

Recommendation Report for Outline Consent

REF NO: Y/5/17/OUT

LOCATION: Cinders Nursery & Land R/O
Cinders Lane
Yapton
BN18 0JJ

PROPOSAL: Outline application for 51no. dwellings with all matters reserved except for access.
This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. Access will be as the existing situation (from Cinders Lane) but the following improvements are proposed: * Closure of the existing surgery access onto Cinders Lane; * Creation of two new accesses to the surgery's car parks from Cinders Lane; * Promotion of a Traffic Regulation Order to restrict parking in the vicinity of the Bilsham Road junction; * Widening of the access road for a distance of 40m east of the Bilsham Road junction (using land from the front of the surgery); * 1.2m wide footway on the southern side of Cinders Lane; and * Priority signage along Cinders Lane to advise drivers which direction has priority. An illustrative layout drawing suggests the following: * 7 no. 1 bed dwellings; * 15 no. 2 bedroom dwellings; * 26 no. 3 bedroom dwellings; * 3 no. 4 bedroom dwellings; * An overall mix of 43 houses and 8 flats; * 0.11 hectares of allotments (6 individual plots); * 0.19 hectares of informal public open space including a 400m² Local Area for Play (LAP) & a 100m² Local Equipped Area for Play (LEAP); * 136 residential parking spaces comprising 102 allocated parking spaces, 21 unallocated parking spaces for residents and 13 unallocated spaces for visitors; and * 6 parking spaces for the allotments.
SITE AREA	1.75 hectares
RESIDENTIAL DEVELOPMENT DENSITY	29 dwellings per hectare.

TOPOGRAPHY	Predominantly flat.
TREES	The application proposes to fell 3 category U trees, 16 category C trees, 1 category B tree and 7 category C groups of trees. Three category C hedgerows and four category C groups would then need to be pruned. The two remaining category B trees T16 & T17 would be retained in their current state.
BOUNDARY TREATMENT	* 2m close boarded fence to the western and southern boundaries; * 1m chain link to the northern boundary with the allotments; - and * Dense hedging/overgrown planting to the eastern boundary with the footpath.
SITE CHARACTERISTICS	The site comprises an almost square site to the east of Cherry Avenue. It is currently accessed by Cinders Lane which meets Bilsham Road to the west. This junction has a doctors surgery (Meadowcroft) to the north and a row of terraced houses (Medway Cottages) to the south. The site part comprises in part a former nursery site with three large glasshouses in the north eastern corner, a works building with outdoor storage and its own separate access from Cinders Lane in the south western corner and then a mix of hardstanding, overgrown planting and three single storey residential properties with private gardens/curtilages. Two of these appear to be residential park homes (caravans).
CHARACTER OF LOCALITY	The area is considered to be semi-rural in character. It is located outside of the settlement but there are residential buildings to the west on the opposite side of Cinders Lane. To the south is a large rectangular private yard occupied by a single storey pitched roof corrugated shed, two static mobile homes, a residential park home (this part of the adjacent site projects into the application site), some smaller metal/timber sheds and various parked trailers. To the north lies a rectangular area of allotment gardens. A footpath runs along (but outside of) the eastern side of the site.

RELEVANT SITE HISTORY

Y/32/17/OUT	Application for outline planning permission for development of up to 19 dwellings with all matters reserved. This is a Departure from the Development Plan.
Y/54/06/	Outline application for sixteen semi-detached two storey houses (Resubmission following Y/30/06) (Departure from the Development Plan)
	Refused 28-11-06

Y/30/06/	Outline application for eighteen semi-detached two storey houses (Departure from the Development Plan)	Refused 29-06-06
Y/27/88	Use of land as site for 4 residential caravans	ApproveConditionally 22-07-88

There have been historic applications on the site for glasshouses and the siting of mobile homes, but no recent relevant history. Of note are two applications for residential use that were refused 11-12 years ago. It should be noted that application Y/32/17/OUT concerns the adjoining land to the South and also forms part of the residential allocation SA2 within the Yapton Neighbourhood Development Plan

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council

Yapton Parish Council has stated their support for the application. Their detailed comments are summarised below:

- (a) YPC would seek at the reserved matters stage, more detailed studies relating to both highways & landscaping along with the final detail of the design & materials used on the site;
- (b) YPC has concerns with the access arrangements and would seek further transport studies on the junction of Cinders Lane and Bilsham Road by way of a planning condition;
- (c) This section of Bilsham Road is both a busy section of road and subject to persistent congestion due to resident street parking and customer parking outside Bilsham Stores;
- (d) Congestion and conflict is further compounded at this junction by traffic movements to and from Meadowcroft Surgery and the allotments;
- (e) There is a need to ensure that pedestrian access to Bilsham stores and the surgery remain safe and a more robust solution put forward to ensure a safe junction for cars and pedestrians;
- (f) YPC ask that this junction and its proposed site-lines be re-examined along with the surgery parking arrangement;
- (g) YPC suggest that the surgery has only one access point or a restriction placed on the front car park ensuring that it is used purely for staff lessening the frequency of use of this second access point;
- (h) YPC note that pedestrian links within the site are compromised with pedestrians being encouraged to cross Cinders Lane on a blind bend.
- (i) YPC seek better pedestrian links/walkways within the scheme linking to the existing footpaths to the north of the site, enabling easy access to the allotments and countryside without the need to cross Cinders Lane;
- (j) The proposal's outlined open space is not fully dedicated and has a dual use being used in part as car parking;
- (k) YPC would seek fully dedicated open space and improved landscaping to reflect the rural nature of the site and its backdrop; and
- (l) YPC would ask that conditions are attached to any decision to ensure that all existing and proposed drainage ditches along the site's boundary are fully cleared and repaired if required before any building works commence. A management plan should be agreed and implemented before the first unit is occupied to ensure on-going maintenance into the future.

