

DECISION NOTICE

Application Ref: Y/49/21/RES

1 To Addressee

Barratt David Wilson Southern
BDW House
Walnut Tree Close
Guildford
GU1 4SW

2 Site Address

Land East of Drove Lane
Yapton
BN18 0EB

3 Description of Development

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).

4 In pursuance of their powers under this Act and related Orders and Regulations the Council **PERMIT** this development to be carried out in accordance with the application and plans and subject to the following conditions.

- 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

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.

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.

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.

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.

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.

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.

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>.

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.



Neil Crowther
Group Head of Planning

Case Officer: Mr S Davis

Decision Issued: **28th October 2021**

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against this planning application decision, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against this planning application decision, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Otherwise, if you want to appeal against this decision then you must do so within 6 months of the date of this notice.

Appeals must be using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <http://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must send notice to the Local Planning Authority and Planning Inspectorate(inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details can be found at www.GOV.uk

PURCHASE NOTICES

If either the local planning authority or the Secretary of State refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for the Park, or in any other case the district council in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town & Country Planning Act 1990.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on

highway land).