

Recommendation Report for Planning Permission

REF NO: F/10/18/PL

LOCATION: Waterbury House
Ford Road
Ford
BN18 0BH

PROPOSAL: Construction of 5 No. 1 bedroom flats together with staff accommodation, hard landscaping & parking, (resubmission following F/29/17/PL). This application affects the setting of a listed building & is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application relates to the provision of part 1 and part 1.5 storey standalone building in the grounds of the listed building. It will accommodate 5 small one bedroomed flats; four on the ground floor, and one on the first to provide assisted living units on 2 floors. An en-suite staff sleeping area and an office will also be provided. The manager of Waterbury will also manage this new facility. The building would have a maximum height to ridge of 7.6m and would have a maximum length of 28.5m and width of 17.5m. The first floor has an area of 12m x 7.3m. It would be constructed of red brick with white painted art stone details and a red brown plain tile roof.
SITE AREA	364 square metres
TOPOGRAPHY	Predominantly flat.
TREES	Noteworthy trees within the site are confined to the perimeter and while of important screening value and some habitat importance, they are individually mostly of limited value but they are indicated for retention.
BOUNDARY TREATMENT	Railway boundary trees 6-8m high. Rear sporadic trees to approximately 4m together with 2m high wire mesh fencing. Side opposite railway. Fencing to 1.8m
SITE CHARACTERISTICS	Existing care home to site frontage. Mobile home park to side and rear. Timber structure which was located on the site has been removed.
CHARACTER OF LOCALITY	Predominantly rural

RELEVANT SITE HISTORY

F/29/17/PL	Construction of 5 No. 1 bedroom flats (C2 Residential Institutions) together with ancillary accommodation. This	Withdrawn 01-12-17
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application affects the setting of a Listed Building & is a Departure from the Development Plan.

F/4/13/	Renewal of Unimplemented Planning Permission F/4/10 for demolition of timber building and construction of a four bedroom bungalow style care facility unit for adults with learning difficulties. The unit will be used as ancillary accommodation in connection with the main use of the site as a Care Home.	ApproveConditionally 19-04-13
F/4/10/	Demolition of existing timber building and construction of 4 bed. bungalow style care facility unit for adults with learning difficulties. The unit will be used as ancillary accommodation in connection with the main use of the site as a Care Home.	ApproveConditionally 06-04-10
F/17/09/	Single storey rear extension, veranda to rear, alterations to internal rooms to include removal of stud partition walls & erection of new walls. Re-instatement of front door	ApproveConditionally 21-01-10
F/18/09/L	Application for Listed Building Consent for single storey rear extension, veranda to rear, alterations to internal rooms to include removal of stud partition walls & erection of new walls. Re-instatement of front door	ApproveConditionally 21-01-10
F/16/09/	Demolition of existing timber building & construction of 4 bed. bungalow style care facility unit for adults with learning difficulties. The unit will be used as ancillary accommodation in connection with the main use of the site as a Care Home.	

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

No comments received from Ford Parish Council.

4 Objections (including a rep with 30 signatures):

- Who will be the new residents in the new buildings apart from staff?
- How is the build going to affect elderly and some frail residents at The Willows?

- The mobile home site houses elderly and vulnerable people who like to have afternoon rests but this is often disturbed by the noise from Westbury residents and their carers.
- The new build will back onto the rail line. It is hoped residents don't end up on the railway line.
- There will be constant noise from trains from 5am until midnight each day, with at least 16 trains per hour off-peak and empty rolling stock.
- The units will cause overlooking.
- Object to any elevated build as this will be an intrusion.
- Originally 3 flats for carers were considered, this is now 5 flats for residents and carers.
- What type of resident will be housed?
- Notice needs to be put up for residents of the Willows to be made aware.
- Are trees to be removed? If so more noise will result.
- More traffic congestion.
- Where will extra traffic park?

COMMENTS ON REPRESENTATIONS RECEIVED:

Environmental Health have objected on noise grounds.