Twenty-two letters of objection raising the following concerns:

- (1) Development is outside of the agreed Development Plan;
- (2) Overdevelopment of the site - the Neighbourhood Plan states at 6.4 that the land will be developed with 30 houses;
- (3) Insufficient local infrastructure to cope with this demand - development should not proceed without a full assessment of the impact of all residential planning applications on the capacity of Yapton's roads & infrastructure;
- (4) Impact on highway safety;
- (5) Increased congestion at the Bilsham Road/Cinders Lane junction;
- (6) Impact of cars exiting Cinders Lane at the same time as cars entering the surgery;
- (7) Removal of pedestrian pathway and parking space outside Bilsham Stores;
- (8) Highway reports are out of date as they pre-date the opening of the relief road;
- (9) Impact on Medway Cottages access onto Cinders Lane from which refuse is collected;
- (10) Future maintenance of Cinders Lane?;
- (11) No proof of ownership for Cinders Lane therefore no legal access;
- (12) How will access be maintained along Cinders Lane if it is dug out for repair/infrastructure?;
- (13) Impact of the proposed Traffic Regulation Order on parking spaces near the Bilsham Road/Cinders Lane junction;
- (14) Provision needs to be made for potential widening of FP166 to make more attractive to pedestrians/allow future use by bicycles;
- (15) Who is liable for any damage to Cherry Avenue perimeter fencing?;
- (16) Insufficient detail to assess the potential contamination of the site;
- (17) Impact on badgers, newts, bats, voles, foxes, hedgehogs, birds, frogs, toads, slow worms present on the site;
- (18) Harm to residential amenity (noise, disturbance, overlooking, loss of privacy, overshadowing, pollution, roadworks & road repairs);
- (19) Overlooking specifically from the proposed three storey flatted building;
- (20) Loss of views of existing open ground;
- (21) Visual impact/design of the development and impact on the character of the village;
- (22) Impact of road lighting;
- (23) Impact of proposed foul sewerage connections on the Bilsham Road/Cinders Lane surfaces;
- (24) Impacts of a potential pumping station; and
- (25) Impact of future telecommunications.

COMMENTS ON REPRESENTATIONS RECEIVED:

YAPTON PARISH COUNCIL: The following comments are made in response to the points made by the Parish Council:

- (a) It would not be possible to seek more detailed highway reports at the reserved matters stage as the effect of this permission would be to approve the access arrangements. Landscaping, design and appearance however are reserved matters and will be considered at that stage;
- (b) As (a). Also, it would not be possible to make approval of the access arrangements subject to agreement of further reports;
- (c) - (g) All points noted but the application has been subject to a comprehensive assessment by WSCC Highways and they have agreed the proposals;
- (h) WSCC Highways raise no objections in respect to pedestrian safety. Also, regard is had to the slow speed of traffic using Cinders Lane which will ensure drivers have plenty of warning of pedestrians;
- (i) This would be a consideration for the reserved matters application;
- (j) - (k) It is noted that the section of public open space adjacent to Cinders Lane is shown as including

parking spaces. However, the effect of this application would not be to approve the layout and therefore this can be resolved at the reserved matters stage. Landscaping is also a reserved matter; and
(l) At the request of the Councils Drainage Engineers, a condition will be imposed to require the approval of arrangements for the future access & maintenance of any watercourse or culvert crossing or abutting the site.

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

- (1) The Yapton Neighbourhood Development Plan (YNDP) is a part of the development plan and this allocates the land for residential development;
(2) Overdevelopment/density will be considered within the Conclusions section. However, it is noted that section 6.4 of the YNDP actually states that :

"The following sites are proposed for allocation:

- * Land north of Yapton CE Primary School - for approximately 35 dwellings
- * Cinders Lane - for approximately 60 dwellings"

- (3) It would not be reasonable and there would be no policy basis to insist on such a study. The application if approved will result in several contributions to local infrastructure, namely:

- * New affordable housing;
- * £50,734 to be spent on The Avisford GP surgery;
- * Financial contributions towards local primary and secondary schools;
- * A financial contribution to be spent on a new library within the Six Villages area;
- * A financial contribution to be spent on the supply and installation of fire safety equipment to local homes; and
- * New public open space and on-site play facilities.

- (4) - (7) These issues will be considered within the report's conclusions but it should be noted that the Councils technical advisers on highway related matters have not raised any objections to the application;
(8) WSCC Highways have not raised any concerns with the dates of the submitted reports;
(9) It is considered that current refuse arrangements would likely continue but residents should confirm this with the Council's waste department;
(10) It is not known as to the future maintenance arrangements of the road which will depend on who owns it. In any case, this is not a material planning consideration;
(11) Land ownership is not a material planning consideration and planning permission may be granted even if the applicant has no right to use or to access land;
(12) Anyone undertaking repairs to the road or undertaking works affecting the road would be required to maintain access;
(13) Advice from WSCC Highways has been obtained in response to this point (see their consultation response dated 18/10/17). They state that the decision on a Traffic Regulation Order is separate to a planning application, subject to separate consultation and there is no guarantee that it will succeed. Also that a developer may have to find alternative parking facilities to overcome any objections;
(14) Neither WSCC nor the Neighbourhood Plan require such provision to be made. Provision for widening the footpath could be achieved at the reserved matters stage when layout is considered. However, if land was secured from this application for this purpose, it would not be enough to widen the whole footpath and the cooperation of several other land owners would be required;
(15) The person who caused the damage would be liable;
(16) The Councils Environmental Health officers are its technical experts on contamination issues. They disagree and consider that contamination matters can be satisfactorily resolved through planning conditions;
(17) The site has been subject to an ecological appraisal and separate bat and reptile/newt surveys.

