

Recommendation Report for Planning Permission

REF NO: WA/69/17/PL

LOCATION: Progress Garage
Yapton Lane
Yapton

PROPOSAL: Variation of condition 2 imposed under WA/29/17/RES relating to approved plans (relocation of plots 5 & 6).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. Approval is sought to re-site plots 5 & 6, 600mm further to the east following approval of WA/29/17/RES. The slight revision to the layout was borne out of the necessity to accommodate the required drainage fields and soakaways for foul and surface water. The drainage layout drawing has been submitted to demonstrate this and has been treated as a supplementary plan.

SITE AREA

0.15 hectares

RESIDENTIAL DEVELOPMENT DENSITY (NET) 40 dwellings per hectare

TOPOGRAPHY Predominantly flat.

TREES None of any significance affected by the proposed development.

BOUNDARY TREATMENT The site has 2 metre close boarded wooden fencing with 3/4 metre hedging incorporating trees to the sides and rear of the property. Open plan to the front onto Yapton Lane

SITE CHARACTERISTICS The site was originally used as a rural petrol station followed by use as a car sales showroom and associated small industrial sheds used for the re-manufacture of car parts, car mechanics and a car spraying booth.

Currently the buildings are derelict and the forecourt is used for the casual storage and sales of second hand cars from a portacabin.

CHARACTER OF LOCALITY The site is in a rural area on the main road, B 2132 Yapton Lane between Yapton and Walberton. There is linear development particularly on the west side of the road where Progress Garage is located. Formerly the area

on the west side of Yapton Lane was dominated by nursery developments and greenhouses. Now there is a mix of uses including detached dwellinghouses on all sides of the application site, a Christian conference centre beyond and a light industrial estate 100 metres to the west of the site. There is a mixture of detached dwellinghouses mostly associated with nurseries and B1 office uses fronting onto the Yapton Lane in this area. On the east side of Yapton Lane are open agricultural fields beyond border hedges

RELEVANT SITE HISTORY

WA/103/16/OUT	Outline application with some matters reserved for construction of 6 no. dwelling houses & associated works. This application is a Departure from the Development Plan	ApproveConditionally 02-03-2017
WA/29/17/RES	Approval of reserved matters following outline consent WA/103/16/OUT for appearance, landscaping, layout & scale for erection of 6 No. dwellinghouses & associated works.	ApproveConditionally 13-07-2017

REPRESENTATIONS

Representations received:

Walberton Parish Council

Support

Comments on Representations received:

None

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Sewerage Consultee for BC

WSCC Strategic Planning

Environmental Health

Parks and Landscapes

Consultations responses received:

County Highways - No Objection. Access and turning are unaffected. The proposal reduces the hardstanding designated for car parking from 5.4 to 4.8m. The standards for a parking space are 2.4m by 4.8m. This amendment would see vehicles use the entire length of the hardstanding to allow a vehicle to park. Although this does not pose a severe highway safety concern vehicles will be encouraged to park close to the front door of the dwellings.

Comments on Consultation responses:

Comments noted. It is not considered that the parking of vehicles closer to the front of the properties would adversely affect residential amenity. The increased rear garden length to plot 6 would make it compliant for a greater width across the site with the 10m standard length in policy DDM3 of the emerging Local Plan,

POLICY CONTEXT

Designation applicable to site:

CLASS B ROAD

OUTS BUILT AREA

PD RESTRICTION

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN11
GEN12
GEN2
GEN3
GEN33
GEN7

Publication Version of the Local
Plan (October 2014):

Inland Flooding
Parking in New Development
Built-up Area Boundary
Protection of the Countryside
Light Pollution
The Form of New Development
C SP1 Countryside
D DM1 Aspects of Form and Design
Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
D SP1 Design
H DM1 Housing Mix
H SP1 Strategic housing, parish and town
council allocations
LAN DM1 Protection of Landscape
Character
QE DM2 Light Pollution
QE DM4 Contaminated Land
QE SP1 Quality of the Environment
SD SP2 Built-Up Area Boundary
W DM2 Flood Risk
W DM3 Sustainable Urban Drainage
Systems
Spatial Plan of the Parish
Housing Density
Design Guidance
Progress Garage Yapton Lane Walberton
Protection of Trees and Hedgerows
'Unlit village' status

