Recommendation Report for Planning Permission

REF NO: **WA/63/14/PL**

LOCATION: Land rear of the Holly Tree Pub
The Street
Walberton

PROPOSAL: Erection of 1 No single detached dwelling. This application is a Departure from the Development Plan & affects the character & appearance of the Walberton Village Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal relates to the provision of a detached 2 storey 4 bedroom dwelling with an attached double garage located in the side garden area of plot 6.
SITE AREA	0.10 hectares
RESIDENTIAL DEVELOPMENT DENSITY	10 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Walling to the rear of the Holly tree pub to approximately 1.8m. Hedging fencing to others
SITE CHARACTERISTICS	The site is currently part of a building site. The dwelling on Plot 6 is nearing completion
CHARACTER OF LOCALITY	Rural village, mix of residential properties detached and semi detached in various periods and styles. To the rear of the site to the east is the play centre and the village school to the west. Holly Tree Cottage is flint with tiled roof, Old Hall Cottage is brick with thatched roof. Fernleigh is rendered and painted white. Willow Tree Cottage is a painted house with tiled roof. The new cul-de-sac of dwellings behind the pub are nearing completion.

RELEVANT SITE HISTORY

WA/3/11/	Proposed refurbishment works to Holly Tree pub including the provision of 8no. Bed & Breakfast rooms and enabling development	Refused 07-04-2011	*Appealed*

	of 9no. residential dwellings with associated car parking, access & landscaping. (This is a departure from the development plan)	**Appeal: Withdrawn 23 12 2012**
WA/66/11/	Proposed re-furbishment works to Holly Tree pub including the provision of 4 no. bed & breakfast rooms & an enabling development of 6 no. residential dwellings with associated car parking, acces & landscaping. Re-submission of WA/3/11/. (This application is Departure from the Development Plan)	Approved Cond + S106 05-01-2012
WA/72/12/	Revisions to previous approval WA/66/11 for the proposed refurbishment works to the Holly Tree pub including 4 no. bed & breakfast rooms	ApproveConditionally 14-02-2013
WA/71/12/	Revisions to WA/66/11 to amend design and layout of 6 No. residential dwellings with associated car parking, access and landscaping (in association with WA/72/12). Departure from the Development Plan.	Approved Cond + S106 14-02-2013
WA/32/13/	Revisions to previous application WA/72/12 for the proposed refurbishment works to the Holly Tree pub. This application affects the character and appearance of the Walberton Village Conservation Area.	ApproveConditionally 23-09-2013
WA/62/13/NMA	Application for a non-material amendment following a grant of planning permission WA/71/12/ for deeper front gardens for houses 3, 4 and 5; correction to side elevations and addition of rooflights; increase rear gable; addition of front porch; remove chimney.	Approve 24-01-2014
WA/45/14/NMA	Application for a non material amendment following a grant of planning permission WA/71/12/ to install two velux windows (w) 550mm x 978mm (h) into the the front elevation of the roof of units 2 & 3	Approve 01-09-2014
WA/52/14/NMA	Application for a non-material amendment following a grant of planning permission WA/71/12 - face the upper portion of the gable end with Marley Eternit Ashdowne Ashurst (to be used instead of brick).	Approve 26-09-2014
WA/61/14/NMA	Application for a non- material amendment following the grant of WA/71/12/ to duplicate small window on Eastern elevation.	Approve 29-10-2014

WA/64/14/NMA	Application for a non-material amendment following a grant of planning consent WA/71/12 for the addition of a small window to the western elevation	Approve 30-10-2014

WA/66/11 for the development of 6 dwellings to the rear of the pub offered significant community benefit by securing a refurbished pub offered on a 999 lease to the Parish Council and providing £100k towards a community building. The approved red line to this residential development included the land subject to this application.

