

Recommendation Report for Approval of Reserved Matters Following Outline Approval

REF NO: Y/26/20/RES

LOCATION: Land at the Southern End of Cinders Lane
Cinders Lane
Yapton
BN18 0JJ

PROPOSAL: Approval of reserved matters following the grant of Y/32/17OUT for the erection of 19 No. dwellings This application also lies within the parish of Climping & affects a Public Right of Way.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks reserved matters approval for 19 residential dwellings with associated parking, road/footway provision, landscaping and ancillary works. Approval of scale, layout, external appearance and landscaping are sought. Access was approved on outline application (Y/32/17/OUT).

The scheme includes 3 x 1 bed flats, 2 x 2 bed flats, 1 x 2 bed house, 11 x 3 bed houses and 2 x 4 bed houses. The flats will all be affordable and in a single building at the eastern end of the site.

Each house has at least 2 parking spaces and four also have a garage. Two houses have 3 spaces and a garage. The 1 bed flats have a single space whilst 2 bed flats have two each. There will be 5 visitor spaces.

The flatted building is two storeys high with the 5th flat in the roof (small dormers in the north & south elevations). Houses are all two storeys. Materials include Crest Planum Duo Tiles, brick and Portland stone. The flatted building has an attached bin/cycle store on the west. For cycle storage, houses will either have a shed in the rear garden or space in the garage (each garage is 6m by 3m). Bin stores are not shown.

The main access is from the unadopted Cinders Lane and a second from the new development on adjoining land to the north. Footpath 166 skirts the east boundary of the site and is being retained and opened up to the site. There is a section of former drainage ditch to the west side of plot 17 which is being reinstated and can be easily maintained as layout allows for the necessary easement.

The layout shows no public open space or play areas and these are provided on the adjoining site. A foul water pumping

station also on the adjacent site will serve this development also.

The application includes a comprehensive hard & soft landscaping scheme which includes new trees (including fruit trees), new shrubs, hedges, wildflower planting and grassed areas. The drawing shows the use of new tarmac, paving (2 different types), concrete paving slabs, mulch, gravel footpaths and grasscrete. The boundary treatments are as follows:

- 1.8m close boarded fencing (CBF) with hedgehog holes; and
- 1.2m cleft post & rail fence with dog proof mesh.

SITE AREA	0.48 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	40 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the development.
BOUNDARY TREATMENT	The site is bordered by a 2.1m wall with 2m black gates to the western boundary, 2m high metal sheet fencing to the southern & eastern boundaries and a 2m high close boarded fence to the northern boundaries. The eastern boundary is supplemented with hedging. The boundary treatments will be mostly replaced with new treatments as shown on submitted layout and landscaping plans.
SITE CHARACTERISTICS	Just over half of the site is hardstanding. The remaining area is a mown grassed lawn. At the time of a site visit in June 2017, the hardstanding area contained a single storey pitched roof corrugated shed, two static mobile homes, a residential park home, some smaller metal/timber sheds and various parked trailers. The site is accessed by Cinders Lane which exits onto Bilsham Road to the northwest of the site.
CHARACTER OF LOCALITY	The area is semi-rural in character. It is located outside the settlement but there are two storey houses to the west and a newbuild residential development is being constructed adjoining land to the north. To the south and east, the land is agricultural. A footpath runs along the eastern side of the site.

RELEVANT SITE HISTORY

Y/4/19/RES	Approval of reserved matters following outline consent Y/5/17/OUT for 51 No. dwellings. This application affects a Public Right of Way.	ApproveConditionally 21-08-19
Y/5/17/OUT	Outline application for 51no. dwellings with all matters reserved except for access. This application is a Departure from the Development Plan.	App Cond with S106 31-08-18

Y/32/17/OUT

Application for outline planning permission for development of up to 19 dwellings with all matters reserved. This is a Departure from the Development Plan.

App Cond with S106
18-04-18

The site benefits from an outline permission Y/32/17/OUT. The land to the north on which dwellings are being constructed benefits from outline and reserved matters permissions (Y/5/17/OUT & Y/4/19/RES).

