

Recommendation Report for Planning Permission

REF NO: **WA/75/12/**

LOCATION: Land adjacent to
 Village Hall
 The Street Walberton

PROPOSAL: Application for Variation of Condition 2 following a grant of planning permission
 WA/37/11 to amend the design of the building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application is to amend the design of the previously approved community building as stipulated by condition number 2.
SITE AREA	0.059
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	Some trees to be removed including a mature Black Poplarm semi-mature English Elm, mature Lombardy Poplar and Elder.
BOUNDARY TREATMENT	Wire fencing and hedgerow with trees to the boundary. Open recreation field adjacent.
SITE CHARACTERISTICS	The site is directly to the rear of the Village Hall and is currently grassed with basketball hoop and hard standing. The Hall is brick and flint with a tiled roof.
CHARACTER OF LOCALITY	Rural village, mix of residential properties detached and semi detached in various periods and styles. Adjacent is the village school and on the other side is the recreation field

RELEVANT SITE HISTORY

WA/37/11/	Single storey pre-school. Resubmission following WA/12/11. (This is a Departure from the Development Plan)	Approve Conditionally 14-07-2011
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REPRESENTATIONS

Representations received:

Walberton Parish Council
No comment or objection.

1 letter of no objection: This is an essential addition to the village. It is much needed and has a great deal of support locally. We would benefit directly from it being built and give it full support,

Comments on Representations received:

Noted.

CONSULTATIONS

Conservation Officer
Listed Building Officer
Conservation Officer

Consultations responses received:

Historic Buildings Adviser:

No objection. This proposal represents an improvement on the previously approved scheme. The only minor concern are the pairs of windows on the west elevation which appear to be rather utilitarian. These would be improved if separated out to form a row of individual windows. This would add some rhythm and interest to the elevation and enhance the design.

District Conservation Officer:

It is considered that the revised design for the structure will not detract from the character or appearance of the setting of the conservation area. However, the success of the scheme will be influenced by the quality of the materials and detailing of features such as the fenestration.

Comments on Consultation responses:

Noted. The building is utilitarian and the design reflects that of the village hall which is directly in front of it. The design also blends in with the primary school building directly to the rear of the site. The building will not be seen within the street scene and the type and quality of the materials used can be controlled by way of a condition.

POLICY CONTEXT

Designation applicable to site:
Outside the Built Up Area Boundary
Within a Designated Conservation Area
Class C Road

DEVELOPMENT PLAN POLICIES

South East Plan:	SEPS3	Education and Skills
Arun District Local Plan:	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	GEN12	Parking in New Development
	GEN20	Provision of Public Open Space within New Development
	GEN29	Nature and Conservation Across the District
	AREA5	Protection of Open Space

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003 and the South East Plan adopted in 2009.

It should be noted that the Arun District Local Plan was adopted in 2003 and the South East Plan in 2009.

In accordance with paragraphs 214 of the National Planning Policy Framework (NPPF), the South East Plan is afforded full weight as part of the development plan. Footnote 41 (page 49) states the Governments clear policy intention to revoke regional strategies.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced 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 NPPF. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

The emerging local plan has recently been approved by the Council and is therefore a material consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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 is not acceptable unless exceptional circumstances can justify development in the countryside.

OTHER MATERIAL CONSIDERATIONS

The principle of the development was established by application WA/37/11. This application seeks to amend the design only.

CONCLUSIONS

PRINCIPLE:

The site lies outside the built up area boundary and the principle of development has been accepted by the approval of WA/37/11. This application seeks only to amend the design of the building.

VISUAL AMENITY AND EFFECT ON THE SETTING OF THE CONSERVATION AREA:

The site lies directly to the rear of the Walberton Village Hall and in front of the Walberton Primary School. The proposed design reflects the character and appearance of both these buildings. The Historic Buildings Advisor and Conservation Officer have raised concerns regarding the design of the fenestration. As the fenestration is similar to both its adjoining buildings, it is considered that the fenestration and utilitarian design are appropriate. Further more the site is directly behind the

Village Hall and cannot be seen within the street scene.

S106 AGREEMENT:

It should be noted that the S106 Agreement pertaining to WA/71/12 and WA/72/12 is to provide £100K for this community building.

RESIDENTIAL AMENITY:

The site is nestled between the Walberton Primary School and the Walberton Village Hall, with no residential properties in the immediate vicinity. It is therefore considered that the proposed change to the design of the building would not adversely affect any residential amenity.

SUMMARY:

It is considered that the proposed change to the design of the building is more in character with the surrounding community buildings and it does not adversely affect the visual appearance of the area. It is therefore recommended that the application is approved subject to the following conditions.

HUMAN RIGHTS ACT

FOR APPROVAL

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) 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 (positive) have been identified upon those people with the following protected characteristics (age).

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 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 drawing numbers A102E, A100E,

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 of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

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 Landscaping (hard and soft) shall be carried out in accordance with the details shown on plan (LLD303/03 submitted with approved application WA/37/11). All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons 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 5 years from the completion of the 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.

- 5 No development shall commence until a travel plan detailing objectives, transport modal splits, measures to encourage access to the site by non-car means, and monitoring shall be submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To encourage non-car modes of travel to the site in accordance with the principles of sustainable development detailed in The National Planning Policy Framework.

- 6 The development shall not proceed until details of the proposed surface and foul water drainage system have been submitted to and approved by the Local Planning Authority. Surface water drainage shall be carried out in accordance with such details and in conjunction with the associated building works.
No building shall be occupied until the foul drainage works have been carried out in accordance with the agreed details.

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

- 7 No development, or tree felling shall take place until details indicating how suitable provision will be made for bats'/owls' habitats contained within an updated Ecological and

Phase 1 Habitat Survey have been submitted to and approved by the Local Planning Authority and such habitats shall be secured/provided before development commences and thereafter maintained to the satisfaction of the Local Planning Authority.

Reason: To safeguard the ecology of the area, and in the interests of bats/owls to ensure that a habitat remains for them during and after development in accordance with policies GEN29, DEV2 of the Arun District Local Plan.

8 **INFORMATIVE:**

A formal application for connection to the public sewerage system is required in order to service this development. For further advice please contact Atkins Ltd, Anglo St James House, 39A Southgate Street Winchester, SO23 9EH (Tel 01962 858688) or www.southernwater.co.uk.

9 **INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010**

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

SOUTH EAST PLAN: S3

LOCAL PLAN: GEN3, GEN7, GEN12, GEN20, GEN29, AREA5

NATIONAL PLANNING POLICY FRAMEWORK:

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

10 **INFORMATIVE:**

The soil on the site is clay. The Downy Black Poplar is a high water demanding species which when removed has the potential to exacerbate shrinkage/expansion of clay soils. The NHBC recommend deep and special foundations for built structures within the trees zone of influence to counteract heave once the tree has been felled.

11 **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 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