

Recommendation Report for Approval of Reserved Matters Following Outline Approval

REF NO: Y/32/19/RES

LOCATION: Lake Barn
Maypole Lane
Yapton
BN18 0DR

PROPOSAL: Application for reserved matters following outline permission Y/77/17/OUT for erection of detached single storey dwelling house with vehicular access from Maypole Lane

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. Reserved matters applied for are: - Appearance - Landscaping - Layout - Scale
	Access was granted consent under Y/77/17/OUT. However, the access shown in this application differs from that previously approved.
SITE AREA	0.18 hectares approx.
RESIDENTIAL DEVELOPMENT DENSITY	5 dph approx.
TOPOGRAPHY	Set up from Maypole lane by approx. 0.5m then predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	1.2m mixture of wire and ranch fencing to all boundaries, open character.
SITE CHARACTERISTICS	Small, open agricultural field. Unmade access to west of site.
CHARACTER OF LOCALITY	Agricultural rural area with some residential caravans and houses. The area is mainly characterised by open fields and agricultural land with the railway to the north. Maypole Lane is largely unmade and in-adopted.

RELEVANT SITE HISTORY

Y/77/17/OUT	Outline planning application with some matters reserved for the erection of a detached single storey dwelling house with vehicular access from Maypole Lane. This application is a Departure from the Development plan	Refused 31-01-18
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Y/20/03/	Conversion of barn to dwelling and erection of garage.	ApproveConditionally 04-07-03
Y/41/01/	Conversion of barn to dwelling and erection of cartshed garage.	ApproveConditionally 30-10-01

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council

No objections.

No comments from any neighbouring residents.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

WSCC Strategic Planning

Southern Water Planning

Engineers (Drainage)

Engineering Services Manager

Network Rail

Arboriculturist

Environmental Health

CONSULTATION RESPONSES RECEIVED:

NETWORK RAIL:

Thank you for consulting Network Rail about the above application. After examining the plans I would like to inform you that Network Rail have no comments to make.

SOUTHERN WATER:

Southern Water has no objections to the above reserved matters proposal.

COUNTY HIGHWAYS:

No objection subject to conditions. Full comments are available on the web site.

ADC ENGINEERS:

No objections. Revised details required at discharge of conditions stage.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Outside the Built Up Area Boundary;
Grade 1 Agricultural Land;
Flood Zone 1 (low risk);
Lidsey Treatment Catchment Area;

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

CSP1	C SP1 Countryside
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
ENVDM5	ENV DM5 Development and biodiversity
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WSP1	W SP1 Water

<u>Yapton neighbourhood plan 2014 Policy BB1</u>	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E1	Protection of high value agricultural land
Yapton neighbourhood plan 2014 Policy E11	Minimising the impact of flooding from development
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

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).

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 the layout, scale and appearance of the properties will not have a harmful effect on the character of the area or the residential amenities on neighbouring properties.

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

Outline permission (for access only) was granted on appeal so the principle for a dwelling in this location has been established.

For the purposes of this application the remaining reserved matters require the following issues to be assessed:

- Visual amenity
- Residential amenity

VISUAL AMENITY

In terms of the impact of the proposal on local character and appearance the Inspector in allowing Y/77/17/OUT stated:

'Development of the site for one dwelling would be a continuation of the linear form of development along Maypole Lane. Given the siting and likely scale of the dwelling, which the indicative drawings suggest would be single storey, and having regard to the existing mature planting along the boundary and the surrounding built form, I consider that this development would not have a significant effect on the character and appearance of the countryside at this point.'

The dwelling proposed by this application is single storey with ground floor accommodation only for 4 bedrooms. This complies with the Inspectors recommendation above.

The proposed dwelling, due to its significant footprint, will occupy a substantial portion of the site. However, in line with the Inspectors assessment above of mature screening and considerable neighbouring built development this will not have an adverse impact on the character and appearance of the area.

The proposed dwelling is therefore compliant with policies D SP1 & D DM1 of the Arun Local Plan.

RESIDENTIAL AMENITY

All the openings to the proposed dwelling are at a low level where views into neighbouring areas will be limited and acceptable. In addition the single storey nature and slight sliding flat roof together with the acceptable set back from the boundaries means that the dwelling will not have an unneighbourly impact on neighbouring occupiers.

In terms of impact of neighbouring residential amenity the proposal is compliant with policy D DM1 of the Arun Local Plan.

PARKING, ACCESS & HIGHWAYS

Legal advice has been sought regarding the access proposed by this application which is similar, but not identical to the access approved in the outline application.

In the outline application the access was shown with a width of 3 meters and an entrance onto the highway of 8 meters. In this application the block plan submitted (Drawing A18028 A(S3)02) shows a different arrangement for the access. It is still to the east of the development, but is now 3.7 meters in width with an entrance on to the highway of 9.3 meters.

The legal opinion is that notwithstanding this difference the Council is still able to determine the reserved matters application but without approving the block plan (Drawing A18028 A(S3)02) which would have the effect of amending the outline application in relation to the Access. In listing this as an approved plan it will be made clear that the access proposed is not part of the approval.

When assessing the outline application the Council had no objection to the proposed access which was in line with Highway advice subject to the imposition of conditions.

The current proposed plans meet the Vehicle Parking standards and Cycle Parking Standards set out by WSCC. The Local Highway Authority (LHA) does not consider that this proposal would have 'severe' 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.

DRAINAGE/LANDSCAPING

At the appeal stage the Inspector imposed conditions to address these issues. ADC engineers are satisfied with this approach. The details submitted with the block plan are sufficiently acceptable in relation to the landscaping of the site.

CONCLUSION

Consent is recommended subject to the following conditions:

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 approved shall be carried out in accordance with the following approved plans:
 - A18028 A(S3)02 Rev A: This plan will be approved with all matters shown except for the access point which will be as approved by the outline application reference Y/77/17/OUT
 - A18028 A(S3)01
 - A18028 A(S3)03 -07

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.
- 2 No part of the development shall first be occupied until Maximum achievable visibility splays of 2.4m x (Max Achievable) shown on the plans submitted to the Local Planning office. These splays shall thereafter be retained at all times.

Reason: In the interest of road safety in accordance with policy T SP1 of the Arun Local Plan.
- 3 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 T SP1 of the Arun Local Plan

- 4 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 the Local Planning Authority.

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

- 5 Prior to the occupation of the development hereby approved the outdoor electric car charging point shown on drawing no. A(S3)02 rev A shall be installed and made operable. The power supply is to be retained in perpetuity and with the intention of it being in situ to future proof the installation of a car charging point when so required by the occupant of the property at that time.

Reason: New petrol and diesel cars/vans will not be sold beyond 2040, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun District Council Electric Vehicle Infrastructure Study (November 2017) and the National Planning Policy Framework.

- 6 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.

- 7 INFORMATIVE:Vehicle Crossover - Minor Highway Works
The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>