

Recommendation Report for Planning Permission

REF NO: WA/49/18/PL

LOCATION: The White Cottage
West Walberton Lane
Walberton
BN18 0QS

PROPOSAL: Demolition & erection of 1 No. dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed development concerns the replacement of a single storey bungalow with various subsequent additions with a new chalet dormer property.
TOPOGRAPHY	The site falls from north to south.
TREES	The site is enclosed by boundaries with mature vegetation on all sides. The most important trees are located just outside the western boundary and along the northern boundary.
BOUNDARY TREATMENT	The largely square (in plan) site is enclosed by either fences or high vegetation for the most part.
SITE CHARACTERISTICS	The existing bungalow is of no particular architectural merit and is located in the southern half of the spacious plot.
CHARACTER OF LOCALITY	The site is located on the eastern edge of Fontwell at a point where there is a change in character from higher density urban forms of development to lower density sporadic rural plots in a verdant setting.

RELEVANT SITE HISTORY

WA/69/85	Erection Of Concrete Garage	ApproveConditionally 11-11-85
WA/14/58	Bungalow	Approve 17-09-58
WA/90/16/HH	Side, rear & front extensions	ApproveConditionally 12-01-17
WA/26/08/	Proposed single storey PVCu conservatory	ApproveConditionally

WA/10/03/

Extension and alterations.

ApproveConditionally
21-03-03

The current property has been subject to a recent permission to substantially extend the property. This is covered in more detail in the conclusions section below.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council

Parish Council:

No Objection but to register preference for the maximum feasible number of trees /hedges to be retained, in ADC s judgement. (revised plans)

2 Letters of Objection:

The substantial increase in the footprint of the new Application WA/49/18/PL since decision on WA/90/16/HH in January 2017 changes the appearance, scale and bulk of the house which may not now fit in with the character of the area and will have an effect on the drainage system required.

Concerned that the extensive felling of trees and other changes have that been allowed to take place will have effects on the environment including effects on the surface water and subsurface water movement.

Concerned about movement of vehicles close to the intersections of West Walberton Lane with Wandleys Lane and The Old Arundel Road, particularly during demolition and construction, and their presence affecting air pollution and the pollution to the aquifer.

Noise - The development will have an adverse effect on neighbouring properties as a consequence of the additional noise created by the number of occupants residing in a 6 bedroom house as opposed to a 3 bedroom bungalow.

Bulk and Scale - The development is over-bearing and out-of-scale in terms of its appearance compared with the existing building and the substantial increase in the footprint of the building is not in keeping with properties opposite or adjacent.

Traffic - The blind exit from the property onto West Walberton Lane does not lend itself to the significant increase in vehicle movements that would be associated with a 6 bedroom house.

Overlooking and loss of privacy. A bedroom window, sited on the East elevation at circa 5 metres, overlooks the neighbouring property. Currently there is no window or loss of privacy.

Drainage - The 6 fold increase in the number of bathrooms/toilets and the significant increase in roof area will have a considerable impact on drainage.

1 representation of general comment.

A gravel drive should be stipulated for drainage purposes. The majority of properties in West Walberton Lane have gravel drives.

The trees and hedging should not be destroyed.

The proposed house is too large. A smaller house would be more appropriate.

COMMENTS ON REPRESENTATIONS RECEIVED:

The points raised are covered in the conclusion section below.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

Southern Water Planning

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer

There are trees both on and off this site; including individuals of significant landscape value, cohesive groups and established small trees/large shrubs constituting informal hedgerow - all of which could be adversely affected by the proposals. These are largely confined to the site perimeter, the majority of which are visible to the public and help define the tree-lined character of the adjacent roadways.

No arboricultural information has been submitted with either application - a requirement of BS5837:2012. As such, were this application to now proceed, we will not have sufficient information to guarantee such trees would be adequately respected and protected.

Although no individual trees on-site are of sufficient value to qualify for the making of a Tree Preservation Order, special attention should be given to the presence of an important linear group of roadside trees (West Sussex County Council) along the sites west boundary. They are likely to have sent roots far into the site, as they will have compensated for the hostile growing conditions below the adjacent carriageway.

There is a fine specimen silver birch growing to within 1m of the southern boundary, within the neighbouring property 'Lanes End' that is vulnerable to serious damage from any soil/surface interference that might occur during any driveway enhancement.

