

Recommendation Report for Planning Permission

REF NO: F/18/19/PL

LOCATION: Land adjacent to 3 Wicks Farm Cottages
 Ford Lane
 Ford
 BN18 0DQ

PROPOSAL: 1 No new dwelling. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to construct a new dwelling adding a fourth dwelling to an existing terrace of three dwellings. The house would be served by two parking spaces to the rear of the dwelling off an access road. The terraced dwelling would match the existing terraced dwellings in roof ridge and eaves height and reflect the design of the existing properties.
SITE AREA	0.0336 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	A Hawthorn tree to the side of the property effectively forms part of the hedging to the side of the property.
BOUNDARY TREATMENT	A 1 metre high retaining wall to the front of the dwelling with 2.5 metre hedging to the side and rear of the garden.
SITE CHARACTERISTICS	The site is formed from a side garden of a terraced dwelling.
CHARACTER OF LOCALITY	The site is located in a hamlet of dwellings located within the open countryside.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ford Parish Council

Objection on the following grounds:

Development outside built up area boundary.

Development would fail to maintain the gap between Ford and Yapton.

Development does not comply with windfall sites policy of Ford Neighbourhood Plan.

4 letters of objection including the following points:

- Sewerage system would struggle to cope.
- Loss of light to bedroom at 4 Wicks Farm Cottages.
- Appearance of dwelling would be out of character with the existing development.
- Traffic and parking will cause obstruction in lane to rear and insufficient parking.

- Water pressure inconsistent would be adversely impacted by additional development.
- Contrary to local plan.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted and addressed in report below.

CONSULTATIONS

Engineering Services Manager
 Engineers (Drainage)
 Parks and Landscapes
 Arboriculturist
 WSCC Strategic Planning
 Environmental Health
 Arboriculturist

CONSULTATION RESPONSES RECEIVED:

ADC Greenspace - No landscape objections to the proposals.

WSCC Highways - No objection subject to conditions.

ADC Environmental Health - No objection subject to conditions.

ADC Drainage - No objection to the proposed development subject to compliance with Building Regulations.

ADC Arboriculture - No comments received.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN
 CLASS C ROAD
 OUTS BUILT AREA

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
CSP1	C SP1 Countryside
TSP1	T SP1 Transport and Development

[Ford Neighbourhood Plan 2019 Policy BUA1](#)

Built Up Area (BUA) boundary

Ford Neighbourhood Plan 2019 Policy EH2	Renewable Energy
Ford Neighbourhood Plan 2019 Policy GA2	Parking and new development
Ford Neighbourhood Plan 2019 Policy H1	Quality of Design
Ford Neighbourhood Plan 2019 Policy H6	Integration of New Housing
Ford Neighbourhood Plan 2019 Policy H3	Windfall Sites

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.

Policies BUA1, SP1, H1, H3 and GA2 of the Ford Neighbourhood Plan are considered relevant to 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 not considered to comply with relevant Development Plan policies as it would be contrary to policy C SP1 Countryside.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background. The lack of a 5 year housing land supply and design principles make the proposal acceptable.

CONCLUSIONS**PRINCIPLE**

The site is outside of the built up area as defined in the Local Plan and the Ford Neighbourhood Plan. The development plan in the determination of this application will consist of the Arun Local Plan and the Ford Neighbourhood Plan.

Arun Local Plan

The key policy considerations in the determination of this application are C SP1 of the Arun Local Plan (ALP) and policy BUA1 of the Ford Neighbourhood Plan. 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 the development would be in conflict with policy C SP1 of the Arun Local Plan and policy BUA1 of the Ford Neighbourhood Plan.

The principle of residential development on this site is contrary to the development plan (Arun District Local Plan policy C SP1) and policy BUA1 of the Ford Neighbourhood Plan to protect the intrinsic beauty of the countryside from unrelated development.

