

REPORT UPDATE

Application No: Y/49/21/RES

Reason for the Update / Changes

Reason for Update/Changes:

One additional comment has been received stating that the use of tarmac to footpaths (re proposed condition 5) is specifically against policy E6 in the emerging Yapton Neighbourhood Plan. The Policy suggests instead the use of crushed stone & stone dust or products based upon recycled materials e.g. Flexipave but subject to agreement with the Parish Council. As this will be subject to a discharge of condition, the Council will retain control over the choice of surfacing material and could consult with the Parish Council at the appropriate time.

In response to recent concerns regarding the removal of sections of the old estate metal fencing around the sheep field, an additional condition (condition 12) is proposed to secure the retention of existing undamaged sections and replacement of damaged sections with suitable replacement fencing.

Officers Comment:

It is requested that members resolve to approve the application subject to the following additional condition no. 12:

None of the dwellings hereby approved shall be occupied unless and until plans and details have been submitted to and approved in writing by the Local Planning Authority in respect of the retention of the existing metal estate fencing around the sheep field and the replacement of damaged sections with replacement fencing that is as close a match to the existing as possible. The new fencing sections and removed old sections shall be implemented in accordance with the approved details prior to first occupation of any of the dwellings and the existing and new fencing shall thereafter be retained in perpetuity.

Reason: In the interests of the appearance and setting of the Conservation Area in accordance with Arun Local Plan policies HER SP1 and HER DM3.

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 Approval of Reserved Matters Following Outline Approval

REF NO: Y/49/21/RES

LOCATION: Land East of Drove Lane
Yapton
BN18 0EB

PROPOSAL: Approval of reserved matters following Y/92/17/OUT for 300 No. dwellings covering landscape, layout, scale & external appearance (resubmission following Y/78/20/RES). This application affects the setting of listed buildings, affects the character & appearance of the Main Road/Church Road, Yapton Conservation

Area & affects a Right of Way. This site falls within Strategic Site SD7 (Zero Rated).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks reserved matters approval for 300 dwellings with associated parking, road/footway provision, foot and cycle paths, public open space, play provision, landscaping, drainage features and ancillary works. Approval of scale, layout, external appearance and landscaping are sought. The access arrangements were approved on Y/92/17/OUT.

Of the 300 total, 90 are affordable units (67 affordable rented dwellings & 23 shared ownership). In addition, 70 of the 1, 2 & 3 bed dwellings in the 300 total will be built to be compliant with M4(2) of Building Regulations as per the requirements of condition 26 on the outline permission therefore being accessible and adaptable to future requirements.

Each house or flat has at least 2 parking spaces or 1 parking space & 1 garage/car port space. The larger houses have 2 spaces and a garage. There are a total of 110 garages and 5 car ports. Some of the garages are shared doubles. There will be 76 visitor spaces throughout the site. Cycle parking is indicated to either be with cycle storage sheds, garages or communal stores. All gardens will have bin storage spaces and there will be bin collection points on the frontages. The apartment buildings are shown to have brick bin stores as part of the fabric of the building.

The majority of buildings will be two storeys with no roof accommodation shown. The exceptions will be the four apartment buildings (2.5 storeys) with two sited centrally and the other two towards the eastern edge. In addition, plots 177-180 and 262-267 (again sited centrally) will have roof accommodation.

The building designs are mixed with 18 different types including detached, semi-detached, link-detached, terraced, flats and FOG's. A foul water pumping station enclosure is shown along the Drove Lane boundary but there are no elevation details for this, therefore a condition will be needed to secure these. In addition, there is a roughly 4m by 4m electric substation within the layout for which elevations have been submitted.

As per the outline permission, the site will have a vehicular access onto Main Road in the northern corner of the site. As this site is to be developed as one half of the larger ref SD7

strategic allocation, the south eastern edge will adjoin the adjacent site and there will be numerous ways to cross between; including a road, cycle path, formal footpaths and over open grassland. The submitted plans also demonstrate that there will be a segregated 3m wide cycle path through the site (from Main Road to the boundary with the adjacent site), a 3m wide cycle path between the site and Drove Lane, 2m wide footways through the development, shared surfaces and several informal pathways accessing/including existing unaltered Public Rights of Way (PRoW).

The layout includes five main areas of public open space (POS). Firstly, a Central Green near the south eastern edge. This will adjoin with an area of POS in the adjacent development. It includes an equipped play area (LEAP), trees and a SuDS pond. Secondly, a Green Link which extends roughly north west from the Central Green towards Drove Lane and includes three further SuDS features. Thirdly, a small area between two of the apartment buildings towards the eastern corner. Fourthly, a large rectangular shaped space between Main Road and an existing hedge. This area includes the old Arundel to Portsmouth Canal.

The final area of POS consists of several linked areas around the perimeter of the site which also includes 7 SuDS pond features. The Landscape plans together with the detailed play provision plans describe the play provision consisting of 1 LEAP and 4 LAP (unequipped). The total POS provision is 2.57 hectares and this excludes the SuDS within these areas.

The main Spine Road (including where it meets the site access) will be 5.5m wide. The secondary access roads are 4.8m wide and some of the minor roads/cul-de-sacs are 4.1m wide.

SITE AREA	Approximately 13.1 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	22.9 dwellings per hectare (dph) gross density.
TOPOGRAPHY	Predominantly flat but slightly raised above the level of Main Road and Drove Lane by approximately 1m.
TREES	A number of trees within the site (along the south east boundary with the other part of site SD7) are protected by TPO/Y/4/18. According to the Tree Survey submitted with the previous application, Y/78/20/RES, one Ash tree would need to be felled if it became infected with Ash Die Back disease.
BOUNDARY TREATMENT	The "sheep field" which fronts Main Road features railings along the northern and western boundaries with Drove Lane. There is then a hedge separating this from the main part of the site. Other boundaries are either open, formed by hedging or consist of timber fencing to existing dwellings.
SITE CHARACTERISTICS	The site comprises a large arable field and a small pastoral

field adjacent to the settlement boundary. The pastoral field which is situated adjacent to Yapton Road falls within a Conservation Area and is crossed by the remnants of the Portsmouth and Arundel Canal. The application site forms part of the strategic allocation SD7 within the Arun Local Plan.

The northern most field constituting the application site is situated immediately adjacent to Main Road and features railings along the northern and western boundary with Drove Lane. This is known locally as the "sheep field". The southern most boundary of this field features hedgerow which separates it from the main arable field. The arable field features open boundaries to the west and south with hedgerows situated along the eastern boundary of the site.

CHARACTER OF LOCALITY

The character of the locality is predominantly rural with the application site situated within the built up area boundary with existing residential development present along the northern and eastern boundaries of the site. Agricultural fields are situated to the south, east and west of the application site. The Yapton conservation area is situated to the north-east. There are also a number of Listed Buildings along Main Road on the opposite side of the NE boundary frontage.

RELEVANT SITE HISTORY

Y/127/21/RES	Approval of reserved matters (appearance, landscaping, layout and scale) following the grant of Y/91/17/OUT for 250 No dwellings with associated parking, road/footway/cycleway provision, open space, landscaping, surface water attenuation & ancillary works (resubmission following Y/152/20/RES). this site is not CIL Liable as in Yapton Strategic Site.	
Y/152/20/RES	Approval of reserved matters (appearance, landscaping, layout and scale) following the grant of Y/91/17/OUT for 250 No. dwellings with associated parking, road/footway/cycleway provision, open space, landscaping, surface water attenuation & ancillary works.	Withdrawn 22-04-21
Y/127/20/PL	Construction of new access to serve residential development. This application affects the setting of listed buildings, affects the character & appearance of the Main Road/Church Road Conservation Area & the site falls within Strategic Site SD7 (Zero Rated).	ApproveConditionally 01-02-21

Y/78/20/RES	Approval of reserved matters following outline consent Y/92/17/OUT for 300 No.dwellings covering landscape, layout, public open space, drainage, scale & external appearance. This application affects the setting of listed buildings, affects the character & appearance of the Main Road/Church Road, Yapton Conservation Area & affects a Right of Way. This site falls within Strategic Site SD7 (Zero Rated).	Refused 07-12-20
Y/41/20/DOC	Approval of details reserved by condition imposed under ref Y/92/17/OUT relating to Condition No 6 - design code masterplan.	DOC Approved 29-07-20
Y/92/17/OUT	Outline application with all matters reserved save access, App Cond with S106 for up to 300 dwellings, link road, surface drainage, open space and landscaping. Departure from the Development Plan and Access route is within the Yapton (Main Road) Conservation Area.	31-05-19

Outline permission for up to 300 dwellings was granted under Y/92/17/OUT with details of the access. This permission was granted subject to 31 conditions and a Section 106 Legal Agreement. One of the conditions required the approval of a Design Code masterplan which would then shape and guide the reserved matters submission. This condition was discharged in late July 2020 on the basis of the "Yapton SD7 Design Code - Masterplan" Rev C (July 2020).

