

Recommendation Report for Planning Permission

REF NO: Y/8/20/PL

LOCATION: Land off Burndell Road
Yapton

PROPOSAL: Variation of condition 1-plans condition, imposed under Y/98/18/RES regarding apartment changes for 56-63 on south side of elevation dealing with window configuration & revised kitchen layout internally & change original version from two units to one larger unit on east elevation in roof space; apartment changes for 67-74 on south elevation dealing with window configuration & revised kitchen layout internally & the original version has changed from two units to one larger units on west elevation in roof space, removal of carports (plots 7-12) & pergolas (plots 53 & 19), addition of sun tubes for plots 62, 63, 72 & 73.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application proposes the variation of condition 1 (plans condition) imposed under Y/98/18/RES. In summary, the changes comprise the following amendments: APARTMENTS 56-63 - Southern elevation revised window configuration - Revised internal kitchen layout - Variation to floor plans to consolidate 2 no. rooflights to 1 no. rooflight APARTMENTS 67 - 74 - Southern elevation revised window configuration - Revised internal kitchen layout - Variation to floor plans to consolidate 2 no. rooflights to 1 no. rooflight REMAINDER OF APPROVAL - Removal of car ports to plots 7 - 12 - Removal of pergolas to plots 53 - 19 - Addition of sun tubes serving plots 62, 63, 72 and 73.
SITE AREA	3.868 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	28 dph.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The red line application site includes hedgerows, trees and various styles of fencing around the periphery of the site.

SITE CHARACTERISTICS

Additional boundary and landscaping improvements have been secured, and due to be implemented imminently, under planning permission Y/98/18/RES.

The site comprises an almost square site to the south of Burndell Road and Fellows Gardens. The site is an open field and was previously used as arable farmland. However, planning permission Y/19/16/OU and Y/98/18/RES have granted consent for up to 108 residential dwellings with associated access, landscaping, public open spaces, ancillary works and associated infrastructure.

CHARACTER OF LOCALITY

Access to the site has been approved under the above consents and entails an access road from Burndell Road between Maple Cottage to the west of the access and the former Burndell Scrap Metal Yard to the east.

The site is located in an area where residential development exists on three of the site boundaries (north, east and west). The fourth boundary, to the south, is in part allotment and part agricultural use. However, beyond these allotments are two sites allocated in the Neighbourhood Plan (and benefitting from outline permissions) for residential development.

To the south of the site there is part allotments and part open countryside. To the west there is existing 2 storey housing along the full western boundary (properties located within the three cul-de-sacs - Park Road, Park Drive and Fairholme Drive).

RELEVANT SITE HISTORY

Y/98/18/RES	Approval of reserved matters (access, appearance, landscaping, layout and scale) following outline permission Y/19/16/OUT for 108 residential dwellings, with associated parking, road/footway/cycleway provision, open space, landscaping, surface water attenuation and ancillary works.	ApproveConditionally 17-09-19
Y/19/16/OUT	Outline application for the development of a maximum of 108 No. residential dwellings, vehicular access from Burndell Road, public open space, ancillary works & associated infrastructure. This application is a Departure from the Development plan	Called In by DCLG/SD 08-09-16 Appeal: Allowed+Conditions 13-10-17
F/5/18/RES	Approval of reserved matters following outline consent F/7/15/OUT relating to appearance, landscaping, layout & scale for residential development comprising of 45No. dwellings. This application also lies within the parish of	ApproveConditionally 08-06-18

Yapton. Resubmission of F/23/16/RES

F/7/15/OUT	Outline application for residential development comprising 45 dwellings. Formation of access onto Burndell Road (Resubmission following F/9/14/PL) - This application also lies within the parish of Yapton. This application is a Departure from the Development Plan.	App Cond with S106 10-03-16
Y/61/19/PL	Application for variation of condition imposed on planning permission Y/53/16/PL relating to condition no.2 - amendment to site layout. This application affects the setting of a Listed Building	ApproveConditionally 27-11-19
Y/53/16/PL	4 No. dwellings with associated ancillary services & access (resubmission following Y/108/15/PL). This application affects the setting of a Listed Building.	ApproveConditionally 14-08-17

Application Y/19/16/OUT sought outline planning permission for up to 108 new residential dwellings on the site with access from Burndell Road. It was approved on appeal and endorsed by the Secretary of State following a Council refusal.

Y/53/16/PL and Y/61/19/PL concern the former Yapton Scrap Metal site discussed above. In addition, F/7/15/OUT and F/5/18/RES concern the site to the east being developed. This consent comprises 45 dwellings.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Yapton Parish Council

No objection - no objection conditional upon no overall loss of current approved parking requirements.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Designation applicable to site:

- Built-up Area Boundary
- Area of Special Control (Advertisement)
- WSCC Mineral Consultation Area
- District Ward of Yapton
- CIL Charging Zone 2

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development

[Yapton neighbourhood plan 2014 Policy BB1](#) Built-up Area Boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Yapton Neighbourhood Development Plans 2014- 2029.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. There are no made policies contained within the Yapton Neighbourhood Development Plan that are relevant to the determination of this application.

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 not have any significant adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have a significant adverse impact on the established character of the surrounding area and would not result in any material impacts upon highways safety.

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 application proposes the variation of condition 1 (plans condition) imposed under Y/98/18/RES which, in combination with planning permission Y/19/16/OU, permitted the development of up to 108 dwellings. The main changes are detailed in the above sections of this report.

