Recommendation Report for Outline Consent

REF NO: **Y/56/15/OUT**

LOCATION: Land at & West of Kings Close
Yapton

PROPOSAL: Outline application for proposed mixed use development comprising 5 No.3 bedroom houses, 4 No. 2 bedroom houses & 1 No. 1 bedroom flat over car ports together with 4 No. B1 workshop/business units all with parking & access to main road via a redefined alignment of Kings Close & Highway improvement works at existing crossover.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This is an outline application to consider access and layout only for 9 houses, 1 flat (over carports) and 4 Class B1 workshop/business units with access from Main Road via Kings Close. The application varies a previous permission Ref Y/22/14/OUT which was for a total of 18 dwellings including 1 flat. Essentially, 4 business units are proposed in place of 6 residential units. There are also changes elsewhere to the layout which result in two less dwellings. The proposal includes alterations & improvements to the existing access and also provides for access through the site to the rear of Merry Meats and to existing dwellings to the rear of the site. Parking is provided in the form of 33 car spaces (including garages/car ports), 4 van spaces and 28 cycle spaces.
SITE AREA	0.486 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	21 dwellings per hectare.
TOPOGRAPHY	Predominantly flat but with a depression in the south west corner adjacent to Kingsmead (this dwelling is slightly lower than the application site) and a slight dip along the western boundary. There are also several overgrown piles of earth/rubble.
TREES	There is a large Willow tree overhanging the boundary in the southwest corner but there are not considered to be any trees of significance which are affected by the proposed

	development.
BOUNDARY TREATMENT	Mix of 1.8m high hedging, wall or timber fence.
SITE CHARACTERISTICS	This is a piece of vacant land to the rear of shops fronting onto Main Road. The site is accessed from Main Road via Kings Close, an unmade road servicing Kingswood and Kingshaven and land to rear of the shops. The site is part overgrown grassland and part hard surfacing.
CHARACTER OF LOCALITY	Mixed residential and commercial. The site is to the rear of the Yapton local shopping centre and surrounded on all other sides from residential dwellings or gardens.

RELEVANT SITE HISTORY

Y/41/02/	Outline application for residential development.	Refused 23-07-2002 *Appealed* **Appeal: Allowed 18 07 2003**
Y/74/04/	Approval of Reserved Matters following outline application Y/41/02 for residential development of ten houses with garaging and parking spaces	ApproveConditionally 16-02-2005
Y/70/09/	Outline application for demolition of existing industrial units and redevelopment of the site with 5X3 bedroom 2.5 storey houses and 1X4 4 bedroom 2 storey detached houses and small commercial/retail unit with 2 bed apartment over and access to Main Road via Kings Close	ApproveConditionally 31-03-2010
Y/59/11/	Application for Outline Planning Permission with some matters reserved for proposed residential development comprising 8 no. 3 bed houses, 3 no. 2 bed houses & 1 no. 2 bed flat over garages incorporating car ports & access to Main Road via a re-defined alignment of Kings Close & highway improvement works at existing crossover	App Cond with S106 29-03-2012
Y/31/14/PL	Erection of detached building comprising two flats.	ApproveConditionally 02-07-2014
Y/22/14/	Outline Application with some matters	App Cond with S106

	reserved for a proposed residential development of site with 1 x 4 bedroom house, 13 x 3 bedroom houses 3 x 2 bedroom houses & 1 x 2 bedroom flat over garages, incorporating parking & access to main road, via a redefined alignment of Kings Close & Highway improvement works at existing crossover.	14-11-2014
Y/57/15/PL	Variation of condition 2 imposed under planning reference Y/31/14/PL to reflect 'as built' situation.	ApproveConditionally 07-10-2015

The proposal is an amendment to Y/22/14/OUT which sought permission for: "Outline Application with some matters reserved for a proposed residential development of the site with 1 x 4 bedroom house, 13 x 3 bedroom houses 3 x 2 bedroom houses & 1 x 2 bedroom flat over garages, incorporating parking & access to main road, via a redefined alignment of Kings Close & Highway improvement works at existing crossover". The application was granted permission in November 2014.

In July 2014, permission was granted for two flats within a detached two storey building at the back of Merry Meats. This is outside of the application site but immediately adjacent to it. However, care was taken on that permission to ensure that new windows would not result in privacy issues with those dwellings previously approved on the Kings Close site.

