

Recommendation Report for Planning Permission

REF NO:	Y/22/19/PL
LOCATION:	Garage Premises Main Road Yapton BN18 0EA
PROPOSAL:	Demolition of existing redundant garage building & erection of 1 No. dwelling and associated works (alternative following Y/68/17/PL). This application may affect the setting of listed buildings & may affect the character & appearance of the Main Road/Church Road, Yapton Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	An existing redundant garage building would be demolished and replaced by a detached chalet style property. The roof line would be similar as that of an existing garage. The proposed 2 bedroom single storey dwelling with a habitable roof would be 15.6m wide, 4.8m deep with a single storey mono pitched roof front projection, protruding from the front elevation by 4.9m, 7.6m wide with one roof-light. The main gabled roof 5m high to the pitch and 3.4m to the eaves would have two pairs of conservation roof-lights on the rear roof plane and one roof light and a pair of fixed obscure glazed roof-lights on the front roof plane. The originally proposed terrace above flat roofed part to the west has been replaced by a shallow gabled roof with one roof-light on each roof plane. The new dwelling would have a similar footprint as an existing garage and would provide an open layout at the ground floor with a dining,kitchen and living area and one bedroom with a bathroom and a studio within the roof space. The main building would have a red brickwork finish, a front projection covered with corrugated metal cladding and slate roofing to the roof. Two off street parking spaces are proposed to front with turning to side, small garden area with bin collection to front of that. The site is accessed by foot and vehicle between The old Malt House and Yapton House. There is no back garden as the rear of the site bounds the former Arundel to Portsmouth canal.
SITE AREA	0.02ha
RESIDENTIAL DEVELOPMENT DENSITY (NET)	50 dwellings per hectare
TOPOGRAPHY	Predominantly flat, slightly sloping down from the south-west to the north-east .

TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Existing 2m high flint wall with brick quoins on the north-eastern, south-western shared boundary and to the rear. New concrete coping is proposed.
SITE CHARACTERISTICS	The application site is a back land plot located to the south of Main Road, Yapton within the Main Road/Church Road Conservation Area and contains a detached flint and brick barn in a dilapidated state, situated to the south-western site boundary. The building was in use as a garage until it became redundant. The property benefits from a shared vehicular access with Yapton House, and an area of parking forward of the building, with the western boundary of the access flanked by The Old Malthouse, a Grade II listed building; the proposal site forms part of its curtilage. The remainder of the site is laid to concrete hard-standing for the parking of vehicles. The site narrows to the north-east and features a single width vehicular access from Main Road.
CHARACTER OF LOCALITY	Semi-rural, historic ribbon development of Yapton within a conservation area. The grouping of buildings are heritage assets with some listed buildings and the former Arundel to Portsmouth canal to south. The buildings vary in size from single to two storey and are a mix of residential and commercial with some retail and office uses. The ribbon of development is on the edge of Yapton's built up area boundary and is surrounded predominantly by agricultural land.

RELEVANT SITE HISTORY

Y/68/17/PL	Alterations & extensions to existing redundant garage building to create 1 No. dwelling & associated works. This application affects the character & appearance of the Main Road/Church Road, Yapton Conservation Area & may affect the setting of a Listed Building.	ApproveConditionally 05-01-18
Y/12/17/OUT	Outline Application with some matters reserved for the demolition of existing garage/outbuilding & erection of 1 No. dwelling (resubmission following Y/83/16/OUT). This application affects the character & appearance of the Main Road/Church Road Yapton Conservaton Area & the setting of a Listed Building.	Withdrawn 25-04-17
PAA/116/16/	Proposed Single Residential Dwelling	Withdrawn 14-10-16

PAA/148/15/

Demolish existing garage/workshop and construct 2
No.townhouses

Refuse Pre App
18-03-16

The recent application for alterations & extensions to existing redundant garage building to create 1 No. dwelling, reference number Y/68/17/PL was conditionally approved.

Two previous applications for conversion to two storey dwelling withdrawn owing to detrimental impact on residential amenity, visual amenity, setting of listed buildings and the conservation area.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council

Yapton Parish Council: No objection subject to relevant policies of the Arun Local Plan and the Yapton Neighbourhood Plan.

1 letter of objection

The proposal will have a serious negative impact on the quality of our living environment, potential lost of privacy and noise pollution due to the proposed first floor terrace. We also believe that a terrace wouldn't be in keeping with the character of the Conservation Area.

COMMENTS ON REPRESENTATIONS RECEIVED:

The proposed development will be assessed against all relevant policies of the Arun Local Plan and the Yapton Neighbourhood Plan.

The applicant/agent has been asked to remove the proposed terrace, the drawings were amended and proposal re-consulted.

CONSULTATIONS

Southern Water Planning

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

Environmental Health

Conservation Officer

WSCC Strategic Planning

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

Conservation Officer comments:

The proposal site consists of a former garage on Main Road, Yapton. The garage building itself is a single storey structure that is in a poor state of repair. It appears to be a former flint and brick barn which has been extended and altered in order to accommodate its former use. It is set back some distance

from a listed building, and is read as a back-land, industrial styled development. Whilst it is set back from the road, it is still visible from it.

