

Recommendation Report for Planning Permission

REF NO: Y/176/21/PL

LOCATION: Bonhams Field
Main Road
Yapton
BN18 0DX

PROPOSAL: Variation of condition following grant of Y/63/19/RES relating to Condition 1 - approved plans (replacement of a proposed brick wall with Iron Parkland boundary railings to match the existing railings along the site boundary). This application may affect the character & appearance of the Yapton (Main Rd) Conservation Area & may affect the setting of Listed Buildings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The purpose of this application is to agree revisions to the approved scheme to vary the approved plans so that a section of previously proposed brick walling (in part, replacement of an existing wall) is replaced with new iron parkland boundary railings. The railings will be 1.2m high and located on both sides of the access with each section being approximately 20m long.
SITE AREA	3.2 hectares.
TOPOGRAPHY	Predominantly flat, but rises gently in a north/north-easterly direction from Yapton Road.
TREES	No trees affected.
SITE CHARACTERISTICS	Current building site associated with the implementation of the planning permissions.
CHARACTER OF LOCALITY	The site is in the settlement boundary of Yapton. To the east on the corner of North End Road, there is the former Olive Branch public house which has been converted to residential use. Properties on the west site of North End Lane back on to the site. The site is set in an area that has an open character with a mix of large properties in large plots and smaller terraced properties located along Main Road. Residential development is located along the length of North End Road to the east, and along either side of Main Road to the south and west of the site. An established hedgerow runs north to south across the site and towards the eastern end. Main Road serves the village and runs south of the site. The wider village is rural in character benefiting GP surgeries and pharmacy, two churches, a village hall and playing fields, Yapton Church of England Primary School, a pub and a small selection of shops (including post office and local convenience

store). Barnham railway station is 2 miles west and a regular bus service serves the village. The site has houses backing onto it along the south eastern, southern and western boundaries.

RELEVANT SITE HISTORY

Y/177/21/PL	Variation of condition following grant of Y/63/19/RES relating to Condition 1 - approved plans (the siting of an electricity sub-station and relocation of two car parking spaces). This application may affect the character & appearance of the Yapton (Main Rd) Conservation Area and may affect the setting of Listed Buildings.	ApproveConditionally 14-03-22
Y/11/21/NMA	Non-material amendment following grant of Y/63/19/RES to increase the number of M4 (2) 'Category 2: Accessible and Adaptable Dwellings' affecting Plots 42 to 47, involving altered internal layouts and a slight increase in the footprint of the plots by 75mm east-west and 250mm north-south.	Approve 25-02-21
Y/99/20/PL	Variation of conditions following Y/1/17/OUT to reword conditions 12, 14 & 16 as set out in the application covering letter in order to allow for the proposed access works to be implemented separately to the rest of the planning permission.	App Cond with S106 08-01-21
Y/63/19/RES	Approval of reserved matters following the grant of Y/1/17/OUT for 56 No. dwellings with associated open space & creation of new access. This application affects the character & appearance of the Yapton (Main Road) Conservation Area & affects the setting of listed buildings.	ApproveConditionally 21-02-20
Y/1/17/OUT	Outline Application with some matters reserved for the erection of 56 No. dwellings with associated open space and creation of new access. This application is a Departure from the Development plan & affects the character & appearance of the Yapton (Main Road) Conservation Area.	App Cond with S106 07-12-17

The site benefits from extant permission (Y/1/17/OUT and Y/63/19/RES) for 56 dwellings with access from Main Road. Y/99/20/PL amended some of the conditions concerned with Y/1/17/OUT whilst

Y/11/21/NMA has amended part of the Reserved Matters approval. Y/177/21/PL was a concurrent application to vary a different aspect of Y/63/19/RES. It has recently been approved.

Y/63/19/RES proposed the same length (approx. 20m) of 1.2m height retaining wall with brick piers on both sides of the access. This was to reflect the low wall that had previously been in place across the whole of the site frontage but which had to be partially removed to accommodate the access. The previous wall is shown on Google historic Streetview imagery.