REPRESENTATIONS

Representations received:

Yapton Parish Council

Yapton Parish Council - No objection.

A letter was received from a neighbouring resident asking the following questions:

"(1) Is Kings Close to become an adopted road? If not, who will be responsible for organising repairs etc when required?

(2) Is there to be street lighting now there are to be new houses and commercial premises? It would be necessary as it would be hazardous for pedestrians especially during the winter months.

(3) How far is the road building to extend? What is a 'shared surface'?

(4) Will there be restrictions on the use of the business units? There needs to be some noise control because of nearby housing. I know that historically there were businesses in the Close, but there was absolutely no noise from them. Since the Co-op was extended, access has become much narrower. Also, are the commercial units to be rented or sold?

(5) There will be a lot of traffic generated by the businesses and the new houses - 18 commercial and 19 residential parking spaces are to be made. That is without visitors to both the new houses and commercial units, that will probably attract vans and lorries. Added to this, there are also presently 8 vehicles belonging to the current residents of Kings Close.

(6) Co-op customers constantly park in the Close, despite there being 3 'Private Road, No

Parking' notices. Any attempts to discourage this has resulted in abusive behaviour. These customers even park in the middle of the road, stopping us from going to work and returning home. There is a need for double yellow lines and some sort of parking control.

(7) The pavement at the right hand side of the Close is the pick-up point for the local children to go to school by bus. In the morning, there can be as many as 30 youngsters milling about to add to the confusion. This is a real danger and there have been many close incidents already."

Comments on Representations received:

In response to the neighbour's questions:

(1) There are no plans to adopt Kings Close. No details are provided as to how the surface will maintained but this is considered to be outside of the scope of the planning system and should be dealt with by separate legal means.

(2) It is not considered likely that street lighting will be installed as the road will not be adopted. However, there will be lighting associated with the proposed dwellings and business units which will provide some illumination to street areas.

(3) The extent of alterations to the road surface is shown on the submitted drawings. A shared surface is one which is to be shared by pedestrians, vehicles and cyclists.

(4) Conditions are proposed to prevent open storage, control hours of operation and minimise light pollution. It is not known whether the commercial units will be rented or sold.

(5) No objections have been raised by WSCC Highways and the previously permitted scheme would have resulted in a similar amount of traffic movements.

(6) The proposed changes will make it much more difficult to park within Kings Close.

(7) No objections have been raised by WSCC Highways and the previously permitted scheme would have resulted in a similar amount of traffic movements.

CONSULTATIONS

WSCC Strategic Planning
Arboriculturist
Planning and Housing Strategy
Planning Solicitor
Southern Water Planning
Environmental Health
Parks and Landscapes
Economic Regeneration
Engineering Services Manager
Engineers (Fluvial Flooding)
Surface Water Drainage Team

Consultations responses received:

Southern Water - request a condition and an informative regarding the proposed foul sewerage connection.

WSCC Ecology - Comments made in respect to Y/22/145/OUT stated that: "There is no

ecological objection to the principle of development on this site subject to the imposition of suitably worded conditions. On the subject of whether there is enough ecological information to allow a suitable determination I am satisfied that there is. The recommendation for additional reptile surveys can legitimately pass to the detailed application. The Reserved Matters application must be supported by a reptile survey and appropriate mitigation designed." Conditions are recommended regarding detailed reptile surveys, the need for an ecological enhancement scheme and removal of trees outside of the breeding season."

WSCC Highways - In summary: "This is an outline application with reserved matters apart from access and layout. It is based on a previous application (Y/22/14), and the majority of the scheme remains the same albeit with some changes including an element of B1 use, larger turning radii in the internal layout and a differentiated raised walkway from the front of the site into the proposed B1 units. WSCC has considered the submitted plans and raise no objection subject to any conditions attached."

WSCC Flood Risk Management - no objection. Request surface water drainage scheme condition.

Arun DC Drainage Engineers - "Soakaways and permeable surfaces are proposed for surface water drainage. Please apply standard conditions ENGD2A, ENGD5A."