Walberton Neighbourhood Plan Policy 2017 HP1
Walberton Neighbourhood Plan Policy 2017
HP11
Walberton Neighbourhood Plan Policy 2017
HP13
Walberton Neighbourhood Plan Policy 2017 HP8
Walberton Neighbourhood Plan Policy 2017 VE3
Walberton Neighbourhood Plan Policy 2017 VE8

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taken place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

The Walberton Neighbourhood Plan has passed referendum and is due to be made in the coming weeks and therefore carries significant weight for development control purposes.

The application site in this case is specifically for the development of 6 residential units under policy HP 8 of the Walberton Neighbourhood Plan.

Other Walberton Neighbourhood Plan policies that apply include;
Policy HP 1 - Spatial Plan of the Parish

Policy HP 8 - Progress Garage Yapton Lane, Walberton
Policy HP 11 - Housing Density
Policy HP 13 - Design Guidance
Policy VE 3 - Protection of Trees and Hedgerows
Policy VE 8 - 'Unlit village' status

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 principle of this development was established through outline approval WA/103/16/OUT and the details were approved under WA/69/17/PL . This application seeks approval to amend the siting of plots 5 and 6 only.

DESIGN AND VISUAL AMENITY

6 dwellings, a car barn, parking areas, an access road, cycle and bin stores have previously been approved.

The dwellings included;

2 x 2 bedroom semi detached properties

2 x 3 bedroom semi detached properties

2 x 4 bedroom detached properties (plots 5 and 6 affected by this application)

The materials, scale and design of plots 5 and 6 have previously been approved and are unaltered in this application and are still considered acceptable.

The sets of semi detached properties and the two detached properties have slightly different configurations on a central traditional theme and are visually united by the use of the same materials and similar scales. proportions, eaves heights (approx. 5 metres) and ridge heights approx. 8.3 metres and the changed position to plots 5 and 6 does not impact on this configuration.

It is considered that the design, scale and materials proposed will not adversely impact upon the character of the locality. However, the materials condition which formed part of the earlier approval has been re-imposed to ensure no adverse harm is created.

The forward movement on the plot of the 2 units will not adversely impact upon the established spatial pattern and character of the locality and as such is deemed to accord with policy GEN7(ii) of the Arun District Local Plan.

INTERNAL AND EXTERNAL SPACE STANDARDS

The gross internal floor areas of the 4 bed houses is unaltered in this proposal and exceeds the space standards specified in the Nationally Described Space Standards within National Planning Policy Guidance.

The garden areas for the proposed dwellings meet the minimum external space standards sufficient to ensure compliance with policy D DM3 of the emerging Local Plan. The minimum garden length of 10m has now been met across more of the rear garden width of plot 6. Given that the gardens comply with the minimum external open space standards and by virtue of the lack of public open space on or near the development, it is considered that the condition removing permitted development rights to ensure adequate outdoor amenity space is retained should also be re-imposed in this recommendation.

RESIDENTIAL AMENITY

The 600mm movement of plots to the east would not result in an unacceptable relationship between the front and rear elevations of the dwellings on the new development a 17.6m gap would be retained. The impact on the Lazy W to the west behind the two houses would be improved as a result of the increased distance.

The windows at first floor level in the side elevations of the new properties serving bathrooms and stairwells will be conditioned to be obscure glazed and the lower sash fixed shut as previously approved.

The proposed re-siting of plots 5 and 6 retains a gap to the southern boundary of 1m which adjoins an access road. By virtue of their location, design and the separation between the proposed dwellings and the property to the south it is considered that the proposal will not give rise to harm to residential amenity of existing or proposed properties in terms of overlooking, a loss of light or overbearing impacts.

Therefore, the amended position of the dwellings are considered to accord with policy GEN7(iv) of the Arun District Local Plan.

