

Recommendation Report for Planning Permission

REF NO: BE/106/19/PL

LOCATION: Land west of
New Barn Lane
Bersted
PO21 5DN

PROPOSAL: Change of use of land to residential curtilage associated with planning permission
BE/77/16/OUT.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks planning permission for a material change of use of a small (0.23 hectares) piece of land adjoining a site that has the benefit of outline planning permission (BE/77/16/OUT) for "up to 50 residential units, landscaping, amenity space, car and cycle parking, roads, service and drainage infrastructure and other associated works". The proposed change of use is from a "nil use" to use for residential purposes. The land would form part of the curtilage of a proposed block of six apartments and would provide outdoor amenity space for the benefit of the future occupiers of this building.
SITE AREA	0.23 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Not applicable. The proposal does not include the loss or gain of any residential units.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The north-eastern boundary of the site adjoins the rear gardens of 8 and 10 Winston Crescent and is defined by 1.3-1.8m high close-boarded fencing. The rest of the boundary is characterised by overgrown shrubs and brambles.
SITE CHARACTERISTICS	The site is approximately rectangular in shape. It is currently vacant and it is overgrown with shrubs and brambles.
CHARACTER OF LOCALITY	The site is located to the north-west of Bognor Regis, to the west of New Barn Lane, on the edge of the North Bersted neighbourhood. There is a pair of semi-detached bungalows to the north of the site, with access from New Barn Lane, and a terrace of three bungalows to the east of the site, with access from Winston Crescent. There is a field to the south and west of the site that has previously been used for agricultural purposes with trees and hedgerows along its boundaries. Temporary fencing has been erected immediately inside the field boundary while its development for housing is

awaited.

There is a public footpath (No.134) north-west of the field which provides access to the surrounding countryside to the west. Beyond the footpath, there is a drainage ditch, a hedgerow and a site with newly-built housing.

There are two telecommunications masts on land south-west of the field, surrounded by farmland.

The Jubilee Recreation Ground lies south-east of the field.

The nearby housing in Bersted to the north-west comprises a mixture of bungalows and two-storey houses and maisonettes built in the 1950s and 1960s.

RELEVANT SITE HISTORY

BE/77/16/OUT	Outline application with all matters reserved for up to 50 residential units, landscaping, amenity space, car & cycle parking, roads, service & drainage infrastructure & other associated works. Departure from the Development plan.	Called In by DCLG/SD 09-01-17
		Appeal: Allowed+Conditions 12-02-18
BE/103/19/RES	Approval of reserved matters following the grant of BE/77/16/OUT and BE/40/18/PL for 50 No. residential units with associated roads, drainage & other related infrastructure.	

The two applications relate to the adjoining field to the south west.

The most recent application (BE/103/19/RES) has yet to be determined.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

Bersted Parish Council - No Objection

One objection from a local resident, as follows:

"extensive building both on site 6 and in the fields adjacent to New Barn Lane are making this rural area a suburb. doctors schools hospitals and other local facilities cannot cope. the roads provided are also inadequate already prone to congestion. flooding is yet another problem. This area has been heavily built on recently and now needs some respite."

COMMENTS ON REPRESENTATIONS RECEIVED:

The principle of residential development on the adjoining land to the south-west has already been established by the grant of outline planning permission (BE/77/16/OUT) by the Secretary of State on 12 February 2018.

This application (BE/106/19/PL) does not proposed the erection of any additional buildings.

CONSULTATION RESPONSES RECEIVED:

Bersted Parish Council - As stated above

POLICY CONTEXT

Designation applicable to site:

Policy H SP2a West of Bersted (SD3) Strategic Housing Allocation

Pagham Harbour Buffer Zone B (5km buffer)

DEVELOPMENT PLAN POLICIES

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

DDM1 D DM1 Aspects of form and design quality

DSP1 D SP1 Design

ENVDM2 ENV DM2 Pagham Harbour

HSP2A HSP2a Greater Bognor Regis Urban Area

QESP1 QE SP1 Quality of the Environment

SDSP1 SD SP1 Sustainable Development

SDSP1A SD SP1a Strategic Approach

SDSP2 SD SP2 Built-up Area Boundary

[Bersted Neighbourhood Plan 2014 Policy ES3](#)

Protecting the Strategic Gap/Green Infrastructure Corridor

Bersted Neighbourhood Plan 2014 Policy ES7

Development outside of the Built Up Area Boundary

Bersted Neighbourhood Plan 2014 Policy HDQ6

Outdoor space

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

NPPDG National Design Guide

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 Plans (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.

The Bersted Neighbourhood Plan was made in November 2014. Relevant Bersted Neighbourhood Plan policies have been taken into account and are addressed in the Conclusions section of this report.

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 forms part of a strategic housing allocation inside the built-up area boundary.

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

For the purpose of determining this application, the development plan comprises the Arun Local Plan 2011-2031 and the Bersted Neighbourhood Plan 2014-2029.

The site lies within the West of Bersted strategic housing allocation which, in turn, is within the built-up area boundary shown on the Local Plan Policies Map. Therefore, the proposal complies with Policies H SP2a Greater Bognor Regis Urban Area and SD SP2 Built-up Area Boundary.

