

Recommendation Report for Approval of Reserved Matters Following Outline Approval

REF NO: Y/74/17/RES

LOCATION: Land At
Kings Close
Yapton
BN18 0EX

PROPOSAL: Approval of reserved matters following outline consent Y/22/14/ for 1 No. 4 bed house, 13 No. 3 bed houses, 3 No. 2 bed houses & 1 No. 2 bed flat over garages incorporating parking & access to main road via redefined alignment of Kings Close & highway improvement works at existing crossover.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Reserved Matters application pursuant to Y/22/14/OUT. Approval of Landscaping, Scale and Appearance are sought. The dwellings are to be a mix of two and two and a half storeys with the latter to be achieved through small dormers and/or velux windows. Coloured elevations and a colour materials schedule have been provided. Some of the drawings were amended mid-way through the application in order to respond to comments from the Sussex Police Design Officer and to improve the privacy of certain windows.
SITE AREA	0.486 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	37 dwellings per hectare.
TOPOGRAPHY	Predominantly flat but with a depression in the south west corner adjacent to Kingsmead (this dwelling is slightly lower than the application site) and a slight dip along the western boundary. There were also several overgrown piles of earth/rubble at the time of an earlier site visit.
TREES	There is a large Willow tree overhanging the boundary in the southwest corner but there are not considered to be any trees of significance which are affected by the proposed development.
BOUNDARY TREATMENT	Mix of 1.8m high hedging, wall or timber fence.
SITE CHARACTERISTICS	This is a piece of vacant land to the rear of shops fronting onto Main Road. The site is accessed from Main Road via Kings Close, an unmade road servicing Kingswood and Kingshaven and land to rear of the shops. The site is part overgrown grassland and part hard surfacing.
CHARACTER OF LOCALITY	Mixed residential and commercial. The site is to the rear of the Yapton local shopping centre and surrounded on all other sides from residential dwellings or gardens.

RELEVANT SITE HISTORY

Y/76/17/DOC	Approval of details reserved by conditions imposed under Y/22/14 relating to Conditions 9: Secure cycle spaces, 11: Construction Management Plan, 12: Reptile Survey & Mitigation, 14: Ecological Enhancement Scheme, 15: Risk Assessment, Site investigation scheme, options appraisal & remediation strategy plus verification plan providing details of data for long term monitoring.	DOC Approved 08-01-18
Y/56/15/OUT	Outline application for proposed mixed use development comprising 5 No.3 bedroom houses, 4 No. 2 bedroom houses & 1 No. 1 bedroom flat over car ports together with 4 No. B1 workshop/business units all with parking & access to main road via a redefined alignment of Kings Close & Highway improvement works at existing crossover.	App Cond with S106 05-11-15
Y/22/14/	Outline Application with some matters reserved for a proposed residential development of site with 1 x 4 bedroom house, 13 x 3 bedroom houses 3 x 2 bedroom houses & 1 x 2 bedroom flat over garages, incorporating parking & access to main road, via a redefined alignment of Kings Close & Highway improvement works at existing crossover.	App Cond with S106 14-11-14
Y/59/11/	Application for Outline Planning Permission with some matters reserved for proposed residential development comprising 8 no. 3 bed houses, 3 no. 2 bed houses & 1 no. 2 bed flat over garages incorporating car ports & access to Main Road via a re-defined alignment of Kings Close & highway improvement works at existing crossover	App Cond with S106 29-03-12
Y/70/09/	Outline application for demolition of existing industrial units and redevelopment of the site with 5X3 bedroom 2.5 storey houses and 1X4 4 bedroom 2 storey detached houses and small commercial/retail unit with 2 bed apartment over and access to Main Road via Kings Close	ApproveConditionally 31-03-10

Y/74/04/	Approval of Reserved Matters following outline application Y/41/02 for residential development of ten houses with garaging and parking spaces	ApproveConditionally 16-02-05
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Y/41/02/	Outline application for residential development.	Refused 23-07-02 Appeal: Allowed 18-07-03
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The application benefits from Outline consent granted by Y/22/14/OUT in November 2014. That outline permission encompassed two previous outline approvals (Y/59/11/ and Y/70/09). A separate outline permission was granted in 2015 (Y/56/15/OUT) for a mix of dwellings and commercial premises.

The pre-commencement conditions associated with the outline permission have recently been agreed under reference Y/76/17/DOC.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council
"No objection"

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Southern Water Planning
Parks and Landscapes
Arboriculturist
Environmental Health
Highways England
WSCC Strategic Planning
Surface Water Drainage Team
Planning and Housing Strategy
Sussex Police-Community Safety
NHS Coastal West Sussex CCG
Ecology Advisor
Parks and Landscapes

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - No objections.

