

Recommendation Report for Approval of Reserved Matters Following Outline Approval

REF NO: WA/7/19/RES

LOCATION: Lanes End  
West Walberton Lane  
Walberton  
BN18 0QS

PROPOSAL: Approval of reserved matters following outline consent WA/26/18/OUT for layout & scale for 6 No. dwellings & 6 No. detached garages.

|                              |
|------------------------------|
| <b>SITE AND SURROUNDINGS</b> |
|------------------------------|

|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION      | This application follows outline approval WA/28/18/OUT which reserved all matters, although indicative elevations and floor plans were submitted which showed 6 dwellings. This proposal provides details of the access, layout and scale for 6 detached dwellings with a similar footprint to the scheme indicated at outline stage. This application would leave the reserved matters of appearance and landscaping for determination at a later date. |
| SITE AREA                       | 0.6 hectares.                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| RESIDENTIAL DEVELOPMENT DENSITY | 10 dwellings per hectare.                                                                                                                                                                                                                                                                                                                                                                                                                                |
| TOPOGRAPHY                      | Predominantly flat.                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| TREES                           | The site has a number of number of trees mainly along the boundaries which have been assessed by Council's Arboricultural Officer and a Tree Preservation Order applied to those which merit designation.                                                                                                                                                                                                                                                |
| BOUNDARY TREATMENT              | 1m high boundary fences and mature landscaped hedgerows including trees.                                                                                                                                                                                                                                                                                                                                                                                 |
| SITE CHARACTERISTICS            | Large detached dwelling on a large plot with extensive grounds.                                                                                                                                                                                                                                                                                                                                                                                          |
| CHARACTER OF LOCALITY           | Residential with a variety of plot and house sizes.                                                                                                                                                                                                                                                                                                                                                                                                      |

|                              |
|------------------------------|
| <b>RELEVANT SITE HISTORY</b> |
|------------------------------|

|              |                                                                                                                                                          |                                  |
|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| WA/26/18/OUT | Outline application with all matters reserved for 6 No detached houses with detached garages. This application is a Departure from the Development Plan. | ApproveConditionally<br>13-12-18 |
|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|

|                        |
|------------------------|
| <b>REPRESENTATIONS</b> |
|------------------------|

## REPRESENTATIONS RECEIVED:

Walberton Parish Council

Walberton Parish Council

Objection:

- Concerned by impact on trees and ecology of the site - lack of information
- Design of 2.5 storey houses not in keeping
- Impact on residential amenities of neighbours including loss of privacy
- Vehicle Swept Paths - lack of information
- Foul drainage - lack of information

31 objections on the following grounds:

### DESIGN

- Overdevelopment - cramped development/ addition of garages exacerbates this.
- Too dense and 3 storey town house development out of character.
- Design would be like new build estate.
- Sloped site would make 3 storey properties over powering on Arundel Road.
- Layout and style of buildings not in harmony with the area.
- Scale of height of 4 houses on southern half of plot unacceptable.
- Would lead to parked cars on estate.

### RESIDENTIAL AMENITIES

- Houses on West side would have a domineering impact on White Cottage.
- Windows in roof on west side of house 1, garage 1 and garage 3 cause a loss of privacy to White Cottage.
- Overbearing impact on Woodlands.
- Windows in roof look into side bedroom window so need to be obscure glazed and not openable (Woodlands).
- Loss of light to Woodlands

### OTHER ISSUES

- Loss of trees on shared boundaries/site as a whole.
- Lack of information regarding foul water sewerage which is a problem in the area.
- Surface Water drainage concerns related to increase in surface water run off as a result of the development and impact on groundwater.
- Access road shouldn't block ditch between development and Arundel Road.
- Additional Noise Nuisance from occupants and car movements as a result of development.
- Properties would require oil heating tanks, not shown.
- Adverse light pollution from dwellings.
- Adverse impact on wildlife. Ecological survey not done by qualified people.

- Lack of school/ health infrastructure.
- Out of reach for local youngsters as expensive properties,
- Light pollution

2 further objections were received based on amended plans from the neighbouring property Woodlands.

- Loss of view.
- Loss of light and overshadowing.
- Loss of privacy due to elevation of plot 6 facing Woodlands.
- Surface water run off would have an adverse affect on Woodlands.
- Adverse impact on trees.
- Unit 6 would have a poor level of privacy due to facing elevation of Woodlands.

A further 5 objections were received from neighbouring properties on the following grounds

WOODLANDS TRUST - There could potentially be ancient woodland on the site. Recommend an aboricultural survey be carried out to outline the age and condition of the trees present on site.