Pre-application advice on this scheme was given in July 2020 at which time it was concluded that that the proposed layout was broadly acceptable but needed more work. In particular, concerns were expressed regarding the size of the Central Green area of POS, how the peripheral areas of POS will be managed in respect of the presence of SUDS features, site permeability & legibility and the proposed housing mix.

A reserved matters application was subsequently lodged in August 2020 but was refused for the following three reasons:

(1) By reference to the amount of public open space & play, the amount of amenity space to the apartment buildings/other flatted forms of development, the size of private rear gardens afforded to certain residential dwellings, the mix of housing sizes, the relationship of new housing to existing residential properties, the interface distances between proposed dwellings, the treatment of bin stores for the communal buildings, the size and treatment of the two centrally located public open space areas and the lack of a cycle path through the Green Link area of public open space; the proposal does not achieve a high standard of design quality and represents an overdevelopment of the site in conflict with Arun Local Plan policies OSR DM1, D DM1, H DM1, H SP2, T DM1, QE SP1; Yapton Neighbourhood Development Plan policy H2, the "Open Space, Playing Pitches, Indoor and Built Sports Facilities" SPD, the emerging Arun Design Guide SPD and the National Planning Policy Framework and National Design Guide.

(2) The proposed layout is unacceptable having regard to the large clusters of affordable housing, the

failure to ensure that all dwellings are tenure blind and the separation of only affordable housing gardens with chain-link fences. The proposal does not ensure that the affordable housing is visually indistinguishable from market housing and the proposal is therefore contrary to Arun Local Plan policy AH SP2, the emerging Arun Design Guide SPD and the National Planning Policy Framework.

(3) Insufficient information has been provided to adequately demonstrate that the proposal would fully prioritise sustainable transport modes and would not have an unacceptable impact on highway safety and the proposal is therefore in conflict with Arun Local Plan policies T DM1 and T SP1 and the National Planning Policy Framework.

An appeal has been submitted following this decision and the applicants have expressed a wish for this to be dealt with by an Informal Hearing. The Councils appeal statement is required by the 9th November 2021.

A standalone application for the access improvement works to Drove Lane & the junction with Main Road was granted in February 2021 by ref Y/127/20/PL. There are two current applications in for determination concerning a temporary sales cabin and associated adverts.

The other half of the strategic allocation SD7 benefits from its own outline permission ref Y/91/17/OUT but the afore mentioned Design Code also covers this site (i.e. it is one Code for the development of both halves of the SD7 allocation). A reserved matters application for that site was withdrawn in April 2021 following officer concerns (ref Y/152/20/RES) but was resubmitted in early September under ref Y/127/21/RES.

REPRESENTATIONS

Yapton Parish Council originally stated that they support the application conditional upon:

- (a) All PRow must have sufficient width to cater for all non-vehicular modes of travel especially wheelchair users and double buggies to ensure safe and sustainable travel for all.
- (b) All PRow must be designed to allow for future growth of landscaping without this growth compromising the proposed useable width of path.
- (c) Play areas must be designed away from any water collection pools which are predicted to hold water for any period of time. This is to reduce risk of drowning should children using the play areas not be supervised.
- (d) The design code applied to the scheme must remain in line with that submitted with the outline application and that of ADC's Design Code especially in terms of materials and key streetscapes.

In addition, 9 letters of objection raising the following concerns:

- (1) Harm to heritage assets;
- (2) Application should be suspended until the applicant has responded to the Conservation Officer comments
- (3) No proposals for the protection/enhancement/restoration of the canal & bridge;
- (4) Need canal path upgrade - make this 3m wide;
- (5) No integration with existing housing / need more routes into adjacent development;
- (6) Cycle vouchers should be provided to new residents;
- (7) Cyclists should have priority within the layout;
- (8) Houses are too close to the canal path;
- (9) The open space to the frontage serves no purpose / should be relocated to flank both sides of the canal;
- (10) Need a better design for the Drove Park brick wall artwork (e.g. representation of a canal bridge);

- (11) No bridleway provision;
- (12) Need Multi User Path upgrade to the path towards Tack Lee Road otherwise the application does not support active travel;
- (13) Drove Lane should not be altered; and
- (14) Construction hours should be restricted to 8am-6pm M-F and 8am-1pm Sat.

COMMENTS ON REPRESENTATIONS RECEIVED:

PARISH COUNCIL:

It is considered that the application meets the conditional requirements as set out below:

- (a) There are designated PRow on the north eastern edge (along the hedge next to the canal) and south eastern edge (where the site joins the Hyde site). These are shown to be 2m wide and they are existing PRowS.
- (b) In both cases, the PRow paths will have grass or meadow planting alongside them. No new trees will be planted that could grow over these paths.
- (c) There are two Local Areas of Play shown adjacent to one or more wet SuDS features however, in both cases the play areas will be fenced. This is acceptable to the Councils Landscape Officer.
- (d) The scheme is now in accordance with the Design Code.

The Parish subsequently provided the following further comments on 20/05/21:

- The proposal represents a perceived 'squeezing' of the original outline consented scheme's 'open' design and generous setting out of plots and open space;
- YPC would welcome improved public landscaping and green connectivity with all parts of the village and further afield;
- However, YPC accept that this would result in the loss of plot numbers and this is not achievable due to the site being a strategic allocation;
- YPC have a preference for the provision of new small dwellings in order to allow for the recycling of existing housing stock but also for new larger housing (3/4 beds) to provide much needed family housing to ensure a stable and less transient community in a rural location;
- Landscaping should be substantial and it is considered that the southwestern boundary and that along Drove Lane have been reduced down in terms of landscaped buffer; and
- YPC would prefer a less dense scheme with more landscaping.

The Parish were notified of the September amendments to the scheme and any comments received will be reported by update to the Committee.

LOCAL RESIDENTS:

It was decided at the outline stage (Y/92/17/OUT) that adding a formal route along the canal and/or removing the existing hedge would be to detrimental to the setting of the heritage asset (the historic canal) and consequently, no provisions were put in place regarding this. The Councils Conservation Officer has advised no objections to the creation of a multi user route extending further up the canal route with information boards etc. However, the Conservation Officer also states that the retention of the existing mature hedgerow alongside the canal will reduce the impact of the development upon the various heritage assets and is a positive approach - therefore, by definition, there would be an objection to its removal to open up the canal to the existing path.

At the outline stage, it was requested that the scheme include a segregated cycle route through the whole of the SD7 site (so together with Y/91/17/OUT) to provide safe cycle access between Main Road

and Bilsham Road. In addition, the scheme provides numerous footpath routes both through and around the site. There was no similar provision put in place for a bridleway despite this being raised by residents at the time and despite access being determined at that time. Nevertheless, it cannot be said that the application does not encourage active travel. It is acknowledged that the officer report from application Y/92/17/OUT did not respond to the residents requests for a bridleway.

A condition of the outline requires the agreement of a Travel Plan and this could involve the provision of cycle vouchers.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - Express concern that the condition recommended by them at outline stage were not included in the recommendation. The condition in question would have prevented any more than 199 dwellings from being occupied until the A27/Yapton Lane junction improvement had been completed. State that the non-inclusion of this condition would have required approval by the Secretary of State for Transport and that therefore the outline decision was ultra vires.

SOUTHERN WATER - No objections to the reserved matters application for appearance, landscaping, layout and scale.

SUSSEX POLICE - No objections but their response on the website dated 21/04/21 lists a number of advisory notes regarding improving security.

WSCC FIRE & RESCUE - Request a fire hydrant condition.

WSCC HIGHWAYS - Originally requested more information but in subsequent comments dated 06 July 2021, stated that these had all been resolved and that subject to appropriately worded conditions, there would be no concerns with the layout.

WSCC RIGHTS OF WAY - Comment that:

- The applicant needs private rights of access with a vehicle from the landowner to use Drove Lane (FP155).
- Where footpath FP155 along Drove Lane currently intersects FP200-1 and forms a new junction with Main Road, any change to the legal line of either or both Public Rights of Ways will require an application to ADC to divert via a Public Path Order (PPO).
- Request upgrading of FP200-1 and FP157 to 4m wide and surfaced to achieve bridleway status.
- Public access to designated footpaths must be ensured at all times.

