

Recommendation Report for Approval of Reserved Matters Following Outline Approval

REF NO: Y/18/21/RES

LOCATION: Clays Farm
North End Road
Yapton
BN18 0DT

PROPOSAL: Approval of reserved matters following Y/62/18/OUT for 33 No. residential units, access, landscaping & associated works. This site is in CIL Zone 3 & is CIL Liable as new dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks reserved matters approval for 33 dwellings with associated parking, road/footway provision, landscaping, open space and ancillary works. Approval of scale, layout, external appearance and landscaping are sought. Access was approved on Y/62/18/OUT.

The scheme includes 13 x 2 bed houses, 14 x 3 bed houses and 6 x 4 bed houses. It is proposed all houses will be affordable (12 affordable rented and 21 shared ownership). Plots 8, 9, 14, 15, 22, 28 & 29 will be built to be compliant with M4(2) of Building Regulations as per the requirements of condition 16 of the Outline therefore being accessible and adaptable to future requirements.

Each house has at least 2 parking spaces with the 4 beds having at least 3. Total parking provision is 72 allocated spaces, 9 garage spaces and 9 visitor spaces. The garages measure 5.88m by 3.09m. Cycle storage is either accommodated in garages/sheds and plans of the sheds/garages have been provided. Bin storage spaces will be in gardens with collection from the dwelling frontages. There are three communal Bin Collection Points shown

Buildings will be no higher than two storeys with no roof accommodation. The application proposes facing brick or hanging tile and two different types of roof tile (shown on the Materials Layout drawing). Elevations include architectural details prevalent in the local area including lean to porches, corbelling, brick dentil, brick sills and lintels. Roofscapes take the form of gable ends with some instances of half dormers. No chimneys are proposed. A substation is opposite plot 30 in the south eastern corner.

As per the Outline the site has a shared (vehicles/pedestrians)

access to North End Road via an existing driveway in the south east corner. This now includes a short length of pedestrian footway on the south side of the access drive to allow pedestrians to get onto the shared surface away from the actual junction. There will be pedestrian/cycle links to adjoining sites. A condition would need to be imposed to ensure these links seamlessly join with the other sites (the same approach has been taken in respect of the adjoining sites).

The layout includes a 2,540m² area of public open space (POS) in the south west corner within which is a Local Equipped Area of Play (LEAP) and a Local Area of Play (LAP) with a total combined area of 615m². The adjacent SuDS pond is not included in the calculation neither are natural buffer areas to the southern, western and northern edges of the site.

The application includes a comprehensive hard & soft landscaping scheme which includes new trees, buffer mix planting (including new trees), new shrubs, ornamental hedges, meadow planting and grassed areas. A soft landscape specification sets out the planting & maintenance regime. A hard surfacing plan shows a mix of tarmac (to roads), concrete blocks, concrete slabs and conservation sett paving. The footpath links are shown to be surfaced in tarmac. It is proposed to have 1.8m high brick walls in the layout where gardens adjoin public spaces. Boundaries between gardens (and to garden rears) will have 1.8m high timber fencing.

SITE AREA	1.67 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	19.8 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	Several important trees to north and west boundaries. A category A Atlas Cedar tree beyond the east boundary. It is proposed to remove 12 trees in the south east corner including one category B Leyland Cypress. It is necessary to prune back a section of the hedge on the eastern boundary.
BOUNDARY TREATMENT	Mixed - 1m high post & rail and a 2m hedge to "The Steddles".
SITE CHARACTERISTICS	At the time of Y/83/19/OUT it was observed the site was a grassed paddock, overgrown to the edges with two timber pitched roof buildings - one a double barn (around 1.5 storeys high) and the other, a single storey stable building. There is a single width access road to North End Road.
CHARACTER OF LOCALITY	The land to the west is arable farmland. To the east are two large residential dwellings ("The Steddles" and "St Mary's Vicarage"). The Steddles is the closest of these and is part single, part two storey but there is an extant permission to redevelop this site with 10 homes (Y/121/19/PL).

To the south lies land to the north of the Yapton Primary School which is allocated in the Yapton Neighbourhood Development Plan for residential development and benefits from outline and reserved matters permission for 38 dwellings (Y/88/18/OUT & Y/71/20/RES). To the north lies land known as "Land at Street Buildings, North End Road" which benefits from outline and reserved matters permission for 45 dwellings (Y/49/17/OUT & Y/146/20/RES).

Yapton has two GP surgeries, a pharmacy, two churches, a village hall and playing fields, a primary school, a small selection of shops and a regular bus service. Barnham railway station is 2 miles west (as the crow flies).

