

Recommendation Report for Planning Permission**REF NO:** CM/19/17/PL**LOCATION:** Kents Yard
Brookpit Lane
Climping**PROPOSAL:** Conversion of former agricultural buildings to form two dwellings (Revised design). Resubmission following CM/28/16/PL. This application affects the setting of a Listed Building.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above. The proposal is to convert and extend the former farm stable buildings to create 2 separate dwellings, one 4 bedroom and a 3 bedroom.
SITE AREA	0.14 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	To Crookthorne Lane 2m high flint wall. To east overgrown bund planted with hedging. To east 2m high brick wall
SITE CHARACTERISTICS	The site comprises single storey traditional flint and brick built farm buildings enclosing an inner yard area
CHARACTER OF LOCALITY	The area is rural in character with a few neighbouring properties. Residential properties adjoin the site to the east and on the opposite side of Crookthorne Lane

RELEVANT SITE HISTORY

CM/40/14/PD	Prior notification under Class MB part (a) for change of use from agricultural building to dwellinghouse (Use Class C3)	No Objection 19-12-2014
CM/38/14/PD	Prior notification under Class MB part (a) for change of use of agricultural building to dwellinghouse (Use Class C3)	No Objection 19-12-2014
CM/19/15/PL	Change of use of agricultural building to 2 No. dwellings. This application affects the setting	ApproveConditionally

of a Listed Building.

05-11-2015

CM/28/16/PL	Conversion & extension of barns to form 2 No. dwellings & detached car port This application affects the setting of a Listed Building.	Refused 09-02-2017
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This application is a re-submission of CM/28/16/PL which also related to conversion to 2 x 4 bed units and which was refused for the following reasons:

'The proposed conversion is unacceptable in that it includes an extension to the approved residential curtilage and involves significant and unsympathetic rebuilding and alteration which together with the number and size of the new openings has an unacceptable impact on the rural character and appearance of the building and the wider locality. The proposal is therefore considered to conflict with policies GEN3, GEN7, AREA10 and DEV2 of the Arun District Local Plan.'

and

'Given the design and extent of alteration the proposal involves damage to the setting of a Grade 2 Listed Building, and therefore conflicts with the provisions of the National Planning Policy Framework.'

REPRESENTATIONS

Representations received:

Climping Parish Council

No objection to this application subject to the Arun Conservation Officer having no objection.

Comments on Representations received:

The Historic Building adviser was originally consulted on the application and the proposal has been amended to accord with his request that more of the existing masonry/elevations should be reduced and size and number of openings reduced and wavy edge boarding is either justified further or deleted.

His comments in relation to both number and size of openings and deletion of boarding have been addressed.

CONSULTATIONS

Environmental Health
WSCC Strategic Planning
Listed Building Officer
Conservation Officer
Ecology Advisor
Engineering Services Manager
Engineers (Drainage)
Engineers (structural)
Building Control
Historic England

Consultations responses received:

Historic Building Adviser: more of the existing masonry/elevations should be reduced and size and number of openings reduced and wavy edge boarding is either justified further or deleted.
County Highways - No Objection

The proposal for two dwelling would not have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal.

If the LPA are minded to grant planning consent conditions relating to car and cycle parking would be advised.

Historic England - No Objection. On the basis of the information available to date, you do not need to notify or consult us on this application under the relevant statutory provisions.

Environmental Health - We consider that planning permission should only be granted to the proposed development as submitted if planning conditions ENV3, ENV5 and ENV6 are imposed.

Structural Engineer - No comment

Ecology Officer - Bats

Bats are not using the buildings onsite for roosting anymore. However as detailed within the Bat Survey Report (May 2016) a precautionary approach will still be required for the site, though a Natural England Licence will not be needed. As a precautionary approach conversion works to the buildings should be undertaken by hand with careful stripping of the internal and external roof space in the presence of a suitably qualified ecologist. If a bat is found all works must stop and Natural England consulted. Temporary roosting opportunities should be made available by installing bat boxes within the trees onsite prior to any construction works. Roosting opportunities must also be incorporated within the conversion as detailed within paragraph 8.3 of the Bat Survey report including the use of bat tubes.

The lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Barn Owls

As detailed within the Bat Survey Report a barn owl and little owl box should be installed onsite however not near to the location of the bat roosting areas or bird boxes.

Nesting Birds

Nesting cups must be installed within the building to allow continued nesting opportunities for swallows.

Any works to the trees or vegetation clearance and conversion works on the site should only be undertaken outside of the bird breeding season which takes place between 1st March - 1st October. If works are required within this time an ecologist will need to check the site before any works take place (with 24 hours of any work).