ADC DRAINAGE ENGINEERS - Advise a holding objection due to insufficient information being supplied in order to agree the drainage solution for the layout. There are 12 points in their response that will need to be resolved to resolve the objection.

ADC ENVIRONMENTAL HEALTH - No comment.

ADC LANDSCAPE OFFICER - No objection but states that the planting maintenance specification details are missing and that hoggin pathways are not suitable as these do not provide year round accessibility for wheeled/pedestrian users and can become maintenance prone in highly trafficked areas. Recommends that all pathways be tarmac. Also states that the SuDs features should not be advertised

as POS as they can become hazardous when wet. These areas should be fully ROSPA certified. Comments that:

- The landscaping scheme is well thought out;
- The POS areas around the periphery will form a pleasant setting to the development;
- The green corridor through the site will aid wildlife and enhance biodiversity;
- Pedestrian and cycle routes should be in accordance with WSCC PRow Criteria;
- No concerns with the amount or type of POS provision;
- Generally pleased with the indicative play offer but that further detail will need to be submitted re the detailed provision including equipment choice, inclusive provision, surfacing, fencing and path connectivity.

ADC CONSERVATION OFFICER - Originally advised that the proposed development will result in "less than substantial harm" in accordance with the NPPF (2021) and that this would be on the lower end of the spectrum. Therefore, advised that it will be necessary to consider the public benefits that the development may achieve as part of the application assessment. In particular, commented that:

- The design of the houses fronting the Conservation Area is not appropriate. The designs are closely related to others in the development and the materials include modern types such as concrete tiles.
- Need to ensure that the existing fencing along Main Road/Yapton Road is preserved and it is disappointing not to see any proposals in respect of these.
- There will be a negative impact on the special architectural and historic interest (significance) of some of the designated heritage assets by virtue of the proposals altering their settings.

Has reviewed the changes made in September (which included extra variation and roofscape changes to plots 1-8 & 16-23 which face the Conservation Area boundary) but states that these do not overcome the previous concerns.

ADC HOUSING STRATEGY & ENABLING MANAGER - Originally stated no objection to the proposed housing mix of affordable housing but had a preference for the tenure of several of the 2 bedroom maisonettes to be switched to market housing and replaced with 2 bedroom houses for rent, to better meet the needs of those on the housing register. This would also then result in the affordable housing being more dispersed and less clustered. Subsequent comments received in September 2021 state no objection to the proposed affordable housing tenure mix.

COUNCIL's ARCHAEOLOGIST - State that the archaeological evaluation of this site and any subsequent mitigation measures will be covered by the archaeology condition imposed on Y/92/17/OUT. An outstanding element of this is the recording of the remains of the canal bridge at the north-west corner of the site, in order to mitigate the effects of the construction of the access road.

COUNCIL's ECOLOGIST - No objection. Request conditions concerning buffer strips around hedges, enhancement of hedges, surveying of any trees to be felled, lighting scheme, bat bricks and bird boxes, hedgehog boxes, retention of bramble to site margins and a precautionary approach re reptiles. Also states that the biodiversity enhancements recommended within the Biodiversity Enhancement Plan (Aug 2020) are suitable.

COMMENTS ON CONSULTATION RESPONSES:

HIGHWAYS ENGLAND - It is acknowledged that the Local Planning Authority made a mistake in not notifying the Secretary of State of its intention to grant the outline planning permission without the requested condition. The reason for this was that the A27 junction improvements were to be delivered in association with two different sites (Tye Lane, Walberton or Stakers Farm, Yapton), whichever came first.

Therefore, it was not considered necessary to impose a restriction on this permission also. The Council has obtained legal advice which confirms that the outline permission is still valid. It is also not considered reasonable to impose this condition on this Reserved Matters permission as the condition does not relate to one of the reserved matters.

WSSC HIGHWAYS - It should be noted that there are conditions on the outline permission which require the separate approval of EV charge point provision and lighting within the site. WSSC were consulted on the amended plans in September and confirmed on 07/10/21 that they have no objections subject to certain conditions. One of the requested conditions requires that the access be provided prior to occupation but this is already a condition on the Outline. The other requested conditions are included.

ADC LANDSCAPE OFFICER - Conditions will be imposed to secure an alternative surfacing to the paths and to require that the applicant demonstrate ROSPA certification for the POS and SuDS areas.

ADC CONSERVATION OFFICER - The Conservation Officer has reviewed the changes made and any comments received will be reported by update to the Committee.

COUNCIL'S ECOLOGIST - Mitigation measures were considered by the outline application and condition 13 was imposed to require that the reserved matters be substantially in accordance with the previous 'Habitat and Ecological Enhancement Management Plan'. The comments of the ecologist on the previous application (Y/78/20/RES) stated that no extra conditions were required.

POLICY CONTEXT

Designations applicable to site:

Within the Built-Up Area Boundary;
Strategic Housing Allocation ref SD7;
Part within the Main Road/Church Road Conservation Area;
Potentially affecting setting of Grade II Listed Buildings on Main Road;
Remnants of Portsmouth to Arundel (Arun-Wey) Canal;
Archaeological Notification Area;
Flood Zone 1;
Public Rights of Way (YAP/200_1/6; YAP/157/3; YAP/157/4 & YAP/155/2);
TPO/Y/4/18

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix
HERSP1	HER SP1 The Historic Environment
HERDM1	HER DM1 Listed Buildings

HERDM3	HER DM3 Conservation Areas
HERDM5	HER DM5 Remnants of the Portsmouth and Arundel Canal
HWBSP1	HWB SP1 Health and Wellbeing
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

Yapton neighbourhood plan 2014 Policy E3	Protection of natural habitats
Yapton neighbourhood plan 2014 Policy E4	Minimising the environmental impact of development
Yapton neighbourhood plan 2014 Policy E5	Enhancement of biodiversity
Yapton neighbourhood plan 2014 Policy E6	Green infrastructure and development
Yapton neighbourhood plan 2014 Policy E8	Conservation Areas
Yapton neighbourhood plan 2014 Policy E9	Listed Buildings and Buildings or Structures of Character
Yapton neighbourhood plan 2014 Policy E10	The former Portsmouth and Arundel Canal
Yapton neighbourhood plan 2014 Policy E11	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy H2	Dwelling size
Yapton neighbourhood plan 2014 Policy H3	Dwellings appropriate for the needs of older people
Yapton neighbourhood plan 2014 Policy PK1	Parking standards for new residential development

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD2	Conservation Areas
SPD6	Archaeology
SPD11	Arun Parking Standards 2020
SPD12	Open Space,Playing Pitches & Indoor& Built Sports Facilities
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031 (ALP), West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The relevant policies of the Yapton Neighbourhood Development Plan (YNDP) have been considered within this report. Yapton are currently working on a revised YNDP and have completed a regulation 14 consultation. However, it is considered that the emerging Plan can be attributed only low weight at this time.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

(2) In dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

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

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

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

Part of the site is within a Conservation Area and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act states:

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

The proposal also affects the setting of nearby Grade II Listed buildings and section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposal is considered to comply with these in that it preserves the character of the Conservation Area by not developing upon the part of the site within this designation and maintaining the hedge between the Conservation Area & Listed Buildings and the new houses.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Section 38(5) states: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Therefore, the ALP takes precedence over the YNDP should there be a conflict between the two.

The principle of development has already been established by the outline permission Y/92/17/OUT which granted permission for up to 300 dwellings with access from Drove Lane. This permission established the principle of development including flood risk, impact on wildlife, loss of agricultural land, countryside location, foul drainage (the principle of up to 300 new dwellings connecting to the network) and the provision of affordable housing, public open space, children's play & other infrastructure.

This permission was for half of the overall SD7 site allocation in the Local Plan with Y/91/17/OUT forming the other half. The outline permission included the need for cycle/pedestrian/vehicle access through both sites to provide a new connection between Main Road and Bilsham Road.

COMPLIANCE WITH OUTLINE CONDITIONS:

Certain conditions imposed by the outline permission set parameters for the nature and form of the Reserved Matters submission and these are analysed below.

Condition (3) states that the development shall be carried out in accordance with the approved plans including the Parameter Plan (ref 1244L.02) and the Proposed Site Access Plan (ref 14-111/301). The development is in accordance with these drawings.