Arun DC Arboricultural Officer - "The submitted application has failed to identify or implement any
protective measures to be implemented to protect the neighbouring trees (to the west of the development site). This linear belt of mainly mature specimens is located close to the boundary line. From the site inspection, the proximity of the offsite trees to the development would indicate the root protection areas of the neighbouring trees are likely to protrude into the development area. To meet the BS 5837, effective protection measures must be implemented to the given RPA areas. Furthermore, two of the trees within the neighbouring property did have the attributes to warrant TPO orders. Recommendation:- I would like to object to the submitted application, as the applicant has failed to identify and outlined any suitable mitigation/protection measures for any of the established offsite trees that maybe be affected
by this development."

Arun DC Environmental Health - request the imposition of conditions relating to contamination, hours of use, external storage and lighting.

Arun DC Greenspace - Request contributions of £10,000 for off-site open space. With regard to Landscape, it was recommended that a landscape scheme and a Landscape Visual Impact Assessment be submitted.

Comments on Consultation responses:

Comments noted and conditions/informatives included within the recommendation.

With respect to ADC Greenspace comments, it was not considered possible to request a landscaping scheme as the application is in outline with landscaping matters a reserved matter. Furthermore, it was not considered that this urban site was an appropriate location for a Landscape Visual Assessment let alone a Landscape Visual Impact Assessment (the LVIA being the more onerous of the two). It was also noted that neither of the two previous outline applications on the site were subject to an LVIA.

Following concerns over tree protection raised by the Councils Greenspace Officer on the previous application, the Councils Tree Officer was consulted. However, no response was made at that time. The Tree Officer has now made an objection to this application and requested that two trees be made the subject of TPO's. However, the part of the scheme that the objection relates to has not significantly changed from the Y/22/14/OUT approval. The only changes being that plot 6 is now a further 0.5m away from the western boundary and around 0.5m further from the southern boundary and thus the proposed dwelling is now slightly further from the Willow tree.

It was previously noted that the decision for application Y/59/11 included an informative regarding the protection of neighbouring trees. This informative was replicated on Y/22/14/OUT and will be again imposed on this permission. In addition, a condition requiring tree protection details to be submitted will be imposed.

POLICY CONTEXT

Designations applicable to site:

Within Built-Up Area Boundary;
No Public Sewer; and
PD Restriction.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	DEV17	Affordable Housing
	GEN2	Built-up Area Boundary
	GEN5	Provision of New Residential Development
	GEN32	Noise Pollution
	GEN33	Light Pollution
	GEN34	Air Pollution
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	GEN12	Parking in New Development
	GEN20	Provision of Public Open Space within New Development
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality
		D DM3 External Space Standards
		D SP1 Design
		ECC SP2 Energy and climate change mitigation
		ENV DM4 Protection of Trees
		ENV DM5 Development and Biodiversity
		H DM1 Housing Mix
		H SP2 Affordable Housing
		OSR DM1 Open Space, Sport and Recreation
		QE DM1 Noise Pollution
		QE DM2 Light Pollution
		QE DM3 Air Pollution
		QE DM4 Contaminated Land
		SD SP2 Built-Up Area Boundary

	T SP1 Transport and Development W DM3 Sustainable Urban Drainage Systems
Yapton neighbourhood plan 2014 Policy BB1	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E3	Protection of natural habitats
Yapton neighbourhood plan 2014 Policy H1	Housing requirement
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

SUPPLEMENTARY POLICY GUIDANCE

SPD1	Open Space & Recreation Standards
XXX6	Interim Affordable Housing Policy

POLICY COMMENTARY

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

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it

being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

THE PROPOSAL & PRINCIPLE

As set out above, it is proposed to develop the site with 9 houses, 1 flat (over carports) and 4 Class B1 workshop/business units together with access improvements and associated parking. A mix of dwelling sizes is proposed comprising of 5 x 3 bed houses; 4 x 2 bed houses; and 1 x 1 bed flat.

The principle of residential development on this site has already been established by application Y/22/14/OUT. This proposal seeks permission for a lesser number of units with 6 of the previously approved number replaced by 4 proposed B1 units but also 2 less dwellings in the residential part of the site.

Notwithstanding the above, the site lies in an urban area where the principle of development is considered to be acceptable. In respect of business uses, the National Planning Policy Framework (NPPF) supports economic growth. It states that: "The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system." The site is considered to lie in a sustainable location within the heart of Yapton, is accessible by means other than the private car and within easy reach of a potential workforce. It is therefore considered that the principle of the development is acceptable.

