

Recommendation Report for Outline Consent

REF NO: WA/33/18/OUT

LOCATION: Spindlewood
Yapton Lane
Walberton
BN18 0AS

PROPOSAL: Outline application with some matters reserved for the demolition of existing dwelling & erection of 5 No. dwellings. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. Permission is sought for access, appearance, layout and scale.
SITE AREA	0.36 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	14 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	There are trees on site where concern has been raised by the tree officer that they have not been identified on the submitted plans.
BOUNDARY TREATMENT	2m high fencing along north and south boundaries. Low walling to front boundary.
SITE CHARACTERISTICS	The application site comprises a detached bungalow with gardens predominantly to the south side. The site is flat and there are trees mainly along the site boundary with Yapton Lane and within the southern side of the site.
CHARACTER OF LOCALITY	The area is rural in character on the main road, B 2132 Yapton Lane, between Yapton and Walberton. There is linear development particularly on the west side of the road with sporadic neighbouring properties and some plant nurseries. On the east side of Yapton Lane are open agricultural fields beyond border hedges.

RELEVANT SITE HISTORY

WA/37/79	Outline For Demolition Of Dwelling And Erection Of Single Dwelling	ApproveConditionally 27-06-79
WA/103/79	Erection Of One Detached Dwelling	Refused 06-02-80

Appeal: Dismissed
17-06-80

WA/104/79	Details In Pursuance Of Wa/37/79 Of Erection Of One Detached Dwelling	Approve 06-02-80
WA/11/82	Outline Application For Erection Of Brick And Tiled Roof Stable Loose Box And Hay Store To Match Adj Property	Refused 07-04-82 Appeal: Dismissed 17-09-82
WA/123/81	Extension Of existing Dwelling House To Provide 4th Bedroom	Approve Conditionally 09-12-81
WA/74/79	Outline For Erection Of 3 Detached Dwellings And Ancillary Works	Refused 31-10-79 Appeal: Dismissed 17-06-80

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council

Object. Walberton PC objects to this application on the grounds that it conflicts with its Neighbourhood Development Plan. The parish council is willing to consider this site along with others in formulating its NDP review shortly.

1 letter objecting to the proposal on the grounds that it alters the character of the area leading to overdevelopment of the village where newly built houses are not selling.

COMMENTS ON REPRESENTATIONS RECEIVED:

Agreed.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
Southern Water Planning
WSCC Strategic Planning
Arboriculturist

CONSULTATION RESPONSES RECEIVED:

TREE OFFICER

Comments:

The applicants have in their Planning Application stated at Section 15 Trees and Hedges that there are

no trees on the proposed development site and further that there are no trees adjacent to the site that might be affected by these proposals. This is clearly a false statement as I noted trees both on and off this site that will require consideration.

Conclusions:

No supporting arboricultural information has been submitted with this application.

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 - thus at this juncture I would have to register an OBJECTION on the grounds that no supporting arboricultural information has been submitted with this application.

COUNTY HIGHWAYS

WSCC require further information regarding the outline application for 5 dwellings.

Sustainability

The site is not within the neighbourhood development plan however; it does already serve as a dwelling and therefore is used for residential purposes. The site is in a rural location and as such doesn't have good footway links. The reliance on the car for journeys outside of the development would be high; although the site is located within 4km of the train station at Barnham and the nearest bus stop is in Walberton Village there are no safe walking routes to either of these. WSCC would not consider this location to be sustainable; however as the site is already being used for residential use and there are other uses like this along Yapton Lane, we would not raise an objection on sustainability grounds as Cycling is a realistic option from the site and provision for the storage of bicycles has been included in the application.

More information is required as followed:-

1. Speed Survey.
2. Updated drawing to show visibility splays from new access location/existing access to compare the changes.
3. Car parking strategy.
4. Layout issues addressed.

Supplementary plans submitted and highways are satisfied with access and splays. They have confirmed that a speed survey is not required.

ENGINEERS

Standard condition recommended.