LANDSCAPE

The forward movement of plots 5 and 6 has not altered the landscaping areas previously approved which was considered to be acceptable.

SUMMARY

The proposal is considered to accord with relevant development plan policies and as such is recommended for approval subject to the below conditions

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

RECOMMENDATION

APPROVE CONDITIONALLY

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

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

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

Dwg no. 0912/DPA101 rev 01- Location Plan (existing)

Dwg.no.- 0912/DPA103 Rev 03 - Proposed Context Plan

Dwg.no.- 0912/DPA102 Rev 03 - Proposed Block Plan

Dwg.no.- 0912/DPA104 Rev 03 - Proposed Site Plan

Dwg.no.-0912/DPA109- Plots 5 and 6 - Floor Plans

Dwg.no. 0912/DPA110 rev03

Dwg.no - GHD3011 Rev A - Outline Landscape Plan and specification - dated 20/04/2017

Dwg.no.- 0912/DPA105 Rev 01 - Plots 1 & 2 - Floor Plans received on 02/05/2017

Dwg.no.- 0912/DPA106 Rev 01 - Plots 1 & 2 - Elevations received on 02/05/2017

Dwg.no.- 0912/DPA107 Rev 01 - Plots 3 & 4 - Floor Plans received on 02/05/2017

Dwg.no.- 0912/DPA108 Rev 01 - Plots 3 & 4 - Elevations received on 02/05/2017

Dwg.no.- 0912/DPA111 Rev 01 - Car Barn Floor Plan and Elevations received on 02/05/2017

Dwg. No. MBSK170605-1 - Overall Site Layout, Highways Details dated June 2017

Dwg, No 0912/DPA06 - Visibility Splay received 02/12/2016

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 of the Arun District Local Plan.

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed buildings including the car barns, bin stores and cycle storage sheds have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/setting of the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

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

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

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

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

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 5 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.

- 6 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 in accordance with policy GEN 12 and GEN 7 of the Arun District Local Plan and the National Planning Policy Framework.

- 7 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.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies in Policy GEN 14 of the Arun District Local Plan and the National Planning Policy Framework.

- 8 No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors' buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access in accordance with policy GEN7 of the Arun District Local Plan. It is considered necessary for this to be a pre-commencement condition because the purpose of the condition is to mitigate the impact of construction.

- 9 Prior to the commencement of development (parts 1, 2) and prior to occupation (parts 3, 4) 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.

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 GEN7. It is considered necessary for this to be a pre-commencement condition because it would be a risk to the health of future occupiers of the residential properties if contamination issues were not addressed prior to development.

- 10 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 GEN7 of the Arun District Local Plan.

- 11 Prior to occupation of any part of the permitted 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 "longterm 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 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 GEN7 of the Arun District Local Plan.

- 12 No part of the development shall be first occupied until visibility splays of 2.4 metres by 120 metres have been provided at the proposed site vehicular access onto Yapton Road in accordance with the approved planning drawings. 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 in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 13 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 also minimise potential impacts 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 and to minimise unnecessary light spillage outside the development site in accordance with Policies GEN7, GEN29 & GEN33 of the Arun District Local Plan and Policy VE 8 'Unlit village'

status of the Walberton Neighbourhood Plan.

- 14 Before the buildings hereby permitted are occupied details of bin enclosures shall be provided in accordance with detailed drawings to be submitted to and approved in writing by the Local Planning Authority, such drawings to show the siting and design thereof.

Reason: To safeguard the appearance of the property and the amenities of the area in accordance with policies GEN7 of the Arun District Local Plan.

- 15 All the windows at or above first floor level in the side elevations of the 6 dwellings hereby approved shall:-

(i) consist of at least two lights divided horizontally in half with only the top light capable of being opened, and shall be maintained in that condition at all times;

(ii) at all times be and remain glazed entirely with obscure glass.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 16 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions dormer windows to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 17 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.

- 18 INFORMATIVE:Section 278 Agreement of the 1980 Highways Act - Works within the Highway

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.