

Recommendation Report for Planning Permission

REF NO: Y/12/15/PL

LOCATION: The Old Coal Yard
North End Road
Yapton

PROPOSAL: Construction of 4No. houses with associated landscaping & parking. This application is a Departure from the development plan

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The houses are arranged in two pairs of semi detached dwellings with deep 24-26m rear gardens. To the front, there is a joint parking & turning area with 14 spaces, 2 of which are within a car port. This number exceeds the parking requirements but will ensure that no on-street parking occurs which could be to the detriment of the nearby railway crossing. The dwellings have either 2 or 3 bedrooms. A new 51m stretch of public footpath (pavement) is proposed along the site frontage. The application also proposes to fell two tree groups and eleven individual trees.

SITE AREA

0.178 hectares.

RESIDENTIAL DEVELOPMENT DENSITY

23 dwellings per hectare.

TOPOGRAPHY

The site slopes up away from the road but flattens out after the line of the adjacent houses.

TREES

There are a number of trees, both mature and immature along the site frontage and also close to the boundary with 17 North End Road.

BOUNDARY TREATMENT

Low post and rail fence bordering the dwelling to the north with a 1.8-2m part chainlink, part timber fence to 17 North End Road.

SITE CHARACTERISTICS

This is a former railway coal yard which is part overgrown and contains a number of tired single storey storage units/sheds/stables and the remains of another building on the site frontage. There is an existing gated access onto North End Road.

CHARACTER OF LOCALITY

This site lies outside of the defined built up area boundary but is nonetheless surrounded

by residential properties. Aside from "The Gates" adjacent to the railway line, properties on the same side of North End Road are all semi-detached. On the east side there is a mix of semis and detached dwellings. Predominant building materials are brick or render. There are no other instances of front forecourt style parking but that on-street parking is dangerous due to the proximity to the level crossing. Both adjacent dwellings contain secondary flank windows.

RELEVANT SITE HISTORY

Y/44/95	Outline application for 6 no. 2 bedroomed, 2 storey terraced houses together with 6 no. garages, 6 no. casual parking spaces and access road.	Refused 10-01-1996
Y/46/97	Outline Application for four houses, detached garage block and car parking	Refused 08-08-1997 <i>Appealed</i> Appeal: Dismissed 20 01 1998
Y/41/99/CLE	Application for a Certificate of Lawfulness for an existing use of land for parking, garaging and shelters for vehicles, workshop, timber storage, saving of timber brought into land for sale and allotment	Refused 16-09-1999
Y/56/11/	Outline application with all matters reserved for 2 no. pairs of semi-detached 3 bed cottages (this application is a Departure from the Development Plan)	Refused 23-12-2011

The site history shows that there has been refusals for houses on three separate occasions and one scheme was also dismissed on appeal. The most recent application, ref Y/56/11/ was refused in December 2011 for the following reason:

"The site lies in a rural area outside the village of Yapton and the proposal, which comprises an undesirable extension and intensification of residential development in ribbon form, would be prejudicial to the rural character of the area in which it is intended that permission for development unrelated to an essential rural activity will not normally be granted. This gap is essential in character providing a buffer between the residential development and the rural fringe. The proposal is therefore contrary to policy GEN3 of the Arun District Local Plan."

REPRESENTATIONS

Representations received:

Yapton Parish Council

Yapton Parish Council - "OBJECTION. This application is not included in the Yapton Neighbourhood Plan."

One letter of objection from a dwelling opposite setting out the following issues:

- * This site is not in the Neighbourhood Plan and indeed was deleted by the Inspector;
- * Highway safety issues re the level crossing & Lake Lane junctions; and
- * Additional houses would damage the rural aspect of the area.

One letter of support from the property immediately to the north on the grounds that the development would enhance the appearance of the area, be in character with the existing and be preferable to the present use of the land.

Comments on Representations received:

Comments noted. These issues will be picked up in the Conclusions section. Members should also note the responses of WSCC Highways and Network Rail which deal with safety concerns.

