

Recommendation Report for Planning Permission

REF NO: Y/48/13/

LOCATION: Land to the rear of Burndell Road
Yapton

PROPOSAL: Substitution of plots 1-3, 26-28, 35-43, 54,55,57,58,70-99,129-135,141-149,151-163,166, 167,169-173 following a grant of planning permission Y/81/10.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The proposed application seeks permission for revised designs to properties approved for the plot numbers referred to above. This includes relatively minor changes to fenestration sizes and internal layouts.

Revised sitings to plots are also proposed, however these changes are minimal and maintain the same number of properties on the site.

Plots 1-3 which were approved as 3 detached properties are to be replaced by 2 semi detached properties and a single detached property.

SITE AREA 7.7 hectares.

RESIDENTIAL DEVELOPMENT DENSITY 22 dwellings per hectares. (37 dwellings per hectare excluding public open space)

TOPOGRAPHY The site is broadly level lying; although the eastern part is slightly higher than the western part.

An artificial linear-earth mound has been created along the eastern site boundary. This mound, which lies within the site, is steep sided on the eastern side but has a more gentle western profile.

The central section of the former Arundel/Chichester Canal along the north of the site is evident as a distinct linear depression around 2m deep. The sections to the west and east of this part have been filled in and are indistinguishable, in level terms, from the rest of the site.

TREES There are a number of trees within the site. A line of 5 no. trees are covered by a Tree Preservation Order (TPO). A mature Oak tree in the central part of the site is also covered by a TPO.

BOUNDARY TREATMENT

The hedgerows divide the site into four distinct landscape compartments. The scrub along the line of much of the former canal provides a robust edge to the majority of the edge of the site.

The site is contained by vegetation along much of the northern edge.

SITE CHARACTERISTICS

The site is located to the North side of Burdell Road, which forms part of the B2233, and runs South East to North West through the centre of Yapton village. The western half of the site has recently been cleared of scrub and hedging.

The site consists mainly of rough grass land and a small area of arable land. It comprises four parcels of unused land subdivided by hedgerows. The northern boundary of the western part of the site forms the southern edge of a larger area of arable land, which extends to the north of the site. The line of the former Chichester - Arundel canal runs along or close to the central section of the northern boundary of the site; this comprises a depression approximately 2 metres deep, and remains a linear feature. Within the central part of the site, there are a number of trees, five of which are covered by a Tree Preservation Order.

Two rights of way cross the site.

A canal feature is located at the western edge of the site.

CHARACTER OF LOCALITY

The site is contained by existing development to the west, south and east. The site is adjoined by residential estates (approximately 1960's/70's) to the west (Downview Road), south (Goodhew Close) and south east (Fordwater Gardens/Johnson Way), which are located on the north side of Burndell Road. More extensive areas of housing are located further to the west, south west and east of the site. The existing housing close to the site is characterised by low density two storey detached, semi-detached and terraced housing, constructed in the mid to late twentieth century.

Ford Airfield Industrial Estate lies to the east and comprises an area of large utilitarian buildings and hard standing, beyond which lie several developed parts of the former airfield incorporating a concrete works, sewerage works and storage yard.

RELEVANT SITE HISTORY

Y/81/10/	Proposed development comprising of the construction of 173 new dwellings and associated car parking, public open space, including childrens play areas, vehicular access and highway works - This application is a departure from the development plan & also falls within the parish of Ford	Refused 26-05-2011 Appeal: Allowed+Conditions 19 12 2011
Y/24/13/DOC	Application for approval of details reserved by condition 4 imposed under Y/81/10 - Tree Survey Plan dated 08/03/13, Tree Survey Schedule dated 14/02/13 and Tree Protection Plan GTS353.02.	DOC Approved 31-05-2013

REPRESENTATIONS

Representations received:

Yapton Parish Council

No objection.

1 Letter of Objection:

- Objection to the principle of the development.
- Fencing put up round the site/footpaths made the area feel like a prison.
- Roads are not equipped for more traffic, many road accidents recently.
- Schools, doctor's, nurseries, hospitals, dentists are all over capacity.
- Letter from the developer not received.
- Hope the estate does not become a rat run like Toddington Lane.
- Stagecoach Bus service is unreliable so people will resort to using cars

Comments on Representations received:

Parish comments noted.

Comments on letter of objection:

The proposal seeks permission for the re-design of some of the previously approved properties. The principle of development has already been accepted and is not a consideration of this scheme. The comments raised are duly noted, however they are not material in the determination of this application.

CONSULTATIONS

Engineering Services Manager

Environmental Health

Environment Agency

WSCC Strategic Planning

Consultations responses received:

WSCC Highways:

Information submitted implies that most of the dwellings are to decrease in size. On that basis it seems reasonable to assume that parking demands will decrease or at worst remain unchanged. Subject to this no highway objection is raised to the proposed variations of house types.