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Climping Parish Council

Yapton Parish Council

This site is dual parish. Neither Yapton nor Clymping Parish Council raise objections however, Yapton request a condition to ensure any modifications to the footpath network ensures improved access is enabled to ensure easy access for DDA and other multi users.

One letter of objection stating that the application fails to support sustainable transport, it is not appropriate to have cycle storage in rear garden sheds, no mention is made of how the site will link with NCN2 south of site or the use that could be made of FP166 in making this link. Also considers parking provision is insufficient and if space is limited, underground parking should be considered.

COMMENTS ON REPRESENTATIONS RECEIVED:

The proposal does not make any modifications to FP166 although the removal of the boundary fencing to the eastern boundary with the path will open up the footpath and make it more attractive for users. The footpath is between 3 and 4m wide so will be suitable for various different types of user.

The concerns of the objector regarding sustainable transport are noted but not considered to warrant amendments to the scheme. The footpath is accessible from the site so residents can use it to walk to other places. Parking is assessed in the conclusions.

CONSULTATIONS

Arboriculturist

Parks and Landscapes

NHS Coastal West Sussex CCG

Sussex Police-Community Safety

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

Highways England

Surface Water Drainage Team

Environmental Health

Planning and Housing Strategy
Archaeology Advisor
Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - No objection.

SUSSEX POLICE - No objections but list a number of advisory notes regarding improving security.

WSCC HIGHWAYS - No objection and recommend no conditions. State that:

- 37 parking spaces are provided for residents, four houses will be provided with garages, and five visitor spaces will be provided - and this is in accordance with the latest WSCC Parking Standards;
- Cycle parking is provided for each house, with communal cycle parking provided for the flats;
- The applicant has provided data from the Trip Rate Information Computer System (TRICS) which states that the proposed development alongside the 51 dwellings on the adjoining land would generate 35 trips in the AM peak & 34 trips in the PM peak; and
- In terms of overall trips the development and the consented development are likely to generate a daily vehicle trip generation of 312 movements.

ADC HOUSING STRATEGY & ENABLING MANAGER - No objection.

ADC DRAINAGE ENGINEERS - there may be a conflict between the potential boundary fencing of plot 17 which needs to be kept at least 3m from the top of the bank of the proposed reinstated ditch. This ditch may possibly conflict with existing tree root protection zones.

ADC TREE OFFICER - No objection:

- There are few trees to consider and mostly of low quality, the majority of which are off-site to the east. The layout is logical and those trees unlikely to be a constraint or damaged; and
- Some concern has been expressed over the likely intrusion into root protection areas of retained trees alongside plot 17 to the west boundary. These necessary improvements should not present too much practical difficulty or incur notable loss of amenity.

ADC LANDSCAPE OFFICER - No objection to the proposed landscaping scheme.

ADC ENVIRONMENTAL HEALTH - No comments.

COUNCILS ECOLOGIST - No objection subject to conditions to secure reptile mitigation measures, details of new lighting and no works to trees whilst birds are nesting.

COMMENTS ON CONSULTATION RESPONSES:

ADC DRAINAGE ENGINEERS - The applicant revised the plans to move plot 17's fence 3m from the line of the ditch. It is clear the Council's Tree Officer has no concerns with the impact of the ditch reinstatement on trees. Engineers have further considered the proposed ditch reinstatement works and state the issues revolving around plot 17 have been resolved and the layout is acceptable.

COUNCILS ECOLOGIST - mitigation measures were secured by conditions 4, 19 & 20 on the Outline permission and it is not appropriate to impose them again.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
 Adjacent to Footpath FP166;
 Special Control of Adverts;
 PD Restriction;
 No Public Sewer;
 Flood Zone 1;
 CIL Zone 2;
 Lidsey Treatment Catchment Area;
 WSCC Waste Site 500m Buffer zone; and
 Grade 2 Agricultural Land.