CONSULTATIONS

Engineering Services Manager
Engineers (Fluvial Flooding)
WSCC Strategic Planning
Southern Water Planning
Environmental Health
Arboriculturist
Network Rail

Consultations responses received:

National Rail - "Network Rail have no issues or objections to the proposed development as long as it is agreed that there is, like in the previous application, plenty of off street parking. It is essential that ample parking facilities are provided for this development as vehicles in properties on the opposite side of the road already create flowing issues with traffic coming southbound from the nearby level crossing on Yapton Lane."

Southern Water - No objection. Request an informative re connecting to the sewer.

WSCC Highways - "A new access will be required onto North End Road; the proposed visibility splays, taken from a setback of 2.4m, extend 43m to a point on the nearside kerb line and this is consistent with Manual for Streets (MfS) guidance. MfS does provide some allowance for occasional on-street parking within the visibility splay and it would appear that in this area, where most properties have some sort of off-street parking facility, that there is not an extensive demand for on-street parking particularly during peak movement time.

Given the shared usage of this access point, a 4.5 metre crossover would be required the site plan shows that this widens to 5.8 metres. The works on the highway for the new access must be agreed with the WSCC Local Engineer and carried out under licence. I would also require the driveway area and car parking spaces to be constructed in a bound material and that suitable drainage methods are installed to prevent private surface running onto the public highway.

The proposed parking level is considered sufficient for the needs of this proposal when considered against the WSCC Parking Demand Calculator (PDC). Cycle parking should be

included within the development; this should be secure, covered and capable of holding at least one cycle per bedroom of the proposed dwelling. Based on the information submitted there would be no concerns raised to this proposal from the highway point of view. If the LPA are minded to approve this application a condition securing visibility spays for vehicles, car parking and cycle parking should be included."

WSCC Archaeology - "No objection to the proposal. There are no known or foreseen archaeological implications. No action necessary on archaeological grounds."

Chichester DC Ecology - Following the completion of a reptile survey, Chichester DC Ecology have reviewed the report and do not raise any objections subject to the stated mitigation measures being adhered to.

ADC Drainage Engineer - "The applicant states that surface water will be discharged to soakaways.

Please apply standard conditions ENGD2A. The submitted drainage layout should be amended with levels and rates once groundwater monitoring is completed, and calculations provided showing that the 1 in 100 year storm event plus 30% is stored."

ADC Arboriculturist - "The applicant has submitted a Tree Survey & Constraints Plan, Tree Retentions & Removals Plan, and a Tree Protection Plan. This does meet the standard requirement of the BS 5837:2012. I would have no objection to the proposed felling of T1, T3, T4, T5, T6, T7, T9, T10, T11, T12, T13, G1, and G2, as these specimens do not have the attributes to warrant a TPO order/s. Although not ideal (due to the size of the area to be surfaced) for the proposed mitigation offered for RPA, main stem and canopy of T8, the applicant has correctly cited the differing techniques and materials required. The applicant has also cited the use of a 'watering system is to be designed to either capture rain water and direct it onto the soil below the road deck or for the roadway to be permeable. These systems must take into account that if the surface is to be subjected to de-icing salt, an impermeable barrier or filtration system will be required to prevent contamination of the rooting area'. Considering the large area of T8 RPA that is proposed to be used as a driveway (using a hard surface), the use of a watering system and an impermeable barrier/filtration system will be an important aspect of preventing leaching of the soil and keeping T8 in a healthy condition. I would have no objection to the submitted application as it has met the standards as described by the BS 5837:2012." Recommend Conditions

ADC Environmental Health - "Thank you for submitting the GEO Environmental Desk Study/Preliminary Risk Assessment. I am in agreement with the recommendations made in section 4.4 for an intrusive site investigation. Please apply conditions ENV3, ENV5 & ENV6 to any approval."

Comments on Consultation responses:

Comments & conditions noted.

