

Recommendation Report for Planning Permission

REF NO: WA/26/20/PL

LOCATION: Land Adjacent to
1 Orchard Way
Fontwell
Walberton

PROPOSAL: Variation of conditions 2 , 7 and 13 following the grant of WA/18/19/PL relating to landscaping to allow for removal and replanting of boundary hedging.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application relates to a change in the plans condition (2) , Ecology Mitigation (7) and Tree Mitigation Report (13) imposed on planning permission WA/18/19/PL Condition 7 stated The development shall proceed in accordance with the submitted Preliminary Ecological Appraisal dated 08-11-2018 including permanent adherence to the 'Mitigation Measures' detailed within point 6 of the report summary and section 4.8 of the report. Reason: To safeguard the amenities of the occupiers of the properties and neighbouring residents in accordance with Arun Local Plan policies D DM1 and ENV DM5. Condition 13 stated All activity at the site is to be carried out in strict accordance with: Arboricultural Impact Assessment (Arbortrack Systems Ltd, ref: jwmb/ rpt1/ 1orchardway/ AIAAMS, 15th December 2018 amended 4th March 2019). P2996 KL - Mitigation Statement Report - Orchard Way - Issued V2 Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area in accordance with policy ENV DM4 of Arun Local Plan. Following approval of planning permission WA/18/19/PL some trees/hedging on the western and southern boundary have been felled which were indicated for retention on the approved plans and within the approved Preliminary Ecology Appraisal and Tree Mitigation. The development cannot therefore
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proceed in accordance with the approved details. The proposal relates to a new native hedge on the western boundary and a new cherry/laurel hedge on the western and southern boundaries. Leyland cypress hedging is also to be removed on the western boundary

The previous permission related to the provision of 2 detached dwellings on the site. The application site is the same as approved and the design and position of the dwellings is unaltered.

SITE AREA	946 sq m
RESIDENTIAL DEVELOPMENT DENSITY (NET)	11 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	A number of large trees have been removed from the site. There is a large Oak tree within the rear portion of the site which is protected by a Tree Preservation Order (TPO). There are also mature boundaries to the northern boundary. Much of the previous mature hedging has been removed. retention.
BOUNDARY TREATMENT	High mature hedging to north.
SITE CHARACTERISTICS	The site is in part, the garden of 1 Orchard Way. The A27 westbound carriageway is 12m to the north. To the west is overgrown scrubland and a walkway with a pedestrian underpass. The host dwelling is a one-and-a-half storey detached dwelling. The dwelling comprises brick walls and a tiled roof, with gable ends. It has a projecting pitched roof element to the front elevation and rear dormer.
CHARACTER OF LOCALITY	Cul-de-sac development located south of main A27. Area characterised by residential development with mainly detached properties of varying design, scale and appearance both single and 2 storeys in height.

RELEVANT SITE HISTORY

WA/107/19/NMA	Non-material amenment following the grant of reference WA/18/19/PL for enlargement of front door canopy; external expression of chimney; variation of size & configuration of windows; omission of cladding to external elevations; variation of locations of brick & render to external elevations and brick plinth extended to whole of base.	Approve 25-11-19
WA/18/19/PL	Erection of 2 No. detached dwellings, adaptation to existing crossover & new driveway (resubmission following WA/58/18/PL).	ApproveConditionally 06-06-19

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Walberton Parish Council

No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Arboriculturist

Parks and Landscapes

Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

Ecology Officer - No Objection

The updated Mitigation Statement (Jan 2020) is suitable and can be conditioned.

Tree Officer - No Objection subject to submission of additional details.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted. Adherence to the Ecology Mitigation Strategy is conditioned

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary.

Tree Preservation Order.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
QESP1	QE SP1 Quality of the Environment
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
LANDM1	LAN DM1 Protection of landscape character

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

Walberton Neighbourhood Plan Policy 2017 VE3 Protection of Trees and Hedgerows

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.

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 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 comply with relevant Development Plan policies in that the replacement boundary planting is acceptable in terms of visual amenity and impact on biodiversity.