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
HSP1	HSP1 Housing allocation the housing requirement
HWBSP1	HWB SP1 Health and Wellbeing
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QEDM4	QE DM4 Contaminated Land
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
TELDM1	TEL DM1 Telecommunications
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems

WMDM1 WM DM1 Waste Management
WSP1 W SP1 Water

West Sussex Waste Local Plan 2014:

	West Sussex W2 Safeguarding Waste Management Sites
<u>Yapton neighbourhood plan 2014 Policy BB1</u>	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E4	Minimising the environmental impact of development
Yapton neighbourhood plan 2014 Policy E5	Enhancement of biodiversity
Yapton neighbourhood plan 2014 Policy E6	Green infrastructure and development
Yapton neighbourhood plan 2014 Policy BE2	High speed broadband
Yapton neighbourhood plan 2014 Policy E11	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy PK1	Parking standards for new residential development
Yapton neighbourhood plan 2014 Policy H2	Dwelling size
Yapton neighbourhood plan 2014 Policy H3	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:

SPD12 Open Space, Playing Pitches & Indoor & Built Sports Facilities
SPD3 Parking Standards

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.

The relevant policies of the Yapton Neighbourhood Plan have been considered within this report.

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 result 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 public footpath network.

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 principle of 19 dwellings with access from Cinders Lane has been established by Y/32/17/OUT , approved in April 2018. It is only necessary to consider outstanding details - layout, appearance, landscaping and scale. It is only appropriate to consider development plan policy/material considerations in respect of reserved matters. Matters relating to flood risk, biodiversity, agricultural land, countryside location, foul drainage (the principle of 19 new dwellings connecting to the network), children's play and infrastructure are all outline issues.

COMPLIANCE WITH THE OUTLINE CONDITIONS

Condition (5) requires the layout shows links with the adjoining development of 51 houses to the north. The site is accessed from Cinders Lane from which the adjoining site is accessed from (with the nearest access some 27m to the north). At the east end of the layout there will be direct road and pedestrian access into the adjoining site. Plots 18 & 19 will front onto the adjoining development and therefore be a part of that not the new street. There is a separate dedicated footpath link between the two in the form of FP166 along the eastern edge of the site. There is no conflict with this condition.

Condition (12) states that the layout shall not be agreed until full details of the reparatory measures to be carried out to the ditch on/within the western boundary of the site have been submitted and approved in writing by the Local Planning Authority. The applicant has provided full details of and the Councils Engineer is able to support the layout on this basis. This condition requires a separate discharge of condition application and so the details are not approved through this application.

Condition (21) 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 4 homes should be part M compliant. The application includes an accommodation schedule which confirms that 5 homes will be compliant and this equates to 26% which is greater than the policy requirement. These are plots 1, 2, 16, 17 & 19. Therefore, the proposal complies with the condition and with policy H3 of the Yapton Neighbourhood Development Plan. The accommodation schedule will be listed as part of the Plans condition attached to this permission and this will ensure compliance.

Condition (22) states the scheme should conform to the following range of dwellings: 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. This is discussed in its own separate section of

these conclusions.

LAYOUT, APPEARANCE AND SCALE:

Policy D DM1 of the Arun Local Plan (ALP) requires the Council seek to make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. It is necessary that development demonstrates a high standard of architectural principles, use of building materials and hard and soft landscaping to reflect the local area.

In terms of density, D DM1 requires that housing makes efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. The policy requires the scale of development keeps in the general confines of the overall character of a locality. D SP1 "Design" requires development to make efficient use of land and reflect local character. Regard should be had to para 127 of the NPPF which states development must be visually attractive and sympathetic to local character and history. There are no design policies in the YNDP.

The Council has an emerging Design Guide which has been through a consultation process (this ended on 21/02/20) and as such the document can be given low weight at this time. The National Design Guide has full weight as a material consideration in the determination of this application. This states 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 shape and size of this site is not considered to offer the potential for an interesting layout and it is acknowledged that the site is constrained at the west end by the need to reinstall the ditch (with appropriate easement). At the east end, it is necessary to (a) provide a road link into the adjoining development and (b) to leave space for a potential future bridleway to cross the site in the south eastern corner.