Condition (6) required that a Design Code Masterplan be approved prior to submission of the Reserved Matters and that the development then be prepared and carried out in accordance with the approved Design Code. A Design Code was approved by ref Y/41/20/DOC before the submission of the Reserved Matters and the proposed development is in accordance with the Code.

Condition (7) sets out requirements in respect of the content of the landscape details to be submitted with the Reserved Matters. The Landscape Officer has assessed the submission and raises no objection.

Conditions (9) and (12) require that the details of the proposed surface water and foul drainage schemes be agreed prior to the approval of any reserved matter. However, the wording of these conditions was amended by virtue of Y/21/21/NMA so that the details must instead be agreed prior to commencement. Therefore, these matters no longer need to be considered at this time.

Condition (13) requires that the reserved matters application be substantially in accordance with the approved wildlife enhancement plan. The application includes an updated ecological walkover survey and a biodiversity net gain statement. The Councils Ecologist stated no objection in respect of the same information presented with Y/78/20/RES.

Condition (26) sets out the requirement that 25% of the 1, 2 & 3 bed dwellings be delivered to Lifetime Home standards. Lifetime Home standards no longer exist and the equivalent current standard is

contained in part M4(2) of the Building Regulations. This is considered elsewhere in the report.

HERITAGE:

A small rectangular area of the site (the open space between Main Road and the existing hedge) is within the "Yapton, Main Road/Church Road" Conservation Area. This designation also extends south eastwards meaning that the entire north east boundary of the site is either within or adjacent to the Conservation Area. There are some listed buildings along the Main Road frontage and the setting of these will be affected.

In addition, the site is crossed by the remnants of the Portsmouth to Arundel Canal and it has been identified that the remains of a former bridge lie in one corner of the site. Finally, Drove Lane itself has been acknowledged as being part of a former historic droving route. It should be noted that this has already been adapted (at a date well before this application) to provide vehicular access and features a tarmac surface where it runs adjacent to the northern boundary of the site. Nevertheless, Drove Lane, the canal and associated features are considered to be non-designated heritage assets.

Arun Local Plan (ALP) policies HER SP1, HER DM1, HER DM3 & HER DM5 and Yapton Neighbourhood Development Plan (YNDP) policies E8, E9 & E10 are all relevant however E9 only concerns the loss of Listed Buildings and does not refer to impacts on setting. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant and these are set out in full in the "Development Plan Background" section above.

The National Planning Policy Framework (NPPF) sets out several steps that must be followed when considering impact on heritage assets. Para 194 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 195 then requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that is affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal and decide whether there is no harm, 'less than substantial harm' or 'substantial harm'. It is then necessary to counterbalance harm with the level of public benefits associated with the proposal (as set out in para 202).

Separately, in respect of non-designated heritage assets (Drove Lane & the canal), it is necessary to refer to the guidance in para 203 of the NPPF. This states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Heritage impact was considered at the outline stage at which time it was concluded that the proposal would not impact on the significance of Drove Lane, that the line of the canal would remain intact & unaffected and that although the proposal would result in 'less than substantial harm' to the Conservation Area and Listed Buildings, the level of public benefit would outweigh this impact.

The assessment at outline stage was on the basis that there would be no physical development in the sheep field at the front of the site (being within the Conservation Area & crossed by the canal) and that the boundary with Drove Lane would have open space & landscaping adjacent to it. This situation has not changed. However, the Council was not aware of the existence of the canal bridge remains (a non-designated heritage asset) at the time of the previous outline as this was only brought to the attention of officers at the time of Y/78/20/RES.

There will be no direct physical impact on the nearby heritage assets but the proposal will have an impact on the setting in which such assets (both designed and non-designated) are experienced. However, this is mitigated by the retention of the hedge alongside the canal, the proposal to leave the

'sheep field' (within the Conservation Area) as is the fact that Drove Lane is already hard surfaced.

The Conservation Officer did have some concerns regarding the design & appearance of the houses fronting the conservation area and also with proposals for the boundary treatment of the conservation area and the Yapton Road/Main Road frontage. The applicant has since made improvements to the treatment of the dwellings closest to the Conservation Area boundary and the Conservation Officer has been asked to consider this further.

However, overall, it is stated that the proposal results in less than substantial harm to the heritage assets (and on the lower end of the scale). The Local Planning Authority accepts this view particularly as it reflects the officer advice given on the outline application. As such, it is necessary to weigh this harm against the public benefits that the development may achieve. In this case the proposal will:

- provide 300 homes to contribute to the Councils current housing land supply shortfall/meet future needs;
- provide new affordable housing;
- provide new public open space & play facilities available for use by existing & new residents;
- provide new & enhanced public foot & cycle paths available for use by existing & new residents to provide safer access between Main Road and Bilsham Road (albeit subject to delivery of the other half of the strategic allocation SD7);
- provide the developer contributions and other infrastructure improvements as set out in the s106 Agreement for application Y/92/17/OUT;
- provide an increase in Council Tax receipts;
- provide potential 'New Homes Bonus' payments from the Government;
- either create new construction jobs or help to maintain existing ones; and
- result in additional spending by new residents on goods & services including within the local area.

The public benefits are of a level that the 'less than substantial harm' can be outweighed and that the proposal can be considered in accordance with the NPPF guidance and therefore compliant with the relevant development plan policies.

Separately, the Councils Archaeologist has identified that the remains of the old Drove Lane canal bridge survive as earthworks containing brickwork in a hedgerow on the west side of Drove Lane. This was not previously known when the outline application was approved and the access arrangements were agreed. Part of these arrangements were to ensure vehicular access to the nursery/scout-hut and this means that it will not be possible to preserve all of the remains in-situ. The archaeologist previously stated (in respect of Y/78/20/RES) that the remains of the southern embankment & abutment can be preserved in-situ, whereas the northern section of the bridge remains would be affected by the new access to the nursery & scout hut.

The applicant previously stated agreement to record the structure and relocate the northern part as a feature elsewhere on the site. The archaeologist considers that this can be secured through the second stage of the agreed Written Scheme of Investigation. Nevertheless this would result in direct harm to the canal bridge remains by virtue of their removal from the line of the canal.

Para 203 of the NPPF advises that harm to non-designated heritage assets should be subject to a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset. It is preferable to retain the whole of the asset in situ but in the circumstances, removal and retention of one half would be appropriate with the other half being left as is. The harm to the bridge remains does also result in public benefits in respect of improved access to the nursery & scout hut and provision of part of a new cyclist route between Bilsham Road and Main Road. This outweighs the harm to the remains of the existing northern bridge.

In respect of sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, whilst the setting of such designated heritage assets will be subject to some harm, it is not considered this harm is significant and can be outweighed by the strength of the public benefits. Furthermore, the harm to the non-designated assets is acceptable also on the basis of the public benefits arising from the development. There is no conflict with the relevant development plan policies.

LAYOUT, APPEARANCE AND SCALE:

ALP policies D DM1, D SP1 and LAN DM1 are all relevant in respect of design and character. In addition policy AH SP2 seeks to ensure that affordable housing is visually indistinguishable from market housing and that layouts avoid large clusters. There are no design policies in the YNDP.

The National Design Guide (NDG) is a material consideration in the determination of this application and the applicant has provided a written response to the this which has been accepted.

The Arun Design Guide is also a material consideration. It suggests a density of 15-25 for detached/semi-detached houses in village locations and states that density should decrease with distance from the centre of a settlement, to ensure that development relates sensitively to its setting and addresses the edges of the site in a positive way. It states that this is particularly important to development which is adjacent to the settlement particularly where there are open fields. The overall site density of 22.9 does accord with this and it is also clear that the density is lower towards the southern edge of the site (where it adjoins with fields).

This proposal benefits from an approved Design Code which itself was designed & developed to be in accordance with the parameter plan referred to in condition 3 of Y/92/17/OUT, the NDG and the then emerging Design Guide. It is a requirement that the layout is in accordance with the parameter plan referred to in condition 3 of Y/92/17/OUT and with the Design Code. This requirement has been met.

The proposed layout has been thoroughly assessed and is acceptable in terms of how it follows the Design Code in respect of: the street patterns, road hierarchies, character areas, density & scale, Public Open Space (POS) locations and foot & cycle paths. The Local Planning Authority (LPA) previously had several concerns with the layout presented on this application and was of the view that a lower number of dwellings was required in order to resolve all of the issues. However, the applicant has managed to resolve the concerns instead by reducing the number of 4 bedroom detached dwellings to create more space within the layout.