The site is to the rear of the Grade II Listed Building, The Old Malt House, and is within the Yapton (Main Road/Church Road) Conservation Area. The Old Malt House is a C17, two storey, detached property. It is painted brick, with casement windows and a tiled roof. The conservation area consists of ribbon development with an established semi-rural character and village scape, surrounded by open countryside.

I note that this application is a revision to a previously approved scheme. The current proposal seeks to build a replacement structure on a slightly smaller footprint than the existing building. The justification for the loss of the existing structure is that it is structurally unsound. The replacement structure will have a similar profile to the existing building, but create a one and a half storey dwelling. I note that the intention is to retain the existing flint walling and insert the new structure within it. This will ensure that it retains some of the older elements of the site. I also note that the appearance of the building is such that it will reflect that of the existing structure; i.e. one of a more industrial aesthetic.

As the proposal consists of a simplistic design and palette of materials, the quality of the materials and works will need to be high. Details of the windows and rooflights should be provided by way of condition. The rooflights should be of conservation standard.

On balance, the application is considered to not cause harm to the significance of the heritage asset or the setting of Listed Building. As a consequence, it should be determined in accordance with the relevant policies within the Development Plan, along with these comments

No objection, subject to conditions.

Engineers Comments Regarding Surface Water Drainage:

The application is within the Lidsey catchment, therefore surface water drainage design should be carefully considered. Infiltration must be fully investigated.

No objection, subject to condition PCENG2.

Southern Water:

A formal application for connection to the public sewerage system is required in order to service this development.

West Sussex County Council, Highways:

The Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal. No objection, subject to conditions.

Environmental Health:

The Environmental Health department is satisfied that the contamination will be removed / encased with hardstanding thereby removing the pollutant linkages for this site subject to conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted; no objections, suggested condition would be attached to the decision.

POLICY CONTEXT

Designation applicable to site:

Main Road/Church Road Conservation Area
Lidsey Treatment Catchment
Built-up Area Boundary

DEVELOPMENT PLAN POLICIESArun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ECCSP2	ECC SP2 Energy and climate change mitigation
HDM1	H DM1 Housing mix
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WMDM1	WM DM1 Waste Management
QEDM4	QE DM4 Contaminated Land

<u>Yapton neighbourhood plan 2014 Policy BB1</u>	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E8	Conservation Areas
Yapton neighbourhood plan 2014 Policy E9	Listed Buildings and Buildings or Structures of Character
Yapton neighbourhood plan 2014 Policy H1	Housing requirement
Yapton neighbourhood plan 2014 Policy PK1	Parking standards for new residential development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD2	Conservation Areas
------	--------------------

POLICY COMMENTARY

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

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

The 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.

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

The policies BB1, H1, E8, E9 and PK1 of the Yapton Neighbourhood Plan are considered to be relevant to determination of 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, or the setting of the Listed Building, nor would it have an adverse impact upon the established character of the surrounding Conservation 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

PRINCIPLE

The proposed development is situated within the built up area boundary within a sustainable location where the principle of development is acceptable subject to accordance with relevant development plan policies. The key policies considered are SD SP2, D SP1, DDM1, D DM2, HER SP1, HER DM1, HER DM3, TSP1, ECC SP2, W DM1 and WM DM1 of the Arun Local Plan.

Policy D SP1 requires all development to make efficient use of land reflecting the characteristics of the site and local area and policy D DM1 states that a high standard of architectural principles should be demonstrate and new development should have a minimal impact to users and occupiers of nearby properties and land. Policy D DM2 expects internal spaces to meet the requirements of Nationally Described Space Standard. Policy W DM1, paragraph 3 states that although minor developments are unlikely to raise significant flood risk due to the cumulative impact all development within Lidsey Wastewater Treatment Works Catchment Area must also be accompanied by a Drainage Impact Assessment that must take account of both the individual and cumulative impact upon foul water disposal. Policy ECC SP2 expects all new development to be energy efficient.

Yapton has a 'made' Neighbourhood Plan with Policies BB1, H1, E8, E9 and PK1 of the Yapton Neighbouring Plan relevant to the determination of the application.

DESIGN AND VISUAL AMENITY

Whilst the proposed dwelling would represent industrial styled development it would respect and complement the existing development within the area and would not detract form the street scene being

situated to rear of the site. Therefore the proposed brickwork render finish with profiled metal cladding covering the front projection is not considered to appear out of keeping with the area. Therefore proposal is not considered to adversely impact upon the spatial pattern or character of the area and accord with D SP1, D DM1 and D DM4 of the Arun Local Plan.