These supporting documents have then been assessed by the Councils ecologist who has raised no objection subject to conditions. As such, the impact on wildlife species is considered to have been resolved;

(18) Residential amenity issues arising from the completed development (noise/disturbance, overlooking, loss of privacy & overshadowing) will be considered in the report's conclusions. It is not considered that the impacts from construction works will have a permanent detrimental impact. A condition will be imposed requiring details to be approved of the site construction set-up and this will include measures to prevent mud getting onto the highway;

(19) Residential amenity issues arising from the completed development will be considered in the report's conclusions;

(20) There is no right in planning to a view. It should also be noted that the principle of residential development on this site has already been agreed through the Neighbourhood Plan;

(21) Design is a reserved matter and it is not possible to comment on it at the current time;

(22) The application does not include any details of road lighting and this would be a matter to be agreed at the reserved matters stage. However, it should be noted that a condition is to be imposed to ensure that any new external lighting is designed to minimise harm to local bat populations;

(23) Anyone undertaking works affecting the road would be required to maintain access;

(24) If a pumping station is required then its impact will be assessed as part of the reserved matters application and this assessment will ensure compliance with the comments of the Councils Environmental Health officers; and

(25) This is not a matter which can be addressed at this time and would instead be considered at the reserved matters stage if any telecommunications are proposed or alternative by a separate planning application.

CONSULTATIONS

Sussex Police-Community Safety

Ecology Advisor

NHS Coastal West Sussex CCG

Southern Water Planning

Engineering Services Manager

Engineers (Drainage)

Highways England

WSCC Strategic Planning

Surface Water Drainage Team

Environmental Health

Parks and Landscapes

Economic Regeneration

Head of Planning Policy & Cons

Planning and Housing Strategy

Environment Agency

Arboriculturist

Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

NHS - Request a contribution of £50,734 to cater for the increase in population associated with the

development. This contribution is to be spent on the nearby Avisford Surgery.

HIGHWAYS ENGLAND - No objection on the assumption that the Councils Local Plan mitigation schemes for the A27 trunk road are delivered.

SOUTHERN WATER - No objections. Request a foul drainage condition, a condition to protect any sewers if found to be crossing the site, provision for surface water drainage to somewhere other than the public sewer and an informative regarding foul sewer connections. Also comment that any pumping station must be at least 15m from habitable room. The developer should also look to protect the foul sewer from inundation & infiltration.

SUSSEX POLICE - No objection. Raise several comments regarding the design in order to minimise crime/maximise natural surveillance of spaces.

WSCC HIGHWAYS - Have assessed the application taking account of the submitted documents including the Road Safety Audit & Designers Response. Raise no objections subject to the following conditions:

- * Construction of Access;
- * Construction Management Plan;
- * Travel Plan Statement; and
- * Provision or Extension of Waiting Restrictions (via Traffic Regulation Order) to restrict parking in the vicinity of the access.

Also require a contribution of £7,000 is required towards the Traffic Regulation Order (TRO) and a contribution of £98,880 towards the provision of a new footpath on the eastern side of the B2132 Bilsham Road from Tudor Close, past Taylors Close to Grevatts Lane West to link up with a pathway from there to Comet Corner.

In respect of the TRO have further commented that these are subject to their own statutory public consultation process and will be subject to its own specific points of consideration. As a result, whilst the development may be acceptable in planning terms, the consultation for the removal of parking may fail. If this occurs, then the applicant will need to investigate alternatives to overcome any objections and this could include the provision of additional replacement car parking.

Have also recently (May 18) agreed some very minor changes to the visibility splays on the updated drawing.

WSCC FLOOD RISK MANAGEMENT - No objections. Comment that:

- * Current uFMfSW mapping shows the site is at a low risk from surface water flooding. Any existing surface water flow paths across the site must be maintained. Therefore, a wholesale site level rise via the spreading of excavated material should be avoided. Any excavated material kept on site should be located in areas designed and designated for that purpose.
- * The proposed development site is shown to be at high risk from groundwater flooding. This risk and appropriate mitigation should be considered in any future designs especially with regard to underground structures and utilities. Where the intention is to dispose of surface water via infiltration / soakaway, these should be shown to work through an appropriate assessment carried out under BRE Digest 365.
- * Current Ordnance Survey mapping shows ordinary watercourses within or in close proximity of the site boundary. Local or field boundary ditches, not shown on Ordnance Survey mapping, may also exist around the site. If present these should be maintained and highlighted on future plans. No development should take place within 5m of any ordinary watercourse and access of future maintenance must be

considered during planning.

* We do not have any records of historic flooding within the confines of the proposed site. This should not be taken that this site has never suffered from flooding, only that it has never been reported to the LLFA.

COUNCILS ECOLOGIST - Has assessed the application in respect of impact to bats, reptiles and Great Crested Newts. Raises no objection subject to the following mitigation:

- * Demolition of buildings by hand. If bats are found, all works to cease and Natural England contacted;
- * Lighting scheme to minimise impacts to bats;
- * Retention & enhancement of hedgerows for bats including a 5m buffer strip & use of protective fencing;
- * Reptile mitigation in accordance with the submitted documents;
- * Reptile translocation prior to commencement;
- * Site clearance works to be completed under a non-licensed Great Crested Newt Method Statement;
- * Bat roosting opportunities within the building framework using bat tiles/bricks;
- * Any trees removed should be replaced at a ratio of 2:1;
- * Filling any gaps in tree lines or hedgerows with native species;
- * Bat and bird boxes installed on the site; and
- * Wild flower meadow areas within the open space on-site.

ADC LANDSCAPE OFFICER - Consider that the scheme complies with the required public open space (POS) standard of 0.29 hectares (Ha) but would not comply with the requirements under the newer FIT Standards (0.35Ha). Further, as most of the POS is set as either allotments or play provision, there will be relatively little open space. Consider therefore that POS is provided on site and that contributions are made to off-site play and allotments. Off-site play contribution would be £1000 per dwelling (index linked). No objections in respect of landscape impact subject to assessment of landscaping at the reserved matter stage.

ADC TREE OFFICER - No objection as there are very few trees of any real merit on this site and nothing which is suitable for a TPO. Request that the development be conditioned to ensure it is implemented in accordance with the submitted Arboricultural Method Statement and that a pre-commencement site visit takes place to ensure tree protection measures are in situ.

ADC HOUSING STRATEGY & ENABLING MANAGER - No objection subject to 30% affordable housing being secured. Mix to be 70% rented and 30% intermediate housing. The emphasis for the affordable rented properties should be on 1 and 2 bed homes and for the intermediate housing (shared ownership) dwellings the mix should comprise of 1, 2 and 3 bed dwellings - 4 bed dwellings are not recommended.