SITE LAYOUT/DESIGN

The NPPF states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Central Government Advice further indicates that more intensive development is not always appropriate and that design which is inappropriate in its context should not be accepted. Furthermore new development should be well integrated with and complement the local area in terms of for example, layout.

The residential part of the scheme has previously been approved under Ref Y/22/14/OUT. The only changes to this part of the site are some minor positioning changes in respect of plot 6 (formerly plot 8), the loss of 1 dwelling in the terraced row that was formerly 5-8 (now 4-6) and the loss of 1 dwelling in the terraced row that was formerly 2-4 (now two semi-detached dwellings numbered 2 & 3). The new B1 units ate proposed in the area formerly occupied by plots 13-18. There are not considered to be any issues with the layout of this part of the site particularly as the northern boundary is with the rear of the Co-op store. It will be important to minimise the instances of windows/openings on elevations that are adjacent to the residential properties and to provide adequate screening to shared boundaries.

Although scale & appearance are reserved matters, the applicant has submitted indicative street scenes. These show that the proposed new dwellings will be attractively designed in a mix of render & brick but will be higher than the surrounding dwellings. However, there is good separation between the proposed and existing neighbouring dwellings. Furthermore, these designs previously formed part of the Y/70/09 & Y/59/11 submissions and were considered acceptable by officers at that time.

The B1 units are shown to be flat roofed single storey building of a modern design. Previous buildings on the site had a similar flat or low pitched appearance however, in any case, the new B1 buildings will largely be hidden from the main road streetscene by the large Co-op building. The low height also reduces their impact on the proposed residential properties.

The proposed layout indicates that a tree on an adjacent site overhangs the rear garden of plot 8. This is not shown to be removed and it is considered that the use of a condition referring to BS5837 "Trees in relation to Construction" will ensure that this tree is protected. Please also refer to the comments made above under "OFFICERS COMMENTS ON CONSULTATIONS".

Yapton Neighbourhood Plan Policy H3 requires that in respect of developments of 5 or more dwellings, 25% of the 1, 2 & 3 bed homes must be to lifetime standard. However, as the application is in outline with appearance & scale as reserved matters, this policy cannot be assessed at the current time. An informative will be added to ensure that the applicants awe aware of the need to comply with this policy at the reserved matters stage.

RESIDENTIAL AMENITY

Arun District local Plan Policy GEN7 indicates that development will only be permitted if it takes into account the impact on adjoining occupiers, land, use or property.

The indicative elevations of the proposed scheme were previously amended to delete the dormers overlooking the neighbouring properties Kingswood and April Cottage. In addition, the impact on the amount of sunlight/daylight enjoyed by the rear garden of Kingswood will not be unacceptable given that it is some 13m (eaves height) - 18m (ridge height) from the nearest proposed 2.5 storey property.

There were no issues raised with regard to residential amenity within the previous approval and there have been no materially significant changes to the scheme since that permission. As noted above, it will be important to be careful with the boundaries between the B1 units and the residential dwellings/gardens. However, it is not considered that the use of the B1 units will be detrimental to the enjoyment of the nearby existing or proposed dwellings.

It is noted that a new flatted building has recently been erected to the rear of Merry Meats (Ref Y/31/14/PL) and that this is not shown on the submitted plans. However, in determining the Merry Meats application, regard was had to the previously proposed housing layout on the Kings Close site. The southern first floor windows on the Merry Meats flatted building are all proposed to be obscure glazed. The flatted building does have southeast facing first floor bedroom & kitchen windows and these will look out over the adjacent parking/circulation areas for the proposed B1 business units but the previous scheme had them looking out across an access road and parking spaces for residential dwellings. Controls on noise are proposed in respect of the B1 units to ensure there are no undue amenity impacts to neighbouring residential properties

HIGHWAYS AND PARKING

Government planning policy is to encourage appropriate development in locations that will enable a reduction in the need to travel, particularly by private car and that planning should contribute to reducing emissions and climate change.

It is considered that the site is located in a sustainable location having regard to the proximity to essential shops & services within the village centre and the availability & close proximity of public transport (buses). The roads within the village are also suitable for use by cyclists. Notwithstanding the sustainability of the site, a number of parking spaces are proposed and the proposal is considered to comply with the County Council's parking standards.

