Recommendation Report for Planning Permission

REF NO: CM/25/19/PL

LOCATION: Kents Yard
Brookpit Lane
Climping
BN17 5QT

PROPOSAL: Change of use of barns to 3 No dwellings (resubmission following CM/24/18/PL). This application may affect the setting of a listed bulding.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to convert and extend the former farm stable buildings to create 3 separate dwellings. One 4 bedroom, one 3 bedroom and one 2 bedroom. The current application proposes three dwellings instead of previously approved two and comprises: - A slightly deeper east wing. - An existing flat roof above east wing would be replaced with a pitch roof. - A small section of the court yard has been allocated for parking and bin/cycle store. - The parking spaces are replaced from the central position of the yard to the west of the former farm buildings. - A new entrance is proposed. - Three Flash conservation roof lights are proposed to the western roof plane facing to the yard.
SITE AREA	0.14 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	21 dwellings/hectare.
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 proposal site is located on the southern side of Crookthorne Lane and 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 with one residential property on the opposite side of the road and a group of five to the south-east. Residential properties adjoin the site to the east and on the opposite side of Crookthorne Lane.

RELEVANT SITE HISTORY

CM/19/17/PL	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.	ApproveConditionally 25-10-17
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 09-02-17
CM/19/15/PL	Change of use of argicultural building to 2 No. dwellings. This application affects the setting of a Listed Building.	ApproveConditionally 05-11-15
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 19-12-14
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 19-12-14

CM/28/16/PL related to conversion to 2 x 4 bed units and 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.
- 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.

Application CM/19/17/PL satisfactorily addressed the reasons of refusal in CM/28/16/PL.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Climping Parish Council

Climping Parish Council has objected stating:

1. It will be detrimental to the setting of a Listed Building with which it shares a structural wall.
2. It is completely out of character with the area.
3. It will be detrimental to the amenity of this quiet rural area.

4. It is an over-development of the site. The previous permission is for just two dwellings.
5. The design is out of scale to the existing building.
6. It will adversely affect wildlife as a number of protected species are present including bats.
7. Drainage issues have not been resolved. This is a serious issue as there is no mains sewerage available.
8. There is an inadequate arrangement for parking with restricted space for turning on site or to accommodate visitor parking or delivery vehicles. This will encourage parking in Brookpit Lane that provides the access to the local primary school and is used by large farm vehicles.
9. The site is shown as not currently developable in the current Housing and Economic Land Availability Assessment (HELAA) study.
10. It is contrary to the Clymping Neighbourhood Plan policies.

1 letter of objection as follows:
- Two dwellings is acceptable but three would be out of character with the area.
- The locality cannot cope with extra traffic.

1 letter of support as follows:
- The proposed scheme is sensitively designed and an effective use of land.
- Meeting the need for homes should be supported.

COMMENTS ON REPRESENTATIONS RECEIVED:

The proposed change of use would secure the maintenance of a structurally sound abandoned group of former farm buildings. The external appearance would be maintained and it would not be detrimental to the setting of the Listed Building Grade II. The agent has submitted Bat Survey Report and an Environment Officer hasn't raised any objection. The footprint of the building would be marginally extended and the curtilage of the property would provide sufficient parking spaces for the proposed 3 units. The site is located outside of the flooding zone and the Drainage Engineer has raised no objection.

CONSULTATIONS

Building Control

Ecology Advisor

Environmental Health

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer Comments:

Kents yard creates a part of a former historic farm group which includes Kents Farm House a two storey detached Listed Building. The outbuildings are single storey and of traditional construction with a strong agricultural character. The neighbouring Listed Building is visible from the barns, and as a consequence can be considered to be clearly within that buildings setting.

The current application is a variation in the design. There are no concerns over a change in use from agricultural to residential accommodation and with the increase in the number of units to three.

It is considered that the design of this space, and the materials used, will greatly impact upon the character of the barn. It is not clear what the design of the courtyard will be, and details of this area should be provided for by way of condition. This will include materials. The courtyard should maintain an

open character when redeveloped.

A series of wooden doors to be placed in front of some of the new glazing should be designed to reflect the size of the openings, and constructed so that they are fully functioning. Details of this along with the details of any proposed colours of the joinery should be provided for by way of condition.

The application is considered to not cause harm to the significance of the heritage assets or their setting.

Ecology Comments:

The precautionary mitigation for bats is acceptable. A condition should be used to ensure this takes place. The lighting scheme for the site will need to take into consideration the presence of bats by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

Drainage Engineer Comment. No Objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted - no objections to the proposals are raised by the statutory consultees subject to the condition required by a Conservation Officer regarding to the design of the courtyard and materials used.

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary
Within Strategic Gap
Grade II Listed Building
2km Buffer of the Site of Special Scientific Interest

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design
ENVDM5	ENV DM5 Development and biodiversity
HDM4	H DM4 Conversion of rural buildings for residential use
HERDM1	HER DM1 Listed Buildings
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
SDSP3	SD SP3 Gaps Between Settlements
HDM3	H DM3Agricultural forestry and horticultural Rural dwellings

Clymping Neighbourhood Plan 2015 Policy CPN11	Quality of Design
Clymping Neighbourhood Plan 2015 Policy CPN13	Retain buildings or structures of character
Clymping Neighbourhood Plan 2015 Policy CPN14	Traffic and the Environment

Clymping Neighbourhood Plan 2015 Policy CPN9 Protection of Natural Habitats

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

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.

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.