RELEVANT SITE HISTORY

Y/19/21/PL	Removal of planning condition 17 imposed under Y/62/18/OUT relating to no occupation of more than 16 dwellings prior to the proposed improvement works at the junction of the A27 and Yapton Lane have been completed and open to the public.	Refused 06-05-21
Y/83/19/OUT	Outline application with some matters reserved for the erection of 33 No. dwellings, access roads, landscaping & associated works (resubmission following Y/62/18/OUT). This application is a Departure from the Development Plan.	App Cond with S106 31-03-20
Y/62/18/OUT	Outline application with some matters reserved (appearance, landscaping, layout & scale) for 33 No. residential dwellings, access, landscaping & associated works. This application is a Departure from the Development Plan.	Refused 27-06-19
		Appeal: Allowed+Conditions 25-02-20

Y/62/18/OUT was allowed on appeal about a month before the resubmission Y/83/19/OUT was approved by the Council. This Reserved Matters is stated to accord with Y/62/18/OUT. Y/19/21/PL sought to remove condition 17 of Y/62/18/OUT but was refused following Highways England objection .

REPRESENTATIONS

Yapton Parish Council state support on the presumption that full pedestrian access is allowed to the landscaped borders of the site.

Three letters of objection raising concerns regarding:

- no cycle links particularly to the Primary School;
- too much development in Yapton resulting in highway congestion and pressure on infrastructure; and
- concerns with layout, dwelling orientation, open landscaped buffers, lack of drainage information, insufficient detail re footpath links, no detail on PRow and inadequate pedestrian access to North End Road.

COMMENTS ON REPRESENTATIONS RECEIVED:

Plans indicate that access to buffer areas will not be prevented although two of the three areas will be planted with new trees which may hinder access. These areas adjoin Public Open Space where access is possible. It is not appropriate to use a condition to secure legally binding public access to these areas.

Yapton Parish Council were notified on the 16th June of the changes to the application and given 21 days to respond but no further comments have been received.

As outline permission exists for 33 homes it is not appropriate to reconsider impacts on highways and infrastructure. The other objector concerns are discussed in the conclusions however the PRow referred to is actually within the site to the south and is shown on the plans granted by Y/71/20/RES.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - No objection.

SOUTHERN WATER - No objection.

WEST SUSSEX POLICE - No objection - list a number of advisory notes regarding improving security.

WSCC HIGHWAYS - Initially requested more information concerning the access road/its connection to the site layout, pedestrian/cycle movements within the site and lighting.

ADC DRAINAGE ENGINEERS - Drainage to foul sewers in the Lidsey catchment is wholly unacceptable and full details of infiltration testing & ground water monitoring are required to demonstrate that infiltration is not possible before consideration can be given to alternatives. Suggests layout may have to be reconsidered. Asks for new conditions as that imposed by the previous appeal Inspector does not align with ADC policy.

ADC HOUSING STRATEGY & ENABLING MANAGER - No objection.

ADC LANDSCAPE OFFICER - No objection subject to confirmation of hard surfacing. The landscaping is appropriate, the buffer areas add green aesthetic value & should aid biodiversity net gain. Raises a slight concern that plots 1 & 6 which face the POS area, face sideways and not over the POS.

COUNCIL ECOLOGIST - No objection on the grounds that the Preliminary Ecological Appraisal Report and Reptile Mitigation Plan were conditioned with the outline permission.

COMMENTS ON CONSULTATION RESPONSES:

All comments noted except where indicated below.

WSCC HIGHWAYS - Were re-consulted on following receipt of the amended plans and advised in response (14/07/21) that no longer have any objections and request 2 x standard informatives. Some items will be attended to a the detailed build out stage.

ADC DRAINAGE ENGINEERS - Whilst the comments are not an objection, it is clear engineers have limited confidence as to how the site can be drained. A similar approach can be taken here to how the Reserved Matters applications for the adjoining sites (Y/71/20/RES & Y/146/20/RES) were determined in that it was made clear that if the drainage condition cannot be agreed due to the layout not providing sufficient space then a new Reserved Matters application will need to be submitted to account for the necessary drainage features. The reserved matters application can be determined without the full support of drainage engineers. The request for the new pre-commencement drainage condition cannot be imposed without the agreement of the applicant who is unlikely to agree to a more onerous condition and it also not reasonable or relevant to insist on this as drainage is not a reserved matter.

ADC LANDSCAPE OFFICER - Were re-consulted on 16/06/21 following receipt of the amended plans which included a hard surface plan but no comments received in response.

