

PLANNING APPLICATION REPORT

**REF NO:** WA/125/22/PL

**LOCATION:** Spindlewood  
Yapton Lane  
Walberton  
BN18 0AS

**PROPOSAL:** Change from 2 pairs of semi-detached units approved under WA/79/20/PL on western side of site to 4 No detached properties. This application is a Departure from the Development Plan and is in CIL Zone 3 and is CIL Liable as new dwellings.

<b>SITE AND SURROUNDINGS</b>
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<b>DESCRIPTION OF APPLICATION</b>	Further to the approval WA/79/20/PL, this application seeks to vary condition number 2 (plans condition) of that approval for a variation of the approved plans to construct 4 x 3 bed semi detached houses and 4 x 3 bed detached houses (units 5,6,7 and 8) with associated parking, landscaping and amenity space.
	All other matters remain as already approved.
<b>SITE AREA</b>	3613 sq.m.
<b>RESIDENTIAL DEVELOPMENT DENSITY (NET)</b>	22 dwellings per hectare.
<b>TOPOGRAPHY</b>	Predominantly flat.
<b>TREES</b>	Trees affected by the proposed development have been identified on a tree survey and are the subject of a tree protection plan.
<b>BOUNDARY TREATMENT</b>	2m high fencing along north and south boundaries. Low walling to front boundary.
<b>SITE CHARACTERISTICS</b>	The application site comprised a detached bungalow with gardens predominantly to the south side. The site is flat and there are trees mainly along the site boundary with Yapton Lane and within the southern side of the site.
<b>CHARACTER OF LOCALITY</b>	The area is rural in character on the main road, B2132 Yapton Lane, between Yapton and Walberton. There is linear development particularly on the west side of the road with sporadic neighbouring properties and some plant nurseries. On the east side of Yapton Lane are open agricultural fields beyond border hedges.

<b>RELEVANT SITE HISTORY</b>
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WA/79/20/PL	Demolition of existing dwelling & erections of 8 No. new dwellinghouses with associated landscaping & parking (resubmission following WA/30/20/PL). This application is a Departure from the Development Plan & is in CIL Zone 3 and is CIL Liable.	Refused 14-01-21
		<b>Appeal: Allowed+Conditions 09-08-21</b>
WA/122/22/PL	Variation of condition following grant of APP/C3810/W/21/3269025 (WA/79/20/PL) relating to Condition 2 - approved plans.	ApproveConditionally 16-02-23

## REPRESENTATIONS

Walberton Parish Council - Objection.

WPC notes that the current application continues to deviate from the Neighbourhood Plan and does not change the number of houses on the site. It will rely upon the officers' judgement in determining this application.

### COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The development has already been approved. This application only seeks amendments to part of the approved scheme.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

ADC Drainage - No objection subject to conditions.

- The applicant should be aware that there has been historic correspondence regarding the surface water drainage for this site. I have previously seen evidence that infiltration is not viable here. There are no watercourses or surface water sewers in the vicinity of the site - this may make discharging the suggested conditions challenging as the adopted WSCC policy (linked above) stipulates that no connection of surface water should be made to the foul sewer. Usually, with this knowledge I would object to the application until a policy compliant surface water drainage strategy could be presented. However, the previous applicant had appeared to have gained permission in principle to the connection of surface water from the site to the WSCC highway drain on Yapton Lane.

Southern Water - No objection.

- Due to surface water inundation issues in the Lidsey Catchment the applicant is advised to adopt, where appropriate, the measures set out in the table 'Practical measures to reduce the potential impacts of development.' The developer should look to protect the public sewerage system from inundation and infiltration, which contribute to flooding in unfavourable conditions.

- It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

WSCC Highways - No objection is raised from a highways perspective as the number of trips and parking spaces will stay the same.

Fire Service - No objection subject to fire hydrant condition.

ADC Environmental Health - No objection subject to conditions.

#### COMMENTS ON CONSULTATION RESPONSES:

Noted. The ADC engineers suggested drainage condition will not be imposed as what is requested is addressed by the Inspectors decision.

#### POLICY CONTEXT

Designation applicable to site:  
Outside Built-up Area Boundary

#### DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DSP1	D SP1 Design
TSP1	T SP1 Transport and Development
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
ENVDM4	ENV DM4 Protection of trees
WDM3	W DM3 Sustainable Urban Drainage Systems

<a href="#">Walberton Neighbourhood Plan Policy 2017 HP1</a>	Spatial Plan of the Parish
Walberton Neighbourhood Plan Policy 2017 HP11	Housing Density
Walberton Neighbourhood Plan Policy 2017 HP13	Design Guidance
Walberton Neighbourhood Plan Policy 2017 VE3	Protection of Trees and Hedgerows

#### 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 Neighbourhood Development Plans.

Policies in the Walberton Parish Neighbourhood Plan have been taken into account in 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 complies with relevant Development Plan policies in that no significant harm is identified as arising to the character of the local area or impact to the amenities of neighbours.

