

PLANNING APPLICATION REPORT

REF NO:	Y/127/21/RES
LOCATION:	Land at Bilsham Road Yapton
PROPOSAL:	Approval of reserved matters (appearance, landscaping, layout and scale) following the grant of Y/91/17/OUT for 250 No dwellings with associated parking, road/footway/cycleway provision, open space, landscaping, surface water attenuation & ancillary works (resubmission following Y/152/20/RES). This site is not CIL Liable as in Yapton Strategic Site.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The planning application seeks approval of reserved matters (appearance, landscaping, layout and scale) following the approval of outline planning application Y/91/17/OUT. The application pertains to the delivery of 250 dwellings with associated parking, road/footway/cycleway provision, open space, landscaping, surface water attenuation & ancillary works and is a resubmission following the withdrawal of Y/152/20/RES.
SITE AREA	Approximately 11.6 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	A gross density of 21.5 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	A number of trees on site are the subject of a tree preservation order (TPO) under reference TPO/Y/3/18. In addition to this there are a number of mature trees which are not subject to a TPO.
BOUNDARY TREATMENT	The site boundaries are varied, featuring a mixture of hedgerow planting, trees and shrubs of various heights. Some close boarded fencing is present along the northern most boundary of the site securing the rear gardens of properties located to the north of the site. The southern boundary of the southernmost field features post and rail fencing with limited trees or hedgerow.
SITE CHARACTERISTICS	The application site is situated on the edge of the existing settlement and consists of three agricultural fields with defined boundaries separating the fields from one another. The main access onto the site is via a field access situated to the north of Bilsham Road between Graham Road and West View Drive. The application site forms part of the strategic allocation SD7 within the Arun Local Plan and benefits from outline planning permission for the construction of up to 250 dwellings.

CHARACTER OF LOCALITY

The character of the locality is predominantly rural with existing residential development situated along the northern boundary of the application site. Agricultural fields are situated to the south and west of the application site. The Yapton Conservation Area is situated to the north-west of the application site.

RELEVANT SITE HISTORY

Y/40/20/DOC	Approval of details reserved by condition imposed under ref Y/91/17/OUT relating to Condition No 6 - design code masterplan.	DOC Approved 29-07-20
Y/152/20/RES	Approval of reserved matters (appearance, landscaping, layout and scale) following the grant of Y/91/17/OUT for 250 No. dwellings with associated parking, road/footway/cycleway provision, open space, landscaping, surface water attenuation & ancillary works.	Withdrawn 22-04-21
Y/91/17/OUT	Outline application for the development of up to 250 residential dwellings (Class C3), vehicular access, public open space, ancillary works and associated infrastructure. Departure from the Development Plan.	App Cond with S106 04-04-19

REPRESENTATIONS

Below is a summary of the representations received on this application. Full comments are available through the Arun District Council website.

YAPTON PARISH COUNCIL

Conditional support subject to the following amendments:

- Main access road frontages should be varied in landscaping and use of materials for housing as well as building positions fronting the roads. The building line fronting the spine road should be varied to reflect the historic elements of Yapton and to provide variety and a rural aesthetic as opposed to the current urban feel.
- The LEAP nearest to Drove Lane is located close to a water collection pool. This should be relocated away from the collection pool and nearer to the existing nursery facilities for both safety reasons as well as being more accessible.

A total of 8 letters of objections were received. The following points were raised by objectors:

- Proposal will result in unacceptable harm to wildlife.
- The application site floods during heavy rainfall and takes months to drain.
- The proposed development adjacent to Bilsham Road by virtue of its density will adversely impact upon character.
- Insufficient drainage is present to serve the proposed in closest proximity to Bilsham Road and no

- measures are proposed to ensure that the development will not flood the highway during heavy rainfall.
- Any SUDs features with a 1:3 slope will be a danger to children.
 - The proposed seating at the junction of the proposed Bilsham Street will encourage anti-social behaviour.
 - Hedgehog highways should be provided through all fencing, as well as wild flower planting and tree planting.
 - Proposed development will result in unacceptable noise and pollution.
 - The proposed development is out of scale and over-bearing in comparison to existing development in the vicinity.
 - Several properties will give rise to adverse impacts upon the residential amenity of existing residential dwellings.
 - The new development is likely to give rise to overloading of the existing drainage system giving rise to flooding.
 - Plans do not accurately represent extension constructed in 2018.
 - Property adjacent to the boundary features picture window as well as a ground floor window on the side elevation, due to the proximity of the development it will result in a loss of light and overbearing impacts.
 - Following our objections to the proposed tree plantings in this location on planning application Y/152/20/RES the removal of all landscaping in this location is an over-reaction.
 - Due to the proximity of existing dwellings to the site they will be impacted on during construction through noise/dust etc and restrictions should be placed upon the hours during which work can be undertaken.