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 application only relates to the removal of hedging, previously indicated for retention and replacement planting. All other matters relating to the permission remain unaltered. The key policy consideration in the determination of this application are deemed to be DDM1 and ENV DM5 of the Arun Local Plan and policies HP 13 and VE 3 of Walberton Neighbourhood Plan which refer to the impact on visual amenity and biodiversity. .

VISUAL AMENITY AND CHARACTER

The amendments to boundary hedging which will help to soften and screen the appearance of the development would have a positive impact on the visual amenities of the locality. The suggested species are in keeping with the character of the area and add to the semi rural character. In addition the replacement cherry and laurel would be direct replacements for the species removed. Accordingly there would be no adverse impact on visual amenity in accordance with policy D DM1 (1).

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.' The proposed replacement species

would contribute to the character of the area reflecting the previous planting species and native rural hedging.

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

Section 12 paragraph 127 states that developments should be 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). The proposal reflects and enhances the landscape setting of the development.

RESIDENTIAL AMENITY

The design and position of the dwellings on the plots remains unaltered so the impact on residential amenity is unaffected by the proposed changes and the proposal remains compliant with Arun Local Plan Policy D DM1 (3)..

The previous conditions imposed relating to obscure glazing and residential amenity remain unaltered by the application since they still apply to the development..

ECOLOGY IMPLICATIONS

The agent has submitted an amended Ecological Appraisal in the form of a Mitigation Strategy. The site has been assessed as unsuitable for reptiles, roosting bats, and great crested newts and therefore no further surveys are recommended. The recommendations made to enhance the biodiversity of the site where appropriate have been included as an updated condition to reflect the later report in accordance with policy ENV DM5.

IMPACT ON TREES

The Oak tree on the site has been protected following concern by the Council's tree officer and is not impacted by the changes proposed. The Tree Officer is now satisfied that the health of the trees would not be compromised by the development. Long term maintenance would be controlled given that the tree is the subject of a Tree Preservation Order and is controlled by condition on the previous application. The proposal therefore accords with policy ENV DM4 of Arun Local Plan.

Policy VE 3 Protection of Trees and Hedgerows of Walberton Neighbourhood Plan requires development to demonstrate that trees and hedgerows contributing to local amenity will not be damaged or destroyed and ensure that hedgerows are retained. Proposals should be accompanied by a survey that establishes the health and longevity of any affected trees or hedgerows and a management plan to demonstrate how they will be so maintained. The aim of the policy is to ensure habitats for a wide range of species and Green Infrastructure Corridors throughout the village are retained. Much of the mature hedging to the front and side of the site has been and is to be removed to create the access to the site. However, it is not considered that this will result in material harm given the replacement planting detailed in the application. The proposal would not conflict with this policy since suitable mitigation is being provided.

SOUTH DOWNS NATIONAL PARK

Given the replacement screening proposed it is not expected that the proposal will impact negatively on the area of South Downs National Park that abuts the site to the north thereby complying with policy LAND DM1 of the Arun Local Plan.

SUMMARY

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) 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 approved shall be carried out in accordance with the following approved plans:
Location/Block Plan nb:17101+400A
Site Plan and Proposed Landscape 401B

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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 All activity at the site is to be carried out in strict accordance with: - Arboricultural Impact Assessment (Arbortrack Systems Ltd, ref: jwmb/ rpt1/ 1orchardway/ AIAAMS, 15th December 2018 amended 4th March 2019).

Reason: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area in accordance with policy ENV DM4 of Arun Local Plan.
- 3 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, further detail of the new native hedgerow and new cherry laurel hedge in respect of plant numbers, spacing and size at time

of planting. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.'

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan.

- 4 The development shall proceed in accordance with the originally submitted Preliminary Ecological Appraisal dated 08-11-2018 and the 'Mitigation Statement dated 30-01-2020.

Reason: To safeguard the amenities of the occupiers of the properties and neighbouring residents in accordance with Arun Local Plan policies D DM1 and ENV DM5.

- 5 INFORMATIVE: This permission relates to the variation of conditions 2, 7 and 13 of planning permission WA/18/19/PL only. The applicant is advised and reminded that the planning conditions attached to the original planning permission number WA/18/19/PL remain in force and must be complied with. This decision only relates to the variation of Conditions 2, 7 and 13 of that planning permission.

- 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.