ADC DRAINAGE ENGINEERS - No objection. Comment that: "Surface water to be discharged to SuDS system. A culvert is proposed to reconnect a partially filled ditch with a functioning ditch. This will be required and should have an easement equivalent to that provided for the ditches. For large flat sites the focus should be on shallow attenuation with infiltration if possible. Easements should apply to all ditches, watercourses and culverts. Attenuated discharge to watercourses or surface water sewers are technically feasible for this site, as stated in the drainage strategy. We have discussed the above with the applicant and consultants. Please apply standard conditions ENGD2B, ENGD3A, ENGD4A, ENGD5A, ENGD5B, ENGD6A."

ADC ENVIRONMENTAL HEALTH - No objections. In respect of contamination, requests the imposition of conditions ENV3, ENV5 and ENV6. State that they have no concerns with the conclusions of the noise report but if a pumping station is required, then this will need further assessment and no habitable room should be sited within 15m of the pumping station.

ADC ECONOMIC REGENERATION - No objections. Request that the developer sign up to the Arun Developer and Partner Charter and works with Economic Development officer to run an event to encourage local businesses to be involved in work on and supplying the development as well as producing and implementing a Work and Skills Plan.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and conditions applied where requested. The following specific comments are made:

SUSSEX POLICE - These comments have been incorporated into an informative.

ADC LANDSCAPE - The concern over the inclusion of allotments within the area denoted as public open space is noted but it is not considered possible to have off-site allotment provision and the Neighbourhood Plan indicates that an extension of the existing allotments into this site would be welcomed.

ADC ECONOMIC REGENERATION - This has been added as an informative.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
Adjacent to Footpath FP166;
Special Control of Adverts;
PD Restriction;
No Public Sewer;
Lidsey Treatment Catchment Area; and
Grade 2 Agricultural Land.

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
HDM1	H DM1 Housing mix
HSP1	HSP1 Housing allocation the housing requirement
HSP2C	H SP2c Inland Arun
AHSP2	AH SP2 Affordable Housing
HWBSP1	HWB SP1 Health and Wellbeing
INFSP1	INF SP1 Infrastructure provision and implementation
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
OSRSP1	OSR SP1 Allotments
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution

QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

Yapton neighbourhood plan 2014 Policy BB1	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E1	Protection of high value agricultural land
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 PK1	Parking standards for new residential development
Yapton neighbourhood plan 2014 Policy H1	Housing requirement
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 SA21	Cinders Lane
Yapton neighbourhood plan 2014 Policy BE2	High speed broadband

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

XXX6	Interim Affordable Housing Policy
SPD1	Open Space & Recreation Standards

POLICY COMMENTARY

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

The Neighbourhood Development Plan

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

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

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

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it the site is within the defined built up area boundary and the proposal would have no materially adverse effect on the visual amenities of the locality, the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area. It would also not have a detrimental impact on the safety and efficiency of the local highway network.

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

PROPOSAL & PRINCIPLE

This is an outline application for 51 dwellings with all matters reserved except for access. The application site area includes the existing track access between the site and Bilsham Road and seeks to make improvements to this existing access. These are detailed within the "Description of Development" section above. Although layout is a reserved matter, an illustrative layout drawing has been provided and this suggests that 51 dwellings (43 houses and 8 flats) can be accommodated within the site area.

The development plan for the Arun District currently comprises the Arun Local Plan 2011-2031, the Yapton Neighbourhood Development Plan or YNDP (November 2014) and the West Sussex Waste and Minerals Plan (which does not apply to this determination).

The site is within the built up area boundary as defined by the Arun Local Plan. As such, in accordance with policy SD SP2, the proposal is acceptable in principle provided it is in accordance with other policies of the Local Plan (including those relating to highway safety, agricultural land, affordable housing and other infrastructure). In addition, the site forms part of a housing allocation (ref SA2) within the adopted YNDP and is also shown to be within the built up area boundary.

YAPTON NEIGHBOURHOOD DEVELOPMENT PLAN POLICY SA2

Yapton Neighbourhood Development Plan (YNDP) Policy SA2 states that:

Planning permission will be granted for residential development on 2.04 hectares of land off Cinders Lane subject to the following criteria:

- (a) the provision of a range of house types and in accordance with Policy H2 and Policy H3 of this Plan;
- (b) the provision of an appropriate accessible green space within the site;
- (c) the provision of an appropriate access into the site from the junction of Cinders Lane and Bilsham Road; and
- (d) the introduction of landscaping on both the eastern and southern boundaries of the site.

These criteria are assessed in the following paragraphs:

- (a) the provision of a range of house types and in accordance with Policy H2 and Policy H3 of this Plan

Policy H2 requires a set mix of housing sizes as follows:

- * 1-bed dwellings: 10-15% of all dwellings;
- * 2-bed dwellings: 25-35% of all dwellings;
- * 3-bed dwellings: 45-55% of all dwellings; and
- * 4+-bed dwellings: 5-10% of all dwellings.

Policy H3 requires that a quarter of the 1, 2 & 3 bed homes are delivered to Lifetime Homes Standards.

As layout is a reserved matter and the submitted layout plan is only indicative at this time, it is not possible to ensure compliance with these two policies. Therefore, planning conditions will be imposed in order to ensure that the future layout is designed to be in compliance with these policies.

- (b) the provision of an appropriate accessible green space within the site;

The proposed indicative layout shows 0.30 hectares of open space in the form of 0.11 hectares of allotments designed to link with the existing allotments to the North and 0.19 hectares of informal open space. It is also proposed to provide a LAP and a LEAP (children's play facilities) within the open space. In respect of the allotments, it is noted that within the pre-amble to policy SA2, paragraph 6.22 states that:

"There are well-maintained and well-used allotments to the immediate north of the site. The development of the site provides an opportunity for the owners of the site and the Parish Council to discuss the potential extension of the allotment area into the northern part of the site,"

The addition of these new allotments is therefore considered to assist with a desire of the local community.