Highway improvements to the access of Kings Close onto Main Road are proposed and these have been slightly amended from the previously approved design. County Highways have raised no concerns regarding the improvement works and are also happy with the access arrangements for large vehicles.

INTERNAL & EXTERNAL SPACE STANDARDS (Policies DM2 & D DM3)

The proposed scheme includes some houses and gardens which do not comply with the relevant internal and external space standards. This is understandable given that the scheme was prepared prior to the introduction of these standards. However, although there is a shortfall, it is considered that the planning history (the previous extant consent for 18 dwellings) and the site's location (within easy walking distance of a large park) combine to provide justification for reducing the standards.

SUMMARY

This planning application amends a previous residential consent by removing 8 dwellings and adding 4 new B1 units. It is considered that the new employment uses would be a welcome addition to this sustainable village centre location and also gain support from the NPPF. It is acknowledged that there is a shortfall in the space standards policies but the site is located within easy walking distance of a community centre and a public park and this is considered to justify a

reduction in the standards. It is also clear that the proposals broadly comply with the new Neighbourhood Plan. It is recommended that the application is approved subject to the following conditions.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

This recommendation is subject to a signed and completed Section 106 legal agreement relating to the following provisions:

Affordable Housing - contribution of £55,824; and
Children's Play/Open Space - £10,000.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

1 The permission hereby granted is an outline permission under Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

(a) Scale;
(b) Appearance;

(c) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

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

SITE LOCATION PLAN DWG 15001-LOC;
PROPOSED OUTLINE PLANNING SITE LAYOUT/BLOCK PLAN DWG 15001-01;
PROPOSED ACCESS IMPROVEMENTS DWG 15001-05;
INDICATIVE STREET SCENES SHEET 1 DWG 15001-10;
INDICATIVE STREET SCENES SHEET 2 DWG 15001-11;
INDICATIVE STREET SCENES SHEET 3 DWG 15001-12;
INDICATIVE STREET SCENES SHEET 4 DWG 15001-13;
PROPOSED ACCESS AND PARKING LAYOUT PLAN DWG 15001-06; and
SWEPTH PATH ANALYSIS OF A LARGE REFUSE VEHICLE DWG 238-01 REV A.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

4 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing 15001-06.

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

5 No part of the development shall be first occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority to prevent surface water draining onto the public highway. The approved details shall be retained in perpetuity in good working order.

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

6 No part of the development shall be first occupied until visibility splays of 2.4 metres by 73 metres to the west and 2.4 metres by 63.5metres to the right have been provided at the proposed site vehicular access onto Main Road in accordance with the approved planning drawing 15001-06. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

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

7 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with policy GEN7 of the Arun District Local Plan.

8 The garage buildings shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and
highway safety and in accordance with policy GEN7 of the Arun District Local Plan.

9 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The approved cycle parking spaces shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

10 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development and in accordance with policy GEN7 of the Arun District Local Plan.

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

· the anticipated number, frequency and types of vehicles used during construction;
· the method of access and routing of vehicles during construction;
· the parking of vehicles by site operatives and visitors;
· the loading and unloading of plant, materials and waste;
· the storage of plant and materials used in construction of the development;
· the erection and maintenance of security hoarding;
· the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders); and
· details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area and in accordance with policy GEN7 of the Arun District Local Plan.

12 No development or preparatory works affecting the site shall be carried out until a reptile survey has been undertaken identifying any detrimental impact and should it be necessary, also providing full details of mitigation. These details will then be submitted to

the Local Planning Authority for approval. Mitigation shall then be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the local planning authority.

Reason: In accordance with the National Planning Policy Framework (Paragraphs 109 & 118).

13 To avoid risk of harm to potentially nesting birds, removal of any trees and/or shrubs should be undertaken between September and the end of February when birds have ceased nesting (except those trees identified as having bat roost potential in Figure 2 in Appendix 1 of the Ecological Assessment prepared by Adonis Ecology). If this is not possible, and some trees or shrubs are due to be removed between March and August, an Ecologist should check for active bird nests no more than seven days before works commence on removal of trees or hedgerows, and any active nest found should be protected as advised by the Ecologist until the birds have finished nesting.