Environment Agency:

No objection.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Outside the built-up area boundary
Tree Preservation Order
Public Right of Way

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN12	Parking in New Development
	GEN15	Cycling and Walking
	GEN18	Crime Prevention
	GEN2	Built-up Area Boundary
	GEN20	Provision of Public Open Space within New Development
	GEN3	Protection of the Countryside
	GEN5	Provision of New Residential Development
	GEN7	The Form of New Development
	GEN8	Development and the Provision of Infrastructure
	GEN9	Foul and Surface Water Drainage
	DEV17	Affordable Housing
	AREA18	Portsmouth and Arundel Canal

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to:

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential

amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

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

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

CONCLUSIONS

The application seeks permission for revised housing types to various plots across the site. The revisions proposed include alterations to fenestration, roof design, repositioning of plots within the site, and revised materials. The internal layouts of some of the plots are also revised.

The revisions to the fenestration and design of the properties do alter the appearance of the dwellings, however the appearance of the proposed dwellings remain in keeping with the overall design quality of the scheme as a whole and are considered to be visually acceptable.

It should be noted that the dwelling designs approved by the appeal Inspector were of a low quality and are not of a sufficient quality that would be supported by the Councils Planning Officers.

The proposed scheme results in minor improvements to the appearance of the amended properties, with revised porch types, fenestration sizes and positioning and variation in roof heights/designs which are considered to enhance the overall appearance of the properties and the street scene. Whilst the design of the properties remain to be of a low standard, given that the Inspector accepted a poorer quality scheme in allowing the appeal, the improved designs are accepted.

The changes to the design of dwellings and repositioning of plots maintain sufficient private amenity areas. The layout also ensures that there is no unacceptable increase in overlooking towards existing and proposed neighbouring properties.

In the absence of harm to the cohesive appearance of the development or residential amenity, it is recommended that the application is approved, subject to the conditions set out below.

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 for private 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 a neutral impact has 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).

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:

Location Plan P1004/LOC/1
Planning Layout P1004/01

Type 662 Plans & Elevations P1004.662.01
Type 868 Plans & Elevations (Brick) P1004.868.01
Type 868 Plans & Elevations (Timber) P1004.868.02
Type 868 (Plot 75) Plans & Elevations (Timber) P1004.868S.01
Type 982 Plans P1004.982.01
Type 982 Elevations (Brick) P1004.982.02
Type 982 Elevations (Timber) P1004.982.03
Type 982 Elevations (Stone) P1004.982.04
Type 987 Plans & Elevations (Brick) P1004.987.01
Type 987 Plans & Elevations (Timber) P1004.987.02
Type 987S Plans & Elevations P1004.987S.01
Type 1216 Plans P1004.1216.01
Type 1216 Elevations (Brick) P1004.1216.02
Type 1216 Elevations (Timber) P1004.1216.03

Type 1292 Plans P1004.1292.01
Type 1292 Elevations (Brick) P1004.1292.02
Type 1292 Elevations (Timber) P1004.1292.03
Type 1292S Plans P1004.1292S.01
Type 1292 Elevations (Brick) P1004.1292S.02
Type 1292 Elevations (Timber) P1004.1292.03
Type 1443 Plans P1004.1443.01
Type 1443 Elevations P1004.1443.02
Type 1779 Plans P1004.1779.01
Type 1779 Elevations P1004.1779.02

Street Scenes Sheet 1 P1004/SS/01
Street Scenes Sheet 2 P1004/SS/02

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

- 3 No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority. A 'statement of detail' shall be submitted setting out details of proposed windows and doors, details of the depth of recess/reveal from the brickwork, sills and lintels, brick bonding, brick detailing, eaves detailing and rainwater goods. The materials and 'statement of details' so approved shall be used in the construction of the buildings.

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

- 4 No development shall take place until such time that fully detailed proposals for the Surface Water Drainage Scheme have been submitted to and approved in writing by the Local Planning Authority. The design shall follow the hierarchy of preference for different types of surface water drainage systems disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location of the proposed structures. The percolation tests and design shall be carried out in accordance with BRE 365 and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway and the highest recorded groundwater table. The Scheme shall have provision to ensure that there is capacity in the system to contain below the lowest ground level the 1 in 100 year event plus 30% on stored volumes. Adequate freeboard shall be provided between the base of the soakage structure and the highest recorded ground water level identified in that location.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 5 Details of the maintenance and management of the SUDS system shall be set out in writing in a Site Specific Maintenance Manual. This Manual shall include details of the

implementation of the system, financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended life span. The Manual shall be submitted to and approved in writing by the Local Planning Authority before development commences on site. Maintenance and management shall be carried out in accordance with the approval manual

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approval details.