SOUTHERN WATER

The applicant is advised to consult the Environment Agency directly regarding the use of a septic tank drainage which disposes of effluent to sub-soil irrigation. The owner of the premises will need to maintain the septic tank to ensure its long term effectiveness.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Outside built up area boundary.

DEVELOPMENT PLAN POLICES

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
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

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 Arun District Local Plan was adopted on 18th July 2018.

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 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 the site lies outside the built-up area boundary where development or redevelopment is unacceptable.

The proposal would have an adverse impact upon the established character of the surrounding 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 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.

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. Policy C SP1 of the ALP seeks to protect the countryside for its own sake and as such exerts strict control over development situated outside of the BUAB. Due to the sites location outside of the BUAB development in this location would be in conflict with policy C SP1 of the Arun Local Plan 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.

The NPPF (July 2018) states:-

2. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Therefore as the development conflicts with an up-to-date Local Plan and there are no material considerations to indicate otherwise a recommendation for refusal would be compliant with the NPPF.

Conclusion on Matters of Principle:

The principle of residential development on this site is contrary to the development plan (Arun District Local Plan policy C SP1 and the intention of the WNP to protect the countryside policy HP1).

The proposed development would provide an additional 5 houses which are not required in the District at the present time due to the 5.3 year housing land supply identified in the inspector's comments on the Local Plan. Whilst the development would have a small positive effect upon the supply of housing the principle of residential development on this site would, in current policy circumstances and as set out in the NPPF, not be acceptable.

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,...'

The existing character of this section of Yapton Lane is derived from sporadically located, ribbon like pattern of single dwellings fronting Yapton Lane. This is interspersed with plant nurseries. The amount/density of development on the site and the orientation and layout of the proposed development would not accord with the general pattern of development along Yapton Lane. The proposal would therefore result in the character of the area being unacceptably affected.

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. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.'

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 nearest neighbouring residential property is Rosewood some 45m south of the property Spindlewood. To the north are allotment gardens and open countryside beyond that.

The proposal proposes house types 2, 4 & 5 nearest to the boundary with Rosewood (18m for house type 2 and 20m for house types 4 & 5). However, the sufficient separating distance together with, more importantly, views from the proposed 2 storey houses onto a driveway and a Rosewood roof devoid of openings will mean that the proposed layout will not have an unacceptable impact on neighbouring residential amenity.

It is therefore considered that the proposal would be in accordance with policy D DM1 of the ALP 2011 - 2031 and the guidance on residential amenity within the National Planning Policy Framework.

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. Following the submission of supplementary plans WSCC advice that it is satisfied with the proposed access and associated visibility splays.

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

TREES

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 cannot comment on the acceptability of the proposal in regards to impact on trees. As this application is for the siting of the dwellings and there is no tree survey to indicate that this will not lead to the loss of valuable trees, this application is unacceptable on tree grounds.

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."

This policy does not apply as this location is not considered to be an unlit environment. This is because, the site is located on a busy approach road to the village and to the A27 beyond that. The road has sporadic residential development along its long west side and includes a number of light generating Nurseries.

It is therefore considered that the application complies with the development plan in this respect.

SUMMARY

The application site is 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. The proposal will 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 refusal for the following reasons.

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

REFUSE

- 1 The site lies outside the built up area boundary as defined in the Arun Local Plan 2011 - 2031 and Walberton Neighbourhood Development Plan and would represent an encroachment of built form into the countryside. By reason of the number of dwellings proposed and their siting the proposal would be at odds with the character and appearance of the locality. The proposal would therefore be contrary to policies C SP1, D SP1 and D DM1 of the Arun Local Plan 2011 - 2031 and policies HP1, HP11 and H13 of the Walberton Neighbourhood Development Plan.
- 2 The proposal is not accompanied by an accurate tree survey and may therefore result in the loss of tree/trees important in the local landscape that could be made subject to a Tree Preservation Order. The proposal would therefore be contrary to policy ENV DM4 of the Arun Local Plan 2011 - 2031 and policy VE3 of the Walberton Neighbourhood Development Plan.
- 3 **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 with the proposal and determining the application within a timely manner, clearly setting out the reason 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.