**Recommendation Report for Listed Building Consent for Alterations, Extension or Demolitior**

**REF NO:** **Y/109/14/L**

**LOCATION:** Berricourt
Main Road
Yapton

**PROPOSAL:** Application for listed building consent for 2 No wrought iron entrance gates & plinths.

## SITE AND SURROUNDINGS

| | |
|---|---|
| DESCRIPTION OF APPLICATION | As above. |
| SITE AREA | Approximately 0.96ha. |
| TOPOGRAPHY | The site is ringed by trees and there are also several within the site. However, none are affected by this proposal. |
| TREES | None of any significance affected by the proposed development. |
| BOUNDARY TREATMENT | Low (approx. 0.8m high) brick and flint wall to perimeter boundary with approx. 1.6m high piers, supplemented by mature vegetation, trees and planting. |
| SITE CHARACTERISTICS | Grade II listed detached two storey dwelling with attic level. Clay tiled roof and bonnet dormers. Two/three storey gable wing to east faced in brick. Main dwelling has white stuccoed elevations. Timber sash windows at ground and first floor level and timber casement windows at attic level. Remains of brick and flint outbuildings to rear. Single storey hip roof wing to west. Mature, landscaped grounds. |
| CHARACTER OF LOCALITY | Semi-rural. Yapton (Church Lane and Main Road/Church Road) Conservation Area comprising a mixture of brick and flint two storey dwellings and cottages. The existing frontage is well landscaped. |

## RELEVANT SITE HISTORY

## REPRESENTATIONS

**Representations received:**

Yapton Parish Council

No Objection

**Comments on Representations received:**

Comments noted.

**CONSULTATIONS**

Listed Building Officer
Conservation Officer
Southern Water Planning
Engineering Services Manager
Engineers (Fluvial Flooding)

**Consultations responses received:**

Council's Historic Building's Adviser:-
No Objection - Please condition details of railing and posts including 1:1 sections of the metal work. Please also condition colour and material.

Conservation Officer:-
It is considered that the application will have a neutral impact upon the Conservation area.

Details of the railings should be provided by way of condition. In addition, details of proposals to rebuild the flint wall will need to be provided.

Southern Water:-
Please find attached a plan of the sewer records showing the approximate position of foul sewer within the site. The exact position of the foul sewers must be determined on site by the applicant.

Please note:
-No works or new tree planting should be located within 3 metres either side of the centreline of the foul sewer.
-No new soakaways should be located within 5m of a public sewer.
-All existing infrastructure should be protected during the course of construction works.

Furthermore, due to changes in legislation that came into force on the 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public is crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshhire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

Engineers (Fluvial Flooding):-
No surface water drainages comments.

**Comments on Consultation responses:**

Comments noted.

**POLICY CONTEXT**

Designation applicable to site:

LB Grade II
Conservation Area
PD restriction

**DEVELOPMENT PLAN POLICIES**

| | | |
|---|---|---|
| Arun District Local Plan 2003: | AREA1 | Areas of Special Character |
| | AREA2 | Conservation Areas |
| | GEN7 | The Form of New Development |
| Publication Version of the Local Plan (October 2014): | | HER DM3 Conservation Areas |
| | | HER SP1 The Historic Environment |
| Yapton neighbourhood plan 2014 Policy E8 | | Conservation Areas |
| Yapton neighbourhood plan 2014 Policy E9 | | Listed Buildings and Buildings or Structures of Character |

**PLANNING POLICY GUIDANCE**

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|---|---|
| NPPF | National Planning Policy Framework |

**SUPPLEMENTARY POLICY GUIDANCE**

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|---|---|
| SPD2 | Conservation Areas |

**POLICY COMMENTARY**

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

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

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

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst

an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton. The Yapton Neighbourhood Plan has been 'made' and policies E8 and E9 are deemed to be relevant to the determination of this application.

## DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 16(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:
"In considering whether to grant Listed Building Consent for any works, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Where the building is located in a Conservation Area, Section 71(1) of the Act states:
In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character or the setting of the Grade II Listed Building or the character of the Conservation 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 site is situated within the built-up area boundary where the principle of development is acceptable, subject to accordance with relevant planning policies. The application site site is a Grade II listed building within the built-up area boundary in the Yapton (Church Lane and Main Road/Church Road) Conservation Area and as such the main criteria against which this application will be assessed is contained within the Arun District Local Plan which in this case are policies GEN7 and AREA2 - as well as policies E8 and E9 from the Yapton Neighbourhood Plan which has now been made.

DESIGN AND VISUAL AMENITY
The application seeks listed building consent for the erection of 2 No. wrought iron entrance gates and plinths.

The application has been assessed by the Council's Historic Building's Adviser who has raised no objection to the proposal subject to the inclusion of conditions relating to the materials and colours of the gates and the submission of sectional details.

Similarly, no objection has been raised in relation to this application by the Council's Conservation

Officer who states that "the application will have a neutral impact upon the Conservation area".

Therefore, the proposal is deemed to be in accordance with policies GEN7, AREA2 of the Arun Local Plan as well as policies E8 and E9 of the Yapton Neighbourhood Plan.

RESIDENTIAL AMENITY
Given the nature of the proposed works they are not deemed to cause any harm to the residential amenity of neighbours.

CONCLUSION
Therefore, it is recommended that this application is approved subject to the below conditions as the proposal is deemed to be in accordance with relevant policies.

## 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 works for which Listed Building Consent is hereby granted must be begun not later than the expiration of 3 years beginning with the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

2 The development hereby approved shall be carried out in accordance with the following approved plan:- 12127/137

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

3 The gates hereby approved shall be constructed from wrought iron and be black in colour.

Reason: In the interests of amenity, character and appearance of the Listed Building in accordance with policy GEN7 of the Arun District Local Plan.

4 No development shall take place unless and until details of the railings and posts including 1:1 sectional details of the metalwork, have been submitted to and approved by the Local Planning Authority and the gates and posts shall be constructed in accordance with the approved details.

Reason: To enable the Local Planning Authority to exercise the necessary statutory control over works likely to affect the character of the Listed Building in accordance with the National Planning Policy Framework.

5 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by 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.