RESIDENTIAL AMENITY

The proposed new dwelling due to its back land position and its sensitive design would have a minimal impact to users and occupiers of nearby property considered to result in adverse harm upon the neighbouring amenity by way of overshadowing, overbearing or overlooking and as such accords with D DM1 and QE SP1 of the Arun Local Plan. The proposed roof-lights on the north-eastern roof plane of the main roof would be fixed and obscure glazed and the condition will be attached to retain as such at all times to protect the privacy of the occupiers of The Old Malt House.

HERITAGE CONSIDERATIONS

National Planning Policy Framework (NPPF) paragraph 193 states that in considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to asset's conservation and Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) stresses that when considering whether to grant permission for development which affects a Listed building or its setting the Local Planning Authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The proposal would not adversely affect the setting of the adjacent Listed building, it would not detract from the appearance and character of the Conservation Area. The Council's Conservation officer shares the opinion that the application is considered to not cause harm to the significance of the heritage assets or their setting.

Therefore the proposed development would satisfy the requirements of NPPF, Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and policy HER DM1 of the Arun Local Plan.

HIGHWAY ISSUES:

Arun Local Plan policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. Policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes.

Parking for two cars accessed via the existing access is proposed and the Local Highway Authority does not consider that the proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal subject to condition. As such proposed development would comply with policy TP1.

SURFACE WATER DRAINAGE

The application is within the Lidsey catchment and in an area of known high groundwater. As a result surface water drainage design should be carefully considered. Infiltration must be fully investigated. Engineers haven't raised an objection, subject to a condition.

COMPLIANCE WITH INTERNAL FLOOR SPACE STANDARDS

The proposal relates to gross internal floor spaces of approx. 143 sqm for 2 bedroom unit, which would exceed considerably the minimum gross internal floor areas requirement for a two storey dwelling as set out in the Nationally adopted space standards. (79 sqm for 2 bedroom, 2 storey dwelling).

Policy D DM1 refers to the need for compliance with the Arun Design Guide. This is to replace policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. Until such time as this Design Guide is published, there is no policy within the Arun Local Plan regarding private gardens sizes.

However, regard should be had to paragraph 127 of the NPPF which requires that new development has a high standard of amenity for existing and future users.

The proposed dwelling would provide rather limited amenity space for the prospective occupiers providing the small garden on the west side of the proposed dwelling, however given the location of the proposed development on the edge of Yapton's built up area it is considered to be acceptable.

It is therefore considered that the proposal complies with above Arun Local Plan policies, Barnham & Eastergate Neighbourhood Plan Policies ES5, ES6, ES10, ES11 and H3, H5, H6 and H7 relevant to the determination of the application, and the guidance on amenity within the NPPF.

SUMMARY

The proposed development is deemed to accord with the relevant development policies and as such is recommended for approval subject to the following conditions and informatives.

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:

DRW 1801/02 Rev B 'Site Layout & Block Plan

DRW 1801/03 Rev B 'Proposed Plans'

DRW 1801/04 Rev B 'Proposed Elevations'

DRW 1801/05 Rev B 'Proposed Sections'

DRW 1801/06 Rev A 'Proposed Elevation-Streetscene'

DRW 1801/07 Rev B 'Block Plans'

REPTUNE-TRK-001

Combined Geotechnical and Ground Contamination Risk Assessment and Remediation Strategy, Report Ref R18-13073

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun 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, roofs and roof-lights 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 and character and appearance of the Listed Building and surrounded Conservation Area by endeavouring to achieve a building of visual quality in accordance with policy HER SP1, HER DM1 and HER DM3 of the Arun Local Plan.

- 4 Development shall not commence, other than works of site survey and investigation, 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, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 5 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. The facilities so approved shall be retained in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with policy T DM1 of the Arun Local Plan.

- 6 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-

enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy D DM1 of the Arun Local Plan.

- 7 The pair of roof windows on the north-eastern roof plane of the main roof of the proposed dwelling shall at all times be glazed with obscured glass fixed to be permanently non-opening.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies D DM1 of the Arun Local Plan.

- 8 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development in accordance with Policy T SP1 of the Arun Local Plan.

- 9 A 'Verification Report' demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of that remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. The report shall also include a 'long-term monitoring and maintenance plan' for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification report, and for the reporting of this in writing to the Local Planning Authority.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Adopted Arun Local Plan 2011 - 2031

- 10 If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol / diesel / solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise expressly agreed in writing with the Local Planning Authority) shall be carried out until it has been fully investigated using suitably qualified independent consultant(s). The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Adopted Arun Local Plan 2011 - 2031

- 11 The new dwelling shall not be first occupied unless and until the applicant has submitted a scheme for approval by the Local Planning Authority to demonstrate that the development will achieve energy efficiency measures that reflect the current standards applicable at the time of submission and includes the use of renewable energy supply systems. The approved scheme shall thereafter be implemented prior to occupation of the dwelling and any approved renewable energy supply systems shall be permanently retained & maintained in good working order thereafter.

Reason: To ensure that the development is energy efficient and in accordance with policy

ECC SP2 and ECC DM1 of the Arun Local Plan.

- 12 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.
- Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.
- 13 A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.
- 14 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.