REPRESENTATIONS

Yapton Parish Council (YPC) object:

- the brick wall forms part of the historic streetscape along the frontage with Main road and adjoining cottages to the west and Elms Barn to the east;
- the wall is significantly divorced from the railings along the eastern boundary of Bonhams Field by virtue of both Elms Barn and Bonhams House;
- the removal of the wall would increase debris etc running off from the higher land north of the wall onto the pavement and road;
- expect the wall to be retained and the element of wall which has been temporarily demolished reinstated prior to occupation of any of the residential dwellings; and
- this is to ensure that the historic character of this part of Yapton is both retained and enhanced.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The Heritage issues are discussed in the conclusions. Whilst it is accepted that the wall does act as a barrier to the road, this is not a planning consideration.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC LANDSCAPE - object on the basis that whilst estate type fencing can be seen in the vicinity of the proposals, brick & flint walling has a place to play on the street scene in this location and whilst the visual soft landscape wouldn't be impacted by the variation the effect on street scene would and therefore could be seen as out of character for this stretch of the development frontage.

ADC CONSERVATION OFFICER - the proposal will result in less than substantial harm and as such public benefits will need to be identified and the proposal determined in accordance with the relevant policies and Acts:

- the presence of estate fencing on the southern side of the road is acknowledged however it is not the dominant means of enclosure on the northern side, where it is of brick (or flint) construction;
- brick walling is present to the front of some of the cottages to the west of the site and stretches up to Elms barn;
- either side of this, the walling is of flint construction;
- like the estate railings which dominate the southern side of the road, the brick (and where present, flint) wall plays a positive part in forming the entrance to the conservation area, and part of the street scene;
- whilst one section of the site is enclosed by railings, this is separated by Bonhams House and Elms Barn, both of which are predominantly enclosed by walling/some fencing/planting;
- the previous proposal to extend walling into the site would have provided some form of continuity and give the impression that the walling had always been there which would have been positive;

- it is not clear if the railings will be the same height of the existing walling or in fact, taller which would then appear awkward next to the older brick walling;
- it is also not clear if the railings would be painted or left untreated; and
- the element of the wall which has been demolished either side of the access should be reinstated, ideally utilising the original bricks and brick bond in order to ensure that the character of this part of the road is maintained as far as possible.

COMMENTS ON CONSULTATION RESPONSES:

Noted. The previous proposal was for 1.2m high wall (matching the height of the proposed railings). The previous wall was 10 bricks high with a triangular capping 'brick' atop and so together with the mortar, was likely to be a similar height.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
 Part within Conservation Area (the very south eastern corner) & part adjacent to Conservation Area;
 Area of Special Control of Adverts;
 Tree Preservation Order ref TPO/Y/1/20;
 Adjacent to three Grade II Listed Buildings;
 Lidsey Drainage Catchment Area;
 CIL Zone 2;
 Current & Future Flood Zone 1;
 Part within 1:1000 Surface Water Flooding Area (the very south eastern corner); and
 Grades 1/2 Agricultural Land.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
HERSP1	HER SP1 The Historic Environment
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
QESP1	QE SP1 Quality of the Environment

[Yapton neighbourhood plan 2014 Policy E8](#)

Conservation Areas

PLANNING POLICY GUIDANCE:

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

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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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.

Certain Yapton Neighbourhood Development Plan (YNDP) policies are relevant. Yapton are working on a revised YNDP and are at regulation 16 stage such that it is necessary to refer to the emerging policies (which propose modifications to these policies).

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 conflict with relevant Development Plan policies in that it will not protect the setting of the Conservation Area or the Listed Buildings and fails to retain/restore existing streetscene features.

Section 70(2) of the 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 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, 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."

In addition, section 72(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 does not comply with these requirements as the proposed boundary change will harm the setting of the affected heritage assets.

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 site benefits from a permission which has been lawfully commenced. This application seeks to alter the approved front boundary treatment alongside the access. It is only necessary to re-assess the

impact of this on the character & appearance of the site and on nearby heritage assets. This report will determine whether the changes now sought cause additional harm compared to the approved scheme, and if harm is considered to arise, is it sufficient to warrant refusal.

