

Recommendation Report for Planning Permission

REF NO: Y/74/20/PL

LOCATION: Land at Stakers Farm
North End Road
Yapton

PROPOSAL: Variation of conditions 3 (plans condition) to replace 'Proposed Arrangement Drawing', remove 'Swept Path Analysis' & amendment to referencing/wording of the Location Plan currently referred to as 'drawing 6468-04 REV B as there is no revision B & 24 (range of dwellings) to include the wording 'or as otherwise agreed in writing by the Local Planning Authority following Y/44/17/OUT. This application is in CIL Zone 3 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The purpose of this application is to make minor amendments to the previously approved outline planning permission. These amendments are described in detail within the application covering letter but in short: (1) Condition 3 of Y/44/17/OUT is to be amended to correct the Location Plan drawing number as there was no Rev B version on the original application. The applicant requests that the access drawing be replaced with the version that has now achieved S.278 approval. Lastly, the applicant requests removal of the refuse vehicle swept path analysis drawing which was based on the access drawing that is being replaced. (2) Condition 24 of Y/44/17/OUT is to be amended to include 'or as otherwise agreed in writing by the Local Planning Authority' in order to allow for a different housing mix than as set by the condition (which reflects policy H2 of the Neighbourhood Plan). This change is stated to be due to discussions held with the Parish Council.
SITE AREA	3 hectares

RELEVANT SITE HISTORY

Y/73/20/PL	Variation of condition 3-plans condition following the approval of Y/38/18/OUT to replace the Proposed Access Arrangement plan & remove the Swept Path Analysis & Sketch Site Layout. This application is in CIL Zone 3 (Zero Rated) as 'other development'.
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Y/72/20/RES	Approval of Reserved Matters following Outline Approval Y/44/17/OUT for the erection of 70 no. dwellings.	
Y/71/20/RES	Approval of reserved matters following outline consent Y/88/18/OUT for the erection of 38 No. dwellings. This application affects Public Rights of Way.	
Y/17/20/PL	Construction of a new access to serve residential development This application may affect a Public Right of Way.	ApproveConditionally 24-04-20
Y/88/18/OUT	Outline application with some matters reserved for the erection of 38 No. dwellings. This application affects a Public Right of Way.	App Cond with S106 26-11-19
Y/44/17/OUT	Outline Planning Application for 70 No. residential dwellings including 30% affordable, public open space & associated landscaping. All matters to be reserved apart from Access . This application is a Departure from the Development plan. This application affects the character & appearance of Main Road/Church Road Yapton Conservation Area & the setting of Listed Buildings	App Cond with S106 14-12-18

It should be noted that this site is to be developed as one site together with that approved by Y/88/18/OUT. Reserved Matters are currently in for determination on both of these sites.

REPRESENTATIONS

No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

HIGHWAYS ENGLAND - No response

WSCC HIGHWAYS - No objection with the following comments:

- A stand alone access was approved under Y/17/20/PL which included approval of drawing YAP-S278-01 Rev J. This stand alone access was submitted to allow the access to be constructed during school holidays;
- Considering that the access arrangements have already been approved as per the supplied drawing under Y/17/20 the LHA does not wish to raise an objection to the variation of condition 3 application; and
- Condition 24 this pertains to the proposed housing mix and is required for variation so that a higher number of 3-bedroom dwellings can be provided. The exact mix of dwellings will be fully reviewed in the reserved matters application, in respect to whether suitable parking provision level has been provided.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;
 Grade 1 Agricultural Land;
 Current Flood Zone 1 (low risk);
 Lidsey Treatment Catchment Area;
 Special Control of Adverts;
 Affects the setting of two Grade II Listed Buildings (Stakers Farm buildings); and
 Affects the setting of a Conservation Area (Main Road/Church Road).

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
HDM1	H DM1 Housing mix
TSP1	T SP1 Transport and Development

[Yapton neighbourhood plan 2014 Policy H2](#) Dwelling size

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.

Policy H2 of the Yapton Neighbourhood Plan is relevant and is considered within this report. Yapton Parish Council are currently working on a review of their Neighbourhood Plan, but they have not yet reached the regulation 14 stage at which it would be necessary for the Local Planning Authority to consider the revised plan.

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 complies with relevant Development Plan policies in that the changes to the conditions will not result in any adverse impact upon highway safety or adversely affect the provision of future housing development to meet the needs of the district.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE:

The site benefits from outline planning permission granted by Y/44/17/OUT in December 2018. This application approved the principle of development and the access arrangements (which involve taking access from North End Road via the adjacent site to the north which has separate outline planning permission under Y/88/18/OUT). It is acknowledged that the access benefits from a standalone planning permission under Y/17/20/PL which was approved in accordance with the approved S.278 access drawing and it is this drawing that will be implemented.