Although the Councils preference was for the houses to face towards the open land to the south, this could not be achieved in the context of these constraints. Nevertheless, the layout is appropriate to its surroundings and the built form is considered to reflect that which has been approved on the adjoining site. In particular, plots 18 & 19 are designed to fit into the adjoining site layout to which they will be read as a part of. The scale is similar to the adjoining site with predominantly two storey buildings and with the only instance of three storeys (room in the roof) in the apartment building on the eastern side.

This building will have greater visibility in the landscape when viewed from the south and east. However, its impact to the east is mitigated by the fact that it is set in from the eastern boundary by around 9m. This building will be closer than this to the existing footpath, however, it will not be oppressive due to the width of the path and will also offer natural surveillance of this pathway. The apartment building will be 4m from the southern boundary and partially screened by existing trees.

The scheme proposes a mix of materials as set in the submitted Materials Schedule and this is considered to be appropriate. The schedule includes some elements of flint which was previously requested by the Parish Council in respect of the adjoining site. The layout shows verges and house frontages to be a mix of green amenity planting, some instances of tree planting and parking spaces. It is considered that this is sufficiently mixed and it is also refreshing to see relatively deep (3m) front gardens which is not always the case in new housing developments.

The applicant has provided a written response to the National Design Guide, summarised below:

- The layout complies with the requirements as a clear route is shown through the site's development layout, connecting with new development and public open space already consented to the north and with additional open space proposed on site to the east; the layout connects with existing and proposed pedestrian routes in the vicinity; and the layout will give rise to a strong street scene of new development, with a grain and density that will integrate with existing development to the west and with new development already consented to the north;
- The floor plans and elevations submitted with the application show a mix of dwelling types and sizes (all with back gardens and/or communal open space); fresh, contemporary design and detailing, utilising high quality materials and finishes; and dwellings of a form and scale that will integrate with existing development to the west and that already consented to the north;
- The layout for the site shows that each of the 19 dwellings will be provided with a safe and secure rear garden and/or communal open space integrated with that provided as part of development already consented to the north; appropriate amenity and functional landscaping along the route of the reinstated drainage ditch along the site's western boundary; and a native mix hedge and post and rail fence along the site's southern boundary, providing an appropriate interface with open countryside and Yapton's landscape setting in this location; and
- The scheme complies with the ten characteristics in part 2 of the Guide. The proposed dwellings are carefully integrated with each other, with existing development to the west and with development and public open space already consented to the north; the proposed dwellings are of a size fit for purpose, incorporate adequate external private and communal amenity space and are located to conveniently access existing and proposed public open space in the vicinity; and the proposed dwellings incorporate well-designed and unobtrusive arrangements for waste and recycling, cycle parking and storage and communal and en-curtilage car parking. Provision of electric vehicle charging points can also be enforced by planning condition.

In respect of the Arun DC emerging Design Guide, the applicant states:

- The design takes account of the Guide's advice on tenure blind affordable housing, internal space standards, amenity and external space standards and parking standards;
- The design has houses with open landscaped fronts and private rear gardens, overlooking open fields and countryside; the proposed apartments are set in landscaped communal amenity space; and the entire scheme presents an attractive and homogenous 'street scene' of development to the site's main estate road;
- The homes are to be designed to enable homeworking - something particularly relevant in the context of the current coronavirus pandemic; and
- New homes are designed to have energy efficient design and operation. Energy efficient construction will minimise waste.

Matters of layout, appearance and scale are appropriate for the characteristics of the site and the character/appearance of the surrounding area. The proposal accords with ALP policies D DM1, D SP1, the National Design Guide, the emerging Arun Design Guide and the guidance in the NPPF.

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.

The application is accompanied by a Landscape Proposals drawing and 2 separate planting plans. These detail a well thought out scheme which is fitting for the location and provide a good mix of native/ornamental trees & shrubs with suitable planting densities and size at time of planting. It is considered that the planting will soften the development and has the potential to aid and enhance wildlife and biodiversity habitat.

