

Recommendation Report for Planning Permission

REF NO: F/28/18/PL

LOCATION: Land South Of Burndell Road
Yapton
BN18 0HR

PROPOSAL: Application for variation of conditions imposed on planning reference F/5/18/RES relating to condition 1 - approved plans. Construction of pergola/carport

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application is to vary the plans condition of Reserved Matters planning approval ref.no.F/5/18/RES, a scheme for 45 dwelling houses to allow the inclusion of 5 pergola/carports for a single car at the side of semi detached properties at plots 38 - 42. This alteration in the scheme is in response to a request from the social landlords to include pergola/carports on the affordable properties.
SITE AREA	The site has an area of approximately 2.4 hectares.
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	N/a
SITE CHARACTERISTICS	The site is located to the south of nine residential properties fronting Burndell Road with a narrow road frontage. The site largely comprises open grassland, and would appear to have been used as grazing land. Access to the site from Burndell Road is provided between the properties 'Kyrie' and 1 Northwood Cottages.
CHARACTER OF LOCALITY	Residential properties are situated to the north of the application site with agricultural land situated to the south and east of the application site.

F/5/18/RES approval issued 08/06/18/

REPRESENTATIONS

None received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

N/a

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary

DEVELOPMENT PLAN POLICES

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

DDM1 D DM1 Aspects of form and design quality

[Ford Neighbourhood Plan 2019 Policy H1](#) Quality of Design

Ford Neighbourhood Plan 2019 Policy SA2 Burndell Road

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

POLICY COMMENTARY

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

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The 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.

Ford Neighbourhood Plan has now been adopted. Policy SA2 allocated the application site for development. Policy H1 Quality of Design requires designs to be sympathetic to the local design style.

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

PRINCIPLE

The principle of development and the site access has been established through the approval of planning application F/7/15/OUT.

VISUAL AMENITY AND DESIGN

The general design of the scheme has been approved through the reserved matters application F/5/18/RES.

The minor alterations to the scheme proposed in the form of the construction of a pergola/carport over a previously open car parking space at 5 properties out of the 45 approved properties is considered to have a beneficial impact on the design of the properties concerned and to comply with policy D DM1 of the Arun Local Plan and policy H1 of the Ford Neighbourhood Plan.

OTHER MATTERS

The minor alteration to the approved scheme is not considered to have any other impacts on any other issues raised in the original officers report for either the outline (F/7/15/OUT) or reserved matters (F/5/18/RES) applications.

Note - the pergola car ports only have beams over the 'roof' of the car port and therefore there are no surface drainage water issues raised as a result of the application.

CONCLUSION

The application to vary F/5/18/RES to include 5 pergola/carports is recommended for approval subject to the conditions below:

HUMAN RIGHTS ACT

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:

The proposed development is to accord with the approved plans of Condition 1 of F/5/18/RES with the exception of:

Plots 38-41 Plans and Elevations dwg.no. 18-1012-039-C dated December 2018

Plots 42-43 Plans & Elevations dwg.no. 18-1012-0040-A dated December 2018

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 and H SP1 of the Arun Local Plan.

- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 3 **INFORMATIVE:** This application approves a variation of condition 1 of F/5/18/RES only. All other conditions 2-10 of F/5/18/RES remain in force.