

Recommendation Report for Planning Permission

REF NO: WA/19/21/PL

LOCATION: Wandleys Farm
Wandleys Lane
Walberton
BN18 0QR

PROPOSAL: Variation of condition 2 imposed under WA/76/17/PL relating to condition 2-approved plans to amend design of main house.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	<p>The applications seeks only to amend the design of one dwelling. The changes are minor in nature and include;</p> <ul style="list-style-type: none"> - the removal of the chimney at the north east end of the approved dwelling, - the insertion of a window in this elevation, - the removal of the double height windows on the south east elevation, - the removal of a door on the south west elevation (replaced by a window).
BOUNDARY TREATMENT	<p>Site boundaries are characterised by substantial hedgerows, with specimen trees also, with fencing to the rear in the form of ranch style and chain link.</p>
SITE CHARACTERISTICS	<p>The site is laid to grass and has the general appearance of a mowed paddock. It is served by an existing gated access to Wandleys Lane in the north west corner adjacent to Wandleys Farm.</p>
CHARACTER OF LOCALITY	<p>The character of the surrounds of the site is rural and is characterised by sporadic ribbon type development, including some residential and some farm/rural. To the south west there is more concentrated development between Wandleys Lane and Fontwell Avenue. This includes residential development and is approximately 300m from the edge of the site. To the north, within the BUAB of Fontwell, there is also more concentrated development, including residential, in the Arundel Road area and this is approximately 300m from the site. Wandleys Farm to the north has buildings facing the site, although there is an intervening triple garage and screening. There is a small group of 3 dwelling close to the south west corner of the site.</p>

RELEVANT SITE HISTORY

WA/76/17/PL

Application of four Affordable Intermediate Sale Homes and one Full Market home with associated car parking, garaging, landscaping and bin storage and the creation of 2 new accesses onto Wandleys Lane. This application is a Departure from the Development Plan.

Refused
08-06-18

Appeal: Allowed+Conditions
08-04-19

WA/76/17/PL was an application as a rural exceptions site for 5 houses (4 affordable houses and 1 market house), with associated car parking, landscaping and bin storage. It was allowed at appeal in March 2019.

REPRESENTATIONS

Walberton Parish Council - No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

n/a

POLICY CONTEXT

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
HSP3	H SP3 Rural housing and exception sites

[Walberton Neighbourhood Plan Policy 2017 HP13](#) Design Guidance

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

Policy H13 of the made Walberton Neighbourhood Plan has been taken into account in the consideration of these proposals. This policy has been saved in the Reg19 Plan that recently passed referendum and is waiting to be made.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that the proposed amendments will have no material impact on the overall character of the proposals or impact upon the character of the wider area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

Permission was granted in March 2019 for 5 dwellings on the site. This permission has to be commenced by March 2022 and this application is unable to amend those time limits. This permission has established the principle of development on this site. The application seeks to amend the design of one dwelling. The changes are minor in nature and include;

- the removal of the chimney at the north east end of the approved dwelling,
- the insertion of a window in this elevation,
- the removal of the double height windows on the south east elevation, and
- the removal of a door on the south west elevation (replaced by a window).

The footprint of the building would be unaltered and consequently the only drawing proposed to be amended is the elevation drawing to one plot. Drawing 944-102 is to be substituted for previously approved drawings 03 Rev B and 04 Rev C within condition 2 attached to WA/76/17/PL.

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 DM4 sets out criteria for which applications relating to extensions and alterations of existing buildings must be assessed against. They generally seek to minimise the impact of the proposal on the character of the host dwelling, its neighbours and the locality.

Policy HP 13 of the Walberton Neighbourhood states that new development must be of a high quality of design and must contribute to local character.

Since the approval of the previous permission the Council has adopted a Design Guide. The changes shown by this permission broadly accord with the guidance given.

The proposals do not significantly alter the appearance of the approved dwelling or the overall scheme. They would have no impact on the character of the area or the quality of the approved development.

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.

SECTION 106 DETAILS

WA/76/17/PL was subject to a s106 agreement for the delivery of affordable housing (as it was promoted as a rural exception site).

CIL DETAILS

This application is not CIL Liable.

RECOMMENDATION

APPROVE CONDITIONALLY

1 Condition 2 attached to WA/76/17/PL be amended as follows;

The development hereby approved shall be carried out in accordance with the following approved plans:

Block Plan Rev D Jan 2018
Elevations for affordable 02

Floor Plan for affordable 01 Garage Plan 06
Drawing 944-102

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.

- 2 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 3 INFORMATIVE: For the avoidance of doubt only condition 2 attached to WA/76/17/PL has been amended by this permission. All other conditions attached to WA/76/17/PL are required to be adhered to.