Hard surfacing treatments are varied and a mix of boundary treatments are proposed. The boundary treatments are considered to be appropriate. The opening up of the site to FP166 is particularly welcome. The application is accompanied by a Arboricultural Method Statement and Tree Protection Plan which sets out protection & pruning measures to those trees to be retained. Neither the Council's Landscape nor Tree Officers have raised any objections.

It is considered the scheme accords with ALP policies LAN DM1, D DM1, ENV DM4 and YNDP policy E4.

OTHER MATTERS:

The reserved matters have been considered above. There are other issues to consider which relate to the detail of the scheme but which do not neatly fall under the above headings.

(A) Housing Mix -

ALP policy HDM1 provides for a mix of housing to meet local needs and requires all housing development should 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 2012 SHMA was the subject of an update by GL Hearn in 2016 ("Updated Housing Needs Evidence", September 2016) in which paragraph 6.3 stated that the evidence highlighted a direction towards the provision of 2 and 3 bed units for market units and smaller affordable units. The 2016 update acknowledges at paragraph 6.10 that the analysis clearly shows the different profiles in the different broad tenures with affordable (rented) need being more heavily skewed towards smaller dwellings and market housing predominantly homes with three or more dwellings. Table 29 identifies a suggested broad mix housing by size and tenure for the District.

The proposed development comprises the following housing mix:

- 3 x 1 bed dwellings (15.8%);
- 3 x 2-bed dwellings (15.8%);
- 11 x 3-bed dwellings (57.9%);
- 2 x 4-bed dwellings (10.5%).

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 (so 1.9 - 2.8);
- 2-bed dwellings: 25-35% of all dwellings (so 4.8 - 6.7);
- 3-bed dwellings: 45-55% of all dwellings (so 8.6 - 10.5); and
- 4+ bed dwellings: 5-10% of all dwellings (so 1 - 1.9).

The number of 1, 3 & 4 bed dwellings are in the range set out by YNDP policy H2 but there is a minor conflict in respect of the number of 2 beds. However, the range is in accordance with the advice in the SHMA and this is the more up to date document. The mix is acceptable and whilst not in complete accordance with YNDP policy H2, is appropriate as per ALP policy H DM1.

(B) Residential Amenity -

ALP policy D DM1 requires the Council have regard to certain aspects including having minimal impact to users and occupiers of nearby property and land (such as by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance). Policy QE SP1 states the Council will ensure development does not have a significantly negative impact upon residential amenity. It is necessary to have regard to para 127 (f) of the NPPF which states planning policies and decisions should ensure developments create places that have a high standard of amenity for existing and future users.

The Council has an emerging Design Guide which can only be attributed relatively low weight at this time but does give an indication as to what might be acceptable separation distances between habitable rooms. These are as follows:

- Back to Back: min. 21m between habitable rooms of properties or to existing buildings;
- Back 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;
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping;

The layout results in side to side or front to back relationships (the latter with the dwellings being built to the north) and these are not covered by the Design Guide. It is still important to ensure that front to back relationships are an appropriate distance. In this regard the layout is mixed but the minimum is 19.5m and this is appropriate. In respect of existing residential properties, there will be around 19.8m between the rear of 18 Cherry Avenue and the flank of plot 19.

All the relationships between proposed & existing and between proposed & 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 emerging Design Guide and with the guidance in the NPPF on amenity.

(C) Parking, Roads and Public Footpaths -

ALP policy T SP1 states in respect of parking that: "The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on

parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking". The policy also states proposals must 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;
- (iv) incorporate facilities for charging electric and plug-in hybrid vehicles (where charging facilities are to be omitted from the development, evidence of market demand and viability must be provided); and
- (v) consider the needs of people with disabilities by all modes of transport.

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 makes provision for an upgrade to the width of footpath 166 along the eastern side of the site. It also makes provision for a future diversion of this route through the site. The layout not only protects but also enhances public pedestrian routes.

