

REPORT UPDATE

Application No: WA/26/18/OUT

Reason for the Update / Changes

Reason for Update:

Report error:

Under Description of Application section White Cottage should be replaced by Lanes End.

Four additional letters of objection (2 from same address) raising the following points:

- The amount of ground coverage will result in excessive unacceptable water run off.
- Foul sewer manhole is located in neighbouring property.
- Increased noise levels will harm neighbouring amenity.
- Unacceptable illegal felling of trees.
- Failure to survey site for wildlife.
- Objectors have not been informed of changes.
- Agent mistaken to say there are no loft conversions in the area.
- Not a neighbourhood development plan allocated site.
- Only partly in built up area boundary.
- An overdevelopment out of character with the immediate surroundings
- Not a sustainable location.

A letter from agent to say that:

- Letters continue to be submitted past comment deadline date.
- Strongly object to the allegation that illegal felling of trees has taken place.
- Whilst trees have been felled it did not take place during the breeding season and before the application was submitted.

Officers Comment:

Drainage issues to be addressed via condition as suggested by Council engineers.

Design of buildings to be addressed at a future application if approval granted in this case.

No protected trees on site and agents refute claim that trees have been, illegally felled during breeding season.

A further 6 dwellings in this location will not result in unacceptable noise levels.

Issue of the built up area boundary, allocated neighbourhood plan sites and overdevelopment of the site are covered in conclusions section of the report.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Outline Consent

REF NO: WA/26/18/OUT

LOCATION: Former Lanes End House
Adjacent to West Walberton Lane &
Arundel Lane

Walberton

PROPOSAL: Outline application with all matters reserved for 6 No detached houses with detached garages. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed development is for the erection of six detached houses within the garden space belonging to White Cottage a detached two storey dwelling which is proposed to be demolished. The application has no details depicting fenestration of properties proposed nor details of internal layout. All matters are reserved for further approvals.
SITE AREA	0.6 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	10 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	The site, mainly along the boundaries, enjoys a number of trees. There is no tree survey submitted to show the significance of any of these trees a number of which would be affected by the proposed development.
BOUNDARY TREATMENT	The site is enclosed by boundaries with mature vegetation on all sides.
CHARACTER OF LOCALITY	The site is located at the north end of West Walberton Lane on the eastern edge of Fontwell. Character is lower density sporadic rural plots in a verdant setting.

RELEVANT SITE HISTORY

WA/17/54	Outline For Two Dwellings (Scheme A)	ApproveConditionally 02-02-55
WA/17/54/A	Outline For Two Dwellings (Scheme B)	ApproveConditionally 02-02-55

Outline planning permission reference WA/23/17/OUT was granted in February 2018 for 22 dwellings on land 82m north of the application site.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council
The Parish Council objects to this application on the grounds:

1. It is not a Neighbourhood Development Plan policy site.
2. The applicant is wrong - the development is only partly in the built up area.
3. Would in any event be considered an over-development of the site.
4. A form of development might be considered at the up and coming Neighbourhood Development Plan review.

30 letters of objection making the following points:

- Harms a wildlife and fauna habitat.
- In conflict with Walberton Neighbourhood Plan (WDNP).
- Harms the street scene and out of character with it.
- Overdevelopment. Plots will be too small and smaller than depicted on plans.
- Not all of site is included in WDNP.
- Overlooking will take place.
- Excessive traffic on a quiet road.
- Departure from development plan.
- There will be water run off resulting in flooding.
- Overload of sewerage system.
- Tree felling will mean an increase in noise from A27.
- Light pollution in a darkly lit area.
- Lack of supporting infrastructure.
- Unnecessary and harmful loss of trees.
- The location of housing in this location will encourage the inappropriate use of Wandleys Lane and West Walberton Lane by traffic.

1 letter from applicant stating:

The site extends to 6000 square metres with the proposed development of six houses with a total footprint of 840 square metres plus garages with a total footprint of 168 square metres giving a total development area of 1008 square metres 16.8% of the total site area.

Each property will be located in approximately 1000 square metres. This development size is comparable with just four houses per acre.

To compare these with the adjacent properties the planning permission granted for White cottage under reference WA/49/18/PL dated 19/09/18 the floor print of this new approved dwelling is 300 square metres on a site of 1470 square metres equaling 20.4% of the total site area. Richmond house to the east of the site has a floor print of 290 square metres plus a detached garage of 53 square metres totalling 343 square metres on a site of 2300 square metre equaling a total developed site are of 14.9%

This demonstrates the size and scale of the proposed development is very much in keeping with the size of recent and approved developments each side of the site and does not overdevelop the site in anyway.

COMMENTS ON REPRESENTATIONS RECEIVED:

All matters raised are addressed in the conclusions section of this report.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Southern Water Planning

WSCC Strategic Planning
Arboriculturist

CONSULTATION RESPONSES RECEIVED:

TREE OFFICER

The applicants have not submitted any supporting arboricultural information.
· I noted on my inspection that there are trees around the periphery of this Plot and also densely wooded gardens on either side of it which would be impacted by these proposals compromising their Root Protection Areas and contrary to the recommendations of BS5837: 2012.