POLICY CONTEXT

Designation applicable to site:

Outside the Built-Up Area Boundary;
Public Sewer on Site; and
Class B Road.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>GEN3</u>	Protection of the Countryside
	<u>GEN5</u>	Provision of New Residential Development
	<u>GEN7</u>	The Form of New Development
	<u>GEN9</u>	Foul and Surface Water Drainage
	<u>GEN12</u>	Parking in New Development
	<u>GEN28</u>	Trees and Woodlands
	<u>GEN29</u>	Nature and Conservation Across the District
Publication Version of the Local Plan (October 2014):		C SP1 Countryside
		D DM1 Aspects of Form and Design Quality
		D DM3 External Space Standards
		D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
		D SP1 Design
		ECC SP2 Energy and Climate Change Mitigation
		ENV DM4 Protection of Trees
		ENV DM5 Development and Biodiversity
		H DM1 Housing Mix
		T SP1 Transport and Development
		W DM3 Sustainable Urban Drainage Systems
Yapton neighbourhood plan 2014 Policy BB1		Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E11		Minimising the impact of flooding from development
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 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

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

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

Arun District Council's Development Plans:

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

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

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

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

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is not considered to comply with relevant Development Plan policies in that it is located on a site outside of the built up area boundary. Notwithstanding, the proposal is considered to have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties. It would also not have any 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

PROPOSAL, PRINCIPLE & PLANNING HISTORY:

This application seeks planning permission for 2 pairs of semi detached two storey houses with a

total of 14 off-street parking spaces and extensive gardens to the rear.

The site lies outside the Built-Up Area Boundary where development is not acceptable in principle, unless necessary for the needs of agriculture, forestry, the extraction of minerals, deposit of waste or the diversification of the rural economy. Furthermore, the site is not allocated within the Yapton Neighbourhood Plan for residential development and whilst NP Policy H1 allows for infill development, this is only for sites within the built up area. It is also understood that the site was deleted from the Neighbourhood Plan by the examiner due to it being located north of another deleted site (Maypole Field) and that it would "reinforce existing ribbon development in this part of the parish with little prospect of achieving sustainable, well planned development in accordance with the NPPF and the strategic elements of the saved Arun Local Plan".

Furthermore, a previous proposal for 4 dwellings on this site was refused on the grounds of being located outside of the built up area boundary. It is also not considered that the site is particularly sustainable. The centre of Yapton is a walk of around 1.5km away whilst the nearest pub, the Maypole is a walk of 680m from the site. The site is however only 90m from the nearest bus stop.

Therefore, the application is not considered to be acceptable in principle. It is noted that the Council cannot currently demonstrate a 5 year housing land supply and that the emerging local plan has not yet been adopted. However, the Neighbourhood Plan is an adopted part of the local plan and this is clear - that the site is not acceptable in principle. The following sections of the report deal assess the proposal with regard to harm to other interests.

VISUAL AMENITY AND CHARACTER:

The current site is somewhat of a mess and it is considered that a residential redevelopment of the site would enhance the streetscene and improve the character and appearance of the local area.

The layout of the site and the scale of the buildings are considered to be in character with the surroundings. The precise design will be different to nearby dwellings but then the dwellings to the north and south are both different to each other and therefore, there is no prevailing character. The dwellings will be deeper than the existing surrounding dwellings but this will not be noticeable in the streetscene to passers by.

One aspect that will be out of character is the proposed large hard surfaced forecourt parking area. However, it is clear that this is necessary in order to prevent vehicles from parking on the road which would then affect the safe functioning of the level crossing. Furthermore, although the dwellings are on a set back building line compared to those dwellings to the north and south, the building line of the dwellings to the south is staggered and so the chosen building line continues this trend. This therefore means that there is a large front garden area and it is considered that it is better to use this for parking than to have it as wasted front garden.

RESIDENTIAL AMENITY:

Arun District local Plan Policy GEN7 indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. The National Planning Policy Framework further indicates that good design should contribute positively to making places better for people.

There are flank windows in both of the adjacent dwellings, however these are both secondary windows and the new dwellings will be at a distance of between 3m and 4m from these windows. Furthermore, no windows are proposed in the flank elevations so no overlooking between these will occur. A condition will be imposed to prevent flank windows from being installed in the future without a planning permission.

