

Recommendation Report for Planning Permission

REF NO: Y/120/19/PL

LOCATION: The Yapton And Ford Village Hall  
Main Road  
Yapton  
BN18 0ET

PROPOSAL: Installation of an Earth Bund & replacement of removable entrance posts with 2 No. galvanised lockable gates.

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| <b>SITE AND SURROUNDINGS</b> |
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| DESCRIPTION OF APPLICATION | The application proposes the installation of an earth bund and replacement of removable entrance posts with 2 no. galvanised lockable gates.                                                                                                                                                                                                    |
|                            | The description of development was amended on 10 January 2020 and an updated Site Notice was posted on site to reflect this amended description.                                                                                                                                                                                                |
| SITE AREA                  | 1400 sqm.                                                                                                                                                                                                                                                                                                                                       |
| TOPOGRAPHY                 | Predominantly flat.                                                                                                                                                                                                                                                                                                                             |
| TREES                      | None of any significance affected by the proposed development.                                                                                                                                                                                                                                                                                  |
| BOUNDARY TREATMENT         | The site comprises existing open with low lying boundary treatments. Along the B2233 road are tree planting which are situated at distant intervals which emphasise the open nature of the site. Beyond this are a mixture of post and rail railings which are low lying in nature.                                                             |
| SITE CHARACTERISTICS       | The application site comprises a strip of open space immediately adjacent to the car park area.                                                                                                                                                                                                                                                 |
| CHARACTER OF LOCALITY      | To the west of the site is the Yapton and Ford Village Hall and to the south of the site is a parade of shops. These shops are two storeys in height and can be seen from distant views across the open space. To the east of the site is a 2.5 storey nursing home and to the north is the existing open space and agricultural fields beyond. |
|                            | None relevant.                                                                                                                                                                                                                                                                                                                                  |

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| <b>REPRESENTATIONS</b> |
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**REPRESENTATIONS RECEIVED:**

Yapton Parish Council  
No objection.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Comments noted.

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| <b>CONSULTATIONS</b> |
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Archaeology Advisor

WSCC Strategic Planning

Parks and Landscapes

**CONSULTATION RESPONSES RECEIVED:****WEST SUSSEX COUNTY COUNCIL HIGHWAYS**

This proposals is for the installation of earth bunds and replacement gates. The site is located on Main Road, a B-classified road subject to a speed limit of 30 mph in this location.

The proposed earth bunds and entrance gates are to be situated within private land and will not encroach onto maintained highway. The applicant does not propose any other alterations to the site for this development. The proposal will not result in the loss of any off-street parking spaces, nor will it compromise the ability for vehicles to turn on-site.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest the existing arrangement is operating unsafely or that the proposal would exacerbate an existing safety concern.

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

**ARCHAEOLOGY ADVISOR**

It is unlikely that works associated with the proposal would impinge on archaeological deposits to the extent that refusal or the requirement of other mitigation measures would be justified.

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted.

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| <b>POLICY CONTEXT</b> |
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Designation applicable to site:

- Outside Built Up Area Boundary
- Archaeological Notification Areas
- Areas of Special Control
- Existing Open Space

**DEVELOPMENT PLAN POLICIES**

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

DDM1      D DM1 Aspects of form and design quality

|        |                                                             |
|--------|-------------------------------------------------------------|
| DSP1   | D SP1 Design                                                |
| OSRDM1 | Protection of open space,outdoor sport,comm& rec facilities |
| SDSP1  | SD SP1 Sustainable Development                              |

[Yapton neighbourhood plan 2014 Policy BB1](#)

Built-up Area Boundary

## 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. There are no policies within the made Yapton Neighbourhood Plan that are relevant to this proposal.

## 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 the proposals accord with the policies contained within the Development Plan and no other material considerations have been identified throughout the assessment that would indicate otherwise.

## OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

## CONCLUSIONS

### PRINCIPLE

The application site comprises identified Existing Open Space within the Proposals Map of the Arun Local Plan. Policy OSR DM1 seeks to retain and safeguard the quality, safety and security of existing open spaces, owing to their contributions they provide to local communities.

Paragraph 92(a) of the National Planning Policy Framework (2019) states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should (a) plan positively for the provision and use of open space.

On this basis, the proposed development accords with the spirit of Policy OSR DM1 of the Arun Local Plan and in accordance with paragraph 92 of the National Planning Policy Framework, in principle.

## DESIGN AND VISUAL AMENITY

Policy D SP1 of the Arun Local Plan requires all development proposals to seek to make efficient use of land but reflect the characteristics of the site and local area.

Paragraph 124 of the National Planning Policy Framework requires developments to help make development acceptable to communities. Paragraph 127(f) of the National Planning Policy Framework requires developments to create places that are safe, inclusive and accessible and which promote health and well-being, where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The proposed earth bunds comprise between 0.8m - 1m in height and are located in the vicinity of a nearby highway. Permitted development rights allow the erection of a fence, gate, wall and other means of enclosure adjacent to a public highway up to 1m in height. This therefore comprises the applicant's permitted fall-back position.

Owing to the applicant's permitted fall-back position, the gates that are detailed within this proposal could be erected under permitted development rights. Their design, which are minimal in nature would not result in any undue sense of enclosure and would retain the open characteristics of the site. Their use would still allow for vehicular access to the open space for public community events which will allow for the retention of the function of this existing open space. They would, however, prevent any discordant and antisocial behaviour from occurring throughout the open space.

The proposed earth bunds would comprise c. 0.8m - 1m in height and would graduated with a 45 degree gradient. This graduation would not be discernible from views from the north, east and west, given their far ranging nature. The bunds would have greater visibility from the south, though they would only comprise glimpse for persons moving via motor vehicle. They would have greater visibility from the pedestrian level; however, owing to their tallest height at 1m, visibility by pedestrians would still be afforded over them.

On this basis, and owing to the applicant's permitted fall-back position, the development would not demonstrable impact the design quality of the area and would not result in demonstrable impacts upon visual amenity. The development would therefore accord with Policies OSR DM1 and D SP1 of the Arun Local Plan and paragraphs 124 and 127 of the National Planning Policy Framework (2019).

## HIGHWAYS, TRANSPORT AND PARKING

Policy T SP1 of the Arun Local Plan states that the Council will support transport and development which creates safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter.

The antisocial behaviour problems experienced by the applicant, with vehicles crossing over into the open space, results in an unsafe and insecure layout for traffic at present. The proposed facilitation of earth bunds with a post style gate would facilitate the improvements required to create a safe and secure layout for traffic, without being to the detriment of wider amenity.

On the basis of the above, the development would accord with Policy T SP1 of the Arun Local Plan.

## SUMMARY

This report has assessed the application against the policies contained within the Development Plan and has found them to be consistent with the identified policies. The proposed development are consistent with National Planning Policy Framework considerations which are held as a material consideration. These material considerations are consistent with the Development Plan policies and therefore planning permission can be approved subject to the conditions set out below.

## HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

## DUTY UNDER THE EQUALITIES ACT 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

## 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; 0109-01 Site Plan Proposed and 0109-01 Site Location and Block Plan.  
  
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D SP1 and D DM1 of the Arun Local Plan.
- 3 INFORMATIVE: This permission conveys consent under planning legislation only and contravention with other legislation e.g. protection of wildlife etc. should be considered.
- 4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by 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.