Reason: In accordance with the National Planning Policy Framework (Paragraphs 109 & 118).

14 Prior to the commencement of development or any preparatory works and to support the Reserved Matters application an ecological enhancement scheme shall be submitted to the LPA for approval; it will pick up all recommendations arising out of the supporting ecological reports as appropriate. All approved details shall then be implemented in full and in accordance with the agreed timings and details.

Reason: In accordance with the National Planning Policy Framework (Paragraph 118).

15 No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the Class B1 workshop/business units outside the following times: 7.00am - 6.00pm Mondays to Saturdays inclusive and not at any time on Sundays or Public Holidays.

Reason: To safeguard the amenities of neighbouring properties in accordance with Arun District Local Plan policies GEN7, GEN32, GEN33 and GEN34.

16 External lighting in association with the commercial section of this development (the B1 units) shall comply with the Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E2 (rural).

Reason: To control the residential amenities of the local environment in accordance with Arun District Local Plan policies GEN7 & GEN33.

17 No raw materials, finished or unfinished products or parts, crates, packing materials or waste shall be stacked or stored on the site except within the new Class B1 workshop/business buildings, unless approved in writing by the local planning authority.

Reason: To safeguard the visual amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.

18 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local

Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
* all previous uses;
* potential contaminants associated with those uses;
* a conceptual model of the site indicating sources, pathways and receptors; and
* potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Local Plan policy GEN7.

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

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with Arun District Plan policy GEN7.

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

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed in an appropriate standard in accordance with

Arun District Local Plan policy GEN7.

21 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

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

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

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

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

Reason: To ensure the efficient maintenance and on going operation of the SuDs system and to ensure the best practice in line with guidance set out in 'The SuDs Manual' CIRIA publication ref: C697 Chapter 22

23 No development or new tree planting should be located within 3 metres either side of the centreline of a public sewer and any new soakaways should not be located within 5m of a public sewer. All existing infrastructure should be protected during the course of construction works.

Reason: To protect the public sewer in accordance with Arun District Local Plan policies GEN7 and GEN9.

24 Construction of the development shall not commence unless and until details of the proposed means of foul and surface water sewerage disposal has been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. The scheme as approved shall be implemented prior to the first occupation of the dwellings and maintained in good working order.

Reason: To ensure that the proposed development has a satisfactory means of disposing of foul & surface water sewerage in accordance with policy GEN9 of the Arun District Council Local Plan.

25 No development including site access, demolition or associated construction activities,

shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by a fence in accordance with BS5837 (2012) and Section 9, to be approved by the Local Planning Authority for erection around each tree, group of trees and vegetation to a distance of 15m or to the Root Protection Area (RPA) as calculated in accordance with Table 2 of BS5837 (2012) to be agreed in writing by the Local Planning Authority. Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority.

No trenching should occur within the protective fencing surrounding the Root Protection Area. If however there is no alternative but to locate the services then its encroachment into the Root Protection Area must be kept to a minimum and where the roots should be exposed using compressed air technology, such as the air spade to reduce damage caused by mechanical methods. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan.

26 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

27 INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

28 INFORMATIVE: The applicant is advised that as the estate roads are to remain private/unadopted, the
Highway Authority would require provisions in any s106 agreement to confirm that the estate roads would not be offered for adoption at a later date and wording included to ensure that the carriageways, footways and casual parking are properly constructed, surfaced and drained, and that the works are appropriately certified from a suitably qualified professional confirming the construction standard.

29 INFORMATIVE: The applicant is advised that any future reserved matters application must accord with the indicative details/plans submitted as part of this application.

30 INFORMATIVE: The protection of neighbouring trees to the development should be made in accordance with BS5837 Trees in Relation to Construction.

31 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact: Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, S021 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

32 INFORMATIVE: Please have regard to the Yapton Neighbourhood Plan when preparing your reserved matters application, In particular, Policy H3 states that: "In order to provide for the needs of older people in Yapton, developments of five or more dwellings must ensure that a minimum of 25% of the 1-, 2- and 3-bed dwellings provided are delivered to Lifetime Homes standards."

33 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to the following provisions:

Affordable Housing - £55,824; and
Childrens Play/Open Space - £10,000.