Policy CPN 9 Protection of Natural Habitat, CPN 11 Quality of Design, CPN 13 Retain buildings or structures of character and CPN 14 Traffic and the Environment of the Clymping 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 residential development is not permitted unless it is for agricultural purposes or complies with other policy in the Arun Local Plan. In this case Arun Local Plan Policy H DM4 allows conversion of rural buildings worthy of retention to be converted to residential use, subject to certain constraints.

BACKGROUND

The site has been subject to 2 applications for permitted development for conversion of 2 smaller sections of the building to 2 residential units (CM/38/14/PD and CM/40/14/PD). The recent application CM/19/17/PL for the conversion of barns to form two dwellings, including the rebuilding of the east wing has been approved. A subsequent application was submitted for the conversion of the buildings to form 4no dwelling (CM/24/18), however a number of concerns has been raised with particular regard to the loss of the sense of the barns internal open character and this application was withdrawn. The current application addresses those concerns proposing conversion of the existing barns to 3 units with an improved layout and elevations of the converted group of former farm buildings resulting in a substantially improved appearance with a more sensitive approach to the host properties as well as the setting of Grade II Listed Kents Farm to the east.

CONVERSION POLICY

Conversion of rural buildings to residential use is only acceptable if they are compliant with policy H DM4 of the Arun Local Plan.

This policy states that it needs to be 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 as it benefits from a relatively recently approved CM/19/17/PL 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 proposed change of use involves a marginal extension of a triangular shape to the east wing; the existing flat roof above would be replaced with shallow pitched roof resulting in a slightly wider but better balanced appearance. This is not considered to represent a significant alteration or extension.

With regard to the impact on the character of the area being acceptable 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.

It is considered that all of the new spaces that are created as a result of the internal alterations are such that they attempt to retain some of the open character of the building and therefore sympathetic to the rural setting in terms of form and bulk. The layout of the proposed courtyard in comparison to the previously approved scheme shows an significant improvement, maintaining an open character.

In respect of highway matters the advice from highways in previous applications has found the conversion of the barn into two units acceptable. In this there is no reason to suggest a differing opinion given that the additional dwelling proposed has been allocated two off street car parking spaces.

The proposal is compliant with the conversion policy and is 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. 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 a acceptable and limited extension.

RESIDENTIAL AMENITY
The addition of 1 more unit will not have an appreciable increase on the level of impact on neighbouring residential amenity compared to that already found acceptable for two approved units.

GAPS BETWEEN SETTLEMENTS
Policy SD SP3 stresses that the generally open and undeveloped nature of gap between settlements, as defined on the Policies Maps (Littlehampton and Middleton-on-Sea, along with others listed) will be protected to prevent coalescence and retain their separate identity. Development will only be permitted within the gaps subject to certain constraints.

As part of the proposal the barns will be retained and will utilise and maintain the internal courtyard, the residential curtilage is provided to the west as previously approved. This curtilage size is desirable to reduce the impact of the development on the surrounding countryside The buildings would be extended marginally and their visual prominence would not increase due to a sensitive approach of design.

HERITAGE CONSIDERATIONS
National Planning Policy Framework (NPPF) paragraph 193 states that in considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to asset's conservation and Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) stresses that when considering whether to grant permission for development which affects a Listed building or its setting the Local Planning Authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which is possesses.

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. The Council's Conservation officer shares the opinion that the application is considered to not cause harm to the significance of the heritage assets or their setting.

Therefore the proposed development would satisfy the requirements of NPPF, Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and policy HER DM1 of the Arun Local Plan.

COMPLIANCE WITH INTERNAL FLOOR SPACE STANDARDS
The proposal relates to gross internal floor spaces of approx. 86 sqm for 2 bedroom unit, 125 sqm for 3 bedroom unit and 156 sqm for 4 bedroom unit which exceed considerably the minimum gross internal floor areas requirement for a storey dwelling as set out in the Nationally adopted space standards. (70 sqm for 2 bedroom, 95 sqm for 3 bedroom and 117 sqm for 4 bedroom dwelling).

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.

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 Plan 1169/SK01 Revision 01
Block Plan 1169/SK02 Revision 01
Proposed Site Plan 1169/SK03 Revision 01
Ex & Proposed North and West Elevation 1169/SK06 Revision 01
Ex & Proposed South and East Elevation 1169/SK07 Revision 01
Ex & Proposed West and North Elevation 1169/SK08 Revision 01
form inside the courtyard
Proposed Floor Plan 1169/SK05 Revision 01
Section A 1169/SK09 Revision 01
Section B 1169/SK10 Revision 01
Section C 1169/SK11 Revision 01
Section D 1169/SK12 Revision 01
Section E 1169/SK13 Revision 01
Section F 1169/SK14 Revision 01

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

3 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 D DM1 of the Arun Local Plan.

4 No development shall take place unless and until details of the design of the courtyard and material used, the details of any proposed colours of the joinery and the details of new wooden doors to be placed in front of the new glazing have been submitted to and approved by the Local Planning Authority and implemented in accordance with the approved details.

Reason: To enable the Local Planning Authority to exercise the necessary statutory control over works likely to affect the character of the Listed Building in accordance with the National Planning Policy Framework and policies HER DM1 and HER SP1.

5 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 and 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 ENV SP1 of Arun Local Plan.

6 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 ENV SP1 of Arun Local Plan.

7 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 T DM2 of Arun Local Plan

8 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance 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 T DM1 of Arun Local Plan.

9 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 QE DM4 of the Arun Local Plan .

10 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 policy QE DM4 of the Arun Local Plan.

11 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 QE DM4 of the Arun Local Plan.

12 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.

13 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.

14 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.

15 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.