The proposed size of the Central Green POS area has now been accepted and the two adjoining applicants have worked together to ensure that the dwellings bordering it (particularly on the north east edge) are not at odds with each other in design and appearance. The dwellings bordering the Central Green are now in accordance with the Design Code.

The previous concerns with the placement of three SuDS ponds within the Green Link (which were felt to diminish the usability & amenity value of this space) have also been resolved as the applicant has confirmed that these will only contain water during storm events. A document containing images of examples elsewhere has been provided. It should also be noted that the total amount of POS across the site exceeds the requirements.

The applicant has also improved the layout of houses fronting onto the Green Link. Previously, the north-eastern edge of the main section had houses fronting onto a footpath but the opposite (south-western) edge had a much harder edge with boundary railings onto a road/parking spaces. This was not consistent and not in accordance with the Design Code. The applicant has redesigned this area

including relocating a maisonette block, added shared surfacing to sections of road adjoining it, made both edges softer and added a cycle link. In addition, the road that cut across the Green Link on the edge of the site has been cut (leaving only a path between plots 170 & 205).

There was previously a concern with the clustering of affordable housing within the scheme as there were originally two clear clusters. It is acknowledged that affordable housing providers have a preference for homes to be sited near to each other for ease of management and maintenance, however, it was considered that the homes could still be better spread through the scheme. The applicant has made changes to the location of the affordable homes.

It was also previously considered that there were several instances through the scheme of non on-plot parking or parking to plot relationships that could result in inconvenience or confusion to future occupiers. The applicant has redesigned some of the parking arrangements and whilst there remain some instances of parking spaces not being directly outside the dwelling that they belong to, as a whole, the parking layout is now acceptable. The applicant has also ensured compliance with the Design Code in that parking spaces adjacent to the important roads are either landscaped or are not in large blocks.

There have been other changes in respect of amenity space, relationships to existing dwellings and distances between new dwellings and these are considered elsewhere in this report. Likewise communal amenity space for the maisonette blocks is considered elsewhere but it is relevant here as the applicant has redesigned the layout so that these spaces better relate to the blocks which they serve allowing future residents to easily step out of their doors to access the spaces.

In respect of scale, it is noted that buildings on the site are predominantly two storeys with only the four maisonette buildings being higher (these have a third storey in the roof). The location of these four buildings is considered to be acceptable in scale terms as they are either within the centre of the site or otherwise away from the site edges such that they will have limited visibility from existing residential occupiers/surrounding public routes. The proposed scale of these and the whole of the site was also agreed by the approved Design Code.

The Design Code sets out a design rationale for the appearance of the houses in each of the three character areas on the site. These areas are "Canal Green" (which fronts the Conservation Area), Drove Park (broadly the central third of the site) and Drove Field (the third bordering the agricultural land to the south-western edge).

It is noted that there are instances of the same house type in different character areas, however, the elevation drawings make it clear that those in each character area have their own identity based on the different typologies in the Design Code. These cover building materials, roof types, roof features, bay windows, eaves detailing, chimneys, porches, window & door styles and boundary treatments. It is considered that proposed hard and soft development in each of the character areas is distinctive.

In the Canal Green area which is closest to the Conservation Area, buildings are all two storeys in height and vary between detached and terraced types. Built forms vary in depth, spacing and facade arrangements. Some buildings have wide, flat frontage others with facade articulation, some with fairly broad facades and others very narrow. The varied depths of the buildings also adjust the heights of the roof along with facade articulation varying the roofscape. Key buildings are proposed at movement junctures but it is considered that all buildings will have a sense of individuality. Buildings materials draw from features in the conservation area and around Yapton. Materials are predominantly red brick with historic forms of detailing such as quoins, splay bays and flint work. Each building will have different arrangements to reinforce individuality.

There was a concern (as expressed above under heritage) with those particular houses within Canal

Green that face towards the Conservation Area (plots 1-8 & 16-23). The plans suggest that this streetscene will feature only 3 different house types (MOR, ELL & BEW) repeated in a formal manner along this frontage. The applicant was advised that more subtle design changes and informal placement would better enhance this key frontage/edge of the Conservation Area. In response, they have added extra variation to these dwellings and changed the roofscapes. The Conservation Officer has been asked to assess the changes but in any case, the 'less than substantial' harm to heritage has been accepted due to the level of public benefits.

In the adjoining Drove Park area, the buildings are mostly two storeys in height and vary from detached to terraced types but including four instances of two and a half storey apartment buildings. Built forms vary in depth, spacing and facade arrangements. As with Canal Green, there is a mix of wide, flat frontage others with facade articulation, broad facades and very narrow. Key buildings are again located at movement junctures. There is a stronger sense of uniformity in this area but all buildings will retain a sense of individuality. Buildings materials will be more contemporary - predominantly red brick with dark grey detailing and regular use of light coloured boarding. Detailing including square bays at ground floor is included.

Lastly, in the Drove Field area, the buildings are all two storeys in height being mostly detached in form. There are also some semi-detached and short terraces are used on Lanes. Built forms vary in depth and most have fairly broad facades. The varied depths of buildings also vary the heights of the roof along with facade articulation further varying the roofscape. Key buildings are located at movement junctures. The buildings will have an identifiable form that defines this area. Buildings materials will draw from agricultural references in the local area and so feature a mix of red brick, quoins, black boarding. Adjacent plots will also often have different arrangements to reinforce individuality.

Therefore, the Design Code has been followed in terms of how the houses/buildings, roads, public realm and landscaping have been designed and the proposal accords with the relevant development plan policies, the Arun Design Guide SPD and the National Design Guide.

PUBLIC OPEN SPACE & PLAY:

ALP policy OSR DM1 and HWB SP1 are relevant but there is no applicable YNDP policy. However, the Councils supplementary planning document (SPD) "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out specific requirements for on-site public open space (POS) and play provision.

It is noted that the amounts of POS and play were not set by the outline permission but that a contribution of £32,727.27 to an offsite Neighbourhood Equipped Area for Play (NEAP) was included in the s106 Agreement. Together with the contribution for application Y/91/17/OUT, this equated to a total of £60,000.

On the basis of this contribution towards an off-site NEAP, it is reasonable to discount the requirements for on-site play space requirements. In terms of the POS requirement, the development should provide at least the minimum Open Space requirements as detailed in the SPD which is 21,120m² and that this must be demonstrated to be all useable space. Therefore, the overall space requirement is 24,604.4m² (or 2.46ha).

The application is accompanied by a POS Area plan shaded to show which areas have been counted. This demonstrates a total provision of 2.57ha and this total excludes the SuDS drainage features. The Councils Landscape Officer raises no concerns with the spaces that have been included in the overall figure. As set out above, the applicant has also provided clarification in respect of the usability of the SuDS features within the Green Link.

In respect of play provision, the requirements are for 1 Locally Equipped Area for Play (LEAP) and 2 Local Areas for Play (LAP) with the additional space requirements being met by informal 'buffer' area spaces. The application shows the location of a LEAP within the Central Green and also indicates four LAP's spread throughout the site. The additional play area plans also show a sufficient level of detail to approve these. It is noted that the LEAP will be 20m from the nearest dwellings as per SPD requirement.

There is no conflict with ALP policy OSR DM1 or the Council's Open Space SPD.

LANDSCAPING & TREES:

ALP policies D DM1, LAN DM1 and D SP1 are all relevant as is YNDP policy E4. Several trees on the site are protected by TPO but these are all within the tree belt along the south east boundary and are not at risk from the proposed development. There are tree protection measures built into condition 8 of the outline permission which require that an Arboricultural Method Statement and Tree Protection Plan be submitted prior to commencement of each phase.

The submission includes detailed landscape drawings and these have been assessed by the Council's landscape officer who considers them to represent a well-designed scheme. The officer notes that the POS areas around the periphery will form a pleasant setting to the development and that the Green Link through the site will aid wildlife and enhance biodiversity.

The application proposes to plant around 370 new trees as well as around 400m of new hedgerow plus plants, shrubs and other new soft landscaping features. It is considered that the proposed hard surfacing treatments are varied and that the mix of boundary treatments is also acceptable. It is also noted that the latter includes the use of brick and flint in key public realm locations.

There is a minor concern in that the submitted landscape plan number JBA-19-291-10 Rev G refers to a Measured Works Schedule but this has not been provided. This document is said to provide the details of the various seed mixes to be used in the ground level vegetation in the POS and landscaped areas. However, this can be sought through a condition. Overall, there is sufficient information to make a determination on the landscaping aspects of the proposed development and there are no conflicts with any of the relevant development plan policies.