#### **COMMENTS ON REPRESENTATIONS RECEIVED:**

6 houses have been granted outline permission (WA/26/18/OUT) and the only matters for consideration are reserved matters of layout, scale and access in this application.

The relevant grounds of objection are assessed in the Conclusions below.

The Council's Arboricultural Officer has inspected the site and included all of the trees of an appropriate quality in a tree preservation order.

#### **CONSULTATIONS**

Engineering Services Manager  
Engineers (Drainage)  
Southern Water Planning  
Arboriculturist  
Parks and Landscapes  
WSCC Strategic Planning  
Environment Agency

#### **CONSULTATION RESPONSES RECEIVED:**

SOUTHERN WATER - No objection subject to informatives.

ADC Drainage - No objection subject to pre-commencement conditions.

ADC LANDSCAPING - Objection on the grounds of insufficient information

ADC Tree Officer - Object due to lack of a Tree Protection Plan from a qualified arboricultural consultant.

ADC Ecology - Extended phase 1 ecology report and mitigation strategies required from a qualified Ecologist.

WSCC Highways - No objection subject to conditions .

## COMMENTS ON CONSULTATION RESPONSES:

Drainage conditions were applied to WA/26/18/OUT and there is no need to apply the same conditions.

### POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

OUTS BUILT AREA

TREE PRES ORDER

## DEVELOPMENT PLAN POLICIES

### Arun Local Plan 2011 - 2031:

|        |                                           |
|--------|-------------------------------------------|
| CSP1   | C SP1 Countryside                         |
| DDM1   | D DM1 Aspects of form and design quality  |
| DSP1   | D SP1 Design                              |
| ENVDM4 | ENV DM4 Protection of trees               |
| ENVDM5 | ENV DM5 Development and biodiversity      |
| LANDM1 | LAN DM1 Protection of landscape character |
| QEDM2  | QE DM2 Light pollution                    |
| SDSP1  | SD SP1 Sustainable Development            |
| SDSP2  | SD SP2 Built-up Area Boundary             |
| TSP1   | T SP1 Transport and Development           |
| WDM2   | W DM2 Flood Risk                          |
| WDM3   | W DM3 Sustainable Urban Drainage Systems  |

|                                                     |                                   |
|-----------------------------------------------------|-----------------------------------|
| <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 VE3        | Protection of Trees and Hedgerows |
| Walberton Neighbourhood Plan Policy 2017 VE7        | Surface Water Management          |
| Walberton Neighbourhood Plan Policy 2017 VE8        | 'Unlit village' status            |

## PLANNING POLICY GUIDANCE:

|      |                                     |
|------|-------------------------------------|
| NPPF | National Planning Policy Framework  |
| NPPG | National Planning Practice Guidance |

### POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's

Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

The Walberton Neighbourhood Plan (WNP) has been made and the following policies apply: HP1, HP11, HP13, VE3,VE7, VE8.

#### **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 the principle of development was established through WA/26/18/OUT and the development would be in character with the local area and would not cause a significant loss of residential amenity to neighbouring properties.

However, the Council is not satisfied that the trees on the site nor the ecological value of the site has been suitably protected/assessed.

#### **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 development was established when WA/26/18/OUT was granted. The only matters to be considered under this application are:-

- 1) Layout
- 2) Scale
- 3) Access

##### **VISUAL AMENITY AND CHARACTER OF THE AREA**

Arun Local Plan policy D DM1 lists a series of 15 factors that development must comply with - these include character, impact and public realm.

Walberton Neighbourhood Plan (WNP) policy HP11 seeks the density to new development shall relate to

existing properties. WNP policy HP13 seeks high quality design that contributes to the local character .

### 1) & 2) LAYOUT & SCALE

The density (10 dwellings per hectare) was determined at outline stage. Whilst this density of development is commensurate with the density of development of some of nearby properties adjacent to the site (Woodlands and Little Haven to the east) it is at odds with the majority of properties in the area. It is noted however, that many local dwellings have large outbuildings and garages like the garage/offices proposed in the development.

However, the layout of the six proposed dwellings is very formal and regular and this jars with the more organic form of development in the locality. This harm is exacerbated by the higher density and scale of the buildings. Further consideration needs to be given to developing a layout which is more in keeping with the character of the locality.

### RESIDENTIAL AMENITY

Arun District Local Plan Policy D DM1 (3) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. None of the Walberton Neighbourhood Plan policies specifically refer to residential amenity issues. However, one of the 'core planning principles' of the NPPF is to always seek to secure a high standard of amenity for all existing and future users (paragraph 127).