Structural Engineer - No Comment

Comments on Consultation responses:

Comments noted. Scheme has been amended accordingly

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary
Within Strategic Gap

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN2

Built-up Area Boundary

<u>GEN3</u> <u>GEN7</u> <u>DEV2</u>	Protection of the Countryside The Form of New Development Conversion of Rural Buildings for Residential Use
	Strategic Gaps
<u>AREA10</u>	D DM1 Aspects of Form and Design Quality D DM2 Internal Space Standards D DM3 External Space Standards H DM3 Agricultural, Forestry & Horticultural Workers' Dwellings SD SP3 Gaps Between Settlements SD SP1 Sustainable Development SD SP2 Built-Up Area Boundary Quality of Design
Publication Version of the Local Plan (October 2014):	
Clymping Neighbourhood Plan 2015 Policy CPN11	

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

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

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

Policy CPN 11 Quality of Design of THE Climping Neighbourhood Plan is considered to be relevant to determination of 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 or the setting of the listed building, 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 lies outside the built up area where development, unless for agricultural purposes is not permitted. However Arun District Local Plan Policy DEV2 allows conversion of rural buildings worthy of retention to be converted to residential use, subject to certain constraints. The site is outside the Built-up Area Boundary, in a location where, in accordance with Local Plan policy GEN2, development will not be permitted unless it is consistent with other Local Plan policies. The site therefore forms part of the countryside which Local Plan policy GEN3 safeguards for its own sake and where development will not be permitted unless it meets certain criteria.

The surrounding area is rural in character with open fields to the south and west. The proposal is in the countryside and for reasons expanded on below the proposed development would be in keeping with its immediate surroundings and would comply with the aim of Local Plan policy

GEN7 to protect and enhance the quality of the environment and protect neighbouring residential amenity.

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'.

At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision taking. This is in accordance with the three dimensional approach to include economic, social and environmental considerations as set out in paragraph 7 of the NPPF.

In terms of economic sustainability the proposal will create a few construction jobs, supply chain benefits and inward investment for the local area. Residents will contribute towards Council Tax receipts. For convenience the car is likely to be the most popular choice of transport.

The NPPF makes it clear that social sustainable development involves seeking positive improvements in peoples quality of life and this includes widening the choice of high quality homes. It also emphasises the need to boost significantly the supply of land for housing. The scheme would deliver 2 units. Provided they are constructed to a high standard and provide a good level of amenity both for existing neighbours, future occupiers and the general public they will provide social benefits. It is considered that the proposal would be converted in a sympathetic manner and would complement the rural character of the area and, therefore, does constitute sustainable development.

Background

The site has been subject to 2 applications for permitted development for conversion of 2 smaller sections of the building to 2 units (CM/38/14/PD and CM/40/14/PD). This application seeks to increase the area of the units which would benefit from lawful residential use by including the whole of the existing building in the conversion works. The latest permission CM/19/15/PL related to change of use of agricultural building to 2 No. dwellings. It did not include any extensions and related to the in situ conversion of the buildings.

Conversion Policy

Conversion of rural buildings to residential use is only acceptable if they are compliant with policy DEV2 of Arun District Local Plan and policy HDM3 of the Emerging Local Plan. This policy states that conversion would only be acceptable for residential purposes if it is demonstrated that reasonable attempts have been made to market and use the premises for business purposes, and any application must be supported by a statement of the efforts that have been made or that residential conversion is part of a subordinate scheme for business re-use. This application does not contain any marketing information, but it has been submitted close to the previous decision and an additional Marketing Efforts Statement is not therefore required. The previous Statement outlined the marketing that had been undertaken without success.

In addition the policy requires evidence to demonstrate that the building is structurally sound, of permanent construction and capable of conversion without rebuilding or significant alteration or extension. A structural survey accompanies the application indicating that it is structurally sound. The alterations are not considered significant and the extension to the northern section of the

eastern wing is deemed acceptable in terms of the extent of alteration of the buildings as a whole.

The amount of extension to the northern wing of the building has been reduced through negotiation as have the size and number of openings. The alterations and extension would be sympathetic to the rural setting in terms of form and bulk. Much of the proposed extension where a doubling in width of the existing building resulted have been deleted from the proposal. The approved curtilage is no longer being extended. The changes are now compliant with the conversion policy and are in keeping with the rural character of the building. Policy CPN 11 of Climping Neighbourhood Plan requires new development, including rebuilding and alterations to be of high quality design and to protect and enhance local character as assessed by the Climping Character Assessment. It is considered that the treatment of the building does protect the rural character and quality of the area by providing additional accommodation in a sympathetic conversion which comprises an acceptable and limited extension.

Given the location of the site close to other residential properties, the school, village shop and pub it is considered that it is sustainably located and any traffic generated can be safely accommodated.