The car parking provided equates to an over provision.

The application has been advertised in accordance with adopted procedure and a notice posted on the site frontage.

No material loss of privacy would result to the mobile home park. A gap of 22m is provided to the boundary with the mobile home park which is sufficient to preclude materially adverse overbearing and overlooking effects.

Waterbury House is an existing care home, providing residential services for up to eight people with severe and profound learning disabilities and the current proposal seeks to extend the existing facility.

Given the location of the development and the size of its grounds it is not considered that the proposed increase in residents would result in material harm to the residential amenities of neighbouring properties.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Conservation Officer
WSCC Strategic Planning
Environment Agency
Environmental Health
Southern Water Planning
Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Engineers
No Objection. Please impose standard drainage conditions.

Network Rail

No Objection - Informatives requested.

County Highways

No objection on highway safety grounds. In total Waterbury house and the proposal will result in the site providing C2 residential services for up to 17 residents. This would equate to a maximum parking demand of 6/7 spaces plus additional space for servicing.

The applicant should justify why they proposed to increase the on-site parking provision significantly in excess of the adopted WSCC Maximum standard for such a class.

Conservation Officer

The roof structure is very simple in appearance and complements the proposed elevation treatment which appears to closer reflect the host building in terms of materials and treatment. The precise materials used should be conditioned. The proposal would dominate the listed building from the northern/southern elevations. For any development to be located as proposed there will need to be a justification as to the benefits that it will generate. Ultimately, development which ensures that the building remains in a viable use could be supported, provided that any harm can be sensibly mitigated.

Southern Water

No objection in principle.

Environment Agency

Proposal is acceptable provided a condition is imposed as per the FRA.

Environmental Health

Objection- with the exception of 'night-time with windows closed' noise levels will not achieve the levels set in BS8233. Further, even with an acoustic fence, the external levels will only just achieve the 'serious annoyance' level.

Council's Arboricultural Officer

No Objection - The arboricultural survey information and associated documents/plans provided demonstrate adequate regard and respect for the tree population at and immediately around the site. Request imposition of conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The parking exceeds the standards, but includes provision of parking space for the proposed tenants who have their own mobility vehicle.

POLICY CONTEXT

Designation applicable to site:

Adjacent to railway

Grade 2 Listed Building

Class C road

Outside Built Up Area Boundary

DEVELOPMENT PLAN POLICES

SDSP1A SD SP1a Strategic Approach

SDSP1 SD SP1 Sustainable Development

SDSP2 SD SP2 Built-up Area Boundary

CSP1	C SP1 Countryside
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
TSP1	T SP1 Transport and Development
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
WDM3	W DM3 Sustainable Urban Drainage Systems

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 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.

Ford Neighbourhood Plan (FNP) has not yet been formally adopted. Following an Independent examination, Arun District Council confirmed formal acceptance of the recommendations outlined in the Ford Neighbourhood Plan Examination Report. The Examiner recommended that the Neighbourhood Plan should proceed to Referendum following modification. The recommendations proposed by the examiner's report have been accepted by Ford Parish Council and Arun District Council and the modified Ford Neighbourhood Development Plan will proceed to referendum on 08-11-2018.

Since the site is outside the built up area boundary policies BUA1 and SP1 Spatial Strategy would apply and the proposal would conflict these policies. Policy EH1 requires Protection of Trees and Hedgerows and EH4 Surface Water Management seeks to reduce the overall level of flood risk in the area. The site lies within the area designated as a Green infrastructure and Biodiversity Opportunity Area policy EH6. The proposal is for housing and therefore policy H1 Quality of Design requiring high quality design would be relevant. Policy GA2 Parking and New Development requires car parking within the curtilage of the dwelling in the form of a garage and/or parking space and states development proposals will be

supported only if they include the maximum level of off street parking consistent with the current local standards. The proposal exceeds the maximum parking provision.

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 conflict with relevant Development Plan policies in that it would be located outside the built up area boundary and would have a materially adverse effect on the residential amenities of the proposed properties.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan in terms of its countryside location, given the ancillary nature of the building, the history of the site and the proposed use of the building.

