

Recommendation Report for Outline Consent

REF NO:	WA/75/18/OUT
LOCATION:	Land to the rear of 7 The Meadows Walberton BN18 0PB
PROPOSAL:	Outline application with some matters reserved for 1 No. dwelling. This application may affect the character & appearance of the Walberton Village Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Outline application with all matters reserved except for access. It is proposed to gain access to the site from a private lane to the east of The Meadows. The new access would branch off the principle access to Coppice House approached by Church Lane. The proposal subdivides the existing garden serving No.7 Meadows for a single dwelling.
SITE AREA	0.06 of a hectare.
RESIDENTIAL DEVELOPMENT DENSITY	16 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	There is a small group of trees located at the sites most eastern corner at the location where the access is proposed.
BOUNDARY TREATMENT	The existing site is screened by a post and rail fence running the southern and east boundary and a close boarded fence along the north boundary. It remains open along the western boundary.
SITE CHARACTERISTICS	The site is occupied by a large detached two storey dwelling, set back from the road and accesses by a shared drive with neighbouring no.8.
CHARACTER OF LOCALITY	The site forms a parcel of land currently the garden serving no.7 The Meadows. The site is located on a road lined by staggered residential development predominantly comprising large, detached two storey dwellings. The land to the immediate south is open paddock and countryside.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council

Walberton Parish Council 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

its Neighbourhood Plan Review shortly. There are possible access issues.

9 letters of objection raising the following issues:

- (1) Insufficient information provided - size, style & drainage. Loss of privacy and amenity. It would create noise and disturbance in the back gardens of properties.
- (2) No evidence of any real surveying relating to the biodiversity on the site. Dormice and owls known in the area. Roosting bats in St. Mary's church will be disturbed.
- (3) Adverse effect on the appearance of the Conservation Area and public right of way.
- (4) Site not in Neighbourhood Plan.
- (5) Development of a garden is against the NPPF?
- (6) Unneighbourly form of development - harming the landscape at the edge of the village.
- (7) Access problems. Church Lane acts as an important car parking area serving the well attended St. Mary's Parish Church.
- (8) Westernmost section of access road is believed to be part of Local Green Space designated by the Neighbourhood Plan for protection.
- (9) Affect the setting of a Listed Building (Dower House).
- (10) Affect the character of the conservation area.
- (11) It would create a precedent for future development and environmental deterioration.

COMMENTS ON REPRESENTATIONS RECEIVED:

Precedent is not a material planning consideration as all applications are considered on their own individual merits. All other issues are discussed and addressed in the conclusions section of the report.

As this is a site within the defined built up area boundary in the Walberton Neighbourhood Plan there is no conflict with that Plan.

CONSULTATIONS

Conservation Officer

WSCC Strategic Planning

Arboriculturist

Engineering Services Manager

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS:

- Visibility at the junction onto Church Lane appears sufficient for the anticipated road speeds.
- No evidence to suggest that the junction (Church Lane) is operating unsafely or that the addition of a single dwelling would exacerbate an existing safety concern.
- The Highways Authority (LHA) would expect sufficient parking provision for the proposed dwelling in accordance with the WSCC parking demand calculator. Details of parking and turning would be expected at reserved matters stage.
- Details of secure and covered cycle storage would be expected at Reserved Matters stage.
- The LHA does not consider that the proposal for a single dwelling would have 'severe' impact on the operation of the Highway network is therefore not contrary to the National Planning Policy Framework (paragraph 109). There are no transport grounds to resist the proposal.

ADC TREE OFFICER:

- No objection subject to conditions imposed.
- There are significant trees on/off this site which might be adversely affected by this proposal. No arboricultural information has been submitted - this is a requirement of BS5837:2012.
- Were this application to proceed sufficient information is required to be submitted to guarantee any trees would be adequately respected and protected.

DRAINAGE:

No objection subject to conditions.

CONSERVATION COMMENT:

- The application site is located adjoining part of the boundary of the Walberton Village Conservation Area. Access would be provided for by way of the drive to Coppice House. Tree and hedge screening is present to the east of the site which effectively screens the proposed development from Church Lane. It is considered that this screening should remain, and be enhanced so that there are limited opportunities to view the new property from the church.
- The concept of a dwelling in this location is therefore considered acceptable. The success of a scheme such as this will depend upon the siting of the dwelling, its design and the quality of the materials used. All of which will need to be justified.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:
Location of dwelling within the Built up Area Boundary.
Lindsey Treatment Catchment.
Located on the edge of the Walberton Village Conservation Area.

