

Recommendation Report for Planning Permission

REF NO: Y/70/21/PL

LOCATION: Cinders Nusery & works to R/O
Cinders Lane
Yapton
BN18 0JJ

PROPOSAL: Variation of condition imposed under Y/4/19/RES relating to condition 1-plans condition (plots 21-24 change of brick colour from red to buff). This application affects a Public Right of Way.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission for the variation of condition 1 (approved plans) imposed on Y/4/19/RES (which granted reserved matters planning permission for 51 dwellings with associated parking, road/footway/cycleway provision, open space, landscaping and ancillary works). The application seeks to vary condition 1 (approved plans) of that approval in respect of the plans for plots 21-24 showing a change in brick colour from red to buff. Also amended in the material schedule is the brick specification of the red brick walls, the material for the new side roads and the materials for the private paths/patios.
SITE AREA	1.75 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	29 dwellings per hectare (dph).
TOPOGRAPHY	Predominantly flat.
TREES	The reserved matters application Y/4/19/RES proposed to remove most of the trees/tree groups. All of these trees were categorised as either B class or U class. Three groups of trees and two hedges were to be retained and pruned.
BOUNDARY TREATMENT	* 2m close boarded fence to the western and southern boundaries; * 1m chain link to the northern boundary with the allotments; and * Dense hedging/overgrown planting to the eastern boundary with the footpath.
SITE CHARACTERISTICS	The site comprises an almost square piece of land to the east of Cherry Avenue. It is accessed by Cinders Lane which meets Bilsham Road to the west. This junction has a doctors surgery (Meadowcroft) to the north and a row of terraced houses (Medway Cottages) to the south.

The site comprises in part a former nursery site with three

large glasshouses in the north eastern corner, a works building with outdoor storage and its own separate access from Cinders Lane in the south western corner and then a mix of hardstanding, overgrown planting and three single storey residential properties with private gardens/curtilages. Two of these appear to be residential park homes (caravans).

CHARACTER OF LOCALITY

The area is considered to be semi-rural in character. It is outside of the settlement but there are residential buildings to the west on the opposite side of Cinders Lane. To the south is a large rectangular private yard occupied by a single storey pitched roof corrugated shed, two static mobile homes, a residential park home (this part of the adjacent site projects into the application site), some smaller metal/timber sheds and various parked trailers. To the north lies a rectangular area of allotment gardens. A footpath runs along (but outside of) the eastern side of the site.

RELEVANT SITE HISTORY

Y/68/20/NMA	Non-material amendment following grant of Y/4/19/RES for the addition of en-suite bathrooms to 6no. 2 bed houses (plots 10,28,29,49,50&51) including the addition of corresponding rooflights. Adjustment in horizontal position of rear facing bedroom windows to plots 10 & 49.	Approve 06-08-20
Y/4/19/RES	Approval of reserved matters following outline consent Y/5/17/OUT for 51 No. dwellings. This application affects a Public Right of Way.	ApproveConditionally 21-08-19

The site benefits from Y/5/17/OUT which approved the details for the site access. It benefits from reserved matters planning permission for 51 dwellings, which approved the details of the layout, scale, external appearance and landscaping. Subsequently a Non-Material Amendment application (Y/68/20/NMA) was approved for; addition of en-suite bathrooms to 6 no. 2 bed houses (plots 10,28,29,49,50&51) including the addition of corresponding rooflights, and adjustment in horizontal position of rear facing bedroom windows to plots 10 & 49.

It should be noted that the land to the south benefits from an outline planning permission Y/32/17/OUT. .

REPRESENTATIONS

Yapton Parish Council - No objection.

No other representations were received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

None consulted.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:

Outside the Built Up Area Boundary;
 Adjacent to Footpath FP166;
 Special Control of Adverts;
 PD Restriction;
 No Public Sewer;
 Lidsey Treatment Catchment Area;
 Within 500m of Northwood Farm Waste Site; and
 Grade 2 Agricultural Land.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPDG	National Design Guide
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, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans, which includes the Yapton Neighbourhood Plan.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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 changes are not considered to result in a scheme which is substantially different from that which has already been approved and although the previous application was determined in accordance with the policies of the previous Local Plan, it is not considered that the changes result in a materially greater impact to the character and appearance of the locality and would still maintain an acceptable visual appearance for the new buildings and surrounding area in accordance with relevant Local and Neighbourhood Plan policies.