The following points were raised but are deemed to fall outside the scope of consideration for the determination of this reserved matters application:

- The proposed density is too high in comparison to the existing development.
- Local services are inadequate to meet the needs of future occupiers.
- The proposed development along with other nearby developments will have an unacceptable impact on highway safety.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Below is a summary of the consultation responses received. Full comments are available through the Arun District Council website.

ECOLOGY

- An objection was originally raised due to the absence of an updated version of the Landscape and Ecological Specification and Management Plan.
- Updated comments were received on 11.10.2021 confirming that the submitted Landscape and Ecological Specification and Management Plan was acceptable provided the mitigation and enhancements as identified within the plan are implemented in their entirety.

SUSSEX POLICE

- General comments provided on Secured by Design.

SPORT ENGLAND

- The proposed development does not fall within either of their statutory remits or non-statutory remit therefore Sport England did not provide a detailed response in this case.

NATURAL ENGLAND

- No comments.

WATER & ACCESS

- Condition proposed for the requirement of additional fire hydrant(s) to ensure that all dwellings are within 150m of a fire hydrant for the supply of water for firefighting.
- Evidence also required that Fire Service vehicle access meets the requirements.

ENVIRONMENT AGENCY

- No objection to the proposal as submitted.

ARCHAEOLOGY

- The preservation of the significance of the archaeological interest that this site contains will be secured through the condition applied to Y/91/17/OUT as outlined in the WSI approved through Y/118/19/DOC.

AFFORDABLE HOUSING

- To meet the requirements of the Council's Affordable Housing policy the applicants will need to provide 75 affordable dwellings of which 75% (56) rented and 25% (19) intermediate which is proposed by the application.
- However, the mix does not include any 1 bed properties as intermediate, and this should be amended.
- We have no objection to the Tenure Housing Layout.

Affordable Housing - further comments following amendment

- No objection to the proposed amended housing mix.

WSCC - LEAD LOCAL FLOOD AUTHORITY

- No comments.

NATIONAL HIGHWAYS

- A condition requiring the delivery of the A27 / Yapton Lane junction improvement prior to the occupation of the 199th dwelling was proposed, but this condition was not included as part of the outline planning approval.
- Without this condition, National Highways cannot be satisfied that the development will not materially affect the safety, reliability and/or operation of the Strategic Road Network.
- Therefore, National Highways do not agree to the reserved matters application in this instance.

WSCC - HIGHWAYS AUTHORITY

- No objection in principle. However, clarification should be provided on the proposed level of car parking.
- Should the application be approved then two conditions relating to details pertaining to the design of cycle stores and restriction of occupation until the vehicular access, road, footways, car parking and garages, visitor spaces, cycle parking and turning spaces have been constructed and are available to use.

WSCC - Highway Authority - Further Comments

- West Sussex County Council as Highway Authority has no in principle objections to the application. Two conditions (Cycle Parking & Roads and Car Parking) are proposed should permission be granted.

WSCC - PUBLIC RIGHTS OF WAY

- FP156_2 is being converted into a road between Lovey's Field and Drove Park - the developer should clarify if this footpath is to remain separate but run parallel to the south-west of it.
- The section of footpath FP156_1 which falls within the developers control would benefit from being upgraded to a bridleway to futureproof its use to all users of this development. This would require surfacing it to a specific approved by WSCC.

- Footpath 157 would also benefit from resurfacing to a specification agreed with WSCC for upgrading to bridleway status.

GREENSPACE

- No objection subject to confirmation of details and specification for the galvanised metal fence to play areas; post and wire fence to SuDS; and confirmation of the proposed use of the area immediately north of the LEAP and shown as a hatched area pink and detailed as 'other outdoor provision'.

TREE OFFICER

- Objection.
- Amendments are anticipated to the layout but the majority of the development is achievable without undue detriment to retained trees on and off-site. However, yet to have sight of the necessary arboricultural report and plans to demonstrate this has been properly considered.
- Areas of conflict between retained trees of higher value should be 'designed out'.

Tree Officer - Further Comments

- The applicant has submitted an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan which is comprehensive and accords with best practice.
- Unjustified incursion into the RPA of higher value trees has not been addressed with the latest layout, so does not accord with the SPD principles.