MATERIAL CONSIDERATIONS

The proposed development would provide an additional house which is required in the District at the present time due to the less than 5 year housing land supply. The Annual Monitoring report identifies the current five year housing land supply situation. The current housing land supply is 3.7 years. The development would have a positive effect upon the supply of housing and there are other relevant material considerations which need to be taken into account.

The National Planning Policy Framework (NPPF) provides information on the issue of the weight that can be given to the Arun Local Plan or 'made' neighbourhood development plans, where the District Council cannot demonstrate the 5 year supply of deliverable housing sites. These details are set out in full in Paragraph 11(d), where it is stated that permission would be granted, unless there are any adverse impacts that would demonstrably outweigh the benefits.

The NPPF generally seeks to promote effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)). Whilst outside of the defined BUAB, contrary to Policy C SP1, there needs to be a demonstrable harm to the aims of this policy. The aims of this policy are to preserve the character and beauty of the countryside and to manage the urban/rural fringe.

The application site is adjoined to the east and west by existing dwellings. To the north and north-east there is horticultural development and further housing. The site is bordered by a road to the south. Therefore none of the sites boundaries adjoin directly to the open countryside. The impact on the character of the countryside, from the erection of a further houses in this location is therefore acceptable. This is a material consideration that would weigh in favour of granting planning permission, contrary to the principles of the development plan.

It is therefore concluded that development of the site to provide an additional house is acceptable in principle because the conflict with the development plan would be outweighed by the shortfall in Housing Land Supply and the proposal would therefore accord with the requirements of the NPPF subject to other policy considerations within the Local Development Plan.

KEY POLICY CONSIDERATIONS

The key policy considerations in the determination of this application are policies D DM1, D DM2 and D SP1 of the Local Plan; Policies H1 Housing Design: H3 Windfall Sites: GA2 Parking and new development of the Ford Neighbourhood Plan and the NPPF.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy D DM2 seeks to ensure that minimum space standards for new dwellings are adhered to.

Policy D SP1 - 'Design' states that all development proposals should seek to make efficient use of land and reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Policy H1 of the Ford Neighbourhood Development plan seeks to ensure that development is sympathetic to the local design style and contributes positively to the environment requiring planning permission which, by virtue of their materials, are inharmonious with the area, are refused.

Policy H3 of the Ford Neighbourhood Development Plan states that proposals should conserve the landscape character, be in scale with the character of the settlement and comply with other relevant policies of the development plan .

Policy GA2 of the Ford Neighbourhood Development Plan supports development where parking is accommodated within the curtilage of the dwelling house and meets local parking standards.

Section 12 of the NPPF refers to high quality buildings and places being fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development and creates better places in which to work and live. Paragraph 131 of the NPPF states that in determining applications great weight should be given to outstanding, innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

DESIGN AND VISUAL AMENITY

The proposed dwelling would be situated within a line of semi detached and terraced properties and would be of a design which would fit in with the existing style of those houses.

The proposed materials and design features match the terraced dwelling to which it would be attached. This includes the roof slope and materials, roof height, fenestration style, rendered walls and front porch style such that the development would be in character with the surrounding houses and could be considered to be of a good quality design incorporating the local vernacular.

The scale of the proposed dwellings is similar in design & appearance to nearby dwellings within Wicks Farm Cottages. The spatial pattern and character of the locality would therefore be retained.

Given that the proposal is located within an existing area of housing and is of a design to fit in with the character of the area it is considered that, as a windfall site, the proposal conserves the landscape character and is in scale with the character of the settlement and is therefore acceptable with respect to H3 the windfall policy of Ford Neighbourhood Plan.

The proposal is considered to accord with the National Design Guide and the emerging Arun District Design Guide in that the use of matching materials, form and scale of building responds to local character and identity. In addition the development would be appropriate as infill development as it retains a similar gap between existing dwellings as exists between other properties in the line of housing which constitutes Wick Farm Cottages.