CONCLUSIONS

PRINCIPLE

The site is outside of the built up area of Ford as defined in the Local Plan and as such the development plan in the determination of this application will consist of the Arun District Local Plan (ALP) 2011 - 2031.

Arun District Local Plan (2011-2031):

The key policy considerations in the determination of this application are considered to be SD SP1, SD SP2 and C SP1 of the Arun Local Plan (ALP) 2011 - 2031. Policy C SP1 states that 'Outside the Built-Up Area Boundaries (as identified on the Policies Maps) land will be defined as countryside and will be recognised for its intrinsic character and beauty.'

The application site is situated outside of the built up area boundary (BUAB) as specified by policy SD SP2 which seeks to focus development within the built up area. Due to the sites location outside of the BUAB development in this location would be in conflict with locational requirements of policy C SP1 of the Arun Local Plan 2011 - 2031.

Ford Neighbourhood Plan

Ford Neighbourhood Plan has not yet been made and as such does not yet form part of the development plan in the determination of this application. Following an Independent examination, Arun District Council confirmed formal acceptance of the recommendations outlined in the Ford Neighbourhood Plan Examination Report. The Examiner recommended that the Neighbourhood Plan should proceed to Referendum following modification. The recommendations proposed by the examiner's report have been accepted by Ford Parish Council and Arun District Council and the modified Ford Neighbourhood Development Plan will proceed to referendum on 08-11-2018.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) states in paragraph 12 that 'Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.' It also confirms that the presumption in favour of sustainable development does not change the status of the development plan as the starting point for decision making (para 12). At this time, there is an up to date development plan.

Whilst the development conflicts with an up-to-date Local Plan policy C SP1, there are material considerations to indicate otherwise than refusal in this regard. In this particular case the following factors need to be considered. The proposal replaces a large original timber structure, which dated from the 1930s, so development would take place in an area that has supported development in the past. Further, the site is within the curtilage of a building in use as a home and does not comprise open farmland. The proposed accommodation would be ancillary to and dependent on the existing home and could not be sited elsewhere given that the manager and staff of the existing home would also be responsible for the residents of the proposed accommodation and many of the support services within the home would be shared. The development would provide much needed accommodation for residents in need of care. The size, design and close proximity of the development to the existing home ensure that it is visually integrated and is not considered to be out of keeping with the character of the area. It would not therefore result in an adverse impact on the intrinsic character of the countryside or the visual amenities of the locality.

Conclusion on Matters of Principle:

The principle of residential development on this site is contrary to the development plan Arun District Local Plan policy C SP1 to protect countryside and make provision for housing on identified sites. However, for the reasons set out above there are material considerations to not warrant refusal on grounds of the development being located outside the built up area boundary.

The proposal now needs to be considered on other relevant material considerations.

VISUAL AMENITY AND CHARACTER OF THE AREA

Arun Local Plan policy D DM1 lists a series of 15 factors that development must comply with - these include character, impact and public realm.

It is also necessary to consider the guidance within the National Planning Policy Framework. Section 12 states that high quality buildings and places are fundamental to the planning process. Paragraph 127 sets out 5 design criteria against which development proposals will be assessed including the need to be visually attractive and sympathetic to local character.

The application site is situated to the east of Ford Lane and is partially screened on this boundary by Waterbury House. It is enclosed by the park home to the east and north and by the railway line and vegetation to the south and as such the proposed development will have limited presence within the street scene when viewed from Ford Road.

The principle of a replacement structure of this design to the rear of the existing building has been established by permission reference F/4/13 and is a material consideration. The proposal would not represent encroachment into open countryside and would not therefore erode the rural character of the area. On this basis, it is considered that the proposed development of the site would not result in

unacceptable harm to the character of the locality and is deemed to accord with policy D DM1 of the Arun Local Plan.

