

Recommendation Report for Planning Permission

REF NO: **WA/21/14/PL**

LOCATION: Turnpike Motors
 The Street
 Walberton

PROPOSAL: Demolition of garage and workshops and erection of 6 No 3 bed dwellings, alterations to access, parking and incidental sheds for cycle storage. This application affects the character and appearance of the Walberton Village Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to the provision of 3 pairs of semi-detached 3 bedroom properties. Each pair would be 2 storeys and would be of identical design. The application is supported by a Contamination Report and Bat Survey.
SITE AREA	1,550 sq metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	39 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Flint walling on both side boundaries at entrance to site and entrances and on central island to approximately 0.5m. To sides further into site fencing and walling varying in height. To rear mesh fencing to approx 1.8m.
SITE CHARACTERISTICS	Existing garage in centre of village. Open forecourt area to frontage. Office/reception single storey structure with brick elevations and tiled roof. 2 workshops one breeze block and brick elevations one profile steel sheeting and brick elevations.
CHARACTER OF LOCALITY	Predominantly residential characterised by a mix of dwelling type height and design. Garage compound to rear. Chapel to west. Dwelling to east has brick elevations and slate roof.

RELEVANT SITE HISTORY

WA/24/91	Demolition of existing garages and construction of new work shop building	ApproveConditionally 26-06-1991
WA/46/03/CA	Conservation Area Consent for demolition of garage and workshops.	ApproveConditionally 10-09-2003
WA/45/03/	Demolition of garage and workshops and erection of 6no. cottages	ApproveConditionally 10-09-2003

REPRESENTATIONS

Representations received:

Walberton Parish Council

No Objection - Would like to see a condition imposed requiring the use of conservation style roof lights and appropriately styled flint work, brick work, dormers and window/door joinery because the proposed development falls within the conservation area and will form a very visible part of the street scene.

One letter of Support - Support smaller family homes that are proposed.

Comments on Representations received:

Noted.

CONSULTATIONS

Highways Agency
Southern Water Planning
Engineering Services Manager
Engineers (Fluvial Flooding)
WSCC Strategic Planning
Planning and Housing Strategy
Conservation Officer
Environmental Health

Consultations responses received:

Highways Agency - No Objection

Engineers - No Objection. Conditions suggested

Conservation Area Advisory Committee - Objection - Buildings fronting the street should be more in keeping with neighbouring properties

Southern Water - Informative requested relating to a formal connection to the public sewerage system

Conservation Officer - The application site is a previously developed site to the west of the Walberton village Conservation Area. The existing properties on the site do not appear to have any conservation merit; in fact, their loss could have a positive impact upon the street-scene.

A number of heritage assets surround the property including 1 and 2 Park View and the Baptist church. These are identified as being Buildings or Structures of Character by the Council and are therefore, heritage assets for the purposes of planning policy. Consequently, they afford extra protection. It is therefore considered that the proposal has the possibility to affect the setting of at least some of these assets as well as the character and appearance of the Walberton Village Conservation Area.

The proposal is for 6 properties in the form of three semi-detached units. All three units are the

same.

It is important when proposing a development to assess the locality as it currently stands. In this instance, there is a clear split; properties to the northern side of the road appear to be mostly detached and semi-detached, whilst those located to the south are mostly terraced with some semi-detached properties.

Whilst it is acknowledged that the properties attempt to reflect the locality through the use of flint and brick, it is considered that the proposed houses do not clearly reflect those of the surrounding properties. The general appearance of the properties also seems somewhat dated; they feel as if they were constructed within the last 20 years.

Properties on the southern side of the street are mostly two stories, attractive with either, no or very discrete porches. Whereas, the proposed properties have porches which are large, with roofs that dominate the front elevation.

This is enhanced through the provision of dormer windows; another feature not present in the local street-scene.

In addition, as a point of detail, the roof-lights should be of conservation standard.

The introduction of the porch and the dormers etc. are therefore considered to be in conflict to the surrounding properties and harmful to the street-scene.

It is therefore considered that a fresh approach is required; the properties should be simple, with high quality detailing reflective of other properties within the local area.

With regards to the layout of the scheme, it appears to have been designed to maximize the sites financial potential. However, it is considered this it is problematic. The proposed layout results in the creation of a courtyard area which appears to be more of a car park that a usable space or attractive alcove within the conservation area. The focus on the car and the provision of hard-standing, leaves small pockets of land (planting/grass?) with no real identity or purpose; who will use or take ownership? No clear information appears to have been provided regarding landscaping.

Boundary treatment to plots 1 and 2 enhances the car park feel of the courtyard. Ultimately, it creates an area which is hard-scaped focused.

Site ownership surrounds the Baptist church on the eastern and southern sides. It is not clear how this will be demarked

In addition, it is not clear how the neighbouring flint barn structure will be treated.

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Within Built up area boundary
Designated Conservation Area
Class C road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

[GEN7](#)
[GEN9](#)
[GEN12](#)
[GEN22](#)
[AREA2](#)

The Form of New Development
Foul and Surface Water Drainage
Parking in New Development
Buildings or Structures of Character
Conservation Areas

Publication Version of the Local Plan -
Excluding the Spatial Portrait, Employment,
Housing Allocations, Transport, Monitoring and
Implementation sections (February 2014):

HER DM3 Conservation Areas
HER DM2 Locally Listed Buildings or
Structures of Character
HER SP1 The Historic Environment
W DM1 Water Supply & Quality
D DM1 Aspects of Form and Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
D SP1 Design
SD SP1 Sustainable Development

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

XXX6

Interim Affordable Housing Policy

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater

the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

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 have a materially adverse effect on the visual amenities of the locality and an adverse impact upon the established character of the surrounding area.