SOUTHERN WATER - No objections.

SUSSEX POLICE - No objections but have made a number of comments regarding the security of parts of the site.

WSCC HIGHWAYS - No objections.

CDC ECOLOGY - No objections subject to a condition on lighting to take account of bats, reptile translocation and a series of on-site ecological improvements.

ADC HOUSING STRATEGY & ENABLING MANAGER - No objection in principle. Is currently working with Worthing Homes to acquire the 5 affordable homes from the developer.

ADC ENVIRONMENTAL HEALTH - Commented about the lack of a Construction Management Plan as required by condition 11 of Y/22/14/OUT.

ADC LANDSCAPES - Initially objected and requested an amendment to show actual quantities in location rather than just detail of the variety of species for each location. This has been resolved by the submission of additional drawings 16024-RM-111-115 inclusive and 16024-RM110 Rev E. As such, no objections.

COMMENTS ON CONSULTATION RESPONSES:

The comments of Sussex Police have been addressed through certain amendments to the drawings as follows:

- * Landscape Layout amended to show 1.5m high close boarded fencing with 300mm of trellis on top where fences abut paths to rear gardens, so that the pathways are visible from the gardens;
- * Gates that provide access to the side of the dwellings, or rear access to the gardens, are shown located on or near the front of the building line;
- * The southern boundary of Plot 1 will be secured with 1.8m high fencing; and
- * The provision of PIR lighting and lockable doors are noted on the drawings numbered RM117 REVA and RM118 REVA.

The comments of Environmental Health relate to the discharge of conditions which has been dealt with by a separate application (Y/76/17/DOC).

The ecologist has requested on-site enhancements and the translocation of reptiles from the site. However, these matters have been addressed by the discharge of conditions 12 and 14 of Y/22/14/OUT by way of application Y/76/17/DOC. However, it would be appropriate to impose a bat lighting condition.

POLICY CONTEXT

Designations applicable to site:

Within Built-Up Area Boundary;
No Public Sewer; and
PD Restriction.

DEVELOPMENT PLAN POLICES

Arun District Local Plan (2003):

GEN2	Built-up Area Boundary
GEN5	Provision of New Residential Development
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage
GEN12	Parking in New Development
GEN20	Provision of Public Open Space within New Development

Publication Version of the Local Plan (October 2014):

D DM1 Aspects of Form and Design Quality
D DM2 Internal Space Standards
D SP1 Design
ECC SP2 Energy and climate change mitigation
ENV DM4 Protection of Trees
ENV DM5 Development and Biodiversity
H DM1 Housing Mix
AH SP2 Affordable Housing
INF SP1 Infrastructure provision and implementation
OSR DM1 Open Space, Sport & Recreation
SD SP1 Sustainable Development
SD SP2 Built-Up Area Boundary
T SP1 Transport and Development
W DM3 Sustainable Urban Drainage Systems

Yapton neighbourhood plan 2014 Policy BB1

Yapton neighbourhood plan 2014 Policy E3	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy H1	Protection of natural habitats
Yapton neighbourhood plan 2014 Policy H2	Housing requirement
Yapton neighbourhood plan 2014 Policy H3	Dwelling size
Yapton neighbourhood plan 2014 Policy H3	Dwellings appropriate for the needs of older people
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 District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and then subject to public consultation. The hearing sessions into the examination of the Arun Local Plan ended on Thursday 28 September 2017 and the Inspector then wrote to the Council to set out his 'Interim Views following the Hearings'. The plan was then modified further in January 2018 (Modified - Arun Local Plan - January 2018 Consultation) and these were subject to public consultation between 12 January 2018 and 23 February 2018.

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. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

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

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

The relevant policies within the Yapton Neighbourhood Development Plan are considered within this determination. However, it is noted that none of these policies contain any design related guidance that would be applicable to the approval of appearance, landscaping or scale.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

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

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE:

The principle of development has already been established by virtue of the outline planning permission, reference Y/22/14/PL which also approved the layout of, and access to the development. It is therefore only necessary to consider the outstanding details - those of appearance, landscaping and scale.

APPEARANCE & SCALE::

Arun Local Plan Policy GEN7 (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect local characteristics. It is also necessary to consider the guidance within the National Planning Policy Framework (NPPF).

Paragraphs 56 & 58 state that good design is a key aspect of sustainable development and that developments should respond to local character & history, reflect the identity of local surroundings & materials, establish a strong sense of place and be visually attractive as a result of good architecture. Paragraph 60 advises that local planning authorities should promote or reinforce local distinctiveness. Paragraph 64 then confirms that planning permission should be refused for poor design that fails to improve the character or quality of an area. Furthermore, paragraph 17 states that decisions should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The scheme proposes a mix of dwelling heights with some straight two storey buildings and some with additional accommodation within the roof. The largest of these will be marginally higher than existing surrounding buildings (including the two storey building housing the Coop to the south) but it is not considered that the building heights will result in any harm to the character of the urban landscape.

