

**Recommendation Report for Planning Permission**

**REF NO:** Y/89/14/PL

**LOCATION:** Land to the rear of  
Burndell Road  
Yapton

**PROPOSAL:** Removal of condition 2 imposed under Y/48/13 relating to the replacement of approved plans for layout and street scenes for plots 1-3

**SITE AND SURROUNDINGS**

|                                       |                                                                                                                                                                                                                                                                                                                                                                                                               |
|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION            | The application seeks permission to alter the siting of plot No. 1.                                                                                                                                                                                                                                                                                                                                           |
| SITE AREA                             | 7.7 hectares.                                                                                                                                                                                                                                                                                                                                                                                                 |
| RESIDENTIAL DEVELOPMENT DENSITY (NET) | 22 dwellings per hectares. (37 dwellings per hectare excluding public open space)                                                                                                                                                                                                                                                                                                                             |
| TOPOGRAPHY                            | <p>The site is broadly level lying; although the eastern part is slightly higher than the western part.</p> <p>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.</p> |
| 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 site is contained by vegetation along much of the northern and eastern edge and domestic boundaries to the western and southern edges.                                                                                                                                                                                                                                                                    |
| SITE CHARACTERISTICS                  | Construction site relating to the development approved under Y/81/10 for 173 dwellings and subsequent revisions.                                                                                                                                                                                                                                                                                              |
| CHARACTER OF LOCALITY                 | The site is located to the north of properties within Goodhew Close and Fordwater Gardens. Open farmland to the north.                                                                                                                                                                                                                                                                                        |

**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<br>26-05-2011 <i>Appealed</i><br><br><b>Appeal:<br/>Allowed+Conditions<br/>19 12 2011</b> |
| Y/48/13/   | 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.                                                                                                                                         | ApproveConditionally<br>15-10-2013                                                                |
| Y/41/14/PL | Application for removal of condition 2 following a grant of planning permission Y/48/13 - replacement of approved plans for layout and street scenes for plots 1-3                                                                                                                            | ApproveConditionally<br>27-06-2014                                                                |

**REPRESENTATIONS****Representations received:**

Yapton Parish Council

Yapton Parish Council

No objection.

**Comments on Representations received:**

Noted.

**CONSULTATIONS****Consultations responses received:**

None

**Comments on Consultation responses:**

None

**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 2003: [GEN7](#)  
[GEN12](#)  
[GEN9](#)

[Publication Version of the Local  
Plan \(October 2014\):](#)

The Form of New Development  
Parking in New Development  
Foul and Surface Water Drainage  
D DM1 Aspects of Form and Design  
Quality  
D DM2 Internal Space Standards  
D DM3 External Space Standards  
D SP1 Design

SD SP1 Sustainable Development  
W DM3 Sustainable Urban Drainage  
Systems

## **PLANNING POLICY GUIDANCE**

NPPF

National Planning Policy Framework

### **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.

Arun District Council's Development Plans:

Paragraph 215 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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton

### **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**

The application seeks permission to re-site the dwelling at plot 1, the design and appearance of the property remains unchanged. The change in siting means that the principal elevation of the dwelling now faces a south-easterly direction rather than in an easterly direction as previously approved.

The repositioning of plot 1 maintains sufficient private amenity space for the dwelling. The siting also ensures that there is no unacceptable increase in overlooking towards existing and proposed neighbouring properties. As such the change is considered to be a minor alteration in terms of layout and would not harm the overall layout and appearance of the development.

In the absence of harm to the cohesive appearance of the development or residential amenity, it is recommended that Condition 2 of Y/48/13 be varied to include reference to the revised plans. Relevant conditions are listed below, however many have already been discharged from Y/48/13, therefore only those that have not yet been discharged or remain relevant have been attached to this approval.

#### **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 Revision C

Plot 1 Proposed Block Plan P1004/P1/02

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 2) Plans & Elevations P1004.868.03

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 Revision B

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 policy GEN7 of the Arun District Local Plan.

- 3 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.

- 4 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.

- 5 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.

- 6 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.

- 7 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.

- 8 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.

- 9 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.

- 10 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.

- 11 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.

- 12 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.