The applicants will need to employ the services of an Arboricultural Consultant to carry out a tree survey exercise and then prepare an Arboricultural Implications Assessment (AIA) which must be inclusive of; a 'Tree Survey Schedule', a 'Root Protection Area (RPA) Schedule' and a 'Tree Constraints Plan' - with the trees accurately plotted on same.

In the event that a RPA of any tree which is proposed for retention overlaps the development then

BS5837:2012 requires that the Detailed Planning Application is accompanied by an Arboricultural Method Statement (AMS) and also most importantly a Tree Protection Plan - to both describe and illustrate the mitigation measures which are to be employed to ensure that the trees survive without detriment to their vigour and vitality and are given adequate protection both above and below ground.

Conclusions:

- The scheme has the potential to be in harmony with its surroundings (trees and other vegetation) although it has not yet been established how this will be achieved.
 - There is no supporting arboricultural information submitted with the application - a requirement of BS5837:2012. As such, were this application to now proceed, we will not have sufficient information to guarantee retained trees both on and off the site would be adequately respected and protected.
 - I welcome the opportunity to comment on this development proposal and anticipate the submission of the above survey reports in due course. As it stands, in the absence of the above information I would have to lodge an OBJECTION to this proposal.
- On receipt of satisfactory arboricultural information I could then prepare a set of specific conditions for inclusion in any decision notice.

Drainage Engineers:

Please apply standard condition ENGD2B.

Soakaways must be investigated for surface water disposal.

Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location.

Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also enclosed for information.

Southern Water: Southern Water requires a formal application for a connection to the foul sewer to be made by the applicant or developer. Informative to this effect is requested.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

The site lies outside a defined Build up Area Boundary

Mineral Consultation Area

DEVELOPMENT PLAN POLICES

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design

ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
SDSP2	SD SP2 Built-up Area Boundary

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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2018, West Sussex County Council's Waste and Minerals Plans and the Walberton Made Neighbourhood Development Plan.

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 it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

CONCLUSIONS

The following matters have been identified as the key considerations in this case.

- 1 - Principle of the development
- 2 - The proposed design and scale of the building
- 3 - The impact upon the amenity of neighbouring residents
- 4 - The impact upon trees
- 5 - Highway considerations
- 6 - Drainage matters

Each is dealt with in turn.

In respect of the principle of the development the adopted Local Plan is silent on the issue of replacement dwellings outside defined built up area boundaries, although policy SD SP1a encourages

the reuse of Previously Developed Land which this site is defined as.

The adopted Neighbourhood Plan states at policy HP1:

By reference to Emerging Policies SD SP2 - Built-up Area Boundary, C SP1 - Countryside, GI SP1 - Green infrastructure and development, SD SP3 - Gaps between Settlements, Policy H SP1 - Strategic housing, parish and town council allocations, and other relevant Policies, development proposals for new dwellings as specified in the Development Timeline in Schedule 7, and identified on the Proposals Map in Schedule 7, will be supported. Development proposals for other new dwellings outside the Built-up Areas will be resisted unless the Plan has made specific provision for those proposals.

What this means is that technically a proposal for a replacement dwelling is contrary to policy HP1 because it doesn't fall within the forms of development that are supported and therefore by default the policy seeks to resist this type of scheme.

This is likely to be an unintended consequence of how the policy is written rather than a specific policy objection to the proposal. It is noted that the Parish response doesn't object to the principle of the scheme. However, it is not the role of the decision maker for this proposal to re-write this policy on the basis of what it could have said.

Therefore, a policy conflict must be acknowledged.

The new updated NPPF is largely silent also on the question of replacement dwellings in the countryside, although there is policy support for replacement buildings in the Green Belt (and whilst such a designation does not apply to this site the underlying support for the principle can be taken to also apply to the countryside generally). There is also general support for rural housing and the reuse of previously developed land and for sustainable forms of development.

In terms of the three objectives of sustainable development, the proposal would create some minor economic benefits from the construction of the dwelling. From a social perspective, the site is located adjacent to the Fontwell built up area boundary and would not involve a net increase in the number of new homes and so any social impact would be broadly neutral. The same applies in respect of the environmental objective provided the issues of trees and surface water drainage are addressed satisfactorily.

Overall, the proposal is considered to represent a sustainable form of development and given the other material considerations which weigh in favour of the principle of the development, the planning balance (notwithstanding the policy objection) lies in favour of granting permission in principle subject to the other matters addressed below.