OTHER MATTERS:

(A) Housing Mix

ALP policy HDM1 provides for a mix of housing to meet local needs and requires all housing development should provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand. The policy preamble (12.2.4) acknowledges that the final mix will be negotiated on a site by site basis, having regard to the most up to date Strategic Housing Market Assessment (SHMA).

The proposed development comprises the following mix (expressed as the number and % of market only units (210) and also the number and % of market & affordable combined (300) in order to show compliance with both of the above housing mix ranges):

- 0 / 16 x 1 bed dwellings (0% / 5%);
- 58 / 95 x 2-bed dwellings (28% / 32%);
- 93 / 124 x 3-bed dwellings (44% / 41%);
- 59 / 65 x 4-bed dwellings (28% / 22%).

The applicant has revised the mix to reduce the number of large 4 bed detached dwellings in favour of an increase in 2 bedroom dwellings. The application also states that the proposed development delivers over two-thirds of the scheme as 2 & 3 bed dwellings (219) which is consistent with the broad objectives of the 2012 and 2016 SHMA. The higher percentage of family dwellings is stated to be justified when considered against the parameters and associated density contained within the Design Code and the current trend towards working from home.

The above assessment suggests that none of the proposed mix accords with the table set out in the SHMA and that only the number of 2 bed dwellings is in accordance with the mix set by YNDP policy H2. As such, there is conflict with both of the development plan policies. However, it is material that the applicant has reduced the number of 4 beds within the scheme to take account of previous officer concerns and that YPC have stated a preference for the provision of both new small dwellings and also for new larger housing and the mix achieves both. It is also material that the SHMA was last updated in 2016 and that the YNDP policy is from 2014 and as such no objection is raised.

(B) Housing for Older People

Condition 26 of the Outline Permission set out a requirement that 25% of the 1, 2 & 3 bed dwellings be delivered to Lifetime Home standards (so a total of 7 dwellings). Lifetime Home standards no longer exist and the equivalent current standard is contained in part M4(2) of the Building Regulations. This would mean that at least 56 of the 225 1/2/3 bed dwellings should be part M compliant.

The Local Planning Authority has an agreed internal policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). This is neither adopted policy nor a supplementary planning document but is considered to have some weight as a material planning consideration.

This requires that 150 of the proposed homes (50%) are designed to the M4(2) standard, that 12 homes are also designed to meet M4(3) i.e. be wheelchair accessible and that there be bungalows included.

Drawing PLN-1-1112 M4(2) Rev E confirms that 70 homes (29%) will be designed to meet part M4(2) of the Building Regulations and this exceeds the requirements of the condition by 14 homes which is positive. There is conflict with the ADC guidance but as this is not adopted policy and as the condition takes precedence over its requirements, a provision lower than the guidance requirements is appropriate.

(C) Residential Amenity

ALP policies D DM1 and QE SP1 are relevant. The Council's Design Guide sets out guidance on interface distances between houses:

- Back to Back: min. 21m between habitable rooms of properties or to existing buildings.
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property.
- Front to Front: min. 16m between habitable rooms of properties facing each other.
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.
- There are no standards for either side to side or front to back.

There are no concerns in respect of back-to-back distances but concerns were previously raised in respect of certain back-to-side and front-to-front distances. In response, the applicant has advised that front-to-front distances are not to the Design Guide standards as the widths of roads and treatment of front gardens, pavements etc takes its cues from the approved Design Code and the Manual for Streets.

To make the front-to-front distances comply would require changes to the approved Design Code.

The applicants have also supplied a drawing (PLN-3-1118 Rev D) which shows those rear/front to side distances which do not meet the Design Guide and indicates the location of obscure glazing/ confirms instances where no windows are affected. The Design Guide is intended as guidance only therefore it is not appropriate to rigidly follow its requirements in every situation. It is also material that this development is to be designed as its own place and that the relaxation of certain standards can help to establish a sense of identity.

There was previously a concern with the interface to the existing bungalows on Tack Lee Road due to the difference in the number of storeys between proposed (2) & existing (1). The layout has been amended in this respect and now ensures a distance of 12m from the rear of the dwellings to the boundary of the site thus meeting the requirements of the Design Guide. Ground levels in this part of the site have also been adjusted to better reflect the existing ground level and so further mitigate overlooking.

There was also a concern with the relationship of plot 50 to 60b Tack Lee Road. The former has a first floor flank bathroom window which will face the side of the rear garden of the existing two storey dwelling. It is also noted that plot 50 will have a raised floor level (approx. 0.5m above ground level). In response, the applicant has moved plot 50 away from the shared boundary so there is now a 7m gap to the boundary and around 10m between the flanks of the respective dwellings. This is now acceptable as there will be no light loss or sense of overbearing and the window will be obscure glazed.

All other existing residential properties are either far enough away or benefit from existing landscape screening (such as between plot 72 & the rear of 60a/b Tack Lee Road).

The previous concerns have now been resolved and overall there is no conflicts with the relevant development plan policies. Whilst the proposal does not fully meet the Arun Design Guide, it is in accordance with the approved Design Code which in this application, takes precedence.

(D) Internal & External Space Standards

Drawing PLN-3-1118 Rev D confirms that all gardens exceed a depth of 10m. Whilst not all gardens achieve the 10.5m requirement, the 21m rear-to-rear facing distance is achieved in all respects so the shortfall does not adversely affect the living conditions of existing or future occupiers. Furthermore, the Design Guide allows for flexibility in the overall approach and is not a policy that must be rigidly followed.

On the previous application, it was noted that many of the dwellings had front gardens of less than 2m depth. There is nothing in the approved Design Code which would explain why certain front gardens do not meet this requirement. In response the applicant has stated that the proposals provide an area of front garden where practicable and that 55% of dwellings provide front gardens 2m+, increasing to 74% when set at 1.5m+. This is also acceptable as the Design Guide allows for a flexible approach.

The flatted properties consist of house types 1BM, 2BM, 2BF & ALV and the following is an assessment of their external amenity spaces:

- 1BM & 2BM (purpose built flats within the maisonettes). Ground floor flats have small gardens behind approx. 1m hedges. These spaces appear to be at least 3m² and screened by a low hedge. The upper floor flats have 3m² balconies. These flatted buildings do also have policy compliant communal amenity space and there are now no objections with the placement of these.
- 2BF (Flats over Garage - plots 200 & 249). These are now shown to have a balcony on either the front or rear elevation.

- ALV (1 instance of a flat above an undercroft driveway - plot 119). This is now shown to have a balcony on the front.

The Design Guide is intended as guidance only and seeks for flexibility in its approach. As such the minor shortfall in some of the front and rear garden depths is accepted.

(E) Parking, Roads and Public Footpaths

ALP policies T DM1 & T SP1 and YNDP policy PK1 are relevant although the latter has lower weight due to the adoption of the Arun Parking Standards SPD. The advice of WSCC Highways is summarised above and they raise no objections to the layout subject to conditions. Furthermore, the access arrangements were approved by the outline planning permission. On this basis, any refusal on grounds of highway safety or conflict with policies T SP1 or T DM1 could not be sustained at appeal.

The Parking SPD requires a total of 665 allocated spaces and 60 visitor spaces (so a total of 725). In respect of parking provision, the layout proposes 648 allocated spaces (including 5 car ports & 110 garages treated as half a space each) plus 76 visitor spaces (so an overall total of 724). Therefore, the proposal has a shortfall in allocated spaces but an over provision of visitor spaces which compensates for this. As such, there is no conflict with the Parking Standards SPD.

Cycle parking is indicated to either be with cycle storage sheds, garages or communal stores. Elevations/details have been provided except in the case of the sheds within gardens and so a condition is required to agree these.

Given that the site layout respects & enhances existing public rights of way and provides new foot and cycle paths through and around the housing layout, there is compliance with Policy T DM1 and with the Parking Standards SPD.

(F) Waste Management

ALP policy WM DM1 is relevant but there are no issues with refuse vehicles accessing the site from Main Road and the application includes details of both individual bin storage locations, communal bin stores and collection points for bin days. The design approach in respect of the bin stores for the apartment buildings is also now acceptable.

Overall, it is considered that the application achieves sufficient provision for the storage of waste and that kerbside collection is possible for all dwellings such that there is no conflict with the requirements of policy WM DM1.

(G) Surface Water Drainage

This is a separate matter as drainage is covered by conditions 9, 10 & 11 on the outline planning permission and will be agreed through the discharge of such conditions. However, Engineers state that the layout needs to be considered concurrently with drainage to ensure that there is sufficient space allowed within for the required drainage features.