DEVELOPMENT PLAN POLICES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary
WDM1	W DM1 Water supply and quality
WDM2	W DM2 Flood Risk
WSP1	W SP1 Water
WDM3	W DM3 Sustainable Urban Drainage Systems
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HERDM3	HER DM3 Conservation Areas
HERDM1	HER DM1 Listed Buildings
SDSP1	SD SP1 Sustainable Development

TSP1 T SP1 Transport and Development

Walberton Neighbourhood Plan Policy 2017 HP13	Design Guidance
Walberton Neighbourhood Plan Policy 2017 GA5	Traffic Management
Walberton Neighbourhood Plan Policy 2017 VE4	Conservation Areas and Areas of Special Character
Walberton Neighbourhood Plan Policy 2017 HP1	Spatial Plan of the Parish
Walberton Neighbourhood Plan Policy 2017 HP11	Housing Density

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011-31, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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 Development Plan have been taken into account in the determination 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 complies with the Development Plan in that it proposes residential development within the built up area boundary as it applies to the Arun Local Plan and Walberton Neighbourhood Plan and would not adversely impact on either visual or residential amenity or the character of the area.

OTHER MATERIAL CONSIDERATIONS

There are other material considerations that warrant a decision other than in accordance with the development plan namely the acceptable impact of the proposal on the character of the area.

CONCLUSIONS

PRINCIPLE:

The site lies within the built up area boundary of Walberton where development is acceptable in principle. The access to the site is outside of the built up area boundary (BUAB) but it is an existing access and no new access is created.

The development in so far as the dwelling and curtilage are concerned is in accordance with policy SD SP2 of the Arun Local Plan provided it complies with other key policies of the Local Plan density, trees and highway safety.

Policy HP1 of the Walberton Neighbourhood Plan resist the development of dwellings outside its built up area boundary. However, the dwelling and curtilage do not conflict with this policy as they are within the BUAB.

Arun Local Plan:

In this case the key other Arun Local Plan policy considerations are deemed to be D SP1 (Design), DDM1 (Aspects of Form and Design Quality), D DM2 (Internal Space Standards) and T SP1 (Transport and Development) of the Arun Local Plan. These policies seek to ensure that development:

- Reflects or improves the character of the site and the surrounding area.
- Minimises the impact on neighbouring land/residents.
- Provides appropriately sized internal space standards.
- Provides safe access on to the highway network and incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision.

NPPF:

The NPPF generally seeks to promote effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)) especially if this would help to meet identified needs for housing where land supply is constrained.

Conclusion on Principle.

The development complies with Development Plan policy with regards to the dwelling and curtilage. The access point is outside of the BUAB but it largely utilises an existing access/driveway and therefore does not unacceptably harm this countryside designation.

It is now necessary to assess compliance with other issues as outlined below.

ACCESS/HIGHWAYS:

Access is a matter to be determined at this time and the scheme proposes to create a new access to the east of the site, linking it to an existing adopted private access way serving Coppice House.

Local residents object to the scheme on the grounds that the access is unsafe affecting the traffic created by the Church to the south.

Policy T SP1 of the Arun Local Plan seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network.

The access arrangements have been assessed by West Sussex Highways. They consider that visibility at the junction onto Church Lane is sufficient for the anticipated road speeds and there is no evidence to suggest that the junction (Church Lane) is operating unsafely or that the addition of a single dwelling would exacerbate an existing safety concern.

They conclude that the proposal for a single dwelling would not have a 'severe' impact on the operation of the Highway network and the proposal is therefore not contrary to the National Planning Policy Framework (paragraph 109) with regards to highway safety.

Policy T SP1 also includes guidance on car parking. However, parking will need to be assessed at a further application as the layout is only provided for illustration. There are no details as to the sizes of the houses (particularly the number of bedrooms) such that the required parking provision could be determined at this stage.

There are no highway grounds to resist the proposal and the proposal therefore complies with policy T SP1 of the Arun Local Plan.

CHARACTER & VISUAL AMENITY

Although the layout plan is not to be decided at this time, the applicant indicates one detached dwelling and this reflects the description of development. It is necessary to consider whether one dwelling is appropriate at the site.