#### **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 principle of development was established by approval of WA/79/20/PL.

##### **CHARACTER & DESIGN**

Arun Local Plan Policy D DM1 lists a series of 15 criteria that development must comply with. These include character where the policy seeks to improve upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.

Arun Local Plan Policy D SP1 requires that development proposals should reflect the characteristics of the local area by amongst other things in terms of its character and design.

Policy HP11 of the Walberton Neighbourhood Plan (WNP) seeks to ensure that the density of proposed development is in keeping with its location so as to maintain the local character and appearance of the locality.

Policy HP13 of the WNP builds on policy HP11 by requiring that development 'must contribute to local character by creating a sense of place appropriate to its location.'

The matter of density and scale is not of relevance to this application, as the properties retain the same footprint with the same number of bedrooms as that approved under WA/79/20/PL.

The previously approved 2 sets of semi-detached dwellings to the rear of the site have been separated into 4 detached properties. The slight alterations to the layout include an appropriate level of separation between the now detached units. As a result of the subdivision of the buildings, there will be an impact on the character and appearance of the dwellings and thereby the site itself.

Under WA/79/20PL the dwellings were approved as barn style buildings, with the use of a traditional pallet of materials. In addition to splitting the 'barns', new fenestration is also proposed (of a more standard residential scale) and alterations to materials is proposed. Proposals now show 2 brick and flint-built dwellings and 2 dark coloured timber cladding. As such the barn character of the dwellings and application site has been eroded.

Arun's Design Guide at section J states that new development should reflect the architectural qualities of the surrounding area. The character of the area is semi-rural, that consists of residential dwellings in good sized plots built of traditional materials including brick, tile hanging and render. Notably a newer development of this type can be found directly to the south of the application site, Progress Close. Although the barn style has been amended, the buildings still reflect their semi-rural location in the

proposed choice of materials and fenestration which is in keeping with the development to the south.

The scale of the openings of the subject dwellings has been altered. The original openings were high level and narrow. They are now of a more standard scale. This is partially due to Building Regulation (Means of Escape) requirements. In addition new openings are also proposed. These will not appear out of character with their surroundings and will therefore not negatively impact the proposed dwellings or existing properties in the area.

The proposal is in accordance with policy D DM1 (1) and D SP1 of the ALP, policy HP11 & HP13 of the WNP, the Arun Design Guide and paragraphs 127(c) and 130 of the National Planning Policy Framework.

#### **RESIDENTIAL AMENITY**

Arun Local Plan Policy D DM1 (3) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. None of the WNP policies specifically refer to residential amenity issues.

In this case the nearest neighbouring residential property is Rosewood some 45m south of the property Spindlewood. To the north are allotment gardens and open countryside beyond that.

The position of the detached dwellings, relative to the boundaries has not greatly altered. The separation gap between dwellings has reduced the approved gap between the two sets of semis (between dwellings 6 and 7) from 6m to 3.8m. The separation gap between the northern most dwelling (No. 8) to the northern boundary has been reduced by 1m. There is no change between the southernmost dwelling (No 5) and the southern boundary. These reduced distances remain sufficient to prevent any unneighbourly effects.

The internal space standards comply with nationally described space standards in that each house has a minimum of 120 sq.m. where the standard minimum for a 3 bedroomed house is 108 sq.m.

The outdoor amenity space complies with the Arun Design Guide in that the majority of the dwellings have rear gardens in excess of 10.5 metres in length. In the two cases where garden length is 8.5 metres the gardens are significantly wider than the dwellinghouse which makes the level of outdoor space acceptable.

No windows are proposed to face either north or south (side elevations) to the dwellings Nos 6, 7 or 8. To dwelling No 5 a large south facing opening remains from the previous approved scheme. No significant impact from overlooking will arise from the proposal.

The proposal would therefore be in accordance with policy D DM1 of the Arun Local Plan with respect to residential amenity.

#### **HIGHWAY SAFETY, & PARKING**

Policy T SP1 of the Arun Local Plan discusses transport issues including safe highway access.

Regard should be had to paragraph 111 of the National Planning Policy Framework which seeks to refuse development only if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The application has been assessed by WSCC Highways and as the trips and parking requirements are not changing, no objections are raised.

Details have been provided in relation to the proposed electric vehicle charging (EVC) and cycle storage provision to be made on site. It has been confirmed that each dwelling will have access to a EVC point and a secure and covered cycle store. These details satisfactorily meet with the requirements of condition 8. The previous conditions applied by the Inspector will be altered to reflect this.