ALP Policy W DM3 and YNDP policy E11 are both relevant. The applicant has provided a surface water drainage plan which shows a mix of surface water sewers, drains & gulleys, modular storage, detention basins (ponds), soakaways, permeable paving and swales. The majority of the detention basins (ponds) are within the POS to the edges of the site but also within the Central Green POS and within the Green Link POS which extends roughly north west from the Central Green towards Drove Lane.

It is also apparent from the submission that levels are to be raised across the site, most notably in the central areas and to the edges of the site (albeit that levels are not now increasing where the site backs on to 44-60 Tack Lee Road). The applicant has stated that this is unavoidable due to the need to facilitate surface water runoff to the site edges and away from the boundary with Tack Lee Road.

The Council's Engineers have raised a holding objection on the basis of insufficient information having been supplied to enable the drainage scheme to be fully agreed at this stage. Negotiations on this matter are ongoing but the objection persists.

Condition 9 of Y/92/17/OUT originally stated that the drainage scheme had to be agreed prior to approval of any reserved matter. However, the condition has now been altered by Y/21/21/NMA to require approval prior to commencement.

A similar approach can therefore be taken here to how other applications in the local area (such as the land at Bonhams Field opposite) have been determined. In these cases, it was made clear that if the drainage conditions cannot be agreed due to the layout not providing sufficient space then a new Reserved Matters application will need to be submitted to account for the necessary drainage features. These other permissions represent material considerations that serve to outweigh the policy conflicts. On this basis, this reserved matters application can be determined without the full support of drainage engineers and therefore it is not necessary to demonstrate compliance with policy W DM3 at this time.

(H) Biodiversity Net Gain

Condition 13 of Y/92/17/OUT requires that the reserved matters be substantially in accordance with the 'Habitat and Ecological Enhancement Management Plan (November 2017) - LLD1320-ECO-EDS'.

ALP policy ENV DM5 and YNDP policies E3 & E4 are relevant. The YNDP policies relate to the principle of development and it is noted that existing hedges around the site are retained. In respect of ENV DM5, the submission includes a new ecological walkover survey and a biodiversity net gain statement. The latter states that it has been prepared in accordance with the Defra Biodiversity Metric 2.0 (September 2019). The document reports a loss of 5.4% for habitat but a 108% gain for hedgerows.

The high percentage gain for hedgerows is due to the retention of most of the existing hedges and the creation of over 400m of new native species-rich hedge. In addition, several wildlife enhancement measures are proposed including bird & bat boxes on dwellings & retained mature trees, log piles/compost heaps, hedgehog gaps in fences to about 20% of fences.

The applicant considers that the net gain that can potentially be delivered by the development is likely to be positive overall. This is accepted and despite the development of the site with new physical development, its former use as an agricultural field compared to the proposed enhancements/creation of new habitat etc means that there will be an overall net gain. It is also noted that only 1 tree is due to be felled on the site and even then only if it becomes diseased. The amount of new tree planting will therefore also contribute to biodiversity net gain. According to the detailed landscaping scheme, approximately 370 new trees will be planted.

The reserved matters proposal is therefore substantially in accordance with the Habitat and Ecological Enhancement Management Plan and also in accordance with the relevant development plan policies.

(I) Climate Change

Condition 22 on the outline permission requires the approval of measures to reduce energy conservation and achieve a 10% annual energy reduction. As these details are required to be separately approved

through the discharge of this condition, it is not considered reasonable to also require compliance at the reserved matters stage. As such, the proposal would be in accordance with policy ECC SP2.

It is noted that WSCC have asked for details of electric vehicle provision but again this is already by a condition on the outline permission (25) and so it is not reasonable to insist upon such details at this stage.

SUMMARY:

It is recognised that the applicant has made several positive changes to the application to overcome the concerns raised in the refusal of Y/78/20/RES and those raised during the determination of this new application. Whilst there remain some instances of conflict with the Arun Design Guide, it is material that there is compliance with the site specific Design Code and the proposal is in accordance with the development plan as a whole. It is therefore recommended that permission be granted subject to additional conditions alongside those imposed on Y/92/17/OUT.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

CIL DETAILS

It is not possible to secure CIL for this development as infrastructure contributions have already been secured through the s106 Agreement attached to the outline planning permission.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby approved shall be carried out in accordance with the following

approved plans and documents:

PLN-3-1101 Rev W "Site Layout";
 PLN-3-1102 Rev H "Colour Site Layout";
 PLN-3-1103 Rev G "Site Layout Storey Heights";
 PLN-3-1104 Rev J "Site Layout Dwelling Types";
 PLN-3-1105 Rev L "Site Layout Tenure Plan";
 PLN-3-1106 Rev G "Site Layout Parking Plan";
 PLN-3-1107 Rev G "Site Layout Refuse Plan";
 PLN-3-1108 Rev H "Site Layout Materials Plan";
 PLN-3-1109 Rev G "Site Layout Boundary Treatments";
 PLN-3-1111 Rev A "Location Plan";
 PLN-3-1112 Rev F "Site Layout M(4)2 Plan";
 PLN-3-1118 Rev D "Site Layout - Back to Side Dimensions";
 PLN-3-1120 Rev B "POS Areas";
 PLN-3-1150 Rev C "Coloured Street Scenes";
 PLN-3-2101 Rev E "House Types BEW Elevations & Floor Plans";
 PLN-3-2102 Rev F "House Types MOR Elevations & Floor Plans";
 PLN-3-2103 Rev F "House Types ELL Elevations & Floor Plans";
 PLN-3-2104 Rev E "House Types KEN Elevations & Floor Plans";
 PLN-3-2106 Rev G "House Types ALV Elevations & Floor Plans";
 PLN-3-2107 Rev E "House Types T55 Elevations & Floor Plans";
 PLN-3-2108 Rev E "House Types T54 Elevations & Floor Plans";
 PLN-3-2109 Rev E "House Types T52 Elevations & Floor Plans";
 PLN-3-2110 Rev E "House Types T51 Elevations & Floor Plans";
 PLN-3-2111 Rev G "House Types 2BF Elevations & Floor Plans";
 PLN-3-2112 Rev G "House Types HOL Elevations & Floor Plans";
 PLN-3-2113 Rev E "House Types AVO Elevations & Floor Plans";
 PLN-3-2114 Rev F "House Types KIR Elevations & Floor Plans";
 PLN-3-2115 Rev F "House Types HWD Elevations & Floor Plans";
 PLN-3-2116 Rev G "House Types BRA Elevations & Floor Plans";
 PLN-3-2118 Rev C "House Types DEN Elevations & Floor Plans";
 PLN-3-2120 "House Types GRE Elevations & Floor Plans";
 PLN-3-2121 "House Types MAI Elevations & Floor Plans";
 PLN-3-3000 Rev K "House Types 2BM-1BM Elevations & Floor Plans";
 PLN-3-3700 Rev A "Single Garage Elevations and Plans";
 PLN-3-3701 Rev A "Double Garage Elevations and Plans";
 PLN-3-3800 Rev A "Substation Elevations and Plans";
 PLN-3-3901 Rev A "Cycle Store 2 Elevations and Plans";
 PLN-1-5000 JBA 18/019-SK01 "Illustrative Landscape Masterplan";
 PLN-1-5001 JBA19291-1 Rev G "Detailed Soft Landscape Proposals for Plots and Hard & Soft for POS";
 PLN-1-5001 JBA19291-2 Rev G "Detailed Soft Landscape Proposals for Plots and Hard & Soft for POS";
 PLN-1-5001 JBA19291-3 Rev G "Detailed Soft Landscape Proposals for Plots and Hard & Soft for POS";
 PLN-1-5001 JBA19291-4 Rev G "Detailed Soft Landscape Proposals for Plots and Hard & Soft for POS";
 PLN-1-5001 JBA19291-5 Rev G "Detailed Soft Landscape Proposals for Plots and Hard & Soft for POS";
 PLN-1-5001 JBA19291-6 Rev G "Detailed Soft Landscape Proposals for Plots and Hard & Soft for POS";

PLN-1-5001 JBA19291-7 Rev G "Detailed Soft Landscape Proposals for Plots and Hard & Soft for POS";
PLN-1-5001 JBA19291-8 Rev G "Detailed Soft Landscape Proposals for Plots and Hard & Soft for POS";
PLN-1-5001 JBA19291-9 Rev G "Detailed Soft Landscape Proposals for Plots and Hard & Soft for POS";
PLN-1-5001 JBA19291-10 Rev G "Detailed Soft Landscape Proposals for Plots and Hard & Soft for POS";
A316-01 Rev P2 "Swept Path Analysis";
"Design and Access Statement (March 2021) and "Design & Access Statement .. Addendum" (Sept 2021);
Statement entitled "RE: Biodiversity Net Gain Calculation for Land East of Drove Lane, Yapton, West Sussex" (ref JBA 19/291 ECO02 AC, 18/08/20);
Note entitled "Sustainable Urban Drainage Systems" (14/09/21); and
"Plot Information Schedule" Rev W.