REPRESENTATIONS

Representations received:

Walberton Parish Council

Objection - The Council notes that planning permission WA/66/11 (subsequently modified as WA/71/12) was approved by Arun District Council as an enabling development of six houses to safeguard the future of an important community asset, notably the Holly Tree pub, and to provide additional community benefit by way of Section 106 funding for a community building. This was judged by the Council to be an acceptable and carefully calibrated scheme that gave enough community benefit to justify its status as a rural exception site.
(The previous application WA/3/11 for nine houses and no funding for a community building was not judged to be well calibrated enough and was consequently refused by Arun District Council.)
· The plot for the proposed seventh house is a subdivision of the garden of the sixth house under the current permitted scheme, which is still outside the Built-Up Area Boundary. As such it is no different to any other application to build an additional dwelling in the garden of a house outside the Built-Up Area Boundary, all of which are resisted by this Council unless there is a compelling planning reason to make a site specific exception.
· The proposal for a seventh house is not an enabling development and it offers no community benefit, therefore there is no sound reason to make a further exception in this case, until such time as, and if, the Built-Up Area Boundary changes. The best way to deal with such a proposal would have been through the emerging Walberton Neighbourhood Plan and not as an ad hoc application which is clearly a Departure from the Development Plan. The applicant to date has made no attempt for this plot to be included in a review of potential local sites.
· The addition of a seventh house would lead to an overly cramped form of development and would harm the street scene of the permitted scheme, which is generally arranged as an arc of buildings around an open "village green" with views to the west and the TPO listed oak tree. The proposed house by virtue of its siting, height and mass would reduce this public open space to a virtual roundabout with little or no amenity value, and would urbanize an otherwise sympathetic village layout.
· The design and position of the seventh house with its steeply pitched roof and tall blank southerly gable end relates very poorly to the lower Holly Tree pub buildings immediately next to it and also to the setting of the Grade II Listed Holly Tree Cottage.
· The TPO oak tree has already had an application WA/53/14/T to reduce its crown refused and it has been identified as providing important visual amenity to the surrounding area. The construction of another house so close to it will inevitably increase the pressure in future years for it to be pruned and thus "unacceptably affect the form, health and vitality of this tree".
(Contrary to Arun District Council's Local Plan 2011-31 Publication Version Policy SD SP2, D SP1, D DM1, ENV DM4)

35 letters of objection (including ward member) - This application is unacceptable as it is

cramming an extra house into what had been agreed as 6 houses having been reduced from an earlier application. Trees on the site are protected by a TPO. The proposed development including fencing will adversely affect the health of the trees, the works will be unnecessary.

Another large expensive house in this village is not needed, affordable housing is. 6 houses were allowed on this site in 2013 even though at the time the developers were pushing for more. Another house should not be allowed just because the developers want to make more money. Squeezing yet another oversized property into this undersized space is unacceptable. It is too close to a listed property. If applicant's go back on their word for helping the community then they don't deserve to build another house. Another property increases the hazards of the limited site access. This will make the road busier.

Lack of privacy for house next door. The properties are now impacting on surrounding cottages and the village pub. Properties will be devalued. Another property will spoil the look of the village. The dwelling does not add positively to the surrounding context. Its design should be more traditional given its close proximity to the pub and older properties and should be designed to be more akin to these properties in terms of height, footprint and scale. Has potential for extension of the pub been considered? The existing development is well done and developer should be acknowledged for this.

The developer is dishonest. They used the 'enabling development' argument as a tactic to force the first application through against planning policy. The money from the houses was not used to refurbish the pub. It was sold for full market price and refurbished by the new owners. Further detrimental increase in traffic levels. Could have a detrimental impact on the old estate wall which will negatively impact the area. The existing houses are too big and too high. The application is a departure from the development plan and affects the character and appearance of the Conservation Area.

3 letters of support - The design would fit in with the other houses on this small site and would not spoil the character of this location. These houses are built to a high specification. Mindful of the fact that 50 new dwellings have to be created in our local area in the next few years. With that in mind it seems logical to allow one further house to be built within this current development.

Comments on Representations received:

Comments on Parish Council objection - It is not considered that the addition of a seventh property would result in a cramped form of development. The plot size would be readily comparable with the adjacent plots within the development which is progressing on site. The design and appearance of the dwelling would not detract from the character and appearance of the Conservation Area. The Council's arboricultural officer has no objection to the proposal. The site does lie outside the boundary of the built-up area and there is no community benefit that would result from the development, as has been the case in the past, but the property would be surrounded by development. The site benefits from an 'in principle' approval for residential approval as granted by WA/66/11.

