

Recommendation Report for Planning Permission

REF NO: Y/120/20/PL

LOCATION: Forge Cottage
Church Road
Yapton
BN18 0ER

PROPOSAL: Variation of Condition 3 (surface water drainage details) imposed under Y/34/17/HH - vary condition wording from 'Development shall not commence until' to 'Development shall not commence (with the exception of demolition and site clearance works) until'.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks permission for the variation of condition 3 (surface water drainage details) imposed on Y/34/17/HH (which approved a 2 storey side extension, single storey rear extension, and replacement car port). It seeks to vary the wording of the condition from 'Development shall not commence until' to 'Development shall not commence (with the exception of demolition and site clearance works) until' so it would read as follows:

"Development shall not commence (with the exception of demolition and site clearance works) 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 (in this case, with the exception of demolition and site clearance works) because it is necessary to implement the surface water drainage system prior to commencing any building works (with the exception of

	demolition and site clearance)."
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	2m high close boarded fencing to Jonathan Cottage (west), 2.4m high close boarded fencing to the southern boundary with the Old Post Office (but part of this boundary is with part of the same building), 2.2m high wall to West Down Lodge (east). Also to the east is the Old Post Office with the boundary being directly onto a timber outbuilding. To the front there is a 1m high wall.
SITE CHARACTERISTICS	Two storey detached cottage dwelling with front porch. The main dwelling's walls are white painted smooth render with light green window frames and a slate roof. Single storey, flat/felt roofed side extension in part timber & part render, including a garage, with a timber car port structure to the front. The car port structure projects forward of the dwelling. Access to the property is from the east off Church Road and past Jonathan Cottage. Two off-street parking spaces in addition to the garage. Rear and side garden.
CHARACTER OF LOCALITY	Within the Yapton Built-Up Area Boundary, Main Road/Church Road Conservation Area, and Locally Listed Buildings (Jonathan Cottage, The Old Bakery, The Old Forge). Residential comprising a mixture of detached, semi-detached and terraced properties of various styles and designs, some of notable character. Affected neighbouring properties as follows: * The Old Post Office - some first floor windows and 2nd floor velux roof lights overlooking the site; and * The Old Bakery - ground floor windows in the timber outbuilding look straight onto the site. First floor windows in the house are part obscured by the outbuilding & trees.

RELEVANT SITE HISTORY

Y/77/20/PL	Removal of condition 3-surface water drainage scheme, imposed under Y/34/17/HH. This application is in CIL Zone 2 (Zero Rated) as 'other development'.	Withdrawn 12-10-20
Y/34/17/HH	The demolition of an existing single storey extension, garage and store. Proposed 2 storey side extension with a single storey rear extension, new terrace area and replacement car port with associated external works. This application affects the character and appearance of the Main Road/Church Road Yapton Conservation Area.	ApproveConditionally 06-09-17

The site benefits from a permission (Y/34/17/HH) for the demolition of the existing single storey extension, garage and store, and proposed 2 storey side extension with a single storey rear extension, new terrace area and replacement car port with associated external works. The applicant stated during the site visit for Y/34/17/HH that the existing side extension is not Building Regulations compliant.

Previous application (Y/77/20) to vary condition 3 of Y/34/17 to re-word to remove reference to surface water drainage details being required 'pre-commencement' and change to 'prior to occupation' was withdrawn on basis of objection from Council Drainage Engineers that surface water drainage details are needed to be secured 'pre-commencement', with the exception of demolition and site clearance works, given the sites location in Lidsey Drainage Area.

REPRESENTATIONS

Yapton Parish Council - no objection.

Neighbour objection to withdrawn application (Y/77/20) regarding the accuracy of the red line site boundary/site plan.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

Neighbours objection to previous application (Y/77/20) regarding the accuracy of the red line site boundary/site plan: applicant has provided confirmation that the site boundary/plan is accurate, application form certificate correct and correct notices served. If this proved to be inaccurate this may invalidate the application/permission. Matters of land ownership are a civil/legal matter to be resolved outside of the planning system.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC Drainage Engineers -

Prepared to support proposed wording change to condition 3 to 'pre-commencement with the exception of demolition and site clearance works'.

COMMENTS ON CONSULTATION RESPONSES:

Noted. Application to be approved.

POLICY CONTEXT

Designation applicable to site:

Built-Up Area Boundary

Lidsey Drainage Catchment Area

Main Road/Church Road Conservation Area

DEVELOPMENT PLAN POLICIES

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

WDM1 W DM1 Water supply and quality

WDM3	W DM3 Sustainable Urban Drainage Systems
SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
QESP1	QE SP1 Quality of the Environment
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development

Yapton neighbourhood plan 2014 Policy E11	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy BB1	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E8	Conservation Areas
Yapton neighbourhood plan 2014 Policy PK1	Parking standards for new residential development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

The relevant policies in the Yapton Neighbourhood Plan apply.

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."

It was concluded that the original application did not strictly comply with the Development Plan applicable at the time, Policy DEV19 of the previous Arun Local Plan, as it would not be a subservient addition to the house. However, it was concluded that it would comply in other respects and 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.