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

- 7 No development shall take place until a detailed Scheme of Highway Works has been submitted to and approved in writing by the Local Planning Authority. The works shall comprise a staggered junction ahead sign to Diagram Number 507.1 of the Traffic Signs Regulations and General Directions 2002 (TSRGD) on the westbound approach to the A27 junction with Yapton Lane. The sign shall have a height of 1.20 metres, be erected between 245 and 305 metres in advance of the hazard, have clear visibility of 105 metres and be supported on a yellow backing board. In addition, at the end of the A27 right turn lane into Yapton Lane, the priority arrangement shall be highlighted by the provision of additional "Give Way" signs and road markings to Diagram Number 602 and 1023 of the TSRGD.

No dwelling shall be occupied until the Scheme approved by the Local Planning Authority has been completed in full.

Reason: In the interests of Highway Safety.

- 8 No dwelling shall be occupied until plans and details for the improvement of the existing public rights of way have been submitted to and approved in writing by the Local Planning Authority. These improvements shall take the form of signing of the legal routes, the provision of dropped crossing points across the proposed internal roads and the provision of surfacing improvements in accordance with a specification to be submitted to and approved in writing by the Local Planning Authority. The approved works shall be implemented in full by the time of the occupation of the 150th dwelling unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the rights of the public.

- 9 No dwelling shall be occupied until the roads serving the respective dwellings have been constructed, surfaced and drained in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of Highway Safety.

- 10 No dwelling shall be occupied until the car parking spaces relating to the respective

dwelling have been constructed in accordance with the approved plans and details. These spaces shall thereafter be retained at all times for car parking associated with the dwelling.

Reason: To ensure a satisfactory standard of provision in accordance with policies GEN7 & GEN12 of the Arun District Local Plan.

- 11 No dwelling shall be occupied until covered secure cycle parking spaces relating to the respective dwelling have been provided in accordance with a detailed construction plan which shall have been submitted to and approved in writing by the Planning Authority.

Reason: To ensure a satisfactory standard of provision in accordance with policy GEN7 of the Arun District Local Plan.

- 12 No development shall take place on the site until an effective vehicle wheel cleaning facility has been installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such facility shall be retained in working order throughout the period of work on site.

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

- 13 No development shall take place until such time as a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include details relating to the number of vehicles movements, routing and management of construction traffic, which shall include matters relating to temporary construction access and signage. The CMP shall also include details as appropriate for each stage of development of all temporary contractors' buildings, plant and stacks of materials as well as provision for the temporary parking of vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision shall be retained for these purposes throughout and until the completion of each stage of work on the site.

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

- 14 No dwelling shall be occupied until such time as details of the emergency access point to Fordwater Gardens and the timing of provision have been submitted to and approved in writing by the Local Planning Authority. The approved details of the landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 15 No development shall take place until the following details of mitigation measures, identified within the Ecological Appraisal report from Hyder dated June 2010 Report No. WX82162/C1162/AW/YAPTON/v1, have been submitted to and approved in writing by

the Local Planning Authority together with a programme for the implementation of the measures:

- i. mitigation and relocation of any reptiles;
- ii. eradication/control of Japanese Knotweed;
- iii. lighting strategy in relation to bats;
- iv. provision and location of suitable bat and bird boxes for use in gardens and/or in public open space areas; and
- v. a Construction Phase Management Plan.

Any works to manage or clear vegetation must be undertaken outside of the bird nesting season. The mitigation measures shall be carried out in accordance with the approved details and programme.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy in accordance with Arun District Local Plan policies GEN7, GEN29.

- 16 Prior to the commencement of development (or such other date or stage in development as may be agreed in writing by the Local Planning Authority), a Remediation Strategy with the following components to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall be implemented by deadlines identified within the approved strategy.

1. A Preliminary Risk Assessment which has identified all previous uses and potential contaminants associated with those uses.

2. A conceptual model of the site indicating sources, pathways and receptors as well as potentially unacceptable risks arising from contamination at the site.

3. A Site Investigation Scheme, based on 1, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

4. The Site Investigation Results and the detailed Risk Assessment 3 and, based on these, an Options Appraisal and Remediation Strategy giving full details of the remediation measures required and how they are to be undertaken.

5. A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in 4 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components shall require the express approval in writing of the Local Planning Authority.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with policy GEN7 of the Arun District Local Plan.

- 17 A Verification Report demonstrating completion of the works set out in the Approved

Remediation Strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority prior to any development works in the areas where the need for remediation has been identified. The report shall include results of sampling and monitoring carried out in accordance with the Approved Verification Plan, and for the reporting of this to the Local Planning Authority.

Reason: In the interests of protection of the environment and prevention of harm to human health in accordance with policy GEN7 of the Arun District Local Plan.

- 18 No development shall take place until details of Foul Water Drainage System have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the foul drainage works have been carried out in accordance with the agreed details.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 19 The developer shall afford access at all reasonable times to any Archaeologist nominated by the Local Planning Authority and shall allow the Archaeologist to observe the excavations and record of items of interest and finds.

Reason: To enable items of archaeological interest to be recorded in accordance with the National Planning Policy Framework.