The dwellings would abut residential properties upon its eastern and western boundaries. While the final details of the appearance of the dwellings is to be determined in a further reserved matters application there are some aspects of residential amenity that would be set at layout stage namely the separation distances between dwellings

On its eastern boundary the new dwellings would be separated by 12m gable end to gable end with Richmond House and 9m gable end to gable end with Woodlands. Unit 6 has been moved from 6 metres to 9 metres separation distance from Woodlands which combined with a condition ensuring all facing windows are obscure glazed and fixed shut up to 1.7 metres from floor level, would protect the residential amenity of that property (Woodlands) by way of overlooking and/or overbearing impact/loss of light .

On the western boundary the gable end of dwelling 1 would face toward the gable end of White Cottage at a distance of 9.5m thereby preventing any direct overlooking. The Council uses the 45 degree rule to assess the impact of new buildings on existing dwellings. Dwelling 1 would not intersect the 45 degree line drawn from the primary habitable room windows of White cottage.

The garages would have a pitched roof with a total height of less than 3m such that it would not have a significantly greater impact than the 2m border fence or outbuildings built adjacent to the boundary fence that could be built to a similar eaves and ridge height under permitted development rights.

The impact of the development on White Cottage would not be considered to be so significant in terms of a loss of light, overbearing impact or loss of privacy that a refusal of the scheme could be justified on these grounds.

On this basis, the proposals comply with Policy D DM1 and D SP1 of the Arun Local Plan and policies HP11 and HP13 of the Walberton Neighbourhood Plan.

### 3) ACCESS

Access to the site is to be from Arundel Road. County Highways have assessed the access to the site and determined that it would not cause an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network.

The level of parking has been assessed by WSCC as acceptable incorporating double garages and additional parking space within individual plots. In addition there is considered to be sufficient turning space on each plot for cars to enter and exit in a forward gear.

There is considered to be sufficient turning space within the layout for refuse vehicles and fire appliances to make a multi point manoeuvre on the site.

On this basis, the proposals comply with Policy T DM1 of the Arun Local Plan and the now adopted Arun District Council Parking Standards Supplementary Planning Document.

## TREES

Policy ENV DM4 - Protection of Trees requires that Development will be permitted where it can be demonstrated that trees protected by a Tree Preservation Order or contributing to local amenity, will not be damaged or destroyed now and as they reach maturity.

The layout of the dwellings, garages and access ways on the site inevitably affects the trees and biodiversity on the site and therefore consideration of trees and ecology on the site is necessary.

Following a number of approaches to the applicant for additional information, the applicant has failed to provide a tree protection plan produced by a professional arboricultural consultant such that the trees on site could be adequately safeguarded during the development process and as such the proposal as submitted is considered to be contrary to policy ENV DM4.

## ECOLOGY

Policy ENV DM5 - Development and Biodiversity requires that Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. The applicant has provided an adequate Phase 1 Ecology Report however this has indicated that phase 2 Ecology reports relating to bats and dormice are required.

In the absence of these reports produced by a professional ecologist the ecological resources of the site could not be adequately protected during the development process and the development as submitted is considered to be contrary to policy ENV DM5.

## CONCLUSION

The impact of the proposed development on trees and ecology has not been demonstrated to be acceptable. Until that is found to be the case it is not able to finalise the proposed layout and scale of the dwellings and it is therefore recommended for refusal on the following grounds:

|                         |
|-------------------------|
| <b>HUMAN RIGHTS ACT</b> |
|-------------------------|

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

### REFUSE

- 1 The applicant has failed to provide a tree protection plan produced by a professional arboricultural consultant such that the trees on site could be adequately safeguarded during the development process contrary to policy ENV DM4 of the Arun Local Plan.
- 2 The applicant has failed to provide adequate Phase 2 Ecology Reports produced by a professional ecologist such that the ecological resources of the site could not be adequately protected during the development process contrary to policy ENV DM5 of the Arun Local Plan.
- 3 In the absence of the information required on tree protection and ecology the Council is unable to satisfy itself that the proposed layout would not be harmful to trees that should be retained and the biodiversity of the site. Furthermore, the proposed layout is considered to be out of character with the locality by reason of its overly formal arrangement, exacerbated by a combination of the density and scale contrary to policies ENV DM4, ENV DM5, D SP1, D DM1 of the Arun Local Plan and policies VE3, HP11 and HP13 of the Walberton Parish Neighbourhood Plan.
- 4 **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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.