POLICY CONTEXT

Designations applicable to site:

Outside of the Built Up Area Boundary;
Agricultural Land (Grade 2);
Flood Zone 1;
CIL Zone 3;
Lidsey Treatment Catchment Area; and
Area of Special Control of Adverts.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
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
HERSP1	HER SP1 The Historic Environment
HWBSP1	HWB SP1 Health and Wellbeing
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
SDSP1	SD SP1 Sustainable Development
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

WSP1 W SP1 Water

Yapton neighbourhood plan 2014 Policy E4

Yapton neighbourhood plan 2014 Policy E5	Minimising the environmental impact of development
Yapton neighbourhood plan 2014 Policy E6	Enhancement of biodiversity
Yapton neighbourhood plan 2014 Policy E11	Green infrastructure and development
Yapton neighbourhood plan 2014 Policy BE2	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy PK1	High speed broadband
Yapton neighbourhood plan 2014 Policy H2	Parking standards for new residential development
Yapton neighbourhood plan 2014 Policy H3	Dwelling size
	Dwellings appropriate for the needs of older people

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
NPPDG	National Design Guide

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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 of the Yapton Neighbourhood Development Plan (YNDP) have been considered within this report. Yapton are currently working on a revised YNDP and have recently completed a regulation 14 consultation. However, it is considered that the emerging Plan can be attributed only limited weight at this time.

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 results in a development of an appropriate scale, layout and appearance which is not harmful to the character & appearance of the area, the amenities of existing residents or the existing road and public footpath network.

Section 70(2) of Town and Country Planning Act 1990 (as amended) provides that

(2) In dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

KEY ISSUES:

Principle;
Compliance with Outline Conditions;
Layout, Appearance & Scale;
Public Open Space and Play;
Landscaping & Trees;
Housing Mix;
Accommodation for Older People;
Residential Amenity
Parking, Roads and Public Footpaths
Waste Management;
Surface Water Drainage
Foul Drainage;
Internal & External Space Standards; and
Climate Change.

PRINCIPLE:

The principle of 33 dwellings with access from North End Road was established by Y/62/18/OUT and it is only necessary to consider the outstanding matters of layout, appearance, landscaping & scale. It is only appropriate to consider development plan policy/material considerations in respect of reserved matters. Matters relating to flood risk, agricultural land, countryside location, children's play and infrastructure are all outline issues.

COMPLIANCE WITH OUTLINE CONDITIONS:

Two conditions imposed by the outline set parameters for the nature and form of the Reserved Matters submission and these are analysed below.

Condition (6) requires the landscaping details to be approved by the Reserved Matters application include details of tree protection measures. Tree protection details have been provided within the "Tree Survey and Arboricultural Impact Assessment".

Condition (16) sets out the requirement that 25% of the 1, 2 & 3 bed dwellings be delivered to Lifetime Home standards. Lifetime Home standards no longer exist and the equivalent current standard is in part M of the Building Regulations. This would mean that at least 10 of the 41 1/2/3 bed dwellings should be part M compliant. This is discussed elsewhere in the conclusions.

LAYOUT, APPEARANCE AND SCALE:

ALP policy D DM1 requires the Council seek to make the best possible use of land by reflecting or improving on the character of the site/surrounding area. It requires the Council consider scale, massing, aspect, siting, layout, density, building materials, landscaping and design features. The policy requires the scale of development keep in the general confines of the overall character of a locality. ALP policy D SP1 "Design" requires development to make efficient use of land and reflect local character. ALP policy LAN DM1 requires that new development repair or reinforce the character of the landscape. There are no design policies in the YNDP.

ALP policy AH SP2 states affordable housing should be visually indistinguishable from market housing with large groupings of single tenure dwellings or property types avoided. Affordable housing units shall be permitted in small clusters throughout development schemes. This application goes beyond the policy requirement and proposes all dwellings be affordable therefore there is no clustering.

The National Design Guide (NDG) has full weight as a material consideration in the determination of this application. This states that achieving a well-designed place comes about through making the right choices at all levels, including the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials and their detailing. It sets out ten characteristics of beautiful, enduring and successful places: Context, Identity, Built Form, Movement, Nature, Public Spaces, Uses, Homes & Buildings, Resources and Lifespan. The applicant provided a written response to the National Design Guide with the Design Response document.

The Arun Design Guide is a material consideration in determining applications. The Design Guide suggests a density of 15-25 for detached/semi-detached houses in village locations and states density should decrease with distance from the centre of a settlement, to ensure that development relates sensitively to its setting and addresses the edges of the site in a positive way. It states this is particularly important to development which is adjacent to the settlement particularly where there are open fields. The site density has been set by the Outline permission which allowed up to 33 homes but at 19.8 dwellings per hectare, does nonetheless accord with the Design Guide.

The layout is appropriate to the characteristics of the site and will function well. The following issues were previously identified and on this basis, it was not considered that the scheme demonstrated a sufficient standard of design quality;

- the 2 visitor spaces shown in front of plots 31-33 are more conveniently located than the allocated parking (to the rear) and so will end up being used by the occupiers of those homes.
- there is a substation building on the south side of the access road into the site and this will be visually prominent in the streetscene.
- a large expanse of plain brick wall is shown in a prominent position between plots 1 & 6 facing onto part of the POS and the adjacent SuDS area.