Additional comments on objection representations - The provision of an additional dwelling will not add significantly to the traffic levels generated by the site. Devaluation of property is not a planning matter. Given the position and orientation of the property it is not considered that it would have an adverse impact on the residential amenities of adjoining properties. The design and appearance of the dwelling would be in keeping with others in the development. It would have no adverse impact on the setting of adjacent Listed properties given the position of the dwelling within the plot. The existing southern boundary wall is to be retained as indicated on the submitted layout plan. There are no current proposals to extend the pub.

Any future application for an extension would be considered on its own merits at that time.

CONSULTATIONS

WSCC Strategic Planning
Highways Agency
Southern Water Planning
Engineering Services Manager
Engineers (Fluvial Flooding)
Conservation Officer
Arboriculturist

Consultations responses received:

Conservation Area Advisory Committee - No Objection

County Highways - No Objection. The number of vehicle movements generated by a single additional dwelling would not be likely to give rise to a highway safety capacity issue. It is requested conditions relating to car parking and cycle parking are imposed.

Engineers - No Objection. Condition suggested

Southern Water - No Objection. Conditions suggested

Highways Agency - No Objection

Arboricultural Officer - No Objection. Remedial works detailed should be allowed to take place. Conditions should be imposed.

Conservation Officer - The proposal will have a neutral impact upon the Conservation Area, due to he fact that it complements an existing development. If recommended for approval materials should be conditioned.

Comments on Consultation responses:

Comments noted. Requested conditions have been imposed.

POLICY CONTEXT

Designation applicable to site:
Outside the Built Up Area Boundary
Within a Designated Conservation Area
Class C Road
TPO WA/1/11

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	GEN12	Parking in New Development
	GEN28	Trees and Woodlands
	AREA2	Conservation Areas
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality
		D DM2 Internal Space Standards

D DM3 External Space Standards
D SP1 Design
SD SP2 Built-Up Area Boundary
C SP1 Countryside
HER DM1 Listed Buildings
HER DM3 Conservation Areas
HER SP1 The Historic Environment
W SP1 Water
W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton. Walberton Parish is at the early stages of

preparing a 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 although the site lies outside the built up area boundary where development is not acceptable in principle it does accord with a policy in Section 2 of the plan which allows for consolidation of development in a rural area provided the appearance of the Conservation Area is preserved and it has no materially adverse impact on residential amenity or the character of the area.

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. The dwelling is located within a residential development envelope previously granted approval and is enclosed by development on all sides. It would not compromise the rural character of the area to the north and would have no materially adverse effect on the character of the conservation area or visual amenities of the locality or the residential amenities of neighbouring properties

CONCLUSIONS

Principle and Policy GEN3 Protection of the Countryside

The site lies outside the built up area boundary where development is not permitted unless necessary for the needs of agriculture. Countryside policies seek to protect the countryside for its own sake. Development will only be allowed in exceptional circumstances or where there is a strong justification for a countryside location. No justification has been provided. However, the site is located within the approved enabling development envelope which is under and nearing completion and would be surrounded by development. It would not compromise the underlying objective of policy GEN3 which is to safeguard the countryside for its own sake. Policy GEN3 states that permission will not be given for the extension of isolated groups of buildings or the consolidation of linear or sporadic development unless the proposal accords with criteria (i) to(iii) or (v). Criteria (v) is that the proposal is in accordance with a policy in Sections 2 and 3 of the plan referring to a specific type of development. The proposal does accord with policy AREA 2 'Conservation Areas' in Section 2 of the plan.

The development would be physically and visually contained within the existing built form of the village. No boundary of the site is located adjacent to countryside. The proposal would not be seen as being development outside of the village envelope and would not compromise the character or appearance of the surrounding countryside. It would not be readily visible from the countryside outside the site since it would be screened by other development including the dwelling to the north and the play centre and primary school which are closer to the open countryside to the north.

Effects on the Conservation Area

The new dwelling would not be readily visible within the Conservation Area as it would be located directly behind the Holly Tree pub. It would reflect the design and external appearance of other recently constructed properties and would be in keeping in terms of its proportions and site area. The character and appearance of the adjacent Conservation Area would be preserved. The property would be located 0.8m from the boundary with the Holly Tree pub and 4.9m from the closest building. It would preserve the space between the new dwellings and the visual gap between the development and neighbouring properties. It would be located a similar distance from the site frontage as plot 6 and would provide adequate separation distances to the rear boundaries of adjacent listed properties. It would be in sympathy and follow the line of the established pattern of the development under construction by similarly facing onto the approved central 'village green' area within the cul-de-sac.