COMMENTS ON CONSULTATION RESPONSES:

National Highways - It is acknowledged that the Local Planning Authority made an error in not notifying the Secretary of State of its intention to grant the outline planning permission without the requested condition. The reason for this was that the A27 junction improvements were to be delivered in association with two different sites (Tye Lane, Walberton or Stakers Farm, Yapton), whichever came first. Therefore, it was not considered necessary to impose a restriction on this permission also. The Council has obtained legal advice which confirms that the outline permission is still valid. It is also not considered reasonable to impose this condition on this Reserved Matters permission as the condition does not relate to one of the reserved matters. This approach is consistent with that taken in the determination of Y/49/21/RES.

Tree Officer - The scheme has been amended to resolve the identified conflict between the veteran oak and the proposed layout. Whilst, this has been verbally confirmed as addressing the concerns originally raise an updated consultation response has not been provided.

POLICY CONTEXT

Designation applicable to site:
Strategic Allocation - SD7

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees

ENVSP1	ENV SP1 Natural Environment
GISP1	GI SP1 Green Infrastructure and Development
HDM1	H DM1 Housing mix
HERSP1	HER SP1 The Historic Environment
OSRDM1	Protection of open space, outdoor sport, comm& rec facilities
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

Yapton neighbourhood plan 2014 Policy E10	The former Portsmouth and Arundel Canal
Yapton neighbourhood plan 2014 Policy E11	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy E3	Protection of natural habitats
Yapton neighbourhood plan 2014 Policy E4	Minimising the environmental impact of development
Yapton neighbourhood plan 2014 Policy E6	Green infrastructure and development
Yapton neighbourhood plan 2014 Policy E8	Conservation Areas
Yapton neighbourhood plan 2014 Policy E9	Listed Buildings and Buildings or Structures of Character
Yapton neighbourhood plan 2014 Policy PK1	Parking standards for new residential development

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD1	Open Space & Recreation Standards
SPD11	Arun Parking Standards 2020
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031 (ALP), West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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 Neighbourhood Development Plan (YNDP) have been considered

within this report. Yapton are currently working on a revised YNDP and have completed a regulation 14 consultation. However, it is considered that the emerging Plan can be attributed only low weight at this time.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Section 38(5) states: "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". Therefore, the ALP takes precedence over the YNDP should there be a conflict between the two.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 70(2) of Town and Country Planning Act 1990 (as amended) provides that

(2) In dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

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 results in a development of an appropriate scale, layout and appearance which is not harmful to the character & appearance of the area, the amenities of existing residents or the existing road and public footpath network.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

The application seeks to secure reserved matters approval for appearance, landscaping, layout and scale. All other matters were considered through the determination of Y/91/17/OUT with conditions included in relation to the following matters which will require discharge prior to the commencement of development:

- Drainage;
- Tree Protection and Management;
- Ecological Mitigation and Management;
- Lighting;
- Construction Management Plan;
- Employment and Skills Plan;

- Travel Plan;
- Energy conservation and on-site energy generation;
- Archaeology;
- Electric Vehicle Charging; and
- Ground levels

PRINCIPLE

The principle of development has been established by the outline permission Y/91/17/OUT which granted permission for up to 250 dwellings with access from Bilsham Road. The outline permission established the principle of development and considered matters of flood risk, impact on wildlife, loss of agricultural land, countryside location, foul drainage (the principle of up to 250 new dwellings connecting to the network) and the provision of affordable housing, public open space, children's play & other infrastructure.

This permission was for half of the overall SD7 site allocation in the Local Plan with Y/92/17/OUT forming the other half. The outline permission included the need for cycle/pedestrian/vehicle access through both sites to provide a new connection between Main Road and Bilsham Road. Reserved Matters approval has been granted for the northern portion of the allocation under reference Y/49/21/RES.

COMPLIANCE OF THE PROPOSAL WITH OUTLINE CONDITIONS

A number of the conditions imposed on the outline approval (Y/91/17/OUT) set parameters for the nature and form of the proposed development and these have been summarised and considered below.

Condition (3) states that development shall be carried out in accordance with approved plans which consist of Site Location Plan (Drawing No. 1244G.01); Parameter Plan (Drawing No. 1244G.02); and Proposed Site Access B2132 Bilsham Road (Drawing No. 14-111/201 Rev A). The development accords with the plans approved under reference Y/91/17/OUT.

