

Recommendation Report for Planning Permission**REF NO:** Y/22/17/PL**LOCATION:** Land rear of 2,4 & 6 Gladstone Road
Mill View Road
Yapton**PROPOSAL:** 1 No. dwelling**SITE AND SURROUNDINGS****DESCRIPTION OF APPLICATION**

Detached two storey dwelling with hipped roof and integrated garage to east side with a low half hipped roof, single storey lean-to element to west side, 14m deep garden to rear with cycle and bin storage also to rear. No side facing ground or first floor windows are proposed.

SITE AREA

0.03 hectares.

RESIDENTIAL DEVELOPMENT DENSITY (NET) 42 dwellings/ hectare approximately.**TOPOGRAPHY**

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

1.8m fence to sides and rear boundaries and 1m wire fence to front.

SITE CHARACTERISTICS

Vacant residential plot, formerly garden land.

CHARACTER OF LOCALITY

Suburban residential area formed mainly of two storey detached and semi-detached dwellings set back from the road with off street parking and rear gardens. There is no established style of the houses in the area.

RELEVANT SITE HISTORY

Y/40/08/	Outline application for one dwelling with all matters reserved	ApproveConditionally 03-09-2008
Y/36/11/	Residential development consisting of 1 no. detached dwelling	ApproveConditionally 06-10-2011
Y/20/14/	1 No single detached house.	App Cond with S106 04-07-2014

Detached two storey dwelling of similar design and dimensions approved by Y/20/14/PL, now expired.

REPRESENTATIONS

Representations received:

Yapton Parish Council

No objection. The Parish Council would request conditions to ensure materials reflect the immediate area.

One letter of representation received objecting on the grounds of loss of sunlight to number 5 Gladstone Avenue.

Comments on Representations received:

Comments noted. A materials to be submitted condition is to be imposed should permission be granted.

Number 5 Gladstone Avenue is more than 50m away from the side of the proposed development. It is not considered that the front of this house would receive a significant loss of sunlight from the proposal.

CONSULTATIONS

Southern Water Planning
WSCC Strategic Planning
Engineering Services Manager
Engineers (Drainage)

Consultations responses received:

DRAINAGE ENGINEERS

Please apply standard conditions ENGD2A.

WSCC STRATEGIC PLANNING (HIGHWAYS)

West Sussex County Council, as the Local Highway Authority (LHA), was consulted previously on Highway Matters for this location under planning application Y/20/14 to which no objections were raised.

Access & Visibility

From inspection of the plans and local mapping, there appears to be no apparent visibility issue at the point of access onto Mill View Road. Visibility splays suitable to the posted speed limit (43 metre as per advice set out in Manual for Streets) is achievable entirely within the maintainable highway.

I have also checked the most recently available verified accident records, which reveals there have been no personal injury accidents in the vicinity of the within the past 5 years. There is no evidence to suggest that similar neighbouring accesses are operating unsafely or that the proposed access would exacerbate an existing safety concern.

The VCO must be constructed to a specification agreed with the local area engineer and a licence obtained for these works on to the public highway. The hard standing should be constructed of a hard bound material to prevent gravel overspill on to the public highway.

Parking & Turning

The integral garage is insufficient dimensions to be counted toward parking provision; we would advise that this be enlarged to 3m by 6m to accommodate a single car. Nevertheless, if the applicant does not wish to do this one space is still to be provided off street fronting the garage that can be counted as allocated parking provision. On this basis WSCC guidance recommends that two off street parking spaces be provided. Local mapping shows that occasional on-street parking occurs in the vicinity with no evidence of highway safety concern. We could therefore not object to the proposed level of parking provision from a highway safety or capacity point of view.

A turn on site would be preferred, clearly though there is insufficient space to achieve this. However other properties have similar arrangements and balanced against this is the benefit of providing an opportunity to remove a vehicle that would otherwise be parked on the highway in a location where the existing practice is on street parking by residents of adjoining properties which results in a noticeable narrowing of the existing available carriageway space.

