

Recommendation Report for Planning Permission

REF NO: CM/32/20/PL

LOCATION: Land adjacent to Church Farm Barn
Hosemere Green Lane
BN17 5QZ

PROPOSAL: Change of use of land (B 8 Storage) & erection of 1 No. detached single storey, two bedroom dwelling. This application affects the setting of a listed building & is a Departure from the Development Plan. This application is in CIL Zone 3 & is CIL Liable as new dwelling.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Erection of 1 dwelling on land currently used for B8 storage purposes.
SITE AREA	2510 sq.m.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development as identified on site visit.
BOUNDARY TREATMENT	A 2 metre high panel fence to the front.
SITE CHARACTERISTICS	A yard for open storage of vehicles and plant.
CHARACTER OF LOCALITY	A predominantly residential area with a mixture of countryside uses with a Listed Building Church Farm Barn 40 metres to the west.

RELEVANT SITE HISTORY

CM/11/20/CLE	Lawful development certificate for the existing use as Class B8 Storage.	Approve 01-07-20
CM/21/03/	Single dwelling (Departure from the Development Plan).	Refused 26-08-03 Appeal: Dismissed 29-04-04

A similar application was dismissed at appeal in 2004 following refusal by the Local Planning Authority.

REPRESENTATIONS

Clymping Parish Council - No objection subject to the views of the Conservation Officer and request that the fence along the frontage is removed and replaced by a hedge.

One neighbour comment

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No objection subject to front fence being removed.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted. The Council does not have the powers to remove the front fence. However, a screen/fence condition is to be imposed that could be used to address the nature of exiting fencing on the site.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC Highways - No objection subject to conditions relating to parking, cycle parking and electric vehicle charging.

ADC Drainage - No objection. Drainage should be subject to building regulations.

ADC Conservation Officer - Proposed development would cause less than substantial harm. Materials are out of character with surrounding development and listed building.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN
SPEC CONT ADVTS
OUTS BUILT AREA
ART 4 DIRECTION
NO PUBLIC SEWER

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
EMPDM1	EMP DM1 Employment Land: Development Management
ENVDM4	ENV DM4 Protection of trees
HERDM1	HER DM1 Listed Buildings
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

<u>Clymping Neighbourhood Plan 2015 Policy CPN11</u>	Quality of Design
Clymping Neighbourhood Plan 2015 Policy CPN13	Retain buildings or structures of character
Clymping Neighbourhood Plan 2015 Policy CPN14	Traffic and the Environment

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.

Policies CPN 8,11,13 and 14 of Clymping Neighbourhood Plan is relevant to 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 the site is in a generally residential area and harm to the setting of a nearby Listed Building is offset by the public benefits of a new dwelling.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

The site is within the countryside where the principle of development is unacceptable except where the development is 'in accordance with other policies in the Plan which refer to a specific use or type of development'. There are no other policies which relate to this development.

The Council is currently unable to demonstrate a 5 year housing land supply; the current data confirms that the Council has a 2.7 years housing land supply. Where the development plan is absent, silent or the relevant policies are out of date, Paragraph 11(d) of the NPPF applies and the 'presumption in favour of sustainable development' must be applied and permission granted, unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'.

The presumption in favour of sustainable development therefore applies.

Para 8 of the NPPF states that in order to achieve sustainable development; economic, social and

environmental gains should be sought jointly and simultaneously through the planning system. The following is an analysis of the sustainable nature of the site and proposal:

Environment

In terms of existing design/character and appearance of the area the proposal is largely in keeping and acceptable. The site is sustainable in terms of access by non car borne means of transport to local facilities due to manageable distances and the presence of pavements, lights and a bus service from the nearby Church Road.

Social

The proposal supports the local community by providing 1 new home.

Economic

The proposal is likely to result in economic benefits to the local area in the form of an increase in Council Tax receipts, the payment of CIL contributions for local infrastructure, the creation of new construction jobs and additional spending by new residents on local goods & services.

Assessment of Sustainable Development

The proposal has social and economic benefits. The impact on the environment and its sustainability is acceptable for the reasons set out above.

Conclusion on Matters of Principle:

The principle of development is contrary to policies in the development plan. The policies of the Arun Local Plan (ALP) that relate to the supply of housing have reduced weight due to the Council not being able to demonstrate an adequate supply of housing .

However, for the reasons above the NPPF paragraph 11 d) ii applies and in this case the adverse impacts do not significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole and the proposal ought to be approved.

The development needs to be assessed against policies D DM1, D SP1, T SP1 of the Arun Local Plan and corresponding policies in the Clymington Neighbourhood Plan

DESIGN AND VISUAL AMENITY

The size and scale of the proposed development is acceptable. However there are concerns that the materials proposed are not in keeping with that traditionally associated with either the neighbouring listed barn or the more traditional buildings in the local area.