Condition (6) required that a Design Code Masterplan be approved prior to submission of the Reserved Matters and that the development then be prepared and carried out in accordance with the approved Design Code. The Design Code was approved by ref Y/40/20/DOC before the submission of the Reserved Matters and the proposed development is in accordance with the Design Code.

Conditions (9) and (12) required that details of the proposed surface water and foul drainage schemes be agreed prior to commencement. Compliance of the proposals with condition (9) and (12) does not need to be considered at this time.

Condition (26) requires that at least 25% of all 1, 2 and 3 bedroom dwellings are designed to Lifetime Homes or equivalent standard to be agreed with the LPA. Lifetime Home standards no longer exist and the equivalent current standard is contained in part M4(2) of the Building Regulations. The design and access statement under section 8.6 identifies that a total of 76 (30%) of dwellings will be designed to M4(2) standard and as such the proposals are deemed to accord with the requirements of Condition (26).

LAYOUT, APPEARANCE AND SCALE

Arun Local Plan policies D DM1, D SP1 and LAN DM1 are relevant in respect of design and character. In addition Policy AH SP2 seeks to ensure that affordable housing is visually indistinguishable from market housing and that layouts avoid large clusters of affordable dwellings.

The National Design Guide (NDG) is a material consideration in the determination of this application as well as the Arun Design Guide. The application has been prepared in accordance with the Design Code, approved through Condition 6, which was itself prepared and assessed against the requirements of the

NDG and Arun Design Guide as well as the parameter plans approved through Y/91/17/OUT.

The proposed layout has been considered against the requirements of the Design Code in respect of street pattern, road hierarchies, character areas, density, scale, public open space and pedestrian and cycle infrastructure. This application was a resubmission of a previously withdrawn scheme and a number of the issues identified through the original reserved matters application (Y/152/20/RES) remained but have subsequently been addressed by the applicant through the revision of the proposals.

One such area of conflict identified by the LPA consisted of the stark contrast between the approved materials used on the neighbouring development adjacent to the central open space and that proposed by this development. With the use of dark grey weatherboarding there was a lack of coherency between the two development in this location and as such the materials were amended to reduce this contrast.

It was also identified that plots 32, 34, 42 & 58 were side on to the main street with screening seemingly limited to the occasional roadside tree. This issue was also identified by the Parish Council in their consultation response with additional tree planting requested. The applicant in response has confirmed that additional climbing plans have been included along the side elevations to provide additional landscaping between the properties and the main road. Unfortunately, it was confirmed that due to the space available and future impacts on root protection areas additional tree planting was unsuitable. In this case that the enhanced planting proposed to address this matter will adequately address the concerns raised by the Parish Council.

Conflict between the proposed layout and a veteran oak (T8) was also identified by the Council's Tree Officer. In response to this the layout was amended with dwellings re-orientated to avoid incursion within the root protection area (RPA) as well as relocation of the proposed footway to the north of the RPA.

Therefore, by virtue of the proposed developments accordance with the Design Code it is considered that the proposals would accord with the requirements of the NDG and Arun Design Guide as well as policies D DM1, D SP1, LAN DM1 and AH SP2 of the Arun Local Plan.

PUBLIC OPEN SPACE & PLAY

ALP policy OSR DM1 and HWB SP1 are relevant but there is no applicable YNDP policy. The Council's supplementary planning document (SPD) 'Open Space, Playing Pitches, Indoor and Built Sports Facilities' (January 2020) sets out specific requirements for on-site public open space (POS) and play provision.

In this case specific requirements for play were not set through the outline approval but a financial contribution towards the provision of an offsite Neighbourhood Equipped Area for Play (NEAP) was included within the S106 Agreement. This financial contribution towards off-site provision was in line with the desires of the Parish Council to enhance existing facilities and ensure that the existing centre and play provision remained the heart of the village. Between this application and Y/92/17/OUT a financial contribution of £60,000 was made towards the delivery of the NEAP.

In addition to the financial contribution towards the offsite provision of a NEAP the application proposes two LAPs and a LEAP throughout the site which was considered by the Council's Landscape Officer who advised that the details provided would secure a scheme which will provide a variety of formal and informal play with a good mix of play experiences. It has also been confirmed that these areas benefit from suitable connectivity and pathway access from appropriate safe surfacing.

In terms of the public open space (POS) requirements, the application is accompanied by drawing 7905-L-112 Rev A (Open Space Provision) which sets out the total onsite open space provision. The

development delivers a total POS provision which exceeds the requirements for a development of this size as set out within the Council's Open Space, Playing Pitches, Indoor and Built Sport Facilities SPD, Jan 2020.