Revised plans sought to resolve these concerns as well as certain other issues raised by consultees and objectors. These changes are explained in the covering letter (27/05/21). The amended submission has been assessed and they resolve the concerns identified above such that the layout can be supported. The visitor spaces have been moved westwards so that they are not clearly related to any dwellings. The substation is retained where it was but will now be screened by hedging and additional trees. The wall has been replaced with a timber fence with landscaping to the front.

Concern has been expressed by others as to the orientation of plots 6 & 7 as these do not face onto the POS. The arrangement is acceptable as 6 does actually face onto the POS and is only side on to the adjacent SuDS area. Nevertheless, the elevations for plot 6 have been amended to include an additional window in the south facing gable elevation to better fenestrate the elevation given its relationship to the adjacent open space area. It is not possible to have 7 completely facing the POS as this would affect the positioning of plots 8-12 up the west side of the site. It does face onto part of the POS area whilst its flank is not a featureless elevation. A separate concern has been raised regarding plot 1 which has a flank elevation onto the SuDS area however, this house is double fronted so its flank is also its front.

The scale of development is solely two storey with no roof development. Future roof development would not be inappropriate in the development due to it not being visible in the North End Road streetscene and given the western buffer planting protecting views from the open countryside to the west. It is not necessary to impose a condition removing permitting development rights for roof development. Details and materials are acceptable and are consistent with neighbouring schemes.

The proposed links to the adjoining sites will be in landscaped areas thus ensuring the routes will be attractive for pedestrians. Appropriate surfacing has now been shown to these paths.

The layout, appearance and scale are in accordance with ALP policies D DM1, D SP1 & AH SP2, the NPPF, the National Design Guide and the Arun Design Guide.

PUBLIC OPEN SPACE & PLAY:

ALP policy OSR DM1 requires that housing developments provide sufficient public open space, playing pitch provision and indoor sport & leisure provision. Policy HWB SP1 seeks to ensure development is designed to maximise the impact it can make to promoting healthy communities and reducing health inequalities. This is more important in the current climate with nationally imposed lockdowns and the increase in home working.

There is no relevant YNDP policy. The Councils supplementary planning document (SPD) "Open Space, Playing Pitches, Indoor and Built Sports Facilities" (January 2020) sets out specific requirements for on-site public open space (POS) and play provision.

The S.106 agreement agreed with Y/62/18/OUT set out a requirement for the provision of public open space (POS) to include a LEAP and a LAP. The actual amount of space was not specified in the Agreement although 2534.4m² was stated in the officer report. The scheme proposes a 2540m² area of POS in which is a LEAP and a LAP (total play provision of 615m²).

The proposal is therefore acceptable in respect of ALP policies OSR DM1 and HWB SP1.

LANDSCAPING & TREES:

ALP policy LAN DM1 states: "Development throughout the plan area should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas." In addition, policy D DM1 requires developments to incorporate new tree planting and to improve upon character through landscaping.

ALP policy ENV DM4 states "Development will be permitted where it can be demonstrated that trees protected by a Tree Preservation Order(s), (TPO) identified as Ancient Woodland, in a Conservation Area or contributing to local amenity, will not be damaged or destroyed now and as they reach maturity". YNDP policy E4 states that development sites should retain well-established features of the landscape, including mature trees & species-rich hedgerows and that new tree planting will be required to mitigate

any significant loss.

There are no TPO or ancient trees in the site. The boundary trees do not represent a constraint to development such that permission should be refused. The majority of trees and hedges to boundaries will be retained and enhanced with further planting as set out on the landscaping plans. Some trees are to be lost including a category B Leyland Cypress in the south eastern corner but in the absence of any objection from the Tree Officer, there is not considered to be conflict with policy.

Landscaping plans provide for a well thought out scheme fitting for the location and provides a good mix of trees & shrubs with suitable planting densities and size at time of planting. There is no objection from the Landscape Officer. The street trees in the scheme all appear to have plenty of room to grow and develop.

One objector stated landscaped buffers serve no useful purpose as useable open space and could lead to issues of anti-social behaviour, unauthorised vehicle access, dumping of unwanted paraphernalia or grass cuttings. This could lead to nuisance for the future occupiers of the dwellings along this boundary and those in the adjacent Redrow Homes site to the north.

These landscaped buffers were shown on the illustrative drawing provided with the outline and whilst that decision was not conditioned by the Inspector to require that these be provided, the applicant recognised the initial proposal for these buffers and the support for them as set out in the officers report on the outline. Adjoining sites show a buffer area along the west boundary where this adjoins open farmland so the western buffer reflects the arrangements on adjoining sites. The Parish Council's comments state there should be access through these buffers and so to make these buffers part of residential curtilages as requested by the objector would be in conflict with the wishes of the Parish.