WSCC Highways have appraised the reserved matters layout including with reference to the large vehicle tracking drawings and have no concerns with how the road layout will function. It is noted the flatted building have an external bin store on the west side which can be accessed by refuse vehicles from the roadside therefore, there will be no cluttering of the streetscene on bin collection days.

In terms of parking, the requirement according to the Arun Parking SPD is 40 plus 3.6 visitor spaces whilst the proposal is for 40 spaces including 4 visitor spaces. This includes 4 garages but as per the SPD, these are treated as half a space each so are only counted as 2 spaces. The shortfall is due to the fact that the 1 bedroom flats only have 1 space each. This is considered to be acceptable as the SPD does state that "a more flexible approach will be taken with schemes that incorporate flats".

The Arun Parking Standards SPD also sets out a requirement for cycle storage provision and this requires that 1 & 2 bed homes have 1 space each whilst 3+ bed houses have 2 spaces. Provision will be met through either garages, cycle stores in the rear gardens or the communal store to the flatted building. The provision meets the standards but no elevations of the storage sheds are shown nor details of storage facilities in garages a condition is to be imposed. The SPD does not specify whereabouts on each plot the cycle storage should be provided and there is no clear evidence that cycle stores in rear gardens means that people are less likely to cycle.

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

(D) Surface Water Drainage -

ALP policy W DM3 (Sustainable Urban Drainage Systems) states: "To increase the levels of water capture and storage and improve water quality, all development must identify opportunities to incorporate a range of Sustainable Urban Drainage Systems (SUDS), appropriate to the size of development, at an early stage of the design process." 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 drainage engineers have no concerns with the principle of the site drainage and the detail will be considered through the discharge of conditions process (conditions 8, 9, 10, 11 on Y/32/17/OUT

relate to surface water drainage). On this basis, there is no conflict with drainage policies.

(E) Internal & External Space Standards -

ALP policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is therefore 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 are suitable for residential use.

The applicant has provided an accommodation schedule which demonstrates that 89% of the dwellings comply with the standards. The exceptions are two of the affordable 2 bedroom flats which are 3.7/5.1m² below the standard of 70m² for single storey, 2 bedroom, 4 person accommodation. However the standards are guidance only and that there is no guarantee that these flats will be occupied by the full 4 persons. The scheme is acceptable in terms of internal space standards.

Paragraph 127 of the NPPF states: "Planning policies and decisions should ensure that developments: (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience." There are no policies in the ALP relating to garden sizes, however, emerging Arun Design Guide sets out standards for garden sizes as follows:

- Private Rear Garden: min. 10.5m depth, 50sqm area for two-bedroom homes and 60sqm area for three or more bedroom homes;
- 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 houses all have private rear gardens and although not all gardens are the full 10.5m in depth, they are all considered to be useable private spaces. A couple of the garden spaces are just above the area requirement but all comply. The depth requirement is not considered to be so important as it is to ensure a back to back distance of 21m and there is only farmland to the south of the row of houses. Standards require 90m² of amenity space for the flatted building and this is met by grassed spaces around the building. On this basis the scheme provides a good standard of amenity for future occupiers.

(F) 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 does not include details of sustainability/renewable energy measures. As condition 23 of Y/32/17/OUT requires these details to be approved separately, there is no conflict with the policy. In addition, condition 14 on the Outline requires details of electric charge points. As such, the proposal will be developed in accordance with policy ECC SP2.

SUMMARY:

This report has demonstrated that there are no materially harmful concerns with the proposed reserved matters scheme and that the application is in accordance with all development plan policies. It is therefore recommended that the planning permission be granted subject to the following additional conditions alongside those conditions already imposed on Y/32/17/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:

- Dwg. 1D "Location Plan";
- Dwg. 2D "Block Plan";
- Dwg. 97.17.P100 Rev B "Site Layout Proposed Development";
- Dwg. 97.17.P102 "Plots 1-5 Plans";
- Dwg. 97.17.P102.1 "Plots 1-5 Elevations";
- Dwg. 97.17.P103 "Plots 6-7, 9-10 & 12-15 Plans & Elevations";
- Dwg. 97.17.P104 "Plot 8 & 11 Floor Plans & Elevations";
- Dwg. 97.17.P105 "Plot 16 & 17 Plans";
- Dwg. 97.17.P106 "Plot 16 & 17 Elevations";