The application is submitted under Section 73 of the Town and Country Planning Act 1990 (as amended). The Officer's assessment therefore looks solely at the amendments to originally approved Y/98/18/RES and assesses the impacts of these upon the design, neighbouring amenity, and highways, transport and parking.

DESIGN AND VISUAL AMENITY

Policies D SP1, D DM1 and D DM4 (ALP) require development proposals to make efficient use of land but reflect the characteristics of the site and local area in their character, finish and architectural details.

Paragraph 127 (NPPF) requires decisions to ensure developments will function well and add to the overall quality of the area. Paragraph 130 (NPPF) states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

The primary variations relate to the southern elevations of the blocks allocated as affordable housing tenures. These namely relate to the window arrangement which comprise a rationalisation and decrease in gaps between panes. It is understood that these changes derive from the subsequent construction process and sourcing of window casements.

However, these amendments would not be considered so significant that they would result in any difference in terms of visual amenity deriving from these elevations. The southern elevation of the building benefits from significant screening due to the position of the trees along the boundary of the public open space. Therefore, no impacts upon visual amenity will result.

The removal of the car ports from plots 7-12 and pergolas from plots 53-19 are not considered to be problematic. The properties along the northern boundary of the internal estate road mostly comprise gaps between each dwelling and therefore the removal of car ports would reduce the visual impact and dominance of built form on the character and appearance of the streetscape. Therefore, the removal of these elements is not considered problematic.

The introduction of sun tubes to plots 62, 63, 72 & 73 would all be finished flush to the rooflines of the dwellings. They would have no greater visual presence than a comparable velux rooflight that could be inserted at any time by the occupants of the dwellings. Therefore, the addition of such features is not considered problematic and would not result in any impacts upon wider visual amenities.

All other changes comprise internal alterations to the existing dwellings permitted and would therefore not be subject to planning controls, given the fall outside the scope of Section 55 of the Town and Country Planning Act 1990 (as amended).

The development will therefore make an efficient use of land and reflect the characteristics of the site and local area, in accordance with Policies D SP1, D DM1 and D DM4 of the Arun Local Plan and paragraphs 127 and 130 of the National Planning Policy Framework.

NEIGHBOURING AMENITY

Policy QE SP1 (ALP) requires development to contribute positively to the quality of the environment and ensure it does not have a significantly negative impact upon residential. Policy D DM4 (ALP) requires alterations to buildings to not have an adverse impact on neighbouring properties.

Paragraph 127(f) (NPPF) requires decisions to create places with a high standard of amenity for existing and future users.

The proposed amendments to the external elevations of the building reduces the overall extent of glazing across the building. This has the effect of reducing the perception of overlooking and intervisibility with the opposite apartments to the south. Notwithstanding this, the separation distances, combined with the boundary planting that provides screening, ensures that the proposed amendments would not result in impacts upon neighbouring amenity.

The development therefore accords with Policies QE SP1, D DM1 and D DM4 of the Arun Local Plan and paragraph 127 of the National Planning Policy Framework.

HIGHWAYS, ACCESSIBILITY AND PARKING

Policy T SP1 (ALP) requires the Council to ensure all development provides safe access on to the highway network and contributes to highway improvements and promotes sustainable transport.

Paragraph 108 (NPPF) seeks to ensure safe and suitable access to sites for all users. Paragraph 109 (NPPF) states development should only be refused if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposed amendments would result in the removal of car ports from plots 7 - 12; though their parking spaces would still be retained in connection with the properties. On this basis, the development would not implicate upon the parking provision across the site, highways safety or transport considerations.

Taking the above into account, the development provides for the transport demands created in accordance with Policy T SP1 of the Arun Local Plan and paragraphs 108 and 109 of the National Planning Policy Framework.

SUMMARY

The principle of development on this site accords with the policies within the Development Plan. The development does not result in impacts upon design, visual amenity, neighbouring amenity or highways safety. The proposed development therefore accords with the policies contained within the Development Plan.

There have been no other material considerations identified that warrant a decision being taken other than in accordance with the Development Plan; in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended). Therefore, planning permission can be approved subject to the conditions set out in full 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 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

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

The development does not comprise any net increase in residential floorspace and is therefore not subject to the Community Infrastructure Levy under the terms of the Council's adopted Charging Schedule.

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:

18-1065-001-1st - Location Plan
 18-1065-085-1st - Site Plan Layout RM Revision
 18.1330.601: Apartments 56-63 - Ground Floor Plan
 18.1330.602: Apartments 56-63 - First Floor Plan
 18.1330.603: Apartments 56-63 - Second Floor Plan
 18.1330.606: Apartments 56-63 - Elevations - East and North
 18.1330.607: Apartments 56-63 - Elevations - West and South
 18.1330.701: Apartments 67-74 - Ground Floor Plan
 18.1330.702: Apartments 67-74 - First Floor Plan
 18.1330.703: Apartments 67-74 - Second Floor Plan
 18.1330.704: Apartments 67-74 - Roof Plan
 18.1330.706: Apartments 67-74 - Elevations - West and South
 18.1330.707: Apartments 67-74 Elevations - East and North

N.B. The development shall also be undertaken in accordance with the approved plans under planning permissions Y/98/18/RES and Y/19/16/OU, save for those details superseded/varied

by the above approved plans.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1 of the Arun Local Plan.

- 3 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plans. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development and in accordance with the National Planning Policy Framework.

- 4 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.

- 5 INFORMATIVE: The applicant should be aware that all other conditions, save for those varied by the grant of this consent, imposed under planning permissions Y/19/16/OU and Y/98/18/RES shall have full effect.