The Landscape Officer stated the buffer planted areas contribute to the protection and retention of the mature trees along these boundaries and will contribute to habitat formation and wildlife corridor setting. They add green aesthetic value and should aid in contribution to biodiversity net gain.

The buffer areas are a minimum of 5m wide but in places along the north boundary are closer to 6 or 7m wide. They are useable spaces in their own right and with the applicants proposing that these areas are either planted with meadow grass or with new woodland planting, they will either be open enough to not result in a security concern or so densely planted as to deter access.

There are no concerns with the soft or hard landscaping scheme and so the scheme accords with ALP policies LAN DM1, D DM1, ENV DM4 and YNDP policy E4.

OTHER MATTERS:

(A) Housing Mix

ALP policy H DM1 provides for a mix of housing to meet local needs and requires that all housing development provide a mix of dwelling types and sizes to address the nature of local housing needs and market demand. The policy does not prescribe a specific housing mix that must be met by individual applications, with the policy stating that each must be considered on its own merits. The policy preamble (12.2.4) acknowledges that the final mix will be negotiated on a site by site basis, having regard to the most up to date Strategic Housing Market Assessment (SHMA). The SHMA identifies a broad mix of market housing by size for the District however no market housing proposed.

YNDP policy H2 says: "developments of fifteen or more dwellings must provide a mix of dwelling sizes (market and affordable) that fall within the following ranges:

- 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.

The proposed development comprises the following housing mix:

- 13 x 2-bed dwellings (39.3%);
- 14 x 3-bed dwellings (42.5%);
- 6 x 4-bed dwellings (18.2%).

No part of the mix accords with the relevant policies and so there is conflict with these. It is material that this proposal is for 100% affordable housing and that the mix has been agreed with the Housing Strategy & Enabling Manager. The s106 for Y/62/18/OUT required an affordable provision of 7 affordable rented (AR) and 3 shared ownership (SO) so a 70%/30% split. The affordable mix is 36% AR / 64% SO but there is no conflict with the s106 as there are at least 7 AR and 3 SO dwellings.

(B) Housing for Older People

Condition 16 of the Outline Permission set out a requirement that 25% of the 1, 2 & 3 bed dwellings be delivered to Lifetime Home standards (so a total of 7 dwellings). Lifetime Home standards no longer exist and the equivalent current standard is contained in part M4(2) of the Building Regulations.

The Local Planning Authority has an agreed internal policy on the provision of housing accommodation to provide for an ageing generation ("Accommodation for Older People and People with Disabilities", 2020). This is neither adopted policy nor a supplementary planning document but is considered to have some weight as a material planning consideration.

This states that schemes of between 11 and 50 dwellings should provide at least 30% of the units to the M4(2) standard plus 2 units to be designed to M4(3) allowing for accessibility by wheelchairs. The provision of these units should both be in the open market and affordable sectors. For this proposal, this would equate to 10 M4(2) homes and 2 M4(3) homes.

The applicant indicates plots 8, 9, 14, 15, 22, 28 & 29 will be built to be compliant with M4(2) of Building Regulations as per condition 16 of the Outline therefore being accessible and adaptable to future requirements. These are indicated on the site layout plan. As only 7 homes are proposed, there is conflict with ADC guidance however as this is not adopted policy and as the condition takes precedence over its requirements, a provision lower than the guidance requirements is appropriate.

(C) Residential Amenity

ALP policy D DM1 requires there be minimal impact to users and occupiers of nearby property and land. ALP policy QE SP1 requires all development contribute positively to the quality of the environment and ensure development does not have a significantly negative impact on residential amenity.

The Council has an adopted Design Guide which sets out guidance on garden depths and interface distances between houses:

- Back to Back: min. 21m between habitable rooms of properties or to existing buildings;
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property;
- Front to Front: min. 16m between habitable rooms of properties facing each other; and

- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.

There are no standards given for either side to side or front to back.

The layout has been checked and all interface distances between dwellings in the site meet these standards. Due to the distances between the sites there are no issues to the North (Street Buildings site - Y/146/20/RES) or the South (Land North of School - Y/71/20/RES).

There is one shortfall with the interface distances between the flank of plot 33 and the rear of plot 5 on the adjacent residential scheme at the Steddles (Y/121/19/PL) in that there will only be 12.9m rather than the required 14m. This will require the flank first floor bath window in plot 33 to be obscure glazed. This is the only conflict and it is material that the dwellings at the Steddles have not been built yet. The Design Guide provides guidance (not policy) and allows for flexibility.

All relationships between proposed & existing and between proposed dwellings are acceptable and ensure a high standard of amenity for existing and future users. The scheme accords with ALP policies D DM1, QE SP1, with the Design Guide and with the guidance in the NPPF on amenity.