The use of the premises as 2 separate residential properties would be unlikely to result in an adverse impact on the residential amenities of the adjoining property and is permitted development.

The application includes a Survey and Mitigation Report in respect of owls and bats in accordance with policy DEV2. The Ecologist has no objection to the submitted Strategy.

Effects on the Countryside and Strategic Gap

As part of the proposal the barns will be retained and will utilise and maintain the internal courtyard, the residential curtilage is only provided to the west as previously approved. The extension of curtilage to the south which formed part of application CM/26/16/PL has been deleted. This curtilage size is desirable to reduce the impact of the development on the surrounding countryside. The previously approved limited curtilage does not accord with the external space requirements of policy DDM3 of the Emerging Local Plan, but it was considered that a larger curtilage would have a greater and unacceptable visual impact. The buildings will be not be significantly extended and their visual prominence would not significantly increase.

Effects on the Setting of the adjacent Listed Building

The proposal would not adversely affect the setting of the adjacent listed building. It would not result in a building of urban appearance. It does not detract from the rural appearance and character of the existing buildings which contribute to the rural setting of the building.

Compliance with Internal Floor Space Standards

The proposal relates to gross internal floor spaces of approx. 178 sq m for the western unit which exceed the space for 4 bedroom 8 person single storey dwelling as set out in the Nationally adopted space standards. The gross internal floor space for the 3 bedroom unit is approx. 140sq m which exceeds the space standards for a 3 bedroom 6 person dwelling.

Highway Issues

County Highways are satisfied that the proposal does not represent any intensification of vehicular activity, therefore they have raised no objection.

Conclusion

The application is therefore recommended for approval subject to the following conditions.

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. The

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 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 : Location, Proposed Site Layout 293/10/01 revb, Existing Floor Plans 293/10/02, Proposed Floor Plans 293/01/08 revb, North Elevation proposed 10/09 revb South elevation 10/10, West elevation 10/11, internal east elevation 10/12 revb, internal west elevation 10/13, Revised Roof Plan 293/01/15 revc, cycle and refuse plans 10/16.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 No development shall begin until a construction method statement and details are

provided demonstrating how the existing building stability is maintained during execution and completion of the works.

Reason: The building is structurally sound, of permanent construction and capable of conversion without rebuilding or significant alteration or extension in accordance with policies DEV1 and DEV2 of the Arun District Local Plan.

- 4 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with policy GEN12 or Arun District Local Plan

- 5 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with the approved site plan. This facility shall thereafter be retained at all times for their designated purpose.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and policy GEN7 of Arun District Local Plan.

- 6 Prior to the commencement of development (parts 1, 2) and prior to occupation (parts 3, 4) approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with policies GEN7 and GEN31 of the Arun District Local Plan .

- 7 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with policies GEN7 and GEN31 of the Arun District Local Plan.

- 8 Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To ensure that the development complies with approved details in the interests of protection of the environment and prevention of harm to human health in accordance with policy policies GEN7 and GEN31 of the Arun District Local Plan.

- 9 Development shall proceed in accordance with the Bat Survey Report (May 2016) , though a Natural England Licence will not be needed. As a precautionary approach conversion works to the buildings should be undertaken by hand with careful stripping of the internal and external roof space in the presence of a suitably qualified ecologist. If a bat is found all works must stop and Natural England consulted. Temporary roosting opportunities must be made available by installing bat boxes within the trees onsite prior to any construction works. Roosting opportunities must also be incorporated within the conversion as detailed within paragraph 8.3 of the Bat Survey report including the use of bat tubes and such details shall be submitted to the Local Planning Authority for approval prior to conversion works beginning and the development shall proceed in accordance with the details so approved .

Reason: To safeguard the ecology of the area, and in the interests of bats/birds to ensure that a habitat remains for them during and after development in accordance with policy GEN7 of Arun District Local Plan.

- 10 Prior to occupation as detailed within the Bat Survey Report a barn owl and little owl box should be installed onsite in locations to be submitted to and approved by the Local Planning Authority. The boxes as approved shall be retained in perpetuity.

Reason: To safeguard the ecology of the area, and in the interests of bats/birds to ensure that a habitat remains for them during and after development in accordance with policy GEN7 of Arun District Local Plan.

- 11 Prior to occupation nesting cups shall be installed within the building to allow continued nesting opportunities for swallows in accordance with details to be submitted to and approved by the Local Planning Authority. The nesting cups as approved shall be retained in perpetuity.

Reason: To safeguard the ecology of the area, and in the interests of bats/birds to ensure that a habitat remains for them during and after development in accordance with policy GEN7 of Arun District Local Plan

- 12 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 13 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.'

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 14 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 15 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.

- 16 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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 17 INFORMATIVE: Any lighting scheme for the site will need to take into consideration the

presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.