The neighbourhood plan character assessment (prepared as part of the Neighbourhood Plan) identifies that the lane is located within an area it refers to as 'traditional Clymington'. Of note is the fact that the assessment for this character type states: "Much of the construction is traditional rural with pitched roofs of slate tiles or of thatch, some timber framing, and flint or rendered walls".

There is no reference to cladding, and it does not appear to be identified on the main elevation of the listed barn. The use of the cladding on all of the elevations, especially one of modern construction is out of character with the buildings in the local area, as well as the listed building.

Further, the fenestration on the South-West elevation is not reflective of the intended barn character. It is noted that an alternative approach is considered which will better reflect the character of the area and complement the neighbouring listed barn.

A condition will be imposed requiring that materials and finishes be first agreed with the Council before occupation takes place. This way this perceived design harm can be overcome and result in a property a property which will better reflect the character of the area and complement the neighbouring listed barn.

The local character is bespoke designed dwellings in a range of different materials from render to painted brick. The application dwelling is considered to be in character with the local area.

The development would accord with the Arun Design Guide chapter P 'Infill Development' in that the development would respect the established pattern of building height, scale, plot width and building line along the edge of the plot.

INTERNAL AND EXTERNAL SPACE STANDARDS

The two bedroom dwelling is 220 sqm. in size which is in excess of the nationally described space standards minimum size of 79 sq.m. The property has open space around it which includes a 13 metre space to the front of the dwelling which constitutes a back garden due to the side access to the dwelling.

RESIDENTIAL AMENITY

The proposed development is not considered to cause a loss of residential amenity in terms of overlooking, loss of light or overbearing impact due to its single storey height and its location in excess of 20 metres from any neighbouring property.

HERITAGE

Under S72 of the Listed Buildings and Conservation Areas Act special regard is to be had the desirability of preserving the listed building or its setting.

The proposed development would affect the setting of the Church Farm Barn, a listed building 40 metres to the west of the proposed development.

In accordance with paragraph 190 of the NPPF it is necessary for the LPA to consider the significance of any designated heritage asset that may be affected by the proposals. In this case the application site is situated in close proximity to a Grade II Listed Building Church Farm Barn.

The effect of the proposed development is considered to be, in line with the Council's Conservation Officer, as less than substantial harm and therefore the application falls to be assessed para. 196 of the NPPF where this harm should be weighed against the public benefits of the proposal.

The public benefit would be the provision of a much needed new home that with appropriate use of materials would outweigh the less than substantial harm.

Policy HER DM1 requires that development should protect and where possible enhance the setting of the listed buildings. It is considered that the proposal protects the setting of the listed building as the proposal can be conditioned to use materials which are not out of character with the surrounding area.

HIGHWAYS AND TRANSPORT

WSCC Highways have not identified any safety concerns regarding access to the site and the amount of parking provided is sufficient to meet the standards within Arun Parking Standards Supplementary Planning Document.

The proposal is considered to accord with policy T SP1 of the Arun Local Plan.

EMPLOYMENT

Policy EMP DM1 states that changes of use from Business Class (B1-B8) will not be permitted unless:

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- a.It is demonstrated that the site is no longer required or
- b.The existing location poses insurmountable environmental harm or amenity which cannot be satisfactorily resolved.

The site is located between two residential properties in a residential area and thus it is considered that it poses insurmountable amenity issues such that it is acceptable to change the use of the site from B8 to C3 residential in accordance with policy EMP DM1.

TREES

Policy ENV DM4 states that 'Conditions for the continued protection of trees on sites shall be included in any planning permission given.'

There are a number of peripheral trees on the site which can be addressed by way of a landscaping condition.

SUMMARY

The proposed scheme is considered to be acceptable in design and style and to be in accordance with the Development Plan Policies and therefore the application is recommended for approval 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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required (dependant on any exemptions or relief that may apply)

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:

Site Location Plan dwg.no. 20/127-01 Rev A dated August 2020

Proposed Floor Plans dwg.no. 20/127-03 dated August 2020

Proposed Elevations (1) dwg.no, 20/127-04 dated August 2020

Proposed Elevations (2) dwg.no. 20/127-05 dated August 2020

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

- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs 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 and character and appearance of the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.

- 4 No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with policy T SP1 of the Arun Local Plan.

- 5 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies in accordance with policy T DM1 of the Arun Local Plan.

- 6 No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies in accordance with policy T DM1 of the Arun Local Plan.

- 7 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.

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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 D DM1 of the Arun Local Plan.

- 8 No development above damp proof course (DPC) level shall take place until details of screen walls and/or fences have been submitted to and approved by the Local Planning Authority and the dwelling shall be occupied until such screen walls and/or fences associated with it have been erected.

Reason: In the interests of amenity in accordance with policy D DM1 of the Arun Local Plan.

- 9 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.