- (c) the provision of an appropriate access into the site from the junction of Cinders Lane and Bilsham Road;

This will be discussed within the separate section "Access" below.

- (d) the introduction of landscaping on both the eastern and southern boundaries of the site.

Layout and landscaping are reserved matters and therefore the detail of landscaping and its location within the site would be matters to be considered at the reserved matters application. However, it is noted that indicative layout drawing includes a landscaped buffer to the eastern and northern boundaries boundaries.

Other Considerations:

Yapton Parish Council commented in respect of adjacent application Y/32/17/OUT that the total designation of dwellings for allocation SA2 is up to 60 units. They argued that application Y/32/17/OUT alongside this would exceed this number by 10 dwellings.

Although supporting paragraphs 6.4 and 6.24 of the YNDP do state that the SA2 allocation is considered to be suitable to accommodate approximately 60 dwellings, the text of the actual policy is quite clear that "Planning permission will be granted for residential development on 2.04 hectares of land". This application alongside Y/32/17/OUT is for a site area of less than 2.04 hectares and therefore, there is no conflict with the policy itself. Furthermore, it should be noted that:

- (i) the supporting text makes reference to approximately 60 dwellings; and
- (iii) the NDP was drawn up on the basis of a housing land supply that was true of the situation in 2014 when the plan was made and which has since doubled. Therefore, a minor increase in the number of dwellings permitted across this site would make a helpful contribution to the current housing needs of the district.

The proposal is therefore in accordance with policy SA2 of the Yapton Neighbourhood Development Plan.

LOSS OF AGRICULTURAL LAND:

As per the plan at Figure 2 of the NDP, the site is classified as Grade 2 agricultural land. Policy E1 of the YNDP states that:

"Planning permission will be refused for development on grade 1 and grade 2 agricultural land unless: (1) it involves the granting of planning permission for the development of the housing allocations identified in this Plan (Policy SA1 and Policy SA2); or (2) it involves the granting of planning permission for any additional housing sites required by Policy H1 to meet objectively assessed housing needs in the Plan area."

As this proposal forms part of the SA2 residential allocation, there is no conflict with policy E1. It is also noted that policy SO DM1 of the Arun Local Plan states that allocated sites are exempt from the terms of the policy. The proposal is therefore in accordance with policy SO DM1 of the Arun Local Plan and with policy E1 of the Yapton Neighbourhood Development Plan.

ACCESS:

Objections have been raised by local residents in relation to the access arrangements. The Parish Council have also raised concerns.

Policy T SP1 of the Arun Local Plan 2011-2031 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of highway safety, it states that:

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

In addition, as noted above, YNDP policy SA2 requires that an appropriate access is provided into the site from the junction of Cinders Lane and Bilsham Road.

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

In accordance with YNDP policy SA2, the application will take access from the existing Cinders Lane/Bilsham Road junction. It is proposed to improve this access and also the length of Cinders Lane between this junction and the site. The following improvements are proposed:

- * Closure of the existing surgery access onto Cinders Lane;
- * Creation of two new accesses to the surgery's car parks from Cinders Lane;
- * Promotion of a Traffic Regulation Order to restrict parking in the vicinity of the Bilsham Road junction;
- * Widening of the access road for a distance of 40m east of the Bilsham Road junction (using land from the front of the surgery);
- * 1.2m wide footway on the southern side of Cinders Lane; and
- * Priority signage along Cinders Lane to advise drivers which direction has priority.

The site pursuant to application Y/32/17/OUT would then benefit from the same access improvements.

The access arrangements have all been appraised by County Highways who following negotiation have stated that they are satisfied with the access arrangements and are able to give their support to the proposal. The objections of local residents and the concerns of the Parish Council are noted but it is not considered that a refusal reason on grounds of access could be defended on appeal given the support of County Highways.

It is therefore considered that the proposal is in accordance with the relevant development plan policies (policy T SP1 of the Arun Local Plan & policy SA2 of the Yapton Neighbourhood Development Plan) and in respect with the guidance with the NPPF.

AMENITY ISSUES:

The application is in outline with all matters reserved except for access. Therefore, it would not be appropriate (or possible due to limited confirmed details) at this time to make a detailed assessment of amenity or space standards compliance.

However, it is noted that the indicative layout plan suggests that the gap between the apartment building (which is likely to be two storeys) and the existing dwellings to the west is at least 25m. Furthermore, the proposed gaps between houses within the site and proposed houses in the indicative layout for application Y/32/17/OUT is a minimum of 22m and in places up to 28m. Planning conditions could be applied at the reserved matters stage to prevent overlooking from secondary windows and/or to ensure

the obscure glazing of bathroom windows.

AFFORDABLE HOUSING:

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

The proposal includes 30% affordable housing and this therefore complies with the policy requirement. The S.106 agreement will specify that a detailed mix of affordable house types & tenures is to be confirmed at the reserved matters stage. Therefore, the proposal accords with policy AH SP2 of the Arun Local Plan.

PUBLIC OPEN SPACE & PLAY:

Arun Local Plan policy OSR DM1 states that:

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

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

The Council's supplementary planning document "Open Space & Recreation Standards" sets out standards for public open space as set out. This guidance is considered to be out of date and so reference is made instead to the current Fields in Trust (FIT) standards as set out in "Guidance for Open Space and Play: Beyond the Six Acre Standard" (October 2015). Regard is also had to part (b) of YNDP policy SA2 which requires "the provision of an appropriate accessible green space within the site".

The requirements in respect of this proposal are for public open space in accordance with the 32m² per person FIT standard and a Local Area Play (LAP) facility. In addition, where open space is provided and is to be transferred to Council ownership, there would be a maintenance contribution equating to £13.51 per m².

The indicative site layout shows 0.19 hectares of informal open space and 0.11 hectares of new allotment space. It is also proposed to provide two children's play facilities within the layout. The decision will be accompanied by a Section 106 legal agreement which will seek to ensure either:

- (a) that a management plan for the forward maintenance of the Public Open Space (POS), Local Area for Play (LAP) and Local Equipped Area for Play (LEAP) is provided; or
- (b) where the POS, LAP & LEAP are to be handed over to the Council post practical completion, a commuted sum payment of £13.51 per m² of POS is transferred to the Council for future maintenance.

