

Recommendation Report for Planning Permission

REF NO:	Y/180/21/PL
LOCATION:	Land East of Drove Lane Yapton BN18 0EB
PROPOSAL:	Variation of condition following grant of Y/141/21/PL relating to Condition 2 - approved plans. This application may affect the setting of Listed Buildings and may affect the character and appearance of the Main Rd/Church Rd Conservation area and affects a Public Right of Way.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application has been submitted to regularise the landscaping drawing on the previous permission. The layout plan had been amended to reflect a rotation in the orientation of the Sales Cabin to allow more room for the adjacent public footpath but the landscaping drawing was not amended at the same time. This application will solely determine the altered landscaping plan.
SITE AREA	0.03 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	None other than the tall hedge between the site and the adjacent 'sheep field' which fronts Main Road. This hedge is not affected.
SITE CHARACTERISTICS	Part of a former agricultural field set back from Main Road and predominantly behind an existing hedge.
CHARACTER OF LOCALITY	Predominantly rural albeit that the site has permission for a development of 300 homes. The rectangular field along the Main Road frontage is known locally as the Sheep Field and is within the Yapton Main Road Conservation Area. There are also two existing Grade II Listed residential properties on the opposite side of Main Road to the east.

RELEVANT SITE HISTORY

Y/141/21/PL	Temporary Sales Cabin & associated landscaping. This application may affect the setting of listed buildings, may affect the character & appearance of the Main Road/Church Road Conservation Area, affects a Public Right of Way & is in Strategic Site SD7 (Zero Rated) as other development.	ApproveConditionally 13-12-21
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Y/142/21/A

Various advertisements in various locations.

ApproveConditionally
13-12-21

The site forms part of a wider extent of land that has outline and reserved matters planning permission for 300 homes (refs Y/92/17/OUT & Y/49/21/RES). The area of the site on which the sales cabin will be sited is proposed by Y/49/21/RES to be cultivated turf and seeded amenity grass mix. The other parts of the layout (visitor parking spaces, footpaths) all reflect what has already been approved by Y/49/21/RES.

The sales cabin and associated advertising were approved in December 2021 under refs Y/141/21/PL and Y/142/21/A.

REPRESENTATIONS

Yapton Parish Council state no objection.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ADC LANDSCAPE OFFICER - advises no objection to the landscaping amendments.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary (BUAB);
Lidsey Treatment Catchment Area;
Adjacent to the Yapton Main Road Conservation Area;
Within the Setting of a Grade II Listed Building (Elm Barn);
Area of Special Control of Adverts;
Public Right of Way FP200_1;
Flood Zone 1; and
Part CIL Zones 1, 2 & 3.

DEVELOPMENT PLAN POLICIES

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

DDM1 D DM1 Aspects of form and design quality

[Yapton neighbourhood plan 2014 Policy E4](#)

Minimising the environmental impact of development

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13 Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, 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.

Yapton Neighbourhood Development Plan (YNDP) policy E4 is 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. It is intended to amend policy E4 to strengthen it relating to trees and biodiversity. The emerging policy states that new trees and hedges should be of native species.

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 will not result in any harm to the character of the area, to existing footpaths or to local ecology. The proposed minor change to the landscaping will also not affect the setting of the adjoining Conservation Area or nearby Grade II Listed buildings.

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.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

The show home/sales area already benefits from permission granted by Y/141/21/PL. This application seeks only to alter the approved landscaping plan to ensure it ties in with the approved layout plan. The amount and type of landscaping is very similar to the approved drawing and there is no conflict with policy D DM1 of the Arun Local Plan or the policy E4 variations in the adopted and emerging YNDP. The Council's Landscape Officer raises no objections.

Heritage was assessed on Y/141/21/PL and it was concluded that there was no harm to the adjacent Conservation Area or nearby Listed Buildings. The landscaping change does not alter this position and no other matters need to be reassessed.

The proposal is in accordance with the relevant development plan policies and as such is recommended

for approval with the following conditions. These are the same conditions as imposed on Y/141/21/PL aside from the amended landscape drawing referred to in condition 2.

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 permitted shall be begun before the expiration of 3 years from the date of the planning permission under Y/141/21/PL (12/12/21).

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:

"Location Plan" dwg PLN-1-1119 Rev A;
 "Sales Area 01" dwg PLN-1-1116 Rev H;
 "Floor Plan and Elevations" dwg 001; and
 "Detailed Landscape Proposals Temporary Sales Cabin dwg JBA 19/291-11 Rev C.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1 and HER DM3 of the Arun Local Plan.

- 3 The sales cabin and associated works hereby permitted shall be removed and the land shall then be developed to reflect the plans approved by Y/49/21/RES (or any subsequent variation of this) on or before the expiration of a period ending two years after the date that the permission has been implemented. The applicant shall notify the Local Planning Authority in

writing of the implementation date.

Reasons: The applicant has requested a 2 year permission and in order not to conflict with the approved plans and details for this strategic residential allocation in accordance with policies D DM1 and H SP1 of the Arun Local Plan.

- 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.