The proposal accords with policies DDM1 and DSP1 of Arun Local Plan and H1 & H3 of the Ford Neighbourhood Plan.

RESIDENTIAL AMENITY

The proposed dwellings would have an impact on the bedroom window at first floor level of the property 4 Wicks Farm Cottages. These windows would be 6 metres away from the proposed gable end which is similar to the relationship of similar bedroom windows in neighbouring properties in Wicks Farm cottages and does not represent an unneighbourly impact on 4 Wick Farm Cottages. Furthermore there are no first floor windows proposed on this gable end elevation that would otherwise result in overlooking of windows in 4 Wick Farm Cottages.

There would be no other impacts of the proposal on residential amenity. The proposal therefore accords with policy D DM1(3) of Arun Local Plan.

SPACE STANDARDS

The proposed terraced property would accord with the Nationally described space standards. It would have a gross internal floor area of approximately 110 sq.m. which comfortably exceeds the guideline for a 5 person 3 bedroom house (93 sqm) and the proposal is therefore considered acceptable. The rear garden would be in excess of 10 metres in length which would be sufficient and comparable with other properties nearby in Wicks Farm cottages.

HIGHWAY SAFETY AND PARKING

West Sussex County Highways have raised no objection to the scheme subject to setting out of car parking spaces and cycle storage spaces. Prior to the occupation of the dwellings the applicants would need to provide details of cycle storage facilities.

The Arun Parking Standards Supplementary Planning Document in table 3.1 - Expected level of provision for new residential developments indicates that there would be a parking requirement for 2 car parking spaces which are provided at the rear of the dwelling.

The proposal is therefore considered to be compliant with policy TSP1 of the Arun Local Plan and policy GA2 of the Angmering Neighbourhood Plan.

FLOODING

According to Environment Agency flood maps and records the proposed development is shown to be within a Flood Zone 1 (low risk). A Flood Risk Assessment is therefore not required for this application.

The Council's Surface Water Drainage Engineers have considered that the proposed development would have an acceptable impact on surface water drainage subject to compliance with Building Regulations which would address the issue of surface water drainage to prevent any adverse impacts from the development itself.

TREES

There is a hedgerow with a Hawthorn tree in it to the side of the dwelling between the proposed dwelling and no.4 Wicks Farm Cottages. While the trees and hedgerow are not of a quality to deserve the designation of a Tree Preservation Order the comments of the Council's Tree Officer are awaited and will be reported to Committee as a report update.

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:

Proposed Dwelling dwg.no. 6518:10 dated Feb/Apr 2019.

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 Prior to occupation of the dwelling, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwelling shall be submitted to the Local Planning Authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c), TSP1 and ECCSP2 of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.
- 4 No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated use.

Reason: To provide car-parking space for the use in accordance with policy T SP1 of the Arun 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 plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies in accordance with policy T DM1 of the Arun Local Plan..

- 6 Prior to the commencement of development the applicants will need to employ the services of an Arboricultural Consultant to carry out a tree survey exercise and then prepare an Arboricultural Implications Assessment (AIA) which must be inclusive of; a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule' and a 'Tree Constraints Plan' - with the trees accurately plotted on same.

In the event that a RPA of any tree which is proposed for retention overlaps the development then BS5837:2012 requires that an Arboricultural Method Statement (AMS) is submitted and also most importantly a Tree Protection Plan - to describe and illustrate the mitigation measures which are to be employed to ensure that the trees survive without detriment to their vigour and vitality and are given adequate protection both above and below ground.

All documents above including the Arboricultural Implications Assessment and Arboricultural Method Statement & Tree Protection Plan as required shall be submitted to and approved in writing by the Local Planning Authority and the works carried out in accordance with approved details.

Reason: To ensure that the proposed development does not harm the trees contributing to local amenity are to be retained on site in accordance with policy ENV DM4 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the trees concerned are to be protected from the outset of development.

- 7 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.