwise significant trees prior to any change to the surface of the site.

- 9 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.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

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

drainage system prior to commencing any building works.

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

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

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

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

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

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/and character and appearance by endeavouring to achieve a building of visual quality in accordance with policies D DM1 and D SP1 of the Arun Local Plan.

- 13 Prior to the first occupation of each dwelling, post validation testing shall be undertaken by a competent person to determine compliance with the Clarke Saunders Acoustic Design Statement (May 2018) ref: AS10285.180326.ADS. The test results must be submitted to and agreed in writing with the Local Planning Authority prior to first occupation of any of the dwellings.

Reason: In accordance with Arun Local Plan policies QE SP1 and QE DM1 and the National Planning Policy Framework.

- 14 Before any of the dwellings hereby permitted are occupied, a dustbin enclosure shall be provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the siting and design thereof. The approved facilities shall thereafter be permanently retained.

Reason: To protect the amenities of nearby residents and the streetscene in accordance with Arun Local Plan policies D DM1 and WM DM1.

- 15 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing.
- Reason: In the interests of road safety in accordance with policy T SP1 of the Arun Local Plan.
- 16 No part of the development shall be first occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority to prevent surface water draining onto the public highway.
- Reason: In the interests of road safety in accordance with policy T SP1 of the Arun Local Plan.
- 17 The secure cycle storage sheds shall all be implemented in accordance with the approved drawings and thereafter retained in perpetuity unless otherwise agreed in writing with the local planning authority.
- Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and policy T SP1 of the Arun Local Plan.
- 18 No part of the development shall be first occupied until the vehicle parking and turning spaces including car barns and garages have been constructed in accordance with the approved plan. These parking spaces, car barns and garages shall thereafter be retained for their designated use.
- Reason: To provide adequate on-site car parking and turning space for the development in accordance with policy T SP1 of the Arun Local Plan and policy PK11 of the Yapton Neighbourhood Development Plan.
- 19 Prior to occupation of any of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.
- Reason: New petrol 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, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework
- 20 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.
- 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 amenity of existing neighbouring properties, 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 A minimum of 25% of any proposed 1, 2 and 3 bed dwellings included as part of the development are delivered to Lifetime Home standards (or the 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.

- 23 During the construction phase no machinery/vehicles or plant shall be operated on the site, no process shall be carried out and no deliveries taken at or despatched except between the hours of:

8.00 a.m. and 6.00 p.m. on Mondays to Fridays inclusive;
8.00 a.m. and 1.00 p.m. on Saturdays; and
Not at any time on Sundays or Public Holidays

Reason: In the interests of amenity in accordance with Policies D DM1 and QE DM1 of the Arun Local Plan.

- 24 All of the proposed ground and first floor toilet, bathroom and shower room windows within the proposed buildings shall be glazed with obscured glass.

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

- 25 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) there no alterations to any of the approved car barns (plots 4, 5, 8, 9) shall be constructed unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To ensure that a satisfactory level of parking provision is retained throughout the development safeguard in accordance with policy T SP1 of the Arun Local Plan and policy PK1 of the Yapton Neighbourhood Development Plan.

- 26 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 27 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 available on our website <https://www.arun.gov.uk/surfacewater> and are also available on request.

- 28 INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 29 INFORMATIVE: Please note the comments of the Sussex Police Designing Out Crime Officer as contained within their letter dated 13 August 2018.
- 30 INFORMATIVE: Should this development go ahead then Arun DC Economic Development officers ask that the developer signs the Arun Developer and Partner Charter and work with the ED Team on an event to engage with local suppliers as well as producing and implementing a Work and Skills Plan.
- 31 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on their website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.