The proposed design and scale of the building

The existing cottage has a gross external area of approximately 139m² (including the conservatory). The proposed dwelling has a gross external area of 401m² to this (with the garage adding a further 31m²), giving a total increase in floor area of 292m². This represents a substantial increase in the floor area of the property.

However, planning permission was granted in early 2017 for a number of substantial extensions to the existing dwelling. The proposed extensions will add approximately 224m² to the existing (with the garage adding a further 31m²), giving a total gross proposed external habitable area of 363m².

Overall, therefore the current proposals are only 38m² larger than the overall floor area of the property

with the benefit of the 2017 permission.

The proposal has an increase in the ground floor area to compensate for the reduced height and floorspace on the first floor.

The dwelling provides a living room, dining room and kitchen with utility room, playroom, study and bedroom on the ground floor. On the first floor there are five bedrooms, three with en-suites, and a bathroom.

The design of both the existing dwelling (as extended) and the proposed replacement building are attractive and are considered to be a visual improvement over the existing dwelling in its current form. The existing cottage is visible from the road, but only through the narrow entrance gate. The new property will therefore be visible from the lane. Whilst some of the representations have indicated support for the version with extensions rather than the completely new building, there are considered to be no sound planning reasons to reject the current proposals on the grounds of design and scale of the building.

The impact upon the amenity of neighbouring residents

The site is generally a well screened site with neighbouring properties some distance from the proposed dwelling. There are no windows at a first floor level on the eastern elevation, only at ground floor level. Subject to the imposition of appropriate conditions to safeguard the amenities of neighbouring residents it is considered that any impact is within acceptable tolerances.

The impact upon trees

The proposed dwelling has been resited slightly further northwards, away from the southern boundary in order to protect the root systems of trees on or near the southern boundary. The Tree Officer has indicated an objection on the basis that there is no arboricultural survey to inform the assessment of the application. However, this application has a number of similar arboricultural implications to that previously approved for the extensions. In the circumstances, having regard to the previous permission it is considered that the imposition of conditions requiring the submission of an appropriate assessment of any impact upon any trees and the imposition of appropriate mitigation would be acceptable.

Highway considerations

The relocation of the proposal slightly further north within the plot also gives additional room for turning and parking within the site. This is considered important given the narrow access point across from a junction and the limited visibility when leaving in a forward facing direction. Whilst, there is an increase in the number of bedrooms and so a potentially higher level of occupancy, the concerns over the substandard access are not so significant as to warrant the refusal of the application on this ground in the absence of any other objection.

Drainage matters

In respect of foul water the existing dwelling is connected to the mains and the same is proposed for the new dwelling. In respect of surface water the Council's engineers have requested the imposition of conditions in order that an acceptable scheme might be developed that relates to the specific ground conditions for this site. This should also address the concerns of neighbours.

All other matters raised have been considered but do not fundamentally impact upon the overall assessment that has been made.

HUMAN RIGHTS ACT

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 no 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 therefore have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby approved shall be carried out in accordance with the following approved plans SO1; SO2; P10a; P11a; P12; P13a and P14

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 2018.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the eastern elevation of the building without the prior written permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties to the east in accordance with policies D DM1 of the Arun Local Plan 2018.
- 4 Development shall not commence, other than works of site survey and investigation, 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, and have regard to recommendations contained within the tree assessment required by the condition(s) below, and 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 / No part of the extended 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 DM3 of the Arun District Council Local Plan 2018. It is considered necessary for this to be a pre-commencement condition to ensure that the surface water disposal scheme is agreed before construction commences.

- 5 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction;
- the method of access and routing of vehicles during construction;
- the parking of vehicles by site operatives and visitors;
- the loading and unloading of plant, materials and waste;
- the storage of plant and materials used in construction of the development;
- the erection and maintenance of security hoarding;
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders); and
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with policies D DM1 and T SP1 of the Arun Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction traffic.

- 6 No development shall take place following the demolition of the existing dwelling until details of the finished floor level related to a fixed datum point (outside the application site) of the approved dwelling have been submitted to, and approved in writing by the Local Planning Authority and the approved dwelling shall be subsequently constructed in accordance with the agreed details.

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 2018. This is required to be a pre-commencement condition because it is necessary to have the site levels agreed prior to the construction of the replacement dwelling.

- 7 No development including changes to the site access, levels, 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.

Details shall also be provided of a non-dig solution for the improvements to the access and parking area where those areas conflict with an identified root protection zone.

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 District Local Plan.

- 8 A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.