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 proposal seeks to vary the approved scheme by proposing a change to the brickwork for Plots 21-24 from red brick to buff brick colour. An amended drawing showing plan/elevations for plots 21-24 and a revised materials schedule have been submitted. Also amended in the material schedule is the brick specification of the red brick walls, the material for the new side roads and the materials for the private paths/patios.

The original 2017 permission is still valid/extant and indeed has been commenced/implemented. It is not necessary, despite the change in the policies of the Development Plan (a new Local Plan was adopted in 2018 and a new Yapton Neighbourhood Plan 2 has reached pre-submission consultation stage, Reg 14), to reconsider the whole proposal afresh.

The change to materials are relatively minor and would not be substantially different to nor fundamentally amend the scale or nature of the development approved under the extant consent.

The change in materials would have an acceptable visual impact on the new building, side roads, private patios/pathways, and on the surrounding local area. The proposals would accord with the NPPF, Arun Local Plan policies D SP1 and D DM1, and would not conflict with the emerging Yapton Design Guide (there are no design policies in the YNP 1 & 2) or the newly adopted ADC Design Guide SPD (2021).

It is recommended that planning permission be granted in accordance with the following replacement plans condition and the following two informatives:

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 approved shall be carried out in accordance with the following approved plans and documents:

19.14.P100 Rev A Location Plan;
 19.14.P101 Rev X Site Layout Plan;
 19.14.107 Services Plan 1 of 1;
 19.14.107.1 Services Plan 1 of 2;
 1973-TF-00-00-DR-L-1001 Rev P10 Landscape Proposals;
 19.14.P401 Plots 1 & 2 Floor Plans;
 19.14.P402 Plots 1 & 2 Elevations;
 19.14.P403 Plots 3-4, 25-26 & 33-34 Plans and Elevations;
 19.14.P404 Plot 5, 9 & 27 Plans and Elevations;
 19.14.P405 Plots 6 & 31 Plans and Elevations;
 19.14.P406 Plot 7-8 Plans and Elevations;
 19.14.P407 Plots 10-11 & 48-49 Plans and Elevations;
 19.14.P408 Plots 12-13, 17-18 & 19-20 Plans;
 19.14.P409 Plots 12-13, 17-18 & 19-20 Elevations;
 19.14.P410 Plots 14-16 Plans;
 19.14.P411 Plots 14-16 Elevations;
 19.14.P412 Plots 21-24 Rev A Plans & Elevations (received 20/05/2021);
 19.14.P414 Plots 28-29, 37-38 & 50-51 Plans & Elevations;
 19.14.P415 Plot 30 Plans and Elevations;
 19.14.P416 Plots 32 Plans and Elevations;
 19.14.P417 Plots 39-46 GF & FF Plan;
 19.14.P418 Plots 39-46 Roof Plan;
 19.14.P419 Plots 39-46 Elevations;
 19.14.P420 Plots 35-36 Plans & Elevations;
 19.14.P421 Plot 47 Plans and Elevations;
 19.14.P102 Rev A Illustrative 3D scene;
 19.14.P103 Rev A Illustrative 3D scene;
 19.14.P104 Rev A Illustrative 3D scene;
 19.14.P105 Rev B Street Elevations;
 Cinders Lane Material Schedule Rev C (received 20/05/2021);
 125.0003.006 Rev C Vehicle Tracking;
 125.0003.005 Rev D Refuse Vehicle Tracking;

125.0003.004 Rev D Emergency Vehicle Tracking;
020.0096.005 Rev P4 Site Access Road Visibility Splays and Forward Visibility;
1973-TF-00-00-DR-L-3001 Detailed planting plan (1 of 9);
1973-TF-00-00-DR-L-3002 Detailed planting plan (2 of 9);
1973-TF-00-00-DR-L-3003 Detailed planting plan (3 of 9);
1973-TF-00-00-DR-L-3004 Detailed planting plan (4 of 9);
1973-TF-00-00-DR-L-3005 Detailed planting plan (5 of 9);
1973-TF-00-00-DR-L-3006 Detailed planting plan (6 of 9);
1973-TF-00-00-DR-L-3007 Detailed planting plan (7 of 9);
1973-TF-00-00-DR-L-3008 Detailed planting plan (8 of 9); and
1973-TF-00-00-DR-L-3009 Detailed planting plan (9 of 9).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, D SP1, QE SP1 and T SP1 of the Arun Local Plan.

- 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 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.
- 3 INFORMATIVE: All of the conditions imposed on Y/4/19/RES and Y/5/17/OUT shall remain in force with the exception of:
 - Condition 1 of Y/4/19/RES is replaced by the new condition 1 above..