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

- 2 No development above damp proof course (DPC) level shall take place unless and until full details of the biodiversity enhancements referred to in the submitted Biodiversity Net Gain Statement (ref JBA 19/291 ECO02 AC, 18/08/20) have been submitted to and approved in writing by the Local Planning Authority. These shall include the various bird/bat nesting opportunities and log piles referred to on the Appendix 1 plan and also the location of hedgehog gaps in fences within the site. The approved details shall be implemented in full and permanently retained in good working condition thereafter.

Reason: To promote and ensure biodiversity enhancement in accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 3 No development above damp proof course (DPC) level shall take place until full details of the proposed in-curtilage cycle stores for those dwellings which do not benefit from a garage or a communal store have been submitted to and approved in writing by the Local Planning Authority and the relevant houses shall not be occupied until the approved cycle storage sheds associated with them have been erected/provided. These cycle storage spaces shall thereafter be permanently retained and maintained.

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

- 4 Notwithstanding that the details of soft landscaping are approved through this decision, no development above damp proof course (DPC) level shall take place until the Landscaping Measured Works Schedule has been submitted to and approved in writing by the Local Planning Authority. Thereafter the landscaping shall be carried out in accordance with both the approved plans and the related measured works schedule.

Reason: The landscape plans refer to a separate measured works schedule but this has not been provided and is required in accordance with policies D DM1 & LAN DM1 of the Arun Local Plan.

- 5 Notwithstanding that the details of hard landscaping are approved through this decision, no development above damp proof course (DPC) level shall take place until the full details of an alternative surfacing to those pathways shown as hoggin shall submitted to and approved in

writing by the Local Planning Authority. Thereafter the new footpaths and any amendments to existing paths shall be laid in accordance with the approved plans and permanently retained in good condition thereafter.

Reason: The use of hoggin is unsuitable as it does not provide year round accessibility for wheeled/pedestrian users and can become maintenance prone in highly trafficked areas. This condition is required in accordance with policies D DM1 & LAN DM1 of the Arun Local Plan.

- 6 No development above damp proof course (DPC) level shall take place until the applicant has submitted an alternative design for the proposed entrance feature at the site entrance from Drove Lane which reflects the canal based heritage of the site and for approval in writing by the Local Planning Authority. This will be agreed in consultation with Yapton Parish Council. Thereafter, the agreed entrance feature will be installed prior to occupation of any dwellings within the Canal Green character area.

Reason: In the interests of preservation of the heritage interest of the site in accordance with Arun Local Plan policies HER SP1 and HER DM5.

- 7 No development above damp-proof course (DPC) level shall take place unless and until details of the proposed location of the required fire hydrants have been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Prior to the first occupation of any dwelling forming part of the proposed development, the developer shall at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved locations to BS:750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrants shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner/occupier if the installation is retained as a private network.

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

- 8 No dwelling shall be first occupied in a particular phase until the car parking spaces, car ports, garage spaces, roads, footways and turning facilities serving the respective dwellings have been constructed in accordance with the approved site plan. Once provided, the parking spaces shall not be used for any purpose other than for the parking of vehicles and the garages shall not be used for any purpose other than the parking of vehicles and for domestic storage unless permission is granted by the Local Planning Authority on an application in that behalf.

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

- 9 None of the dwellings hereby approved shall be occupied unless and until the applicant/developer supplies a certificate confirming the agreement of the Royal Society for the Prevention of Accidents (RoSPA) to the location of the SuDS features within areas of Public Open Space and close to designated play areas. The submission shall include details of any physical changes if necessary such as boundary treatments for approval in writing by the Local Planning Authority prior to occupation.

Reason: In the interests of amenity and safety in accordance with policies D DM1 and OSR DM1 of the Arun Local Plan.

- 10 None of the dwellings hereby approved shall be occupied unless and until plans and details have been submitted to and approved in writing by the Local Planning Authority to show that the proposed footpath/cycle links between the ends of the cul-de-sacs on the perimeter of the site are at least 3m wide and feature some form of modal filter (single bollard or landscaping) to prevent vehicle access. Thereafter these links shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety and sustainable transport in accordance with policies T SP1 and T DM1 of the Arun Local Plan.

- 11 None of the dwellings hereby approved shall be occupied unless and until plans and details have been submitted to and approved in writing by the Local Planning Authority to show a continuous footway outside of plot 214. Thereafter this footway shall be implemented in accordance with the approved details prior to first occupation of the residential unit it is serving and permanently maintained thereafter.

Reason: In the interests of highway safety and sustainable transport in accordance with policies T SP1 and T DM1 of the Arun Local Plan.

- 12 None of the dwellings hereby approved shall be occupied unless and until plans and details have been submitted to and approved in writing by the Local Planning Authority in respect of the retention of the existing metal estate fencing around the sheep field and the replacement of damaged sections with replacement fencing that is as close a match to the existing as possible. The new fencing sections and removed old sections shall be installed in accordance with the approved details prior to first occupation of any of the dwellings and the existing and new fencing shall thereafter be retained in perpetuity.

Reason: In the interests of the appearance and setting of the Conservation Area in accordance with Arun Local Plan policies HER SP1 and HER DM3.

- 13 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) no rear extensions shall be constructed or buildings shall be erected within the curtilage of the same plots unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To maintain adequate private amenity space and in the interests of visual amenity and the particular characteristics of this development which has been subject to a Design Code in accordance with policies D DM1, D SP1 of the Arun Local Plan.

- 14 Notwithstanding the provisions of Parts 1 & 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (as amended) (or any Order revoking or re-enacting this Order) no dormer/roof extensions/alterations to the houses approved shall be constructed unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of visual amenity, heritage and the particular characteristics of this development which has been subject to a Design Code in accordance with policies D DM1, D SP1 of the Arun Local Plan.

- 15 Notwithstanding the provisions of Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no hardstanding (other than that specified on the approved plans) shall be created

on land forward of the principal or side elevations of the dwellings, unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of visual amenity and the particular characteristics of this development which has been subject to a Design Code in accordance with policies D DM1, D SP1 of the Arun Local Plan.

- 16 Notwithstanding the provisions of Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no fences, walls, gates or other means of enclosure (other than those specified on the approved plans) shall be erected on land forward of the primary or side elevations of the dwellings, unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of visual amenity and the particular characteristics of this development which has been subject to a Design Code in accordance with policies D DM1, D SP1 of the Arun Local Plan.

- 17 All bathroom and toilet windows in the elevations of the buildings indicated by a green circle on drawing PLN-3-1118 Rev D "Site Layout - Back to Side Dimensions" shall be glazed with obscured glass and permanently retained so thereafter.

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

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

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

- 19 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.

- 20 INFORMATIVE: The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

- 21 INFORMATIVE: The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.

- 22 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 21/04/21) as available on the Councils website.

- 23 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information, please contact the Environmental Health Department on 01903 737555.
- 24 INFORMATIVE: The applicant should note that this layout has been approved without sufficient site investigations to determine whether infiltration of surface water runoff is viable and therefore if it subsequently becomes clear that the drainage conditions cannot be agreed due to the layout not providing sufficient space for drainage then a new Reserved Matters application will need to be submitted as the Local Planning Authority will not be able to agree such changes through the Non Material Amendment process. Please also note that any future submission to seek a discharge of the drainage conditions must be accompanied by full details in accordance with the guidance and checklist here <https://www.arun.gov.uk/surfacewater>.
- 25 INFORMATIVE: This permission does not formally discharge any of the conditions imposed on the outline planning permission except for those which require details be submitted with the reserved matters application (nos. 3, 6, 7, 13, 26). Therefore, the submitted plans and documents which relate to external lighting, levels, foul and surface water drainage (including those showing hard surfacing treatments) are not listed in this approval. You should also note that despite agreement to the submitted materials plans, discharge of these details is also required through condition 5 on the outline.