

Recommendation Report for Planning Permission

REF NO: Y/65/15/PL

LOCATION: The Piggery
Hobbs Court
Bilsham Road Yapton

PROPOSAL: Convert outbuilding known as The Piggery to 1 No. single dwelling consisting of 3 bedrooms & the addition of 2 No. parking bays to existing car port & conversion of the total 5 No. car ports to garages by addition of doors to car ports to match the garages adjacent to Dovecote (amendment to Y/88/13/). This application affects the setting of a Listed Building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The internal alterations increase the number of bedrooms from 2 to 3 and are primarily at the expense of a large internal hallway. The carports will be extended and converted into garages.

SITE AREA

360m².

RESIDENTIAL DEVELOPMENT DENSITY (NET) 28 dph.

TOPOGRAPHY

Slight slope from north to south but otherwise flat.

TREES

There are a few small to medium trees along the eastern boundary.

BOUNDARY TREATMENT

The majority of the site boundaries are formed by the existing buildings. However, there is also a low hedge along the southern boundary, a 1-1.2m high brick wall along part of the western boundary, a higher brick wall further along and also a flint wall on this boundary. The site is presently largely open to the road on the western and southern boundaries.

SITE CHARACTERISTICS

Former single storey brick built piggery building now substantially externally complete. The carport structure has also been extended and part converted into garages. The land around the two buildings still bears the hallmarks of a building site but will eventually form private garden, parking and turning space.

CHARACTER OF LOCALITY

With the exception of the site, the adjoining Hobbs Farmhouse and some dwellings &

industrial buildings to the southeast, the character of the surrounding area is rural.

RELEVANT SITE HISTORY

Y/89/13/L	Application for Listed Building Consent for proposed conversion of outbuilding to single dwelling	Withdrawn 13-01-2014
Y/105/13/	Amendment to previous approvals Y/3/89 and Y/60/90 for conversion of farm buildings to 3No. residential dwellings (Resubmission following Y/59/13).	ApproveConditionally 21-05-2014
Y/106/13/L	Application for Listed Building Consent for amendment to previous approvals Y/4/89/L for conversion of farm buildings to 3No. residential dwellings (Resubmission following Y/60/13/L).	ApproveConditionally 21-05-2014
Y/88/13/	Proposed conversion of outbuilding to single dwelling	ApproveConditionally 02-07-2014
Y/32/14/L	Application Listed Building Consent for proposed conversion of outbuilding to single dwelling	ApproveConditionally 02-07-2014
Y/10/15/HH	Conversion of existing carport into garage	ApproveConditionally 17-03-2015
Y/19/15/DOC	Application for approval of matters reserved by condition imposed under Y/88/13 relating to conditions 4, 5, 6, 7 & 9 - Road & wall materials, boundary fences, joinery (windows & doors), drainage & bat survey	DOC Part Approved 07-04-2015
Y/21/15/DOC	Application for approval of matters reserved by condition imposed under Y/32/14/L relating to condition 3 - Roof & wall materials	DOC Approved 07-04-2015
Y/81/15/DOC	Application for approval of details reserved by condition imposed under Y/88/13/ relating to conditions 7 & 9 for surface water drainage & bat habitat provisions.	DOC Approved 12-10-2015
Y/70/15/L	Application for Listed Building Consent for internal alterations to provide 3 x bedrooms & conversion & extension to existing carport to provide 5No. garages	ApproveConditionally 28-10-2015

The car port was previously approved by applications Y/106/13/L and Y/105/13. The piggery conversion was approved by Y/32/14/L and Y/88/13/PL. The conditions attached to Y/88/13/PL &

Y/32/14/L were approved by applications Y/19/15/DOC, Y/21/15/DOC and Y/81/15/DOC.

The materials used in the conversion of the car port was approved by Y/21/15/DOC. It is also noted that a further carport within the site was converted into garages by way of application Y/10/15/HH. No conditions requiring further details were imposed on that consent.

REPRESENTATIONS

Representations received:

Yapton Parish Council

Yapton Parish Council - "No Objection - Query the addition of a porch to a listed building?"

Comments on Representations received:

Notwithstanding that the outbuilding itself is not listed, the porch has in any case been removed from the application.

CONSULTATIONS

Conservation Officer

Listed Building Officer

Ecology Advisor

Consultations responses received:

Council's Historic Buildings Adviser - Comments made in respect of Y/70/15/L stated that:

"Objection. The conversion and extension of the piggery building as originally conceived sought to maintain an agricultural quality within the site. It did this by using barn-like forms which were relatively simple and understated. The introduction of an extension which protrudes from the gable end would appear to conflict with this approach and does not result in a sympathetic building character. It is also not particularly convincing architecturally and may appear bolted on as an afterthought rather part of an integrated design. Unfortunately, this is not capable of support."