However, the site lies in a Strategic Gap outside the Built-Up Area Boundary shown in Appendices D and F of the Bersted Neighbourhood Plan 2014-2029, where Policies ES3 and ES7 state that development will not be supported.

The Bersted Neighbourhood Plan was made (adopted) in November 2014 on the basis of the saved policies in the former Arun Local Plan (2003) and the policies in what was then the emerging Local Plan. The test in section 38(5) of the Planning and Compulsory Purchase Act 2004 is: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document". As the Arun Local Plan was adopted by the Council on 18 July 2018, the policy in the Local Plan is to be considered in favour of that in the Neighbourhood Plan. Consequently, the proposal is contrary to the Neighbourhood Plan, but the Local Plan Built-up Area Boundary has been revised and includes the application site. The proposal, in respect of the strategic gap and the built-up area boundary, is therefore considered to be acceptable.

Pagham Harbour is a Special Protection Area (SPA). SPAs are areas which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and

vulnerable species of birds found within European Union countries.

Policy ENV DM2 of the Local Plan states that, within Zone B (0-5km), all new residential development and development which is likely to have an impact on Pagham Harbour will be required to:

- (i) Make developer contributions towards the agreed strategic approach to access management at Pagham Harbour; and
- (ii) Create easily accessible new green spaces for recreation within or adjacent to the development site. These shall be capable of accommodating the predicted increases in demand for local walking, including dog walking. Good pedestrian links shall be provided between housing areas and new and existing green space in order to discourage car use.

A contribution towards access management was secured through a s.106 planning obligation when outline planning permission BE/77/16/OUT was granted by the Secretary of State. The proposed change of use of this small piece of additional land is considered unlikely to have any further impact on Pagham Harbour.

Policy D SP1 of the Arun Local Plan requires all development proposals to seek to make efficient use of land but reflect the characteristics of the site and local area. Policy D DM1 includes "hard and soft landscaping to reflect the local area" and "minimal impact to users and occupiers of nearby property" among a list of aspects of form and design quality to be considered. Policy QE SP1 requires all development to contribute positively to the quality of the environment and to ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District.

Policy HDQ6 of the Bersted Neighbourhood Plan requires a private outdoor garden amenity space, or a shared amenity area, to be provided for all new dwellings. The plan adds that:

"The amount of land used for garden or amenity space should be commensurate with the size and type of dwelling and the character of the area, and should be of appropriate quality having regard to topography, shadowing (from buildings and landscape features) and privacy."

The Government's National Design Guide recognises that well-designed homes and buildings provide good quality internal and external environments for their users, promoting health and well-being (para. 123). Amenity space is defined as: "The outside space associated with a home or homes. It may be private or shared, depending on the building it serves".

The Guide states that, "The appropriate size, shape and position for an external amenity space can be defined by considering:

- how the associated building sits in the wider context, including access to public and open spaces;
- how the amenity space will be used, what for, and by whom;
- environmental factors that may affect its usability, such as sunlight and shade, noise or pollution;
- wider environmental factors affecting its quality or sustainability, such as a green corridor or drainage."

In accordance with paragraph 13.3.5 of the Arun Local Plan 2011-2031, the Council has published the Arun District Design Guide SPD Consultation Draft. Section H.04 of the Design Guide deals with Residential Outdoor Amenity & External Space Standards. Communal spaces, for the residents of flats, are required to be "safe, usable, designed to a high standard and well managed; being subject to natural surveillance from both people moving through the space and from windows". The guide recommends a minimum of 40sqm plus 10sqm for each unit if not provided as balcony space.

The proposal seeks to provide an area of outdoor amenity space to serve a block of six apartments. This would require a minimum area of 100sqm to fulfil the published guideline. The application site area is

stated to be 0.23 hectares (2,300sqm). Therefore, it is well able to provide residential outdoor amenity space capable of fulfilling a variety of functions and accommodating a range of activities.

The submitted plans contain no details of the proposed means of enclosure, or any hard and soft landscaping of the site. Consequently, a suitably worded planning condition is necessary to ensure that these fit with the landscaping scheme to be approved among the reserved matters under condition 1 of the outline planning permission BE/77/16/OUT related to the adjoining land.

As the proposal is to use the land for the same purpose as neighbouring properties to the north and east, it is considered that there will be no material adverse impact upon the amenities of existing residents.

HUMAN RIGHTS ACT

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 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:

18256 - S101 Location Plan
18256 - S102 Site Survey

Reason: For the avoidance of doubt.

- 3 The use hereby permitted shall not be carried out until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping, details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development, and details of the means of enclosure. The approved details of the landscaping shall be carried out prior to the occupation of the apartment building or in the first planting and seeding season following the completion of the development granted outline planning permission BE/77/16/OUT, whichever is the sooner. 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: To ensure that the use of the land is fully integrated with the development of the adjoining land for residential purposes, in the interests of the amenities of the occupiers of neighbouring residential properties and in accordance with policies D SP1, D DM1 and QE SP1 of the Arun Local Plan 2011-2031 and policy HDQ6 of the Bersted Neighbourhood Plan 2014-2029.