Therefore, the proposed open space and play provision will accord with ALP policy OSR DM1 as well as the Council's Open Space, Playing Pitches, Indoor and Built Sport Facilities SPD.

LANDSCAPING & TREES

ALP policies D DM1, LAN DM1 and D SP1 are relevant to consideration of landscaping and trees as is YNDP policy E4. A number of trees on site are protected by TPO the most notable of which is tree T8 a veteran oak located centrally on the site immediately adjacent to the existing public right of way (PROW).

As identified above, conflict of the proposed layout with the trees RPA resulted in the amended of the layout with the reorientation of the houses and footway to avoid development incursion within the RPA. A number of other trees on site feature footpaths, which run through their RPA, which will be the subject of enhancement. In these instances the Council's Tree Officer has confirmed that he is content with the use of a no dig solution to avoid any harm to the ongoing health and vitality of the trees.

The Arboricultural Method Statement and Tree Protection Plan has been the subject of amendment in light of the comments made by the Council's Tree Officer and as such the document now ensures the protection of these trees during construction.

The submission includes detailed landscape drawings which have been the subject of consideration by the Council's Landscape Officer. The Landscape Officer has confirmed that the submitted information has provided a well thought out landscape scheme which is fitting for location providing a good mix of native and ornamental trees and shrubs with suitable planting densities and size at time of planting.

Sufficient information has been provided to conclude that the landscaping proposals are acceptable and in accordance with policies D DM1, LAN DM1 and D SP1 of the ALP and policy E4 of the YNDP.

HERITAGE

The heritage impacts of the development were considered at outline stage where it was identified by the Council's Conservation Officer that the proposal did not affect any historic asset above ground.

It was concluded through the determination of the outline approval that whilst a number of listed buildings were situated within 1km of the site due to the existing residential development located to the north there would be no intervisibility between the site and the listed buildings. Similar conclusions were drawn in respect of the Conservation Area and as such the development did not to give rise to any harm to the setting of any designated or non-designated heritage assets.

Having reviewed the details provided in support of this reserved matters application there is no basis by which I can disagree with this original assessment and conclusion. Therefore, the proposals would accord with the NPPF and policies HER DM1 and HER DM3 of the Arun Local Plan and policy E8 of the YNDP.

HOUSING MIX AND AFFORDABLE HOUSING

ALP policy H DM1 provides for 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 supporting text (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).

Following negotiation with the Council's Housing Strategy and Enabling Manager the following mix is proposed in relation to the affordable housing:

	Rented	Intermediate	Total
1 Bed	15 (27%)	4 (21%)	19
2 Bed	24 (43%)	8 (42%)	32
3 Bed	12 (21%)	6 (32%)	18
4 Bed	5 (9%)	1 (5%)	6
Total	56	19	75

The proposed mix of affordable dwellings would deviate from the suggested broad mix identified through the Council's 'Updated Housing Needs Evidence - September 2016'. However, the mix has been prepared and agreed through negotiation and it has been deemed acceptable by the Council's Housing Strategy and Enabling Manager.

The proposed mix for the market dwelling is as follows:

1 Bed -	8 (5%)
2 Bed -	56 (32%)
3 Bed -	77 (44%)
4 Bed -	34 (19%)
Total -	175

This mix is predominantly in accordance with the suggested broad mix specified in Table 1 of the Council's 'Updated Housing Needs Evidence - September 2016'. With the exception of an 8% under provision of two bed market dwellings and an over provision of 3 bed (4%) and 4 bed (4%) dwellings. As identified above housing mix will be identified on a site by site basis and in this case the proposed mix leans slightly towards three and four bed dwellings which is deemed acceptable. This mix will ensure that lower density development is present along the south-western boundaries of the site with the open countryside. Therefore, the proposed housing mix is deemed to be acceptable and ensure the provision of housing which will meet local needs whilst respecting the setting of the site.

RESIDENTIAL AMENITY

ALP policies D DM1 and QE SP1 are relevant. The Council's Design Guide sets out guidance on interface distances between houses:

- Back to Back: min. 21m between habitable rooms of properties or to existing buildings.
- Back/Front to Side: min. 14m between habitable rooms and side gable of adjacent property.
- Front to Front: min. 16m between habitable rooms of properties facing each other.
- Back to Boundary: min. 12m between habitable rooms and site boundary to existing landscaping.
- There are no standards for either side to side or front to back.