Although the proposed dwellings extend further back than the adjacent dwellings, the gaps between the proposed & the existing properties are such that it is not considered that the neighbouring properties will experience any detrimental loss of light. It is also noted that there are no principal windows on the southern part of the rear elevation of 1 Railway Cottages.

ADC Environmental Health officers have not raised any comments about noise and disturbance from the proposed residential use and indeed, it is considered likely that a residential use has the potential to be quieter than the existing use of the site.

PARKING PROVISION & HIGHWAY SAFETY:

It is noted that a local resident has concerns about the safety of the highway and the level crossing. However, as has been shown above, there are no objections to the scheme from either WSCC Highways or Network Rail. With specific regard to parking, the WSCC Parking Demand Calculator sets out a requirement for 13 parking spaces. The proposal exceeds this requirement. Cycle parking would also be provided and this could be subject to a condition.

Neighbourhood Plan Policy PK1 requires parking in accordance with the following standard:

2 bed houses - 2 off-road car parking spaces; and
3 bed houses - 2 off-road car parking spaces.

This equates to a total requirement of 8 spaces and the proposal therefore complies with this.

It should also be noted that this proposal will benefit pedestrian safety by extending the pavement along the front of the site thus allowing local people to walk along the western side of North End Road without having to cross over and back again. This is considered to be a planning gain.

ECOLOGY & TREES:

The application proposes the removal of several trees. However, this is justified by the submitted arboricultural impact assessment which the Councils Tree Officer has reviewed and agrees with. It is not considered that any of the trees along the site frontage are worthy of protection and therefore no objection is raised to the loss of these trees.

In respect of ecology, the applicants submitted a phase 1 habitat survey which identified a need for a reptile presence survey. This was then duly prepared and the report submitted to the Council. The survey found only 1 species of reptile - a slow worm. The report also sets out a number of mitigation measures and a condition could be imposed to reinforce the need to adhere to these measures.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against the internal space standards as set out in the Government's new Technical Housing Standards (Nationally Described Space Standard). The requirements for this proposal are as follows:

Two Storey, 2 bedroom, 4 person house - 81m²; and
Two Storey, 3 bedroom, 5 person house - 95.5m².

3 of the 4 dwellings comply with these standards. The exception being one of the 3 bed 5 person dwellings which is only 89m² in floor area. However, this would have been compliant with the internal space standards set out in Policy D DM2 of the Emerging Local Plan which the scheme would have previously been assessed against and this is therefore considered to be acceptable.

In respect of external standards, it is necessary to have regard to Policy D DM3 of the emerging local plan (publication version) which has been approved by the Council for development management purposes and which will shortly be heard at an Examination in Public. With respect to the proposal, the requirement for each house is a rear garden of at least 10m in depth and an area of 85m². As noted elsewhere in this report, the gardens are 24m-26m deep. Furthermore, the areas are in the range of 188m² to 206m².

SUMMARY:

This report sets out that although there is no demonstrable harm to local character, to highway safety, on ecology or to residential amenity, that the in principle objection remains due to the site's location outside of the built up area boundary. Whilst this alone would not be a reason for refusal, there is additional support from the Neighbourhood Plan which both seeks to prevent residential windfall development on sites outside of the built up area and also clearly discounted the Old Coal Yard site during the examination of the Plan due to it extending the urban sprawl of the village. It is therefore considered that permission should be refused for the following reason which is itself based on the wording within the Examiners Report on the Yapton Neighbourhood Plan and not the wording used in the previous refusal reason.

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.

RECOMMENDATION

REFUSE

- 1 The site lies in a rural area outside the defined built up area boundary of Yapton and the proposal, which is considered to reinforce existing ribbon development and has little prospect of achieving sustainable, well planned development in accordance with the NPPF and the strategic elements of the saved Arun Local Plan, would be prejudicial to the rural character of the area in which it is intended that permission for development unrelated to an essential rural activity will not normally be granted. The proposal is therefore contrary to Policy BB1 of the Yapton Neighbourhood Plan, Policy GEN3 of the Arun District Local Plan and Policy C SP1 of the Arun District Local Plan 2011-2031 (Publication Version).
- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.