The distance from the proposed building to the host property on the site frontage and its size has not altered significantly from the previously approved scheme and there is therefore no significant change in the impact that the flats have on the visual amenities of the locality. The building would be partly screened from direct view from Ford Lane by the existing property.

The layout and design details of the proposal are considered acceptable and in accordance with policy DSP1 of the Arun Local Plan. The design would replicate architectural elements from the main listed property which would assist in its visual assimilation with the host property. The one to one and a half storey form and inclusion of dormers give the building a subservient appearance which ensures that it does not dominate the landscape. The overall massing of the building on the current proposal has been articulated with a variety of rooflines and off setting of sections to break up the footprint and elevations. The roofscape includes apexes of various heights that step down.

RESIDENTIAL AMENITY

Arun District Local Plan Policy D DM1 (3) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. One of the 'core planning principles' of the NPPF is to always seek to secure a high standard of amenity for all existing and future users (paragraph 127 f).

The impact on existing residents would be acceptable. The proposal would increase the number of residents at the site, but the unit is located 20m from the northern boundary and 20m from the eastern boundary. These distances are considered adequate to preclude any materially adverse overlooking or overbearing impacts from the building itself and to prevent any materially adverse impacts from noise and activity levels resulting from additional residents within the site.

However, the unit would be located 3m from the southern boundary with the railway line and 11m from the tracks. This close proximity means that the occupiers of the units would be subjected to noise from trains using the railway line. The applicants have undertaken a noise assessment and the Council's environmental health officer has been consulted. She has objected to the proposal on the basis that with the exception of 'night-time with windows closed' noise levels will not achieve the levels set in BS8233. Further, even with an acoustic fence, the external levels will only just achieve the 'serious annoyance' level. On this basis material harm would result to the residential amenities of the occupiers of the units and the proposal cannot be supported.

It is noted that previous applications have been submitted without the imposition of a condition requiring the submission of a noise assessment, or mitigation measures in relation to the outside patio areas. This was justified at the time on the basis that the whole of the rear garden was already exposed to noise from the railway and that the proposal was effectively an expansion of use and it would not be reasonable to require the submission of a noise assessment since one had not been conditioned in the past. The most recent permission (F/4/13), which was a renewal of an unimplemented permission, included the following condition relating to mitigation measures:

'The windows to the proposed development shall be double glazed and the first floor bedroom window on the south elevation shall be non opening.'

This was justified on the basis that the change from roof lights to dormers would result in additional noise penetration at first floor level and it would be reasonable to ensure these were double glazed and that alternative means of ventilation were provided where possible. The agents accepted the condition. It was

considered unlikely that noise to the bathroom would adversely affect residential amenity and the units lounge area would be unlikely to be used for sleeping at night. No other windows served this area so alternative means of ventilation were difficult to achieve. With this current application bedroom windows are located at ground floor facing onto the railway line and first floor in the side elevation. The number of units has also increased.

The most recent approval F/4/13 granted permission for a 4 bedroom unit which had one bedroom window at ground floor facing the railway line and a defined patio area which has been removed from the proposal. The use has therefore intensified and the internal floor layout is more likely to result in noise nuisance to residents. There are now 3 flats at ground floor with their bedroom windows facing the railway line.

The agent has advised that the shed building which was previously located in this area has been demolished and therefore the previous permission F/4/13 has been implemented. This could be concluded with the submission of a Lawful Development Certificate application and would be a material planning consideration. However, leaving this issue aside, the proposed development has intensified and the layout altered so that the impact of train noise on residents is worsened to the point that the environmental health officer has recommended refusal of the application. Refusal on noise grounds is therefore deemed to be reasonable. The proposal would not therefore comply with policies DDM1 and QE DM1 of the Arun Local Plan.

The proposal meets the Nationally Described Space Standards. The internal floor areas exceed the minimum 50sqm for a 2 person, 1 bedroom dwelling.

ACCESS AND PARKING

Policy T SP1 of the Arun Local Plan 2011 - 2031 discusses transport issues including safe highway access.