Residential Amenity

The layout prevents any direct overlooking of any surrounding dwellings either existing or under construction and any adverse overbearing effects. It is noted that the boundary has a 1.8m acoustic fence proposed as previously approved in this position.

The proposal accords with the essential general internal floor area for a 4 bedroom, 6 person 2 storey house and the external space standards in the Emerging Local Plan, policies DDM2 and DDM3. This is further evidence that the proposed house does not represent an overdevelopment of the overall residential development.

Trees

The site area does include a preserved oak tree. An Arboricultural Report has been submitted and revised as part of the application. The Council's Arboricultural Officer has met the applicant's tree consultant on site and is now satisfied with the remedial works proposed and has withdrawn his initial objection. The proposed works would accord with BS5837:2012 and would balance the growth of the Turkey Oak. The Root Protection Area is marked out and is the correct size and there does not appear to be any disturbance in this area.

Flooding Issues & Drainage

The application site lies outside a flood zone. The site is at low risk of groundwater flooding. The District Engineers are satisfied that the development can be drained in accordance with suggested conditions. Southern Water have also raised no objections.

Summary

Whilst the applicant has not justified the proposal as an exception to policy GEN3 on the basis of community benefit, the site is enclosed by development on all sides and there are sound planning reasons that overcome this policy objection. It is considered that allowing this proposal would not adversely affect the rural character of the surrounding area.

The dwelling is considered to be of good design and does not compromise the layout or style of the existing development. It is in keeping with the character and appearance of the conservation

area. The proposal is not considered to result in any loss of visual or residential amenity or highway safety.

It is recommended that the application is approved 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 (the right to respect for private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval 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 neutral impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

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 drawings 100 revC, 101 revB, 102revC, 103revB, 104 revB, 105 revA, 106 revB, 4613/124 revb, 4613/125 revB and 4613/120 revD

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

3 No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority

and the materials so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

4 The development shall be carried in accordance with the submitted tree reports from Arbortech dated 29-01-2014 and 21-01-2015 and in accordance with the following specifications:

Crown Reduction
All side branches to be retained should be at least 1/3rd in diameter of the removed branch. Pruning cuts must be flat and smooth, kept as small as possible by cutting at an optimum angle and should not exceed 100mm in diameter.

Crown Clean
The Crown Clean should consist of deadwood and stub removal where all cuts should be made to the branch collar. Where crossing branches are encountered the weaker branch/branches should be reduced or removed to avoid contact between them. The remaining branch/branches should be shortened as appropriate to relieve 'end weight' and sudden exposure by reducing the leaf bearing branch tips by no more than 30%.

Ongoing Pruning
The regime of remedial pruning (that has been outlined) must be adhered to, to ensure the retention span of said tree reaches its full potential.

Reason: To ensure the retention and continued health of the tree in accordance with policies GEN7 and GEN28 of the Arun District Local Plan and sound arboricultural practice.

5 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.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

6 The dwelling shall not be occupied until the acoustic timber fence along the western boundary has been provided and the fencing shall be retained in perpetuity.

Reason: In the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

7 The dwelling hereby approved shall not be occupied until provision for car parking has been made within the site in accordance with details on the approved site plan. These spaces shall thereafter be used only for the parking of vehicles.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan.

8 The dwellings hereby approved shall not be occupied until secure cycle parking spaces are provided within the garages herby approved and these spaces shall thereafter be used only for the parking of cycles.

Reason: To provide alternative travel options to the use of the car in accordance with the National Planning Policy Framework.

9 No windows shall be constructed at first floor level in the side elevation of the dwelling hereby permitted which adjoins the southern side boundary with the Holly Tree without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policy GEN7 of the Arun District Local Plan.

10 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) or alterations to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

11 'No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. 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 GEN7 of the Arun District Local Plan.

12 INFORMATIVE:
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.

13 INFORMATIVE:
Should any sewer be found during construction works thec 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.

14 INFORMATIVE:
Due to surface water inundation issues in the Lidsey Catchment the applicant ids a vised to adopt where appropriate the measures in the table 'Practical measures to reduce the potential impacts of development. The public sewerage system should be protected from inundation and infiltration which contribute to flooding in unfavourable conditions.

15 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern 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.