This was an issue with the previous reserved matters layout, under reference Y/152/20/RES, where a number of the units failed to achieve these minimum distances. However, the layout has addressed the vast majority of the previously identified conflicts. There remain some front-front and front-side which fall marginally below the identified 14m minimum standard. However, these distances are a result of the Design Code standards for widths of roads and treatments of front gardens. It should also be noted that the Design Guide is intended as guidance only therefore it is not appropriate to rigidly follow its

requirements in every situation.

In this case the standards established through the Design Code has sought to achieve a development of the highest quality with unique character areas. Therefore, in this case the deviation from the minimum standards are only marginal and would not result in unacceptably adverse impacts upon the amenity of future occupiers. Appropriate separation distances in accordance with the Arun Design Guide are provided along the boundaries of the site between the proposed and existing residential development.

The Garden Depth and Distancing Layout (19284 P206 Rev C) confirms that all gardens will exceed a depth of 10m. Whilst not all gardens achieve the 10.5m requirement, the 21m rear-to-rear facing distance is achieved in all respects so the shortfall does not adversely affect the living conditions of existing or future occupiers.

The previous concerns in regards to Y/152/20/RES have now been fully resolved and there is no conflicts with policies D DM1 and QE SP1 of the ALP. Whilst the proposal does not fully meet the Arun Design Guide, it is in accordance with the approved Design Code which in this application takes precedence.

PARKING, ROADS AND PUBLIC FOOTPATHS

ALP policies T DM1 & T SP1 and YNDP policy PK1 are relevant although the latter has reduced weight due to the adoption of the Arun Parking Standards SPD. The advice of WSCC Highways is summarised above and they raise no objections to the layout subject to conditions. Furthermore, the access arrangements were approved by the outline planning permission. Therefore, in terms of highway safety the proposal is in accordance with policies T SP1 or T DM1 of the ALP and will not have an unacceptably adverse impact upon the safe operation of the highways network.

The application proposed a total of 589 parking spaces which accords with the requirements of the Arun Parking SPD. The level of parking provision proposed has been confirmed by WSCC as Local Highway Authority as acceptable and is not considered to result in significant overspill car parking within the development or the surrounding roads. WSCC have proposed two conditions one of which would secure details of cycle storage for those dwellings which do not benefit from a garage or individual store located within the curtilage of the dwelling and that no dwelling shall be occupied until the roads, footways and parking serving that dwelling have been constructed and are available to use.

Road widths in this case are in accordance with the principles of road hierarchy established through the Design Code. These are also consistent with the neighbouring development previously permitted under reference Y/49/21/RES and are as follows:

Primary Route - 5.5 - 6.5m
Secondary Street - 4.8 - 5.5m
Lanes/Drives - 4.8m

Given that the site layout respects & enhances existing public rights of way and provides new foot and cycle paths as part of the development the proposals are deemed to accord with Policy T DM1 as well as the Parking Standards SPD.

WASTE MANAGEMENT

Policy WM DM1 of the ALP is relevant but in this case there are no issues with refuse vehicles accessing the site from Bilsham Road and the application is supported by refuse vehicle tracking as well as details of individual bin storage and communal bin stores. It is considered that the application achieves

sufficient provision for the storage of waste and that kerbside collection is possible for all dwellings and as such the development will accord with policy WM DM1 of the ALP.

SURFACE WATER DRAINAGE

Conditions 9, 10 and 11 of the outline planning permission relate to drainage and following amendment of these conditions surface water drainage can be resolved at a later date. However, the Council's drainage engineers have advised that the layout needs to be considered concurrently with drainage to ensure that there is sufficient space within the layout to accommodate drainage features.

ALP Policy W DM3 and YNDP policy E11 are both relevant to the consideration of surface water drainage. The Council's drainage engineer has identified that the submission showed that 3m clear access is being provided around watercourses and basins to ensure appropriate access for on-going management and maintenance. However, concerns were raised that it was not clearly demonstrated that tree root potential areas would not conflict with surface water drainage features.

Amended plans were subsequently provided by the applicant to address this matter with the species of trees amended to ensure that root potential areas would not interfere with the surface water drainage features. Further comments are currently awaited from the Council's drainage engineers in respect of this matter and will be provided as a report update ahead of the committee meeting.

