

Recommendation Report for Planning Permission for Works or Extension to a Dwelling

REF NO: Y/26/15/HH

LOCATION: The Old Thatched Cottage
North End Road
Yapton

PROPOSAL: 1 No. annexe building providing ancillary accommodation to main house.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	0.16ha
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.8m close boarded fence to either side boundary, hedges and trees to rear.
SITE CHARACTERISTICS	The site consists of a detached two storey, flint clad thatched cottage (Grade II listed) with single storey brick extension to the site. The property has a large L shaped garden with existing outbuilding and various trees.
CHARACTER OF LOCALITY	The area is a village setting, outside the built up area boundary that backs onto rural land.

RELEVANT SITE HISTORY

A concurrent listed building application is live Y/27/15/L also for the proposed outbuilding.

REPRESENTATIONS

Representations received:

Yapton Parish Council

No Objection but request conditions added to ensure timber cedar clad be used for the door and walls and a condition to prevent separate use as a dwelling.

Comments on Representations received:

These comments were addressed in the recommendation for the listed building consent. It would not be reasonable to duplicate the materials condition. However, a condition can be added to prevent separate residential use.

CONSULTATIONS

Southern Water Planning

Engineering Services Manager
Engineers (Fluvial Flooding)

Consultations responses received:

Southern Water- Request an informative to be included regarding a formal application being required for connection to the sewer.

Drainage and coastal engineer-

Surface water drainage is required for all new impermeable areas. Infiltration to be investigated. Please apply standard condition ENGD2A.

Drainage

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOCAL PLAN
CLASS B ROAD
OUTSIDE BUILT UP AREA
SPECIAL CONTROL OF ADVERTS
LB GRADE II

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN7

[Publication Version of the Local Plan \(October 2014\):](#)

[Yapton neighbourhood plan 2014 Policy E9](#)

The Form of New Development

HER DM1 Listed Buildings
C SP1 Countryside
D DM1 Aspects of Form and Design
Quality
D SP1 Design

Listed Buildings and Buildings or Structures of Character

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

There is an adopted Yapton Neighbourhood Development Plan and it is a material consideration for this application.

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 site is in a location outside the built up area where the principle of development is considered unacceptable. However, in this instance the proposal is replacing an existing outbuilding of similar size so the development is considered to be acceptable in principle.

DESIGN

The proposed outbuilding will be more than 15m away from the listed building and as such the impact on the listed building will be very limited.

The outbuilding would be modest in size and residential in appearance. Materials details will be required via condition on the listed building consent application, running concurrently, should permission be recommended.

NEIGHBOUR AMENITY

The outbuilding is replacing an existing dilapidated outbuilding of similar size. It will be located at the end of the garden backing onto rural land. As such there will be very little change in impact on residential neighbour amenity.

SURFACE WATER DRAINAGE

The Coastal and Drainage Engineer has recommended the inclusion of a condition for details of surface water discharge measures to be supplied prior to construction of the outbuilding.

As such the application is considered acceptable and is recommended for approval.

HUMAN RIGHTS ACT

FOR APPROVAL

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 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 (Neutral) 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).

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 15751/01 and 15751/02 dated 10th March 2015

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN 7 of the Arun District Local Plan.

- 3 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the agreed details shall be retained in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 4 The accommodation hereby permitted shall be occupied solely for purposes incidental to the occupation and enjoyment of The Old Thatched Cottage, North End Road, Yapton as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies GEN7 of the Arun District Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

- 5 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.