Conclusion

The LHA does not consider that the proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application the following conditions should be secured:

Access

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing.

Reason: In the interests of road safety.

Car parking space

No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use

Cycle parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

INFORMATIVE

The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain

formal approval from the highway authority to carry out the site access works on the public highway.

SOUTHERN WATER

Please include standard informatives.

Comments on Consultation responses:

Comments noted. Conditions and informatives will be added.

POLICY CONTEXT

Designation applicable to site:

Within the built up area boundary.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN12
GEN2
GEN7
GEN9

Publication Version of the Local
Plan (October 2014):

Yapton neighbourhood plan 2014 Policy BB1
Yapton neighbourhood plan 2014 Policy E4

Yapton neighbourhood plan 2014 Policy E5
Yapton neighbourhood plan 2014 Policy H1

Parking in New Development
Built-up Area Boundary
The Form of New Development
Foul and Surface Water Drainage

D DM1 Aspects of Form and Design
Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
D SP1 Design
SD SP1 Sustainable Development
SD SP2 Built-Up Area Boundary

Built-up Area Boundary
Minimising the environmental impact of
development
Enhancement of biodiversity
Housing requirement

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

POLICY COMMENTARY

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

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is

taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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

The Neighbourhood Development Plan

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

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

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Yapton had an adopted NDP which includes policies relevant to this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

CHANGES FROM PREVIOUS APPLICATION

Increased width of the house with alteration to overall design to include two single storey side elements, an amended hipped roof design and a 14m deep rear garden.

PRINCIPLE

The site is located within the built up area boundary on an established residential estate. The development site formally contained a residential bungalow. The principle of development is considered acceptable.

VISUAL AMENITY

The proposed dwelling will have a similar if slightly smaller plot size to the majority of properties on Mill View Road. However, there is other infill development with significantly smaller plot sizes within close proximity of the proposal. The width of the site is similar to that of neighbouring properties and the dwelling will be set back from the road, as is the general arrangement on Mill View Road. It is therefore considered that the proposed dwelling will not appear divorced from its surroundings and that the overall character and appearance of the surrounding area will not be adversely impacted upon.

The design of the dwelling is considered to be well proportioned and would not appear overly bulky or unbalanced. It is considered that the two-storey hipped roof design will compliment the appearance of nearby dwellings. The dwelling provides adequate internal space as per the requirements of Policy D DM1 of the emerging local plan. And in an improvement to the previously approved scheme would have external space provided does to include a 14 metre long rear garden.

RESIDENTIAL AMENITY

It is considered that, due to the limited size of the rear garden, permitted development rights for

extensions under extended PD rights to the property should be removed in order to safeguard a sufficient provision of outdoor amenity space for future occupiers.

It is considered that the proposed dwelling will be positioned a sufficient distance from neighbouring property to prevent it from appearing overbearing, causing undue levels of overshadowing or from allowing invasive views towards neighbouring residential properties.

SURFACE WATER DRAINAGE

The site is located within the Lidsey WwTW catchment area. Therefore, it is considered it could increase the risk of surface water flooding. As such a pre-commencement surface water drainage condition will be attached

PARKING

The development would only provide 1 off street parking space as the dimensions of the garage would not meet internal standards to provide space to park a vehicle sufficiently. As such the proposal would fall two spaces short of requirements. However, WSCC have not objected on the grounds of parking supply not being met and it is not considered that the additional on street parking to be created would lead to highways danger.

It is therefore recommended that the application is approved, subject to the following conditions.

HUMAN RIGHTS ACT

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

APPROVE CONDITIONALLY

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

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

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

10/75/101
10/75/100

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls (and roofs) of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

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

- 4 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) under Class A, section G (extended permitted development rights) of the above act, no extensions to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

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

- 5 No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan.

- 6 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with policy GEN7 of the Arun District Local Plan.

- 7 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with policy GEN7 of the Arun District Local Plan.

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

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

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

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

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

- 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 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.