BIODIVERSITY AND ECOLOGY

The application was accompanied by an updated Landscape and Ecological Specification and Management Plan - September 2021. This document has been the subject of consideration by the Council's Ecological Advisor who has confirmed that the mitigation and enhancements as identified are acceptable. This document demonstrates how ecological enhancements can be delivered on site alongside the proposed layout.

However, these details will need to be submitted for approval through the discharge of Condition 13 imposed on outline planning permission Y/91/17/OUT. Therefore, subject to the discharge and implementation of these measures the proposal will accord with policy ENV DM5 of the ALP and policies E3 and E4 of the YNDP.

CLIMATE CHANGE

Condition 22 on the outline permission requires the approval of measures to reduce energy consumption and achieve a 10% annual energy reduction with Condition 25 requiring details for the provision of electric vehicle charging. As these details are required to be separately approved through the discharge of this condition, it is not considered reasonable to also require compliance at the reserved matters stage. As such, the proposal is in accordance with policy ECC SP2.

SUMMARY

The applicant has made a number of positive amendments to the application in order to overcome the concerns raised in relation to the previously withdrawn reserved matters application under reference Y/152/20/RES, as well as a number of concerns raised in respect of this proposal. Whilst some minor conflicts with the Arun Design Guide are present the development accords with the site specific Design Code and relevant development plan policies. As such, it is recommended that the application is approved subject to the conditions proposed.

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.

RECOMMENDATION**APPROVE CONDITIONALLY**

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

- Location Plan - S201
- Site Survey - S202
- Site Survey (Sheet 1) - S202.1
- Site Survey (Sheet 2) - S202.2
- Illustrative Street Scenes (AA, BB, CC, DD) - C202 Rev A
- Illustrative Street Scenes (EE, FF, GG, HH) - C203 Rev A
- Illustrative Perspective View (View A) - C204
- Illustrative Perspective View (View B) - C205
- Illustrative Perspective View (View C) - C206
- Illustrative Perspective View (View D) - C207
- Illustrative Perspective View (View E) - C208
- Illustrative Perspective View (View F) - C209
- Illustrative Perspective View (View G) - C210 Rev A
- Proposed Site Layout (Whole Site) - P201 Rev H
- Proposed Site Layout (Footpath Routes) - P201.3
- Tenure Housing Plan (Whole Site) - P202 Rev C
- Building Materials Layout (Whole Site) - P203 Rev D
- Building Materials Layout (Sheet 1) - P203.1 Rev C
- Building Materials Layout (Sheet 2) - P203.2 Rev C
- Boundary Materials Layout (Whole Site) - P204 Rev C

- Boundary Materials Layout (Sheet 1) - P204.1 Rev C
- Boundary Materials Layout (Whole Site) - P204.2 Rev C
- Surface Materials (Whole Site) - P205 Rev C
- Surface Materials (Sheet 1) - P205.1 Rev C
- Surface Materials (Sheet 2) - P205.2 Rev C
- Garden Depth Layout (Whole Site) - P206 Rev C
- Car Parking Layout (Whole Site) - P207 Rev C
- Accessibility Layout (Whole Site) - P208 Rev C
- Refuse Strategy Layout (Whole Site) - P210 Rev C
- Green Infrastructure Layout (Whole Site) - P211 Rev C
- Land Use Layout (Whole Site) - P212 Rev C
- Apartment Block A - Full Plans & Elevations - P213 Rev A
- Apartment Block B - Full Plans & Elevations - P214
- Apartment Block C, D, E, F, G - Full Plans & Elevations - P215
- Apartment Block C, D, E, F - Elevations - P216
- Apartment Block H & FOG - Full Plans & Elevations - P217
- C2H4 - Semi - Full Plans & Elevations - P219 Rev A
- C2H4 & C2H5 - Terrace - Full Plans & Elevations - P220 Rev A
- C2H6 - Detach - Full Plans & Elevations - P221
- C3H3 - Semi - Full Plans & Elevations - P222
- C3H5 - Detach - Full Plans & Elevations - P223 Rev A
- C3H5 & C2H3 - Semi - Full Plans & Elevations - P224
- C3H5 & C2H3 - Terrace - Full Plans & Elevations - P225
- C3H10 - Detach - Full Plans & Elevations - P226
- C3H10 - Semi - Full Plans & Elevations - P227
- C4H2 - Semi - Full Plans & Elevations - P228
- C4H2 - Detach & Terrace - Full Plans & Elevations - P229
- 2B3P Type A - Semi - Full Plans & Elevations - P230
- 2B3P Type A - Terrace - Full Plans & Elevations - P231
- 2B4P Type B - Semi - Full Plans & Elevations - P232 Rev A
- 2B4P Type B - Terrace - Full Plans & Elevations - P233 Rev A
- 2B4P Type C - Semi - Full Plans & Elevations - P234
- 2B4P Type C - Terrace - Full Plans & Elevations - P235
- 2B4P Type D - Detach - Full Plans & Elevations - P236
- 3B4P Type A - Semi & Terrace - Full Plans & Elevations - P237 Rev A
- 3B4P Type A - Semi - Elevations - P238
- 3B4P Type A - Terrace - Elevations - P239
- 3B5P Type B - Detach & Semi - Full Plans & Elevations - P240
- 3B5P Type B - Semi - Elevations - P241
- 3B6P Type C - Detach - Full Plans & Elevations - P242
- 3B5P Type D - Detach - Full Plans & Elevations - P243 Rev A
- 3B5P Type D & 2B49 Type B - Semi - Full Plans & Elevations - P245 Rev A
- 3B5P Type D & 2B49 Type B - Terrace - Full Plans & Elevations - P246 Rev A
- 4B7P Type A - Detach - Full Plans & Elevations - P247
- 4B7P Type A - Semi - Full Plans & Elevations - P248
- 4B7P Type B - Detach - Full Plans & Elevations - P249
- 4B7P Type B - Detach - Elevations - P250
- Ancillary Buildings - Single & Twin Garages - P251
- Ancillary Buildings - Double Carport & Sheds - P252
- Ancillary Buildings - Single & Double Carports - P253
- Ancillary Buildings - Triple Carport - P254
- Ancillary Buildings - Pump & Sub Stations - P255