Conclusions:
· No supporting arboricultural information has been submitted with this application despite the fact that there are clearly trees both on and off this site which require consideration and full respect in terms of BS5837 recommendations.
Recommendations:
· The applicants will need to supply an Arboricultural Impact Assessment & Tree Constraints Plan before I can assess the impact that the proposals might have on the existing tree stock.
· I therefore register an OBJECTION on the grounds that no supporting arboricultural information has been submitted with this application.

HIGHWAYS

The Highway Authority do not consider that the principle of residential development with a new access point in this location would be detrimental to the safe operation of the nearby publically maintained road network and the proposals are therefore in line with paragraph 32 of the National Planning Policy Framework. We would require details on the following as part of a reserved matters application:
· Proposed access works including width, geometry and demonstration of suitability for all vehicles.
· Proposed parking provision and layout including suitably sized parking spaces.
· Clarification on proposed refuse collection and fire appliance access including swept path tracking where appropriate.

SOUTHERN WATER

Informative requested.

ENGINEERS

Please apply standard condition ENGD2A, and ENG5A.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area.

DEVELOPMENT PLAN POLICES

CSP1 C SP1 Countryside

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
LANDM1	LAN DM1 Protection of landscape character
QEDM2	QE DM2 Light pollution
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

Walberton Neighbourhood Plan Policy 2017 HP1	Spatial Plan of the Parish
Walberton Neighbourhood Plan Policy 2017 HP11	Housing Density
Walberton Neighbourhood Plan Policy 2017 HP13	Design Guidance
Walberton Neighbourhood Plan Policy 2017 VE3	Protection of Trees and Hedgerows
Walberton Neighbourhood Plan Policy 2017 VE7	Surface Water Management
Walberton Neighbourhood Plan Policy 2017 VE8	'Unlit village' status
Walberton Neighbourhood Plan Policy 2017 HP3	S & G Motors Arundel Road Fontwell
Walberton Neighbourhood Plan Policy 2017 HP4	Land at the rear of Woodacre Arundel Road Fontwell

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.

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.

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.

The relevant policies in the Walberton Neighbourhood Plan (WNP) have been taken into account in the determination of this application. As the Council can now demonstrate a housing land supply of greater than 3 years the WNP policies relating to the supply of housing are not out of date.

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 part of the site lies outside the built-up area boundary where development or redevelopment is unacceptable in certain circumstances.

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.

CONCLUSIONS

PRINCIPLE

The application site is located within the Parish of Walberton and as such the development plan in the determination of this application will consist of the Arun Local Plan (ALP) 2011 - 2031 and the Walberton Neighbourhood Plan (WNP) .

Arun 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.

Walberton Neighbourhood Plan (2014):

The WNP was made in November 2016 and as such forms part of the development plan in the determination of this application.

Policy HP1 of the WNP seeks to focus development within the BUAB defined in the plan, development outside of the BUAB will be resisted unless they have been allocated for residential development within the plan. This site is not one of the allocated sites.

Schedule 8 of the WNP illustrates the extent of the built up area boundary to the WNP area and extends the Built Up Area Boundary east a long Arundel Road to include some of the application site as well as those sites to the east that are allocated residential sites in the WNP. Approximately half of the application site (southern portion) lies outside of the built up area boundary.

National Planning Policy Framework (2018)

The NPPF states in para. 12:-

'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.'

Conclusion on Matters of Principle:

The principle of residential development on approximately half of the site would accord with the development in that it is within the defined built up area boundary. Development of the remainder of the site would be contrary to the development plan (Arun Local Plan policy C SP1 and the intention of the WNP to protect the countryside policy HP1).

For the proposals to be considered 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 NPPF generally seeks to promoting effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)). Whilst some of the site is outside of the defined BUAB, the site is in a sustainable location.

For the reasons set out below there are considered to be other material considerations to warrant a decision other than refusal. The proposal would not result in an adverse impact on the intrinsic character of the countryside and the visual amenities of the locality and would therefore not conflict with other policies in the development plan.

CHARACTER & DESIGN

Arun Local Plan policy D DM1 lists a series of 15 criteria that development must comply with - these include character where the policy states:

'1. Character

Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features.'

Arun Local Plan Policy D SP1 - Design states:

'All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details....' The policy requires that development proposals should reflect the characteristics of the local area by amongst other things in terms of its character and design.

Policy HP11 of the Walberton Neighbourhood Plan seeks to ensure that the density of proposed development is in keeping with its location so as to maintain the local character and appearance of the locality.

Policy HP13 of the WNP builds on policy HP11 by requiring that development 'must contribute to local character by creating a sense of place appropriate to its location.'

It is also necessary to consider the guidance within the National Planning Policy Framework.