Internal space standards are considered to relate to the matter of scale. However, these were considered at the outline application stage where it was noted that although there was a shortfall against the standards of the time, the fact that half of the site benefitted from a (then) extant outline consent served to allow a more flexible approach to the proposed layout. It should also be noted that the current modified version of the emerging Arun Local Plan proposes to delete policy D DM3 (external space standards) in favour of inclusion within a future design guide. It is not therefore considered appropriate to now refer to this policy.

It is considered that the design of the scheme is acceptable given that it is proposed to have a mix of building designs, heights and materials and this is similar to the surrounding built landscape. The materials mix includes white render, three different types of red bricks, grey bricks, weatherboarding, plain concrete tiles and blue/black fibre cement slate. With the exception of the weatherboarding, these are all considered to be present in the local area. However, as the weatherboarding represents only a part of the scheme, it is considered to be appropriate as part of the mix.

It is therefore considered that the proposal is in accordance with the relevant development plan policies.

LANDSCAPING:

There are no development plan policies relating specifically to landscaping. However, paragraph 58 of the NPPF states that: "Planning policies and decisions should aim to ensure that developments are visually attractive as a result of good architecture and appropriate landscaping

"The applicant has supplied a Landscaping plan detailing the planting of new trees and shrubs. This has been agreed with the Councils Landscape Officer and therefore complies with the requirements of the reserved matters application.

CONCLUSION:

There are no concerns raised with the reserved matters submission and it is recommended that the planning permission be granted subject to the following additional conditions (none of which are pre-commencement) alongside those conditions already imposed on Y/22/14/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.

SECTION 106 DETAILS

A Section 106 Agreement relating to the following items formed part of the outline planning decision:

- * Affordable Housing - provision of 5 Affordable Housing Units consisting of 4 x affordable rent dwellings & 1 x Shared Ownership dwelling;
- * Fire & Rescue - £494 & 1 x Fire Hydrant;
- * Libraries - £4,480; and
- * Childrens Play/Open Space - £36,000.

RECOMMENDATION

APPROVE CONDITIONALLY

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

16024-LOC REV A SITE LOCATION PLAN;
 16024-RM101 REV B PROPOSED SITE LAYOUT;
 16024-RM103 REV B ACCESS AND PARKING LAYOUT PLAN;
 16024-RM105 REV A STREET SCENES/SITE SECTIONS SHEET 1;
 16024-RM106 REV A STREET SCENES/SITE SECTIONS SHEET 2;
 16024-RM107 REV A STREET SCENES/SITE SECTIONS SHEET 3;
 16024-RM110 REV E LANDSCAPE LAYOUT;
 16024-RM111 PLANTING PLAN SHEET 1;
 16024-RM112 PLANTING PLAN SHEET 2;
 16024-RM113 PLANTING PLAN SHEET 3;
 16024-RM114 PLANTING PLAN SHEET 4;
 16024-RM115 PLANTING PLAN SHEET 5;
 16024-RM117 REV A BIN STORE TYPE A;
 16024-RM118 REV A BIN STORE TYPE B;
 16024-RM120 REV A PLOT 1 FLOOR PLANS, ROOF PLAN;
 16024-RM125 REV A PLOT 1 ELEVATIONS;
 16024-RM128 PLOT 1 SECTION;
 16024-RM135 REV A PLOTS 2-4 ELEVATIONS;
 16024-RM130 REV A PLOTS 2-4 FLOOR PLANS SHEET 1;
 16024-RM131 ROOF PLAN PLOTS 2-4 SHEET 2;
 16024-RM138 PLOTS 2-4 SECTION;
 16024-RM140 REV A PLOTS 5-8 SHEET 1 FLOOR PLANS;
 16024-RM141 REV A PLOTS 5-8 SHEET 2 FLOOR PLANS;
 16024-RM142 REV A PLOTS 5-8 SHEET 3 FLOOR PLANS;
 16024-RM143 REV A PLOTS 5-8 SHEET 4 ROOF PLAN;
 16024-RM145 REV A PLOTS 5-8 SHEET 1 ELEVATIONS;
 16024-RM146 REV A PLOTS 5-8 SHEET 2 ELEVATIONS;
 16024-RM148 PLOTS 5-8 SECTIONS;
 16024-RM150 REV A PLOTS 9-11 SHEET 1 FLOOR PLANS;
 16024-RM151 REV A PLOTS 9-11 SHEET 2 FIRST FLOOR PLANS;
 16024-RM152 REV A PLOTS 9-11 SHEET 3 SECTION FLOOR PLANS;
 16024-RM153 PLOTS 9-11 SHEET 4 ROOF PLANS;
 16024-RM155 REV A PLOTS 9-11 SHEET 1 ELEVATIONS;
 16024-RM156 REV A PLOTS 9-11 SHEET 2 ELEVATIONS;
 16024-RM158 PLOTS 9-11 SECTIONS;
 16024-RM160 REV A PLOT 12 FLOOR PLANS AND ROOF PLAN;
 16024-RM165 REV A PLOT 12 ELEVATIONS;
 16024-RM168 PLOT 12 SECTION;
 16024-RM170 REV A PLOT 13 FLOOR PLANS AND ROOF PLAN;
 16024-RM175 REV B PLOT 13 ELEVATIONS;
 16024-RM178 PLOT 13 SECTION;
 16024-RM180 REV A PLOTS 14-15 SHEET 1 FLOOR PLANS;
 16024-RM181 REV A PLOTS 14-15 SECOND FLOOR AND ROOF PLANS;
 16024-RM185 REV A PLOTS 14-15 ELEVATIONS;
 16024-RM188 PLOTS 14-15 SECTION;