(D) Parking, Roads and Public Footpaths

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport. Proposals will be supported where they explain how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter.

ALP policy T DM1 sets out the need to protect and enhance public pedestrian routes including to enable better access by cyclists. YNDP policy PK1 sets out required parking standards but this now has lower weight due to the adoption of the Arun Parking Standards SPD.

The proposal will be accessed from North End Road via the existing access road. Access arrangements were approved by the outline. The site will benefit from shared path links into the adjoining developments to the north and south. Following amendments, the path link with the Dandara site (to the south) is now proposed to be a matching width (3m) and there are now details of the proposed surfacing. This path is now in the correct place to allow it to link with the Dandara path. The path to the Redrow site to the North is in the right place and has a matching width. A context plan has been provided which confirms these links but a condition will be still be imposed to ensure that these are connected on the ground.

WSCC Highways had a concern with the access road and pedestrian safety at the point where the access road enters the site. Additional plans have been provided showing technical arrangements for the access road including width and priority junction arrangements. The layout plan has been amended to show footway to the south side of the main access road after it enters the site (with a corresponding reduction in the footway on the opposite side) and an additional length of pedestrian footway on the south side of the access drive to allow pedestrians to get onto the shared surface away from the junction. These changes improve pedestrian safety and address the points made by WSCC Highways. WSCC Highways considered the changes and raise no objection subject to informatives.

One of the objectors requested there should be a safe segregated shared use path separate from the access road, leading down towards North End Road. There is no space in the site to achieve this. The access road is 4.8m wide narrowing to around 4m where it enters the site. Its shared use by both

vehicles and pedestrians was accepted by WSCC Highways and by the Inspector.

The parking requirement according to the Arun Parking SPD is 79 which consists of 72 allocated spaces (at either 2 or 3 per dwelling) and 7 visitor spaces. The proposal is for a total of 81 spaces comprising 72 allocated and 9 visitor spaces. The scheme shows 9 single garages which ordinarily would be considered as providing half a space each (so 4.5) but as they do not meet the 3m by 6m size requirement specified in the SPD, they are not counted at all. The proposal exceeds the requirements without these.

Arun Parking Standards SPD sets out a requirement for cycle storage provision and this requires 1 & 2 bed homes have 1 space each whilst 3+ bed houses have 2 spaces. The application states cycle storage will be provided either in the 9 garages or in sheds for which plans are provided. This is acceptable.

The proposal accords with ALP policies T SP1 & T DM1 and the Arun Parking Standards SPD.

(E) Waste Management

ALP policy WM DM1 states that new residential development, will be permitted provided that it is designed to ensure that kerbside collection is possible for municipal waste vehicles.

WSCC Highways have no objections to the ability of refuse vehicles to access and leave the site in a forward gear. There is no highway safety issue with the collection of refuse. The application states bins will be stored in gardens and bins will be brought to frontages on collection day. The layout shows three communal collection points. The proposal complies with policy WM DM1

(F) Surface Water Drainage

ALP Policy W DM3 states development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS) as appropriate to the size of development. YNDP Policy E11 requires developments be designed and constructed to minimise the overall level of flood risk in the parish; and provide appropriate surface water drainage.

The Councils engineers do not support any proposal to discharge surface water to foul sewers in this area unless infiltration has been ruled out as an option first. It is understood winter monitoring and infiltration testing has been carried out but it was done at too deep a level (so did not take account of groundwater levels). Whilst Engineers do not object, it is clear that they have little confidence as to how the site can be drained and they are reluctant to agree to a discharge to existing sewers in view of the potential for flooding from sewers in this area.

The applicant is reluctant to accept an infiltration based method given potential issues of waterlogged gardens and the need for long term maintenance. It is understood Southern Water have no objection to the proposed discharge to their sewers and any public sewer network reinforcement will be provided by Southern Water.

The Southern Water agreement does not override policy requirements. Engineers consider instances of waterlogged gardens on sites are not usually a result of soakaways but a result of poor construction practices such as failing to correctly aerate soils.

As there is an impasse between the applicant and drainage engineers and as drainage is not a reserved matter (it is to be agreed by a separate condition discharge), it is a similar approach can be taken here to how other applications in the area (including both adjacent sites) have been determined. In these cases,

it was made clear that if the drainage conditions cannot be agreed due to the layout not providing sufficient space then a new Reserved Matters application will need to be submitted to account for the necessary drainage features. These other permissions represent material considerations and support this approach. This reserved matters application can be determined without support of drainage engineers and it is not necessary to demonstrate compliance with policy W DM3 at this time.