Regard should be had to paragraph 109 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts of development are severe".

The application has been assessed by WSCC Highways who do not have any objections to the use of the access and do not consider that the impact of the proposals on the operation of the highway network will be severe. The application is therefore considered to comply with paragraph 109 of the NPPF.

There is an over provision of parking indicated. The agent has advised the proposed increase in car parking spaces is in recognition that some of the proposed tenants may have their own mobility vehicle. Staffing requirements for the proposed new residents will not be formalised until their care needs have been assessed. Some tenants may require one or more support staff to cater for their needs. The applicant has therefore erred on the side of caution by applying for the additional parking which exceeds maximum parking levels. The proposal accords with policy T SP1 of the Local Plan in that the needs of people with disabilities by all modes of transport is being considered and provided for.

IMPACT ON TREES

Following receipt of the application a tree report was requested and submitted clarifying tree protection measures and tree removal. The Council's Tree Officer was consulted and has raised no objection.

FLOODING

A Flood Risk Assessment accompanies the planning application. It is recommended that the development will be acceptable subject to compliance with the FRA which can be conditioned as requested by the Environment Agency. The proposal would therefore accord with policy WDM2 of the Arun Local Plan.

IMPACT ON THE SETTING OF THE LISTED BUILDING

This is a substantial structure (larger than the 2017 submission), and development would take place within a few metres of the host (Listed) dwelling. As such it is considered that it would affect the setting of the host dwelling. Development in the grounds of a listed building, or close proximity of a listed building, should ensure that it does not detract from its setting. Such an approach is supported by both the Arun Local Plan as well as government guidance in the form of the NPPF - paragraphs 189 and 190 are noted.

The proposal has a predominantly low level structure and the number of dormer windows has been reduced to 3. These dormers are considered to be small in scale and do not appear to dominate the elevation. When viewed from the western elevation, the structure appears to be subservient. However, when viewed from the southern (and northern) elevations it is a substantial structure that appears to dominate the Listed Building.

The roof structure is very simple in appearance and complements the proposed elevation treatment which appears to closer reflect the host building in terms of materials and treatment. The quality of the materials used, along with quality of the build as well as details such as the brick bond will greatly influence the success or otherwise of such a scheme and these can be conditioned.

The development is acceptable in this location given the justification provided. The benefits that it will generate are that the new scheme will complement the existing provision by providing individualised accommodation which will enable people to develop greater levels of independence through having their own individual flat. It is anticipated that the new accommodation would provide a move on option for some of the people living in the existing provision, which will enable more people who require the specialist support the service provides to be accommodated.

Ultimately, development which ensures that the building remains in a viable use is supported provided that any harm can be sensibly mitigated. With the imposition of conditions relating to fencing, landscaping and materials the impact on the Listed Building can be acceptably controlled. The gardens between the proposed block and the existing gardens will be shared and no fencing between the units will be erected.

SUMMARY

The application site is outside the defined built-up area boundary of Ford and is therefore contrary to policies C SP1 of the Arun Local Plan (ALP) 2011 - 2031 which seeks to protect the countryside. This policy is up to date as the Council can now demonstrate a 5.3 year supply of housing land through the recently adopted Local Plan 2011 - 2031. NPPF paras 11 and 12 supports refusal of such applications where there is an up-to-date plan.

However, there are other material considerations which warrant approval of the application contrary to this policy. These are that the proposal would not result in material harm to the character of the area or unacceptably visually erode the appearance of the countryside or the setting of the listed building. However, these favourable material considerations are outweighed by the significant adverse impact on the residential amenities of the occupiers by way of excessive noise levels that would arise. The application is therefore recommended for refusal for the following reason

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

REFUSE

- 1 Having regard to the design of the building and the close proximity of proposed bedroom windows to the railway line the proposal would give rise to an unneighbourly form of development by way of excessive noise levels which would be prejudicial to the residential amenities of the occupiers of the development in conflict with policies DDM1, and QE DM1 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 identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.