HIGHWAYS:

Arun Local Plan (ALP) policy T SP1 seeks to ensure development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport. In respect of highway safety, it states: "The Council will support transport and development which: explains 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."

Para 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

WSCC Highways have raised no objections to the changes. The access configuration has now been through the s.278 approval process and has been separately approved by Y/17/20/PL. It is not considered that anything has changed on the ground or in policy terms to justify taking a different decision or to require any additional highway improvements. It is considered that the access remains in accordance with the relevant development plan policies and in respect with the guidance with the NPPF on highway safety.

In respect of the swept path drawing, this was based on the original access drawing and so would need

to be changed. However, it is not necessary to continue to refer to this as it clearly demonstrated access into the site by a refuse vehicle and this situation has not been altered by the s.278 approval process. Therefore, its omission is not detrimental to highway safety.

There is no conflict with ALP policy T SP1 or with the NPPF.

HOUSING MIX:

Yapton Neighbourhood Development Plan (YNDP) policy H2 requires that proposals of 15 or more dwellings provide a mix of dwelling sizes (market and affordable) that fall within the following ranges: (a) 1-bed dwellings: 10-15% of all dwellings; (b) 2-bed dwellings: 25-35% of all dwellings; (c) 3-bed dwellings: 45-55% of all dwellings; and (d) 4+-bed dwellings: 5-10% of all dwellings. This policy provided the wording for condition 24 of Y/44/17/OUT.

ALP policy H DM1 is the more recent policy and states that developments should include 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.

The applicant states that the change to condition 24 is to enable a different mix, one that is reflective of discussions held with the Parish Council. It is acknowledged that the Parish Council raise no objection to the application. However, it should also be noted that section 38 (5) of the Planning and Compulsory Purchase Act 2004, states that: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document".

It is considered that there is a difference in approach between YNDP policy H2 and ALP policy H DM1 with the former requiring a rigid mix and the latter allowing for flexibility. It is considered the addition of the extra words to the condition is acceptable as it will allow for a variation that may be more in line with the ALP. It should also be noted that the mix will be subject to separate agreement through the determination of the reserved matters application.

Therefore, the proposed change to the wording would be in accordance with the relevant policies of the Development Plan as a whole.

OTHER MATTERS:

It is accepted that the Location Plan submitted on Y/44/17/OUT did not have a revision number therefore the reference to Rev B was incorrect and should be rectified. It is not considered that the amendments to the two planning conditions will result in any new impacts on the character of the area, on residential amenity, in respect of drainage, biodiversity, trees or on the nearby heritage assets.

CONDITIONS:

As this is a variation of condition application, local planning authorities are also allowed to amend other conditions. As the original permission has not yet been implemented (albeit that a reserved matters application has been submitted), conditions 1 & 2 which deal with the time limits for implementation should be amended to make it clear to the applicant that the time periods for commencement continue to be from the date of the decision of Y/44/17/OUT.

SUMMARY:

It is therefore recommended that planning permission be granted in accordance with the following updated 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.

SECTION 106 DETAILS

The Section 106 Agreement completed in accordance with the grant of permission for application Y/44/17/OUT includes a clause that enables it to also apply to subsequent variation applications such as this.

CIL DETAILS

This section 73 application is not CIL Liable as it does not result in any new floorspace and the previous application was granted with a Section 106 Legal Agreement which included various developer contributions.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of the planning permission under Y/44/17/OUT (14 December 2018):
 - (a) Layout;
 - (b) Scale;
 - (c) Appearance;
 - (e) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be begun either before the expiration of 3 years from the date of the planning permission under Y/44/17/OUT (14 December 2018) or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 The development hereby approved shall be carried out in accordance with the following approved plans:
 - Drawing 6468-04 "Location Plan"; and
 - Drawing YAP-S278-01 Rev J "S278 General Arrangement and Construction Makeup".

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1 and T SP1 of the Arun Local Plan.
- 4 There is a requirement that the proposed reserved matters submission 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 or as otherwise agreed in writing by the Local Planning Authority.

Reason: In accordance with policy H2 of the Yapton Neighbourhood Plan and policy H DM1 of the Arun Local Plan in the interests of ensuring homes are provided to meet local demand.
- 5 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.
- 6 INFORMATIVE: All of the conditions imposed on Y/44/17/OUT shall remain in force except for conditions 1, 2, 3 and 24 which are replaced by the conditions 1-4 above.
- 7 INFORMATIVE: It is noted that this permission will be granted pursuant to Section 73 of the Town and Country Planning Act 1990 and the original permission was granted before a Community Infrastructure Levy (CIL) Charging Schedule took effect. Therefore, in accordance

with the CIL Regulations 2010 (as amended) there will be no CIL charge on this permission as there is no net increase in floorspace between the original permission and the Section 73 permission.