Section 12 paragraph 127 states that 'Planning policies and decisions should ensure that developments: c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).'

Paragraph 130 goes on to say that 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions,...'

It is acknowledged that in its present context the proposal would be at odds with the prevailing character of the immediate locality and appear cramped and an overdevelopment. However, it needs to be acknowledged that this character will significantly alter as a result of the development of the above mentioned allocated sites in the WNP.

A total of 32 dwellings are proposed within 131 metres of the east of the application site. This will be in addition to a further 22 dwellings approved in February 2018 for 22 dwellings on land at Barnfield House, Arundel Road some 81 metres north of the application site. As a result the density and pattern of development in this part of the village the proposed 6 houses will be in keeping with commitments on surrounding sites.

Furthermore, the area of the site that is located outside of the built up area boundary is towards the southern end of the site. This area of land is surrounded on all sides by existing residential development on both sides of West Walberton Lane. None of the sites boundaries are in open countryside use and the application site is bounded by built form. The contribution the existing site makes to the character of the countryside is negligible. There will be no adverse impact on the character of the countryside and the proposals will represent a small infill development surrounded by residential uses.

It is therefore considered that the proposal would not be in accordance with policy D DM1 (1) and D SP1 of the ALP 2011 - 2031, policy HP11 & HP13 of the WNP and paragraphs 127 (c) and 130 of the National Planning Policy Framework.

RESIDENTIAL AMENITY

Arun 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. None of the WNP policies specifically refer to residential amenity issues.

The NPPF in paragraph 180 states that 'planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Furthermore in paragraph 123 c) it states that 'when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).'

In this case the application does not seek permission for the layout, scale and appearance of the proposed units and without the appropriate associated plans the Council is unable to consider the impact on the residential amenities of the dwellings neighbouring the application site.

HIGHWAY SAFETY, & 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 highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

The application has been assessed by WSCC Highways and they are satisfied with the principle of this proposal in this location and raise no objection subject to satisfactory details for the:

- Proposed access works including width, geometry and demonstration of suitability for all vehicles.
- Proposed parking provision and layout including suitably sized parking spaces and the
- Clarification on proposed refuse collection and fire appliance access including swept path tracking where appropriate.

It is not therefore considered that there is any conflict with the adopted development plan policies or with the NPPF.

TREES

There a number of trees on the site and concern has been raised by the Council's tree officer that the site has not been properly surveyed for trees and without such a survey he raises an objection

However, because the siting and scale of these dwellings is not for consideration by this application the Council is unable, at this stage, to assess the trees on site and make a determination as to whether the proposed siting and scale of the units would harm any trees that it considers should be retained. Equally this applies to any ecological implications which have also been raised as of concern by objectors.

LIGHT POLLUTION:

WNP Policy VE 8 - Unlit Village Status states that:

"Development proposals which detract from the unlit environments of the Parish will not be supported. New lighting will be required to conform to the highest standard of light pollution restrictions in force at the time. Security and other outside lighting on private and public premises will be restricted or regulated to be neighbourly in its use including floodlighting at equine establishments and on sports fields or sports grounds."

As mentioned in the character section the density of development in this area will alter with the close introduction of 32 dwellings. Further, there are a number of residential properties that immediately adjoin the application site on all sides. As a result the immediate area will be less dark and more illuminated to the point that this proposal will not conflict with Policy VE8

DRAINAGE

The Council's engineers have commented to say that with suitably worded conditions the proposal will not give rise to any unacceptable drainage/sewerage conditions.

SUMMARY

The application site is partly outside the defined built-up area boundary of Walberton and is therefore contrary to policies C SP1 of the Arun Local Plan (ALP) 2011 - 2031 of the ALP and policy HP 1 of the WNP which seeks to protect the countryside. However, given the future residential development of the area as described above and the existence of adjoining residential property on all sides of the application site, the proposal will not detrimentally and unacceptably alter the character and appearance of the area in conflict with policies D DM1 & D SP1 of the ALP and policies HP11 & HP13 of the WNP.

The proposed development is recommended for permission 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), 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 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 permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 2 years beginning with the date of this permission:-
 - (a) Layout;
 - (b) Scale;
 - (c) Appearance;
 - (d) Access;
 - (e) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before expiration of 1 year from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 4 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner of management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 5 No development including site access, demolition or associated construction activities, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by a fence in accordance with BS5837 (2012) and Section 9, to be approved by the Local Planning Authority for erection around each tree, group of trees and vegetation to a distance of 15m or to the Root Protection Area (RPA) as calculated in accordance with Table 2 of BS5837 (2012) to be agreed in writing by the Local Planning Authority. Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority.

No trenching should occur within the protective fencing surrounding the Root Protection Area. If however there is no alternative but to locate the services then its encroachment into the Root Protection Area must be kept to a minimum and where the roots should be exposed using compressed air technology, such as the air spade to reduce damage caused by mechanical methods. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy ENV DM4 of the Arun Local Plan.

- 6 **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.