

Recommendation Report for Planning Permission

REF NO: Y/87/20/PL

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

PROPOSAL: Variation of Condition 1-plans condition imposed under Y/26/20/RES. This application also lies within the parish of Climping.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks permission for the variation of condition 1 (approved plans) imposed on Y/26/20/RES (which approved reserved matters for 19 dwellings, following grant of Y/32/17/OUT). The current application seeks to substitute a number of approved drawings with new drawings, as follows:

Plots 1-5: replace plans (drawing 97.17.P102 with 97.17.P102_A) and elevations (drawing 97.17.P102.1 with 97.17.P102.1_A) to reflect changes as follows:

- * Re-positioning of the stairwell window on the southern/rear elevation of Plots 1 to 5
- * Re-positioned smaller dormer window and new rooflight on southern/rear roof slope of Plots 1- 5
- * Increased eaves and ridge height of Plots 1-5

Plots 8 and 11: replace plans and elevations (drawing 97.17.P104 with 97.17.P104_A) to reflect changes as follows:

- * Addition of obscure-glazed window to bathroom in western side elevation
- * Repositioning of garage pedestrian door from southern/rear elevation to western side elevation

Plots 16 and 17: replace plans (drawing 97.17.P105 with 97.17.P105_A) and elevations (drawing 97.17.P106 with 97.17.P106_A) to reflect changes as follows:

- * Addition of obscure-glazed window to bathroom on inner side elevation
- * Repositioning of garage pedestrian door from rear elevation to side elevation

Plot 18: replace plans and elevations (drawing 97.17.P107 with 97.17.P107_A) to reflect changes as follows:

	* Addition of a rooflight to plot 18
SITE AREA	0.48 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	40 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed 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 boundary. 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/26/20/RES	Approval of reserved matters following the grant of Y/32/17/OUT for the erection of 19 No. dwellings This application also lies within the parish of Climping & affects a Public Right of Way.	ApproveConditionally 18-05-20
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 and reserved matters Y/26/20/RES for the construction of 19 dwellings.

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

Yapton Parish Council - no objection.

Climping Parish Council - were consulted, no comments received.

No other representations were received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

None consulted/received.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:

Outside the Built Up Area Boundary;
 Yapton Neighbourhood Plan Area
 Climping Neighbourhood Plan Area
 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
DSP1	D SP1 Design
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
TSP1	T SP1 Transport and Development

Clymping Neighbourhood Plan 2015 Policy CPN11 Quality of Design

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
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 relevant policies of the Yapton and Climping Neighbourhood Plans apply.

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 changes are not considered to result in a scheme which is substantially different from that which has already been approved and it is not considered that the changes result in a materially greater impact to the character and appearance of the locality or the amenities of nearby residential properties.

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 2020 reserved matters permission Y/26/20/RES remains valid, and it is therefore not necessary to reconsider the whole proposal afresh.

The application seeks to vary the approved drawings with a number of minor changes, including:

- Re-positioning of the stairwell window, re-positioning and reduction in size of a dormer window and addition of a new rooflight, and increased eaves and ridge height to Plots 1-5.
- Addition of obscure glazed window to bathroom and re-positioning of pedestrian garage door to Plots 8, 11, 16 and 17
- Addition of a rooflight to Plot 18.

VISUAL AMENITY:

The changes under this application are relatively minor changes and would not be substantially different

to nor fundamentally amend the scale or nature of the development approved under the extant consent. They are minor design changes which are not considered to result in a materially greater impact to the character and appearance of the locality. In terms of the increased eaves and ridge height to plots 1-5, the height difference would be 5.4m to 5.9m at eaves level and 10.7m to 11m at ridge height, which is relatively minimal. Whilst the roof slope would look steeper, it would not be so substantially different/harmful in comparison to the approved scheme as to justify a refusal of this variation.

RESIDENTIAL AMENITY

In terms of impact on the amenities of nearby residential properties, the proposed re-positioning of windows, doors and new rooflights, would not result in any material increase to overlooking or loss of privacy to neighbouring occupants. The proposed new windows to the bathrooms in the side elevations of plots 8, 11, 16 and 17 would be obscure-glazed. This has been marked on the elevations for plots 8 and 11 but not on the drawings for plots 16 and 17. In addition, in order to protect fully against overlooking and loss of privacy, these windows would also need to be fixed shut up to a height of 1.7m. It is therefore recommended that a condition be added requiring these new side windows to be obscure-glazed and fixed shut up to a height of 1.7m, for the avoidance of doubt, to protect against any potential loss of privacy.

SUMMARY:

Subject to conditions, the proposals would have an acceptable impact on the appearance of the development and character of the area, and the residential amenity of occupants, in accordance with the NPPF and Local Plan policies D SP1, D DM1 and QE SP1 and policies in the Yapton and Climping Neighbourhood Plans.

It is recommended that permission be granted in accordance with the following replacement plans condition, obscure-glazed/fixed shut windows condition (condition 8 of Y/26/20/RES has been amended to reflect this), and all other relevant conditions applied under Y/26/20/RES and informatives as follows:

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

This application is not CIL Liable, since the Section 106 legal agreement secured under the outline application Y/32/17/OUT (which secured contributions towards infrastructure) still applies.

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_A "Plots 1-5 Plans";
 Dwg. 97.17.P102.1_A "Plots 1-5 Elevations";
 Dwg. 97.17.P103 "Plots 6-7, 9-10 & 12-15 Plans & Elevations";
 Dwg. 97.17.P104_A "Plot 8 & 11 Floor Plans & Elevations";
 Dwg. 97.17.P105_A "Plot 16 & 17 Plans";
 Dwg. 97.17.P106_A "Plot 16 & 17 Elevations";
 Dwg. 97.17.P107_A "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. The additional bathroom windows in the side elevations to plots 8, 11, 16 and 17 hereby approved shall be both obscure glazed and also fixed shut up to a minimum height of 1.7m from floor level of the room, 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 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.

- 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/32/17/OUT 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 the reserved matters permission Y/26/20/RES however it will still be necessary to apply separately to formally discharge the condition.
- 19 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal

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agreement dated 25th September 2018 relating to outline planning permission Y/32/17/OUT.