(G) Foul Water Drainage

The site is in the Lidsey Wastewater Treatment Catchment Area. ALP policy W DM1 states that a drainage impact assessment is required for all major development and this has not been provided. so there is a conflict with this policy. It is material that the principle of dwellings connecting to the foul network was agreed by the outline and there are no objections from Southern Water to this submission.

The application states that due to levels, the foul system cannot discharge via gravity and will require a pump in the south east corner of the development. The pump will be 15m from all dwellings and will discharge via a breakout chamber in the entrance of the site to the existing sewer. All foul drainage in the site is to remain private. Southern Water make no comments in respect of this proposal.

Ordinarily, there would be a foul condition to discharge from the outline but the Inspector stated: "I have not imposed a condition requiring foul drainage arrangements to be approved, as, notwithstanding the need for network reinforcement, I have not been provided with any reason to believe that the development could not or would not be connected to the sewer network. This is a matter which can be separately addressed between the developer and Southern Water."

Although there is conflict with W DM1, it is not considered refusal on this matter would be sustainable.

(H) Internal & External Space Standards

As per ALP policy D DM2, it is necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the buildings will be suitable for residential use. The applicant has provided an accommodation schedule which demonstrates compliance with the standards.

The Arun Design Guide sets out standards for garden sizes as follows:

- Private Rear Garden: min. 10.5m depth;
- Private Front Garden: min. 2m depth;
- Balconies: max. 2m beyond the building frontage, subject to minimum balcony to balcony distances of 17m. At least 3sqm of useable space; and
- Communal Shared Spaces for flats: minimum 40sqm plus 10sqm for each unit if not provided as balcony space.

The layout has been assessed and the majority of the garden depths are 10.5m or more. The exceptions are plots 28 & 29 at 10m deep but this is acceptable as the Design Guidance does not set out a policy requirement and instead allows for a flexible approach. The shortfall is not so great as to justify a permitted development right restriction for rear extension/outbuildings on these plots.

On this basis the scheme provides a good standard of amenity for future occupiers.

(I) Climate Change

ALP policy ECC SP2 requires residential and commercial development be energy efficient and should

incorporate decentralised, renewable and low carbon energy supply systems. It states for major developments, 10% of the total predicted energy requirements should be produced from renewable/low carbon energy generation on site, unless it is demonstrated this is unviable.

The application doesn't include details of sustainability/renewable energy measures. Condition (14) of the outline requires these details to be approved separately. There is no conflict with the policy. In addition, condition (13) requires the approval of proposed electric vehicle charge point provision. The proposal will therefore be developed in accordance with policy ECC SP2.

SUMMARY:

This report demonstrates there are no materially harmful concerns with the reserved matters scheme and the application is in accordance with the development plan when read as a whole. There are some policy conflicts are set out above but these are either outweighed by material considerations or are so minor that a refusal would not be defensible. It is also acknowledged that the application will result in significant benefits due to its 100% affordable nature. It is therefore recommended that permission be granted subject to additional conditions alongside those imposed on Y/62/18/OUT.

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.

CIL DETAILS

It is not possible to secure CIL for this development as infrastructure contributions have already been secured through the S.106 Agreement attached to the Outline planning permission.