The current proposal to change the condition wording with regard to surface water drainage details would comply with relevant Development Plan policies with regard to surface water drainage and the Lidsey Catchment Area, and the changes are not considered to result in a scheme which is substantially different nor have a materially different impact from that which has already been approved.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to be weighed in the balance with the Development Plan. Regard should be had to the location of the dwelling to the rear of and being not visible from the Church Road streetscene such that the two storey extension will not adversely impact upon the character of the area.

CONCLUSIONS

PRINCIPLE, HERITAGE, VISUAL & RESIDENTIAL AMENITY & PARKING:

The 2017 permission Y/34/17/HH, which was due to expire on 4th September 2020, remains valid, in accordance with Section 93a of the Business and Planning Act 2020, which provides additional time until 1st May 2021 to implement planning permissions which were due to expire between 19th August and 31st December 2020. As such, although the Development Plan and policies has changed in the interim, with a new Arun Local Plan being adopted in 2018, given the original permission remains valid, it is not necessary to reconsider the whole proposal afresh.

The changes under this application relate only to the timing for the submission of the surface water drainage details, and do not have any impact with regard heritage, visual and residential amenity or parking in comparison to the proposals approved under the extant consent.

The site is located within a Conservation Area and near to Locally listed buildings. The impact on heritage would remain the same under this vary of condition application. Under the previous application, and in accordance with paragraph 193 of the NPPF (2019), great weight has been given to the conservation of the heritage assets. The negligible or 'less than substantial' harm to heritage assets, i.e. the Conservation Area and nearby locally listed buildings, as identified in the original application, would be outweighed by the public benefits of the scheme. It would therefore accord with paragraph 196 of the NPPF and would be acceptable in heritage terms. The proposals would also accord with ALP heritage policies HER SP1, HER DM2 and HER DM3 of the ALP.

The impact on the residential amenity of existing and future occupants would remain the same under this variation of condition application, and would accord with the NPPF and ALP policies QE SP1 and D DM1.

SURFACE WATER DRAINAGE:

The site is located within the Lidsey Waste Water Treatment Works (WWTW) Catchment Area, which means it is more at risk from foul water flooding as a result of groundwater infiltration and surface water inundation of the sewer system. Policies GEN7 and GEN9 of the previous Arun Local Plan (ALP) required new development to be satisfactorily drained. Policy E11 of the Yapton Neighbourhood Plan (YNP) expects development proposals to provide appropriate surface water drainage. Policy W DM1 of the current Arun Local Plan (2018) requires that for minor developments in the Lidsey WWTW Catchment Area details of flooding impacts and drainage systems are provided. Policy W DM3 of the current ALP requires minor development proposals to incorporate Sustainable Urban Drainage systems (SUDs).

A standard condition, in accordance with previous ALP policies GEN7 and GEN9, was applied to the original permission, requiring details of the surface water drainage scheme to be submitted pre-commencement of development. The Council's Drainage Engineers have confirmed that they are prepared to support a change of this condition wording from pre-commencement to 'development shall not commence (with the exception of demolition and site clearance works)'. This will allow the applicant to legally implement the permission and make some progress with preparing the site for construction, whilst at the same time securing the necessary surface water drainage details before development progresses any further than demolition and site clearance works. This will ensure the development is satisfactorily drained, in accordance with former ALP policies GEN7 and GEN9, YNP policy E11 and current ALP policies W DM1 and W DM3.

SUMMARY:

The proposed change to the condition wording is acceptable and accords with drainage policies in the Development Plan, and the application is therefore recommended for approval, subject to the following conditions:

HUMAN RIGHTS ACT

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

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

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

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

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

SECTION 106 DETAILS

N/A.

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the 1st May 2021.

Reason: To comply with Section 93a of the Business and Planning Act 2020.

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

17004-P-100 Rev A "Block & Location Plan";
 17004-P-101 Rev E "Site Plan";
 17004-P-106 Rev C "Ground Floor Plan as Proposed";
 17004-P-107 Rev C "First Floor Plan as Proposed";
 17004-P-109 Rev C "South & West Elevations as Proposed"; and
 17004-P-108 Rev C "North & East Elevations as Proposed".

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D SP1, D DM1, D DM4, HER SP1, HER DM2 and HER DM3 QE SP1 of the Arun District Local Plan.

- 3 Development shall not commence (with the exception of demolition and site clearance works) 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 W DM1 and W DM3 of the Arun District Council Local Plan. This is required to be a pre-commencement condition (with the exception of demolition and site clearance works) because it is necessary to implement the surface water drainage system prior to commencing any building works (other than demolition and site clearance works).

- 4 The materials and finishes of the external walls (render & facing brick plinth) and roof (grey slate roof tiles) of the extensions hereby permitted shall match in colour and texture those of the existing building. The proposed single ply membrane roofing material is not expected to match in colour/texture.

Reason: In the interests of amenity in accordance with policies D SP1, D DM1, D DM4, HER SP1, HER DM2 and HER DM3 of the Arun District Local Plan.

- 5 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.

- 6 INFORMATIVE: 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 BRE365, 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 40% 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 regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.