As no alterations to the approved layout are proposed or to the levels of car parking or cycle parking on site, and the additional details supplied are acceptable, the proposal is considered to be accord with Policy T SP1 of the ALP.

#### **TREES**

The application provides a tree survey which indicates that the development proposal will not lead to the loss of valuable trees. Despite a slight adjustment in the location of the most northerly dwelling, the Root Protection Zone and construction exclusion zone will still remain as per the approved scheme and as per the Inspectors condition no.3 and drawing TPP-KC/SPINDELWOOD/001.

As a result, the proposal is acceptable in terms of its impact on trees in accordance with policy ENV DM4 of the ALP and policy VE3 of the Walberton Neighbourhood Development Plan.

#### **CONDITION 7 - FIRE HYDRANT**

The applicant has requested that the wording for condition number 7 is altered to agree to details of a fire hydrant proposed by this application.

The submitted details refer to the position of the fire hydrant in a location highlighted in a plan. No evidence can be found on the submitted plans of the intended location of the proposed fire hydrant.

WS Fire and Rescue have commented and stated that the existing site is not within the required 175m distance to the nearest fire hydrant, as such one needs to be provided.

As the exact position of the intended hydrant cannot be confirmed on any plan, the original wording for the condition is still necessary.

#### **SUMMARY**

The proposed development is in accordance with the Development Plan policy for the reasons stated above and is recommended for approval subject to the following conditions.

<b>HUMAN RIGHTS ACT</b>
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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 CIL Liable therefore developer contributions towards infrastructure will be required (dependent on any exemptions or relief that may apply).

## 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:

- KAD 15 A SITE Rev B Location Plan
- KAD 08 A SITE Rev B Block Plan
- KAD 04 A FP Rev E Plans and Elevations Plot Rear 5
- KAD 05 A FP Rev A Plans and Elevations Plot Rear 6
- KAD 06 A FP Plans and Elevations Plot Rear 7
- KAD 07 A FP Plans and Elevations Plot Rear 6
- KAD 10 A ELEV Rev A Elevation Cottages
- KAD 08 A FP rev A Floor Plans Cottages
- TPP-KC/SPINDELWOOD/001 Tree Protection Plan.

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

- 3 No work to construct the dwellings hereby permitted shall commence until the vehicular access serving the development has been formed sufficient for use by construction vehicles.

Reason: To secure satisfactory standards of access for the proposed development in accordance with policy T SP1 of the Arun Local Plan.

- 4 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls (and roofs) of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the

interests of amenity/setting of the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 5 Prior to the commencement of development, measures for the protection of all trees shown to be retained on the site shall be implemented in accordance with the details shown on tree protection plan TPP-KC/SPINDELWOOD/001. All works on site shall be carried out in strict accordance with the approved tree protection details and the protective measures shall only be removed on completion of the development.

Reason: To secure satisfactory protection of protected trees on site in accordance with Policy ENV DM4 of the ALP.

- 6 No work above slab level of the dwellings hereby permitted shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The water drainage scheme, once approved, shall be implemented prior to the occupation of any of the dwellings hereby permitted.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 7 No dwelling hereby permitted shall be occupied until details for the maintenance and management of the surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The approved maintenance and management arrangements shall be implemented prior to the occupation of any of the dwellings hereby permitted.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 8 No dwelling hereby permitted shall be occupied until details of a fire hydrant or stored water supply have been submitted to and approved in writing by the Local Planning Authority. The approved fire hydrant or stored water supply shall be installed and thereafter retained prior to occupation of any the dwellings hereby permitted.

Reason: In the interests of amenity and in accordance with policy INF SP1 and T SP1 of the Arun Local Plan 2011-2031 and in accordance with The Fire & Rescue Service Act 2004.

- 9 Electric vehicle charging points and secure cycle storage, shall be constructed in accordance with the approved site plan (KAD 08 A SITE Rev B Block Plan) and details included within the Design and Access Statement.

Reason: New petrol and diesel cars/vans will not be sold beyond 2030, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the NPPF.

- 10 No demolition or construction activities shall take place other than between 0800 - 1800 Mondays to Fridays and between 0800 - 1300 Saturdays with no working on Sundays or public holidays.

Reason: In the interests of the general amenity of the locality and to minimise disturbance arising from the activity on the site and the traffic generated thereby in accordance with Arun Local Plan policy QE DM1.



11       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.

12       INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The infiltration tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method. All design storms must include a climate change allowance, as per <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>, on stored volumes or rainfall intensity. Infiltration structures must cater for the critical 1 in 10 year storm event, (plus40%) between the invert of the entry pipe to the soakaway and the base of the structure. All surface water drainage designs must also have provision to ensure there is capacity in the system to contain the critical 1 in 100 year storm event (plus 45%).