RECOMMENDATION

APPROVE CONDITIONALLY

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

Location Plan (LP.01 Rev A);
 Site Layout (SL.01 Rev C);
 Coloured Site Layout (CSL.01 Rev C);
 Site Context Layout (SCL 01 P4);
 Street Scenes (SE.01 Rev B);
 Coloured Street Scenes (CSE.01 Rev B);
 Boundary Materials Layout (BML.01 Rev B);
 Dwelling Materials Layout (DML.01 Rev B);
 Parking Strategy Layout (PSL.01 Rev B);
 Refuse Strategy Layout (AHL.01 Rev B);
 Hard Landscape Proposals Plan (JSL3904_201 Rev A);
 Soft Landscape Proposals Plan (JSL3904_500 Rev C);
 Soft Landscape Specification (JSL3904_570);
 Play Area Plan (JSL3904_200);
 Tree and shrub palette schedule (JSL3904_550 Rev C);
 Tree Pit Details (JSL3904_401);
 Tree Survey and Arboricultural Impact Assessment ref JSL3904_770 (03 February 2021);
 Elevation - House Type Leverton (HT.LEV.p Rev B);
 Floorplan - House Type Leverton (HT.LEV.p Rev B);
 Elevation - House Type A22 2b (HT.A22(2Blk).e Rev A);
 Floorplan - House Type A22 2b (HT.A22(2Blk).p Rev A);
 Elevation - House Type A22 3b (HT.A22(3Blk).e Rev A);
 Floorplan - House Type A22 3b (HT.A22(3Blk).p Rev A);
 Elevation - House Type A30 (HT.A30.e Rev A);
 Floorplan - House Type A30 (HT.A30.p Rev A);
 Elevation - House Type A30L (HT.A30L.e Rev B);
 Floorplan - House Type A30L (HT.A30L.p Rev A);
 Elevation - House Type A40 (HT.A40.e Rev A);
 Floorplan - House Type A40 (HT.A40.p Rev A);
 Elevation - House Type Mountford (HT.MOU.e Rev B);
 Floorplan - House Type Mountford (HT.MOU.p Rev A);
 Elevation - House Type Mylne (HT.MYL.e Rev A);
 Floorplan - House Type Mylne (HT.MYL.p Rev A);
 Plots 2-3 and 4-5 Elevations (P.2-3_4-5.e Rev A);
 Plots 2-3 and 4-5 Floor Plans (P.2-3_4-5.p Rev A);
 Plots 20-22 Elevations (P.20-22.e Rev A);
 Plots 20-22 Floor Plans (P.20-22.p Rev A);
 Shed (SHD.01.pe Rev A);
 Single Garage (GAR.01.pe Rev A);
 Sub-station (SS.01.pe Rev A);
 Double Garage (GAR.02.pe Rev A);
 Swept Path Analysis Refuse Vehicle Entering Site (MBSK210702-01 Rev P3 - July 2021);
 Swept Path Analysis Refuse Vehicle Exiting Site (MBSK210524-02 Rev P1);
 Forward Visibility Splay (MBSK210524-03 Rev P1);
 2x2m Pedestrian Intervisibility Around Site (MBSK210524-04 Rev P1);
 Internal Junction Visibility Around Site (MBSK210524-05 P1);
 Access Road Layout (MBSK210702-02 P1);

Access Road Visibility Splays (MBSK210525-04 P1);
Access Road - Visibility Between Cars (MBSK210525-05 P1); and
Accommodation Schedule (SL01.B_E).

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

- 2 All trees and hedgerows to be retained within the site shall be protected in accordance with the "Tree Survey and Arboricultural Impact Assessment" ref JSL3904_770 (03 February 2021). Any tree pruning considered essential to enable the agreed development must meet the requirements of BS3998:2010 Tree work - Recommendations:

- Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010
- Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reason: To comply with BS5837 and Arun Local Plan policy ENV DM4 to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised, and they can continue to enhance the landscape and amenity of the area.

- 3 The two footpath links shown on the approved drawings (to the north east of plot 12 and adjacent to the SUDS pond on the south-south western boundary) shall be laid out in accordance with the approved details. At such time as the developer of the adjacent site has begun to lay out their footpath then the developers of the two adjoining sites shall work together to ensure that the corresponding pathways seamlessly link together to facilitate access between the two sites. The respective pathways shall thereafter be permanently retained and maintained in good condition.

Reason: To provide a footpath connection from the site into committed development on adjacent land in the interests of sustainable transport in accordance with Arun Local Plan policies T SP1 & T DM1 and with section 9 of the NPPF.

- 4 No external lighting shall be installed on any of the buildings or within any parts of the site unless and 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 surrounding 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.

- 5 No construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan

6 The car parking spaces hereby approved shall not be used for any purpose other than for the parking of vehicles and the garages shall not be used for any purpose other than the parking of vehicles and for domestic storage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of ensuring sufficient vehicle parking and highway safety within the development in accordance with policy T SP1 of the Arun Local Plan.

7 All bathroom and toilet windows in the elevations of any of the buildings hereby approved shall be glazed with obscured glass and permanently retained so thereafter.

Reason: To protect the amenities and privacy of existing and future occupiers in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

8 No windows (other than those shown on the plans hereby approved) shall be constructed in the flank elevations of any of the dwellings hereby approved without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of existing and future occupiers in accordance with policies D DM1 and QE SP1 of the Arun Local Plan.

9 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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

10 INFORMATIVE: The applicant should note that this layout has been approved without sufficient site investigations to determine whether infiltration of surface water runoff is viable and therefore if it subsequently becomes clear that the drainage conditions cannot be agreed due to the layout not providing sufficient space for drainage then a new Reserved Matters application will need to be submitted as the Local Planning Authority will not be able to agree such changes through the Non Material Amendment process.

Please also note that any future submission to seek a discharge of the drainage conditions must be accompanied by winter testing and winter monitoring in accordance with the information here: <https://www.arun.gov.uk/surfacewater> including the linked surface water drainage proposals checklist.

11 INFORMATIVE: In the interests of crime prevention and deterrence, the development should incorporate security measures in accordance with the consultation advice of Sussex Police (dated 08/03/21) as available on the Councils website.

12 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

13 INFORMATIVE: The applicant is required to obtain all appropriate consents from 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.

- 14 **INFORMATIVE:** The applicant is advised of the requirement to enter into early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.
- 15 **INFORMATIVE:** The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service.