This is considered to meet the statutory tests in the Community Infrastructure Levy Regulations 2010 (also set out as policy tests in the NPPF) in that the open space and play facilities are necessary to make the development acceptable in terms of ALP policy OSR DM1 and the associated SPG, is directly related to the needs of the development (with the new facilities to serve the new houses) and is fairly & reasonably related in scale and kind (the amount of open space & play facilities are proportional to the amount of new development). The proposal is therefore in accordance with policy OSR DM1 of the Arun Local Plan.

SUPPORTING INFRASTRUCTURE:

Arun Local Plan policy INF SP1 states that:

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

- (1) Testing the capacity of existing infrastructure and where there is insufficient infrastructure capacity to support new development, mitigate the impacts of the development, provision should be secured and must be operational no later than the completion of the development or phase of development for which it is needed.
- (2) Infrastructure provision or improvements should be provided on-site as an integral part of a development, wherever possible and appropriate;
- (3) Off-site measures will require planning obligations or financial contributions, to secure the necessary provision; and
- (4) Where a contribution towards other district wide infrastructure improvements or provision is needed and viable this will be achieved through the Community Infrastructure Levy Charging Schedule and Regulation 123 Infrastructure List which will be introduced as soon as possible after the adoption of this Local Plan. Until such time as a Charging Schedule is adopted contributions will be achieved through planning obligations (where they meet the statutory tests).

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

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

There are certain rules regarding the application of planning obligations to planning decisions. Local Planning Authorities must ensure that these meet the three tests that are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 (and as policy tests in the National Planning Policy Framework). These are: (a) that they are necessary to make the development acceptable in planning terms, (b) directly related to the development, and (c) fairly and reasonably related in scale and kind. In addition, it is not possible to allocate 5 or more obligations to a specific infrastructure project.

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

The contributions will be spent on the following projects:

- * Additional facilities at Yapton CE Primary School;
- * Additional equipment at The Ormiston Six Villages Academy (secondary level), Eastergate;
- * Additional equipment at St Phillip Howard Catholic School (6th form), Barnham;
- * A proposed Tier 7 library within a community space for the Six Villages; and
- * The supply & installation of additional fire safety equipment to vulnerable person's homes in West Sussex Fire Rescue Services Southern Area serving Yapton.

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

The NHS have also requested a contribution towards the Avisford GP surgery on North End Road in Yapton for the infrastructure needs of managing on the day demands. Finally, West Sussex Highways have requested contributions of (a) £98,880 towards the provision of a new footpath on the eastern side of the B2132 Bilsham Road from Tudor Close, past Taylors Close to Grevatts Lane West to link up with a pathway from there to Comet Corner; and (b) £7000 for a Traffic Regulation Order seeking to restrict parking in the vicinity of the access.

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

In respect of the pooling restrictions, the following is noted

- (1) Additional facilities at Yapton CE Primary School - 2 existing contributions;
- (2) Additional equipment at The Ormiston Six Villages Academy - 2 existing contributions;
- (3) Additional equipment at St Phillip Howard Catholic School 6th Form - 5 existing contributions;
- (4) A proposed Tier 7 library - 3 existing contributions;
- (5) The supply & installation of additional fire safety equipment - 2 existing contributions;
- (6) Avisford GP surgery - 1 existing contribution;
- (7) New footpath on the eastern side of the B2132 - no other contributions allocated to this (new project); and
- (8) Traffic Regulation Order - no other contributions allocated to this (new project).

The contribution in respect of additional equipment at St Phillip Howard Catholic School 6th Form does not therefore comply with the pooling restrictions. As a result, although this is included within the Section 106 agreement, this decision is not to be supported by the inclusion of this contribution within the agreed legal agreement.

With the exception of the 6th form contribution, the proposal is therefore in accordance with policy INF SP1 of the Arun Local Plan.

SUMMARY

The proposal concerns an outline application with all matters reserved for 51 dwellings on a site within the existing settlement boundary and which is allocated for residential development within the Yapton Neighbourhood Development Plan.

This report has shown that the proposal complies with the four criteria set out within YNDP policy SA2 and also that there is no conflict with the YNDP in respect of the proposed number of dwellings. There are also no conflicts with the loss of agricultural land. Amenity issues will be dealt with at the reserved matters stage but it is considered that a layout similar to that shown indicatively has the potential to comply with the Councils policies on design and amenity. The site proposes to utilise the existing access from Bilsham Road, via Cinders Lane and to enact some improvements to this route. County Highways have considered these proposals and raise no objections.

It is therefore recommended that this application is approved subject to the following conditions and the signed Section 106.

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

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

AFFORDABLE HOUSING

30% of the total dwellings on the site to be affordable with a tenure split and dwelling type to be agreed at a later date with the Council and set out in an Affordable Housing Statement. To be provided before 50% of the scheme is occupied.

NHS

A contribution of £50,734 to be spent on The Avisford GP surgery for the infrastructure needs of managing "on the day demand". On commencement of development.

PRIMARY EDUCATION

Formula for calculation at the reserved matters stage to be spent on additional facilities at Yapton CE Primary School, Yapton. Payable on commencement of development.

SECONDARY EDUCATION

Formula for calculation at the reserved matters stage to be spent on additional equipment at Ormiston Six Villages Academy (Secondary Level). Payable on commencement of development.

6TH FORM EDUCATION

Formula for calculation at the reserved matters stage to be spent on additional equipment at St Phillip Howard Catholic School (6th Form), Barnham. Payable on commencement of development.

However, this contribution is not considered to be compliant with the CIL Regulations and therefore this decision is not supported by its inclusion within the signed S.106 agreement.

LIBRARIES

Formula for calculation at the reserved matters stage to be spent on a proposed Tier 7 library within a community space for the Six Villages. Payable on commencement of development.