Arun Local Plan policies D DM1 and D SP1 requires that the Council have regard to certain aspects of development including that it reflects the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

The indicative layout is considered to represent an acceptable density as it is within a range set by that of other surrounding residential houses. The housing density is considered to compliment the character and appearance of the immediate area. No.7 The Meadows is located in a significantly larger plot and although the plot is proposed to be subdivided the resulting character would be compatible with the existing character and appearance of the area in compliance with policies D SP1, and D DM1 of the Arun Local Plan and Policies HP11 and HP13 of the Walberton Neighbourhood Plan.

Further, the NPPF generally seeks to promote effective use of all land (para 117) and gives weight to proposals that develop under-utilised land (para 118(d)).

NEIGHBOURING AMENITY:

Local residents should note that this application can only determine the principle of the development and the access arrangements. Matters relating to design, appearance, scale (i.e. building height) and layout are to be reserved for a future application. Therefore, it is not possible to give full weight to these concerns at the current time. However, the following points are made in response to the objections.

As stated above, it is considered that the illustrative layout indicates that the dwelling could be sited so as to be sufficiently far enough away from existing dwellings to ensure that privacy is maintained. Should this application be approved a further reserved matters application will consider siting, layout and appearance so that the impact on neighbouring residential amenity can be assessed and safeguarded.

IMPACT ON THE SETTING OF THE CONSERVATION AREA:

The proposed access for the site is located in the Walberton Conservation Area whilst the siting of the dwelling lies outside and beyond the edge of the Conservation Area.

A dense screen of shrubs and trees is present to the east of the site which is considered to provide an effective screen of the site from Church Lane. The Council's Conservation Officer is supportive in principle of a new dwelling at this location subject to control over the siting, design and quality of the materials to be used in the dwellings construction.

Overall the development in principle is acceptable as it has a neutral impact on the Conservation Area in accordance with HER DM3 of the Arun Local Plan.

TREES:

The applicant has demonstrated 'in principle' that some development could occur on this site without undue detriment to significant trees worthy of retention. At this stage there is no information given relating to the type/quality of trees present nor is there information to satisfy the Council no undue harm to existing trees will take place were development to commence.

With the Council's Tree Officers agreement a condition is proposed to overcome his on principle objection. The conditions as recommended are adequate to ensure harm is mitigated and where the development proceeds these conditions would protect any significant trees from harm.

ECLOGY:

Local residents also have concerns with the proposal in respect of biodiversity, as the site is located on the edge of the village and abutting open fields. The location of the proposed dwelling is within a domestic garden and therefore the requirement to provide information on biodiversity of the impact of the scheme is not required.

SUMMARY

The proposed development is in outline form and based on the indicative details submitted it is not considered to result in any unacceptable adverse impacts on the area by way of design, neighbouring residential amenity and local highway safety and is therefore in accordance with relevant development plan policies.

It is therefore considered that this application should be approved subject to the conditions set out below.

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 permission hereby granted is an outline permission under s92 of the Town and Country Planning Act 1990 (as amended) and an application for the approval of the Local Planning Authority to the following matters must be made not later than the expiration of 3 years beginning with the date of this permission:-

- (a) Layout;
- (b) Scale;
- (c) Appearance;
- (d) Landscaping.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 3 The development hereby approved shall be carried out in accordance with the following approved plans:

Location Plan.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 and T SP1 of the Arun Local Plan 2011-31.

- 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 the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter 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 SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 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,

- . An indicative programme for carrying out the works.
- . 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.
- . Proposed construction days/hours.

Reason: In the interests of highway safety and the amenities of the area in accordance with policies T SP1, QE DM1 and QE DM2 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition because any works on the site could result in congestion or impede access onto a road which could compromise highway safety in accordance with the National Planning Policy Framework.

- 6 No development including site access, demolition or associated construction activities shall commence unless and until an Arboricultural Implications Assessment (AIA) has been submitted and agreed in writing with the Council. The AIA 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. All details/measures agreed must be adhered to for the duration of the development.

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 Local Plan. This is required to be a pre commencement condition so as to safeguard the health of any trees identified to be retained.

- 7 **INFORMATIVE:** 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 BRE365, 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 regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District

Councils website, this should be submitted with a Discharge of Conditions Application.

- 8 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.
- 9 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. 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>.
- 10 INFORMATIVE: The applicant is advised to contact the proprietor of the private access drive in order to obtain formal approval for the site access works onto the private lane.