Dwg. 97.17.P107 "Plots 18 & 19 Plans & Elevations";
 Dwg. 1973-TF-00-00-DR-L-1002 Rev P03 "Landscape Proposals";
 Dwg. 1973-TF-00-00-DR-L-3010 Rev P01 "Planting Plan 1 of 3";
 Dwg. 1973-TF-00-00-DR-L-3011 Rev P01 "Planting Plan 2 of 3";
 Dwg. 1973-TF-00-00-DR-L-3012 Rev P01 "Planting Plan 3 of 3";
 Accommodation Schedule (11/05/20); and
 Materials Schedule.

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 activity at the site is to be carried out in strict accordance with: - Arboricultural Assessment & Method Statement (20018-AA2-CA, 19th February 2020) and Tree Protection Plan (20018-BT2), from Barrell Tree Consultancy.

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 No development above damp proof course (DPC) level shall take place until elevation details of the proposed cycle stores for plots 6, 7, 9, 10, 12, 13, 14 & 15 have been submitted to and approved by the Local Planning Authority and none of the houses/flats shall be occupied until the approved cycle storage sheds/garages spaces/internal stores associated with them have been erected/provided.

Reason: To provide alternative travel options to the use of the car in accordance with Arun Local Plan policies T SP1 and T DM1.

- 4 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

- 5 Notwithstanding the provisions of Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no fences, walls, gates or other means of enclosure (other than those specified on the approved plans) shall be erected on land forward of the primary or side elevations of the dwellings, unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of visual amenity in accordance with policies D DM1 and D SP1 of the Arun Local Plan.

- 6 Notwithstanding the provisions of Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no hardstanding (other than that specified on the approved plans) shall be created on land forward of the principal or side elevations of the dwellings, unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: In the interests of visual amenity in accordance with policies D DM1 and D SP1 of the Arun Local Plan.

- 7 The garages and car parking spaces hereby approved on this development shall not be used

for any purpose other than the parking of vehicles 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.

- 8 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.

- 9 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.

- 10 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.

- 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 09/04/20) as available on the Councils website.

- 12 INFORMATIVE: All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to the Environment Agency guidance note PPG 1 "General Guide to the Prevention of Pollution" which can be found on the GOV.UK website using the following link: <https://www.gov.uk/government/publications/basic-good-environmental-practices-ppg1-prevent-pollution>. In the event of a pollution incident, all works should cease immediately and the Environment Agency should be contacted via the incident hotline 0800 80 70 60 (24-hour service).

- 13 INFORMATIVE: Please note that this development may require an environmental permit, a variation of an existing permit or an exception from an environmental permit from the Environment Agency. Further information can be found on the gov.uk website - www.gov.uk/topic/environmental-management/environmental-permits or www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits. The Applicant must ensure that the operations at the site are in accordance with the Environmental Permitting (England and Wales) Regulations 2016. The Applicant is advised to contact the National Customer Contact Centre on 03708 506 506 (Monday to Friday 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk. Please note that the need for an environmental permit is separate to the need for planning permission. The granting of planning permission does not necessarily lead to the granting of a permit.

- 14 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.

- 15 INFORMATIVE: Should any protected species or evidence of any protected species be found prior to or during the development, all works must stop immediately and an ecological consultant or Chichester District Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of this advice and provided with the contact details of a relevant ecological consultant.
- 16 INFORMATIVE: The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on 01903 737500.
- 17 INFORMATIVE: 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 the New Connections Services Charging Arrangements documents which is available to read on the SW website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.
- 18 INFORMATIVE: Condition 12 on Y/32/17OUT states that the development layout shall not be agreed until full details of the reparatory measures to be carried out to the ditch on/within the western boundary of the site have been submitted and approved in writing by the Local Planning Authority. The layout has been approved by this reserved matters permission however it will still be necessary to apply separately to formally discharge the condition.