

Recommendation Report for Planning Permission

REF NO:	WA/74/17/PL
LOCATION:	Church Farm Bungalows Binsted Lane Binsted BN18 0LN
PROPOSAL:	Replace existing 2 No. dwellings with 1 No. dwelling & detached garage to include solar panels (resubmisson following WA/109/16/PL). This application may affect the setting of a listed building.

SITE AND SURROUNDINGS	
DESCRIPTION OF APPLICATION	As above. The proposal relates to a detached pitched roof garage and car port with a ridge height of 5.2m and floor area of 5.8m by 8.5m and a detached 2 storey 3 bedroom dwelling with a ridge height of 7.6m and a floor area of 15m by 6.5m. This application amends the permission granted under WA/109/16/PL by relocating the approved dwelling slightly to the east, adding a roof light to the north east elevation, altering the position of roof lights on the north west elevation and increasing the depth of the staircase window to the dwelling. It also increases the length of the garage by 2.5m to include a plant room, boiler and store and adds solar panels to the roof.
SITE AREA	1380 sqm
RESIDENTIAL DEVELOPMENT DENSITY (NET)	7 dwellings per hectare
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Evergreen hedging to rear to approx. 4m height. To road frontage 2-3m high hedging. Close boarded timber fencing to side boundary to approx. 2m.
SITE CHARACTERISTICS	The site comprises two brick chimneys on a grassed enclosed area which is defined by boundary hedging.
CHARACTER OF LOCALITY	The site lies within the countryside adjacent to a thatched listed property

RELEVANT SITE HISTORY

WA/109/16/PL	Replace existing two bungalows with one single dwelling. This application affects the setting of a listed building	ApproveConditionally 08-03-17
--------------	--	----------------------------------

WA/8/15/CLE

Application for a Lawful Development Certificate for
existing residential use of the land.

Refused
09-04-15

Appeal: Allowed
15-02-16

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Walberton Parish Council

No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Listed Building Officer

WSCC Strategic Planning

Ecology Advisor

Ecology Advisor

Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection. Pre- application advice was provided to the applicant which was submitted in support of the previous application. No highway concerns were raised. The access and parking arrangements would still be considered acceptable to the Local Highways Authority.

Ecology Officer - No Objection subject to imposition of conditions and reptile mitigation.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted. The ecologist has requested a mitigation survey for reptiles, but the earlier approved application could be implemented at any time and does not require any reptile mitigation. It would therefore be unreasonable to impose such a condition at this stage. An informative has been added instead. The use of appropriate lighting is included in the submitted Ecology report and a condition has been imposed requiring development to proceed in accordance with the report.

POLICY CONTEXT

Designation applicable to site:

Outside Built Up Area Boundary

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN12	Parking in New Development
GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN7	The Form of New Development

Publication Version of the Local Plan (October 2014):

D SP1 Design
C SP1 Countryside
D DM1 Aspects of Form and Design Quality
D DM2 Internal Space Standards
D DM3 External Space Standards
ECC SP2 Energy and climate change mitigation
HER DM1 Listed Buildings
HER SP1 The Historic Environment

<u>Walberton Neighbourhood Plan Policy 2017 HP1</u>	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 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 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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. 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

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).

Policies HP1, HP11, HP13 and VE7 of Walberton Neighbourhood Plan are relevant to consideration of this application.

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.

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 principle of a replacement dwelling on this rural site has recently been approved under WA/109/16/PL and has been established.

VISUAL AMENITY AND CHARACTER

This proposal amends the approved fenestration of the dwelling and extends the length of the garage. The footprint, height and scale of the dwelling are unaltered and are considered acceptable in accordance with policy GEN7 of Arun District Local Plan. The replacement of the original dwelling on the site with a dwelling of this design has therefore essentially already been approved and is a material planning consideration. The density accords with its setting and neighbouring properties in accordance

with policy HP11 of Walberton Neighbourhood Plan and the design does not adversely affect the appearance or character of the surrounding area in compliance with policy HP13 of Walberton Neighbourhood Plan.

RESIDENTIAL AMENITY

The proposed dwelling would be located 10m from the side boundary which is considered acceptable to preclude any materially adverse overbearing impacts. No first floor windows are proposed in the end elevation facing the adjacent dwelling preventing any adverse impact or loss of privacy. The garage/car port building is located 0.6m from the boundary and would pitch away from the boundary. The eaves height of 1.3m adjacent to the boundary would rise to a ridge height of 5.1m at a distance of 4.8m from the boundary. This is considered adequate to preclude any over bearing impacts particularly given the size of the neighbouring garden.

The property has an total internal floor area of 176 sqm which is greater than the 102sqm required by the Technical housing standards -Nationally described space standards for a 2 storey, 3 bedroom, 6 person dwelling.

The external space exceeds the space standards set out in policy DDM3 of the Emerging Local Plan.

IMPACT ON THE SETTING OF THE LISTED BUILDING

The proposed dwelling would be located in a very similar position to the dwellings which previously occupied the site and the dwelling would be of domestic scale. The design reflects its rural location and it would be in keeping with its rural setting. It would not dominate the site or appear discordant or overly dominant. The curtilage of the adjacent listed building 'The Glebe Cottage' is clearly defined and it is considered that the minor alterations to the siting of the proposed dwelling would not adversely affect the setting of the neighbouring Listed building.

ENERGY AND CLIMATE CHANGE

The addition of solar panels to the roof of the garage would accord with policy ECC SP2(c) of the emerging local plan. Their addition is considered a benefit and positive addition to the approved scheme. They would be sited on the roof elevation which faces into the site and is not adjacent to the listed building.

CONCLUSION

It is therefore 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 (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 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 Location/Block 2088/13, Location 2088/05, Street Scene 2088/03A, Dwelling Elevation and Floor plans 2088/09A and Garage Elevation and Floor plan 2088/04A.

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

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials to be used for the external brickwork 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 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 at first floor level in the north west elevation of the dwelling without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

- 5 No development above damp proof course (DPC) level 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.

- 6 The development shall proceed in accordance with the recommendations of the Ecological Appraisal dated 4th December 2017.

Reason: To safeguard the ecology of the area, and in the interests of bats/birds to ensure that a habitat remains for them during and after development in accordance with policy GEN7 of Arun District Local Plan

- 7 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 8 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 9 INFORMATIVE: As detailed within the updated Ecological Appraisal there is a moderate change of reptiles being within the site. Due to the protection reptiles hold the applicant will need to either have a reptile activity surveys undertaken by a suitably qualified ecologist or assume reptiles are onsite and produce a mitigation strategy for reptiles which includes details of reptile fencing, translocation methods, the translocation site / enhancements and the timings of the works.