CDC Ecology - requested the submission of a reptile mitigation strategy and consideration of how the lighting scheme will affect bats.

Comments on Consultation responses:

The applicants have amended the application by removing the porch and thus there is no longer any objection from the Historic Buildings Adviser.

In respect of the CDC comments, plot 5 (the Piggery) has already been converted (just not yet occupied) - so the application is an amendment to the approved application Y/88/13, the builders have been all over the site and it is extremely unlikely that any reptiles would be found on site. Furthermore, the only conditions provided on the previously approved application Y/88/13 relating to ecology had to do with the submission of a bat survey and this condition has now been discharged. The WSCC ecologist did not raise any objection or comment re reptiles. On this basis, it is not considered relevant to impose these new requirements.

POLICY CONTEXT

Designations applicable to site:

Class B Road;

Outside Built Up Area Boundary;

Advert Control Area;

Listed Building Grade II; and

Permitted Development Rights Restriction.

With regard to the listed building, it should be noted that it is Hobbs Farmhouse that is listed. The surrounding buildings are only protected by virtue of being within the curtilage of the farmhouse.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>GEN3</u>	Protection of the Countryside
	<u>GEN7</u>	The Form of New Development
	<u>GEN9</u>	Foul and Surface Water Drainage
	<u>GEN29</u>	Nature and Conservation Across the District
	<u>DEV2</u>	Conversion of Rural Buildings for Residential Use
Publication Version of the Local Plan (October 2014):	<u>DEV17</u>	Affordable Housing
		C SP1 Countryside
		D DM1 Aspects of Form and Design Quality
		D DM3 External Space Standards
		D SP1 Design
		ECC SP2 Energy and climate change mitigation
		ENV DM5 Development and Biodiversity
		ENV SP1 Natural Environment
		H DM3 Agricultural, Forestry & Horticultural Workers' Dwellings
		HER DM1 Listed Buildings
		HER SP1 The Historic Environment
		W DM3 Sustainable Urban Drainage Systems
		Built-up Area Boundary
		Minimising the impact of flooding from development
		Protection of natural habitats
		Minimising the environmental impact of development
		Enhancement of biodiversity
Yapton neighbourhood plan 2014 Policy BB1		Listed Buildings and Buildings or Structures of Character
Yapton neighbourhood plan 2014 Policy E11		Parking standards for new residential development
Yapton neighbourhood plan 2014 Policy E3		
Yapton neighbourhood plan 2014 Policy E4		
Yapton neighbourhood plan 2014 Policy E5		
Yapton neighbourhood plan 2014 Policy E9		
Yapton neighbourhood plan 2014 Policy PK1		

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE

XXX6	Interim Affordable Housing Policy
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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.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry 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 National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

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

PROPOSAL & PLANNING HISTORY:

The proposal is to (a) amend an existing conversion permission by increasing the number of bedrooms from 2 to 3 at the expense of the loss of a large internal hallway; and (b) extending and converting the approved carports into garages.

PRINCIPLE:

The application site lies outside of the built up area boundary where development is generally unacceptable unless it falls into a certain category or is otherwise in accordance with a Local Plan policy which refers to a specific use or type of development. In this case, the relevant policy is DEV2 which relates to conversion of rural buildings for residential use.

Furthermore, the conversion of the outbuilding was previously approved by application Y/88/13/PL and it is not considered that any of the changes to the scheme means that the proposal would be judged any differently with regard to Policy DEV2 to that proposed previously.

DESIGN/CHARACTER:

In respect of the carport conversion/extension, it is not considered that this small amendment will be detrimental to the character of the site or to the setting of the listed building. A previous carport elsewhere on the site has been allowed to convert into a garage.

INTERNAL & EXTERNAL SPACE STANDARDS

In respect of the external amenity space, the previous proposal was judged against Policy D DM3 of the Emerging Local Plan. That policy is still in use and as there is no change to the external amenity space, the proposal remains compliant.

It is also necessary to assess the proposal against the internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard). The proposal is for a single 3 bedroom dwelling and the required space standard is 95m². However, the proposed floor area measures 115.9m² and therefore complies with the standard.

AFFORDABLE HOUSING:

The Councils Interim Affordable Housing Policy 2010 requires that schemes of up to 10 dwellings provide a financial contribution towards off-site affordable housing. The applicant has agreed to this and a Section 106 Legal Agreement has been provided and is considered to be complete.