FIRE & RESCUE:

Formula for calculation at the reserved matters stage to be spent on the supply and installation of additional fire safety equipment to vulnerable person's homes in West Sussex Fire Rescue Services Southern Area serving Yapton. Payable on commencement of development.

HIGHWAY CONTRIBUTIONS

Contribution of £98,880 towards the provision of a new footpath on the eastern side of the B2132 Bilsham Road from Tudor Close, past Taylors Close to Grevatts Lane West to link up with a pathway from there to Comet Corner.

Traffic Regulation Order contribution of £7000 to restrict parking in the vicinity of the access.

ON-SITE LOCAL PLAY

(a) a management plan for the forward maintenance of the Public Open Space (POS), Local Area for Play (LAP) and Local Equipped Area for Play (LEAP) which details the management regime and responsibility; or

(b) where the POS, LAP & LEAP are to be handed over to the Council post practical completion, a commuted sum payment of £13.51 per m2 of POS for future maintenance.

RECOMMENDATION

- 1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance; and
- (d) Landscaping.

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

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

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

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

Location plan dwg. HP16098 001 004a;
 Conceptual Layout plan dwg. HP16098 003 004b;
 Development framework 002 09/06/17;
 "Vehicle Tracking" ref 020.0096.006 Rev P2;
 "Refuse Corner Tracking" ref 020.0096.010 Rev P1;
 "Refuse Tracking" ref 020.0096.007 Rev P2;
 "Site Access Road General Arrangement" ref 125.0003.001 Rev B;
 "Site Access Road General Arrangement showing Visibility Splays" ref 125.0003/002 Rev D;
 and
 "Site Access Road Visibility Splays and Forward Visibility" ref 020.0096.005 Rev P3.

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

- 4 The site clearance works shall be carried out in full accordance with the approved "Great Crested Newt Non-Licensed Method Statement" (April 2017).

Reason: To safeguard any resident Great Crested Newts in accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 5 The demolition of any existing buildings shall be undertaken by hand with careful stripping of internal and external roof spaces. If any bat is found during demolition then all works must cease and Natural England contacted. No further demolition may take place unless and until the Local Planning Authority has been supplied with the agreement of Natural England.

Reason: To safeguard any resident bat species in accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 6 Prior to development or any preparatory works commencing the on-site reptile population shall

be translocated only in accordance with the submitted reptile translocation strategy as contained within the Reptile Presence/Absence Survey Report (April 2017) and retained as such thereafter, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To safeguard resident reptile species in accordance with in accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework. This is required to be a pre-commencement condition because the commencement of construction works would disturb/harm and on-site reptiles.

- 7 The reserved matters submission shall be prepared alongside adjoining site pursuant to Y/32/17/OUT with a masterplan drawn up to ensure that the two sites relate to and are physically connected to each other. The approved links/connections shall then be provided prior to completion of the development and retained in perpetuity.

Reason: To ensure a cohesive form of development in accordance with policy D DM1 of the Arun Local Plan and the National Planning Policy Framework.

- 8 No development shall be commenced until such time as a Traffic Regulation Order or revision to an existing order, promoting the provision of no waiting restrictions adjacent to the access has been submitted to, and subsequently promoted by, the Local Highway Authority.

Reason: In the interests of highway safety and the amenities of the area in accordance with policy D DM1 of the Arun Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because it is necessary to ensure the safety of the access prior to commencement.

- 9 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),
- * details of public engagement both prior to and during construction works.

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

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

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

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

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

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

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

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

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

- 11 Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and a implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

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

- 12 Development shall not commence until full details of the proposed measures to be undertaken to protect the existing public sewer located at the western end of Cinders Lane have been submitted and approved in writing by the local planning authority (in conjunction with Southern Water). The approved measures shall thereafter be implemented and retained for the duration of the construction process.

Reason: To ensure that the proposed development does not result in any damage to the existing foul sewer in accordance with policies W DM1 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because otherwise damage could occur to the sewer.

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

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

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

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

- 14 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policy W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the condition concerns matters that go to the heart of the planning permission.

- 15 Development shall not commence until full details of the maintenance and management of the SuDS system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include (a) details of financial management of the site including arrangements made in the event that the management company (or any subsequent management company) is no longer able to fulfil its duties; and (b) arrangements for the replacement of major components at the end of the manufacturers recommended design life.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32 and policy W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because surface water drainage goes to the heart of the planning permission.

- 16 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority.

No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. Also in accordance with policy W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the condition concerns matters that go to the heart of the planning permission.

- 17 The development layout shall not be agreed until such time as full details of reparatory measures to be carried out to the ditch on/within the western boundary of the development site to reinstate this ditch to an agreed standard & routing been submitted and approved in writing

by the Local Planning Authority. The agreed reparatory measures shall then be implemented in full prior to commencement of construction works.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policy W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because the condition concerns matters that go to the heart of the planning permission.

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

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

- 19 No part of the development shall be first occupied until the vehicular access serving the development has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety and in accordance with Policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

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

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

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

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

- 22 Prior to occupation of any part of the development hereby approved, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in

accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

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

- 23 Upon completed construction of the SuDS System but prior to occupation of any part of the scheme, the owner or management company shall either provide the local planning authority with an updated copy of the management manual incorporating any changes as a result of construction/implementation or confirm in writing that no changes are required to the manual.

No further changes shall be made to the approved SuDS Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority.

The owner or management company shall thereafter strictly adhere to and implement the recommendations contained within the manual to ensure that the system is maintained in perpetuity.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA publication ref: C753 Chapter 32 and in accordance with policy W DM3 of the Arun Local Plan.

- 24 Immediately following implementation of the approved SuDS scheme and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. There shall be no deviation to the approved scheme other than with the written consent of the Local Planning Authority. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policy W DM3 of the Arun Local Plan.

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

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with policy QE DM4 of the Arun Local Plan.

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

shall be maintained in accordance with the approved details.

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

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

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

- 28 25% of the 1, 2 and 3 bed dwellings included as part of the development must be delivered to Lifetime Home standards.