- Ancillary Buildings - Double & Triple Pergola - P256
- Ancillary Buildings - Single Attached Garage - P257

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 No development above damp proof course (DPC) level shall take place until full details of the proposed cycle stores for those dwellings which do not benefit from a garage or individual store located within the properties demise have been submitted to and approved in writing by the Local Planning Authority and the relevant houses shall not be occupied until the approved cycle storage associated with them have been erected/provided. These cycle storage spaces shall thereafter be permanently retained and maintained.

Reason: To provide alternative travel options to the use of the private motor vehicle in accordance with Arun Local Plan policies T SP1 and T DM1.

- 3 No dwelling shall be occupied until the vehicular access, roads, footways, car/garaging including visitor spaces and cycle parking and turning spaces serving that dwelling have been constructed and are available to use. Once provided, the parking spaces shall not be used for any purpose other than for the parking of vehicles and the garages shall not be used for any purpose other than the parking of vehicles and for domestic storage.

Reason: In the interests of ensuring appropriate access and vehicle parking and highway safety within the development in accordance with policy T SP1 of the Arun Local Plan.

- 4 None of the dwellings hereby approved shall be occupied unless and until the applicant/developer supplies a certificate confirming the agreement of the Royal Society for the Prevention of Accidents (RoSPA) to the location of the SuDS features within areas of Public Open Space and close to designated play areas. The submission shall include details of any physical changes if necessary such as boundary treatments for approval in writing by the Local Planning Authority prior to occupation.

Reason: In the interests of amenity and safety in accordance with policies D DM1 and OSR DM1 of the Arun Local Plan.

- 5 No development above damp-proof course (DPC) level shall take place unless and until details of the proposed location of the required fire hydrants have been submitted to and approved in writing by the Local Planning Authority in consultation with West Sussex County Council's Fire and Rescue Service.

Prior to the first occupation of any dwelling forming part of the proposed development, the developer shall at their own expense install the required fire hydrants (or in a phased programme if a large development) in the approved locations to BS:750 standards or stored water supply and arrange for their connection to a water supply which is appropriate in terms of both pressure and volume for the purposes of firefighting.

The fire hydrants shall thereafter be maintained as part of the development by the water undertaker at the expense of the Fire and Rescue Service if adopted as part of the public mains supply (Fire Services Act 2004) or by the owner/occupier if the installation is retained as a private network.

Reason: In the interests of amenity and in accordance with policy INF SP1 and T SP1 of the Arun Local Plan and in accordance with The Fire & Rescue Service Act 2004.

BACKGROUND PAPERS

The documents relating to this application can be viewed on the Arun District Council website [by going to https://www.arun.gov.uk/weekly-lists](https://www.arun.gov.uk/weekly-lists) and entering the application reference or directly by clicking on [this link](#).

Y/127/21/RES - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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