SUMMARY:

It is not considered that the amendments to the previously approved applications are such that any objection should be raised and therefore, the application is recommended for approval

subject to the following conditions.

It should be noted that the pre-commencement conditions attached to the previous consent Y/88/13 have already been discharged by Y/19/15/DOC and Y/81/15/DOC. However, as this is a new application, it would have been necessary to impose them again. In order to avoid this situation, the applicant has submitted the previously approved details and they are referred to in the proposed plans condition (02) and in condition 05.

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.

SECTION 106 DETAILS

A Section 106 Legal Agreement relating to an affordable housing contribution of £6,123 has been signed and completed.

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 and details.

PLANS:

- * Location Plan & Block Plan Ref 509 Rev B;
- * Site Landscape Plan Ref 004 annotated with the location of the two Bat Boxes erected on 24/07/15;
- * Site Plan Ref 600 Rev F;
- * Proposed Outbuilding Plan Ref 508 Rev C;
- * Proposed Elevations Ref 512 Rev A; and
- * Proposed Covered Parking Ref BR 010 Rev A.

DETAILS:

- * Proposed Surface Water Drainage scheme - (1) the letter from Constructive Evaluation dated 18/09/15 with appendices (Ref 15.8794); and (2) the Drainage layout referenced as F2111/01 Rev A.
- * Proposed Materials - the Materials schedule which specifies the use of the following: Freshfield Lane First Quality Multi Facing Bricks; a mortar mix of 1x sand/1x grit/1x lime; and Riven Edge Slate (to match the slates on the remainder of Hobbs Court).
- * Proposed Fencing Details - the boundary treatments schedule which specifies the following: (1) retention of the existing northern & eastern hedges; (2) new 900mm high timber cleft chestnut fencing to the western boundary; and (3) new 1800mm high hazel wattle fence to the southern boundary.
- * Proposed Window/Door Details - the PDK Drawing ref 507 "PROPOSED WINDOW AND DOOR SECTIONS" which specifies the following: (1) Timber painted Sikkens Rubbol Satura plus (Colour TN.02.82) with 12mm 464 Timbalite double glazing (to match the new windows on the remainder of Hobbs court); and (2) Stained Oak doors to match the new doors on the remainder of Hobbs court.

The approved details shall be retained and thereafter maintained as fit for purpose.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policies GEN7 and DEV2 of the Arun District Local Plan.

- 3 No development including site access, demolition or associated construction activities, shall take place on the site unless and until all the existing trees/bushes/hedges to be retained on the site have been protected by a fence in accordance with BS5837 (2012) and Section 9, to be approved by the Local Planning Authority for erection around each tree, group of trees and vegetation to a distance of 15m or to the Root Protection Area (RPA) as calculated in accordance with Table 2 of BS5837 (2012) to be agreed in writing by the Local Planning Authority. Within the areas so fenced off the existing ground must not be cultivated, nor must it be lowered or raised or added to by the importation and spreading of top soil unless agreed by the Local Planning authority. There must be no materials, temporary buildings, plant machinery or surplus soil shall be placed or stored thereon without prior written approval of the Local Planning Authority.

No trenching should occur within the protective fencing surrounding the Root Protection Area. If however there is no alternative but to locate the services then its encroachment into the Root Protection Area must be kept to a minimum and where the roots should be

exposed using compressed air technology, such as the air spade to reduce damage caused by mechanical methods. If roots requiring severance to allow for the passage of services is necessary then an arboriculturist would be required to assess and determine whether the loss of the roots would be detrimental to the continued health and stability of the affected tree.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan.

- 4 This permission is for the in-situ conversion of the building with associated works and does not purport to permit the dismantling and re-erection of the building as a whole or any part therein, or its partial/total demolition, removal, rebuilding or reassembly, other than by any specific items which have been explicitly so described in the application documents.

Reason: In order to ensure that the proposal represents a conversion and not a rebuild which would be contrary to policy DEV2 of the Arun District Local Plan.

- 5 The two bat boxes which were confirmed as having been erected on 24/07/15 and which are shown on the annotated Site Plan dated 11/06/14 shall thereafter be maintained and retained in their agreed positions.

Reason: In accordance with Arun District Local Plan Policy GEN29 and the National Planning Policy Framework.

- 6 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches and dormer windows) to the dwelling houses shall be constructed or outbuildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 7 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to an affordable housing contribution of £6,123.

- 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.