DESIGN & CHARACTER:

ALP policy D DM1 requires development to make the best possible use of land by reflecting or improving on the character of the site/surrounding area. Section H of the Arun Design Guide states boundary treatments can take many forms but should reflect the character of existing high quality treatments in the area. This may include traditional flint walls, or railings.

Railings are prevalent opposite and further to the south east however the existing character of the boundaries on this part of the site frontage/this side of Main Road is typified by brick/flint walling. The proposal to introduce railings alongside the existing wall would erode and confuse the character of this part of Main Road. The proposal conflicts with policy D DM1.

HERITAGE ASSETS:

The site of the railings lies adjacent to the edge of the Yapton Conservation Area and adjacent to the curtilages of two Grade II Listed Buildings (Bonhams Barn, Bonhams Farmhouse). There are further Listed Buildings in the immediate area including Laburnum Cottages beyond the whole site's extent to the south east, Yapton Free Evangelical Church (near the junction of Main Road & North End Road to the south east of the site) and the Old Malthouse (opposite the curtilage of Bonhams House).

ALP policy HER SP1 states development likely to prejudice heritage assets and their settings will be refused. Policy HER DM1 requires that proposals protect and, where possible, enhance the setting of Listed Buildings. HER DM3 lists criteria for proposals within or affecting the setting of a Conservation Area and these require that traditional features (such as walls) are retained & restored; missing features are restored or reinstated; and that historically significant boundaries are retained.

The Council's Conservation Areas SPD highlights the importance of flint boundary walling as a key part of the character of the two Yapton Conservation Areas. Policy E8 of the adopted and emerging YNDP requires that proposals sustain and enhance the special architectural and historic significance of the designated Conservation Areas.

The NPPF provides guidance on how to determine impacts on heritage assets. Para 194 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 195 requires Local Planning Authorities to identify and assess the particular significance of the heritage asset affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal and decide whether there is no harm, 'less than substantial harm' or 'substantial harm'. It is then necessary to counterbalance any harm with the level of public benefits associated with the proposal (as set out in para 202).

The submission does not consider heritage impacts but this was fully considered for the whole scheme on Y/63/19/RES and a heritage statement was submitted which was accepted by the Conservation Officer who advised there to be less than substantial harm. This harm was outweighed by the public benefits of the whole scheme.

The Conservation Officer assessed this new proposal and advises an objection based on erosion of the historic character of this part/side of Main Road and consequentially harm to the setting of the nearby heritage assets. The Conservation Officer advises this is less than substantial harm and so it is necessary to weigh this up against the public benefits of the change in the boundary treatment. The

application does not identify any benefits and it is not clear what benefits there would be to this change. It would not be appropriate to re-apply the benefits of the wider development. The proposal clearly fails to comply with the NPPF guidance.

In respect of the relevant policies, the proposal clearly conflicts with HER DM3 as it seeks to introduce a different form of boundary treatment to that characteristic of this location and it is will not restore an existing traditional feature. The proposal also conflicts with ALP HER DM1, HER DM3 and YNDP E8 due to it harming the setting of the adjacent heritage assets. Finally, the proposal is in conflict with the Planning (Listed Buildings and Conservation Areas) Act 1990.

SUMMARY:

The amendment to the approved development will be harmful to the character of this part/side of Main Road and harmful to the adjacent heritage assets. The relevant policies in this determination are not out of date and so it is not necessary to consider the NPPF para 11(d) presumption in favour of sustainable development. It is recommended that this section 73 planning application be refused for the following reason.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

- 1 The proposal will be harmful to the historic character of this location and result in less than substantial harm to the Yapton (Main Road and Church Road) Conservation Area and two adjacent Grade II Listed Buildings. The proposal does not demonstrate public benefits to outweigh this harm as per para 202 the NPPF and is also contrary to Arun Local Plan policies D DM1, HER SP1, HER DM1 & HER DM3 and Yapton Neighbourhood Development Plan

policy E8.

- 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 identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.
- 3 INFORMATIVE: This s73 application has been submitted alongside a second s73 application seeking approval of different changes. Whilst the latter has now been approved (Y/177/21/PL), should this decision be appealed and subsequently allowed it would not be possible to implement it alongside the other.