16042-RM190 REV A PLOTS 16-18 SHEET 1 FLOOR PLANS;
16024-RM191 REV A PLOTS 16-18 SHEET 2 SECOND FLOOR AND ROOF PLAN;
16024-RM195 REV A PLOTS 16-18 ELEVATIONS;
16024-RM198 PLOTS 16-18 SECTION; AND
16024-RM200 PROPOSED PRIMARY MATERIAL SAMPLES AS IMAGES.

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

- 2 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats) and to minimise unnecessary light spillage outside the development site in accordance with policies GEN7, GEN29 & GEN33 of the Arun District Local Plan and the National Planning Policy Framework.

- 3 In accordance with the approved drawings, the following windows shall be obscure glazed & top vent opening only and shall be permanently retained as such:

Plot 1 - the first floor bathroom window in the east elevation;
Plot 2 - the ground floor WC and first floor bathroom windows in the north elevation;
Plot 4 - the ground floor WC and first floor bathroom windows in the south elevation;
Plots 6 & 7 - the ground floor windows of the WC's in the north elevation;
Plots 5 & 8 - the first floor bathroom windows in the north elevation;
Plots 9-11 - the ground floor southern elevation WC windows;
Plot 9 - the first floor bathroom window in the west elevation;
Plot 11 - the first floor bathroom window in the north elevation;
Plot 12 - the first floor bathroom window in the east elevation;
Plot 13 - the ground floor WC window in the east elevation;
Plot 13 - the first floor bathroom and en-suite windows in the south elevation;
Plots 14-15 - the ground floor windows of the WC's in the east elevation;
Plot 15 - the first floor bathroom window in the north elevation;
Plots 16-18 - the ground floor windows of the WC's in the north elevation;
Plot 16 - the first floor bathroom window in the east elevation; and
Plot 18 - the first floor bathroom window in the west elevation.

Reason: To protect the amenities and privacy of adjacent existing/proposed properties in accordance with policies GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 4 In accordance with approved drawings, the following windows shall be obscure glazed & fixed shut and shall be permanently retained as such.

Plot 1 - the stair window in the south elevation;
Plot 9 - the ground floor dining area window in the west elevation;
Plot 11 - the first floor stair window in the east elevation;
Plot 12 - the stair window in the south elevation;
Plot 13 - the stair window in the north elevation;
Plot 15 - the ground floor dining area window in the north elevation; and

Plot 16 - the ground floor dining area window in the east elevation.

Reason: To protect the amenities and privacy of adjacent existing/proposed properties in accordance with policies GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 5 In accordance with approved drawings, the following windows shall be obscure glazed and shall be permanently retained as such.

Plots 6 & 7 - the two second floor shower room roof windows in the south elevation;
Plots 9 & 10 - the two second floor shower room roof windows in the north elevation;
Plots 14 & 15 - the two second floor ensuite roof windows in the east elevation; and
Plot 16-18 - the three second floor shower room roof windows in the south elevation.

Reason: To protect the amenities and privacy of adjacent existing/proposed properties in accordance with policies GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 6 In accordance with approved drawings, the ground floor dining area window in the west elevation of plot 18 shall be fixed shut and shall be permanently retained as such.

Reason: To protect the amenities and privacy of adjacent existing/proposed properties in accordance with policies GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 7 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 GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 8 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.