Freeboard is to be provided between the base of the infiltration structure and the highest recorded groundwater level identified in that location. Ideally this should be 1 metre where possible, as stated in the CIRIA Suds Manual guidance. However, on the coastal plain in particular, where geology dictates and where shallow perched/tidally influenced water tables are often present, this is unlikely to be achievable irrespective of this, infiltration must still be fully considered. Therefore, to maximise this potential and avoid utilising other less favourable methods of surface water disposal, the bases of infiltration structures are permitted to be immediately above the peak recorded groundwater levels where it is deemed necessary.

In areas where an aquifer is to be protected (subject to guidance from the Environment Agency) then a minimum 1 metre freeboard must be provided.

Suitable water treatment is required upstream to the point of discharge in all circumstances to minimise any groundwater pollution risk or detriment to the drainage network.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest groundwater table in support of the design. The applicant is advised to discuss the extend of ground water monitoring with the council's engineers.

Supplementary guidance notes regarding surface water drainage are located at <https://www.arun.gov.uk/drainage-planning-consultations> on Arun District Council's website. A surface water drainage checklist is available on Arun District Council's website, this should be submitted with a Discharge of Conditions Application. Reference should also be made to the 'West Sussex LLFA Policy for the Management of Surface Water'.

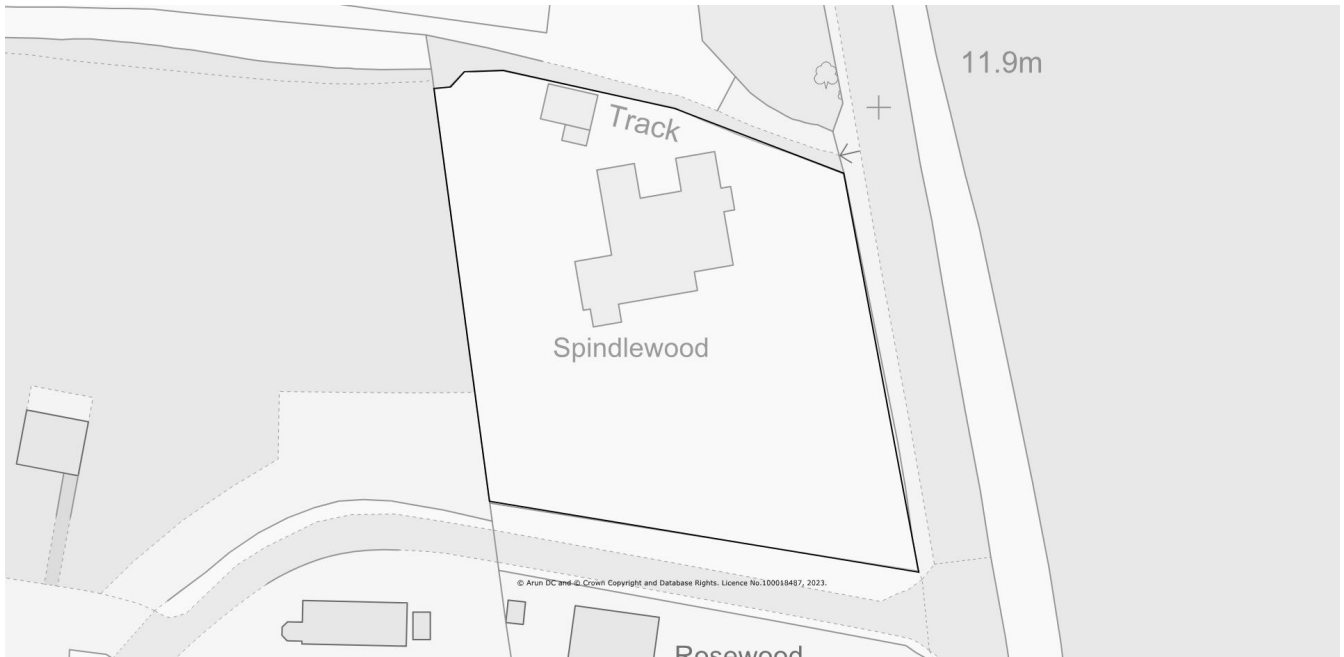
13       INFORMATIVE: If during construction works, it becomes apparent that implementation cannot be carried in accordance with previously agreed details any resubmission of the drainage design must be accompanied by an updated copy of the management manual.

## 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 and entering the application reference or directly by clicking on](https://www.arun.gov.uk/weekly-lists)

[this link.](#)

**WA/125/22/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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