Section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to conflict with these criteria in that it is considered to materially affect the character of the Conservation 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 is located within the built-up area and within a Conservation Area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within relevant policies of the Arun District Local Plan mainly GEN7 and AREA2 which seek to prevent development that would have an adverse impact upon visual and residential amenities and the character of the area.

SITE HISTORY AND CONTEXT

There was a planning application approved in 2003 under reference WA/45/03 for 6 dwellings. This is shown in the site history section of this report. This application is a resubmission of the approved scheme. However, in the time that has elapsed since consideration of the last application planning policy has altered. Most notably this includes the National Planning Policy

Framework published in March 2012 and the Emerging Local Plan in 2014 where significant weight is given to the need for good design. Therefore, whilst material weight has been given to the principle of 6 new dwellings being previously approved, it should not be at the expense of, or override, all other relevant planning policies or planning considerations.

IMPACT ON CHARACTER AND APPEARANCE OF CONSERVATION AREA

The proposal relates to the provision of 6 units on the site. A pair of semis to the front and 2 pairs to the rear. A parking turning area is centrally sited. The loss of the existing un-neighbourly use and unattractive buildings from the site would be a positive alteration which would enhance the appearance of the area. However this does not mean that residential redevelopment of the site would be acceptable regardless of the number of units proposed. It is considered that the number of units and layout submitted would adversely affect the character and appearance of the area. The hard surfaced parking area would dominate the glimpses of the development to the rear from the site frontage which would detract from its appearance, creating no visual interest this would be accentuated by the uniform appearance of all 6 units. The south side of The Street is characterised by terraced and tight knit development and on this basis the provision of 2 semi detached dwellings on the site frontage may be appropriate in principle subject to satisfactory detailing. The units to the rear would benefit from better separation distances to site boundaries and a terrace of properties would be more in keeping with the character of the area.

The detailing of the units is critical to ensure that they make a positive contribution to the appearance of the Conservation Area. The provision of dormer windows and porches are of a design that is alien in this location which contribute to a relatively modern appearance to the dwellings and detract from the appearance of the area. This inappropriate design adversely affects the setting of the buildings of Special Character adjacent to and near to the site within the Conservation Area in conflict with policy GEN22 of Arun District Local Plan and policy HERDM2 of the Emerging Local Plan.

The Emerging Local Plan contains policies relating to internal and external space standards. Each house is identical. The room sizes for the largest bedroom are 10.8 sq m and this should be 12sq m for a double. The lounge is undersized being 12sq m instead of the required 14.8sqm and the downstairs toilet is not a shower room and is below the 2.7sqm standard. The proposal does not therefore comply with policy DDM2 of the Emerging Plan. The garden areas are below the 85sqm standard in policy DDM3 and the garden lengths are slightly below the requirement of 10m. Whilst some allowance can be made for non-adherence with these policies given the site location within a Conservation Area it is considered that the lack of compliance serves to illustrate that too many units are proposed.

RESIDENTIAL AMENITY

The proposed dwellings would have no windows in their side elevations which face onto neighbouring properties and therefore no material loss of privacy would result. The front units would be located adjacent to existing accesses and therefore do not result in adverse overbearing impacts. The section of the boundary which juts out towards Grasmere Cottage currently has a structure located on it and the provision of a shed in this position would not have an adverse impact on residential amenity. Whilst no details of the sheds are provided it is assumed that they would be single storey.

The units to the rear are close to side boundaries. The 1m gap indicated to the western boundary is considered adequate to preclude any adverse impact given the height of boundary screening and that structures are present on the site in this position already.

Plot 3 however is less than 1m from the boundary. The side boundary is formed of breeze block with trellis above to approx 2m height and the side of the dwelling would face onto the adjoining garden area which has a number of trees in this section of the garden. The dwelling would have a height to eaves of 4.1m and to ridge of 7.5m. It is considered that despite the presence of trees and walling the end gable would be overbearing on the garden area given its height and proximity to the boundary.

CONCLUSION

The application is therefore recommended for refusal for the following reasons

HUMAN RIGHTS ACT

FOR REFUSAL

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 (the right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 neutral 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).

SECTION 106 DETAILS

The agent has submitted a Unilateral Undertaking relating to the provision of affordable housing contributions totalling ?62,070, but this is not legally valid since adequate proof has not been submitted to demonstrate removal of the mortgagee.

RECOMMENDATION

REFUSE

- 1 By reason of the layout, design and number of units the proposal would be prejudicial to the character of the Walberton Conservation Area and damaging to the setting of the existing buildings of merit and interest within it, and therefore conflicts with policies GEN7, AREA2 and GEN22 of the Arun District Local Plan and policies DDM1, HERDM3, HERDM2 of the Emerging Local Plan.
- 2 The proposal would appear cramped and out of keeping and the internal room sizes and rear garden size and length do not comply with the space standards identified in the Emerging Local Plan. The proposal therefore conflicts with policy GEN7 of Arun District Local Plan and policies DDM1, DDM2 and DDM3 of the Emerging Local Plan.
- 3 Having regard to the limited area of the site and its relationship to existing residential properties plot 3 would give rise to an unneighbourly form of development which would be prejudicial to the amenities and environment of the locality in conflict with policy GEN7 of the Arun District Local Plan and policy DDM1 of the Emerging Local Plan.
- 4 The proposed development fails to make an adequate contribution towards affordable housing provision and is thereby contrary to the aims and objectives of the Council's interim affordable housing policy.
- 5 **INFORMATIVE:** Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.