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

- 29 The proposed reserved matters submission conform to the following range of dwellings: 1-bed dwellings: 10-15% of all dwellings; 2-bed dwellings: 25-35% of all dwellings; 3-bed dwellings: 45-55% of all dwellings ; and 4+-bed dwellings: 5-10% of all dwellings.

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

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

Reason: In order to secure on site renewable energy in accordance with national planning policy, in accordance with policy ECC SP2 of the Arun Local Plan.

- 31 Should any sewer be found during construction works then all development activities shall cease and not recommence until full details of the proposed measures to be undertaken to protect the existing public sewer have been submitted and approved in writing by the local planning authority (in conjunction with Southern Water) and then implemented in accordance with the agreed details.

Reason: To ensure that the proposed development does not result in any damage to the existing foul sewer in accordance with policies W DM1 and W DM3 of the Arun Local Plan.

- 32 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.

- 33 INFORMATIVE: The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk in order to progress the required infrastructure.
- 34 INFORMATIVE: If a sewage treatment plant or related pumping station is required on the site then there should be a distance of at least 15m between the pumping station/treatment plant and any residential dwelling.
- 35 INFORMATIVE: Drainage Engineers advise that Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also available on request.
- 36 INFORMATIVE: The Council's Tree Officer has stated that all demolition & construction works are to be carried out in strict accordance with the submitted Arboricultural Method Statement Report Ref: PJC 4372/17-02 (23rd June 2017) and the Tree Protection Plan ref: PJC 4372/17/A Rev 01 (16th May 2017). However, it would not be appropriate to make this a planning condition as layout is a reserved matter and the layout may therefore change with the result that the submitted tree plans would also need to change. Therefore this is given as an informative only at this time.
- 37 INFORMATIVE: Please note the following comments made by Sussex Police:

* Access to the development at present is via a shared junction and a private track. In order to protect the safety of pedestrians accessing the development I would like to see traffic calming measures implemented along with lighting throughout the development that conforms to the recommendations within BS 5489:2013;

* The development in the main has outward facing dwellings with the dwellings having back to back gardens. This has created good active frontages with the streets and the public areas being overlooked, this design has eliminated the need for vulnerable rear garden pathways;

* Parking in the main has been provided with in-curtilage, garage and a number of on-street parking bays, this should leave the street layout free and unobstructed;

* As the first line of defence, perimeter fencing must be adequate with vulnerable areas such as side and rear gardens needing more robust defensive barriers by using walls or fencing to a minimum height of 1.8metres;

* Gates that provide access to the side of the dwelling or rear access to the gardens must be robustly constructed of timber, be the same height as the adjoining fence and be lockable from both sides;

- * Such gates must be located on or as near to the front of the building line as possible; and
- * Where softwood screening and fencing has been installed to the perimeter, in order to deter access it will be imperative to ensure that no hand or footholds have been created that enables easy access over the perimeter fencing.

38 INFORMATIVE: Please ensure that the layout and landscaping scheme required at the reserved matters stage incorporates the following mitigation measures as recommended by the Councils ecologists:

- * The existing hedgerows are used by bats and must be retained;
- * A 5m wide buffer strip should be in place to existing retained hedgerows and these areas left undisturbed during construction;
- * Any gaps within hedgerows should be filled in using native hedge species to improve connectivity;
- * Where it becomes necessary to remove a hedge, then new hedgerow should be planted elsewhere;
- * Bat roosting opportunities within the building framework using bat tiles and bat bricks;
- * Replacement of felled trees at a 2:1 ratio;
- * Bat and bird boxes installed on the site; and
- * Wild flower meadow areas within the open space on-site.

39 INFORMATIVE: The Councils Economic Development Team requests that the eventual developer signs the Arun Developer and Partner Charter and works with the Economic Development Team to run an event to encourage local businesses to be involved in work on and supplying the development as well as producing and implementing a Work and Skills Plan. The Economic Development Team is available to assist with both of these.

40 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to:

AFFORDABLE HOUSING

30% of the total dwellings on the site to be affordable with a tenure split and dwelling type to be agreed at a later date with the Council and set out in an Affordable Housing Statement. To be provided before 50% of the scheme is occupied.

NHS

A contribution of £50,734 to be spent on The Avisford GP surgery for the infrastructure needs of managing "on the day demand". On commencement of development.

PRIMARY EDUCATION

Formula for calculation at the reserved matters stage to be spent on additional facilities at Yapton CE Primary School, Yapton. Payable on commencement of development.

SECONDARY EDUCATION

Formula for calculation at the reserved matters stage to be spent on additional equipment at Ormiston Six Villages Academy (Secondary Level). Payable on commencement of development.

6TH FORM EDUCATION

Formula for calculation at the reserved matters stage to be spent on additional equipment at St Phillip Howard Catholic School (6th Form), Barnham. Payable on commencement of development. However, this contribution is not considered to be compliant with the CIL Regulations and therefore this decision is not supported by its inclusion within the signed S.106 agreement.

LIBRARIES

Formula for calculation at the reserved matters stage to be spent on a proposed Tier 7 library within a community space for the Six Villages. Payable on commencement of development.

FIRE & RESCUE:

Formula for calculation at the reserved matters stage to be spent on the supply and installation of additional fire safety equipment to vulnerable person's homes in West Sussex Fire Rescue Services Southern Area serving Yapton. Payable on commencement of development.

HIGHWAY CONTRIBUTIONS

Contribution of £98,880 towards the provision of a new footpath on the eastern side of the B2132 Bilsham Road from Tudor Close, past Taylors Close to Grevatts Lane West to link up with a pathway from there to Comet Corner.

Traffic Regulation Order contribution of £7000 to restrict parking in the vicinity of the access.

ON-SITE LOCAL PLAY

(a) a management plan for the forward maintenance of the Public Open Space (POS), Local Area for Play (LAP) and Local Equipped Area for Play (LEAP) which details the management regime and responsibility; or

(b) where the POS, LAP & LEAP are to be handed over to the Council post practical completion, a commuted sum payment of £13.51 per m2 of POS for future maintenance.