

Recommendation Report for Planning Permission

REF NO: BE/106/24/PL

LOCATION: Garage Compound at Westfield
Bersted
PO22 9HF

PROPOSAL: Erection of new residential garage unit. This application is in CIL zone 4 (zero rated).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE CHARACTERISTICS	Garage compound.
CHARACTER OF LOCALITY	Residential.

REPRESENTATIONS

Bersted Parish Council - No objection.

2 representations received from nearby occupiers pertaining to ongoing parking and emergency access issues and disruption caused by the construction of the proposed garage.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

None.

POLICY CONTEXT

Prone to groundwater flooding.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
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PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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.

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 proposed garage would not result in harm to the character of the street scene or residential amenity.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**DESIGN AND VISUAL AMENITY**

The site is parcel of land adjacent to a residential garage block, located on Westfield.

The proposed garage unit would adjoin the existing row of garages, with a width of 2.5m and a depth of 5.5m. The garage would have a flat roof with a height of 2.4m. A garage door is proposed to the front elevation of the garage.

Given the siting of the garage, at the end of a block of garages, and that the garage would be of the same scale and design as the existing garages, the garage would not appear unduly prominent within the street scene of Westfield, nor result in harm to the character of the street scene. The proposal therefore is in accordance with policy D DM1 of the Arun Local Plan.

NEIGHBOURING RESIDENTIAL AMENITY

Given the siting of the garage, adjacent to a block of garages and separated from residential properties by the highway, the garage would not result in overshadowing to neighbouring amenity. The proposal

would not result in any overlooking.

Whilst it is noted that concerns have been raised in relation to disruption to nearby occupiers during construction, given the scale of the proposed development, and the short term nature of the construction, the proposal would not result in significant harm to neighbouring properties.

The proposals would not have a harmful impact on neighbouring residential amenity in accordance with policy D DM1 of the Arun Local Plan.

PARKING

The proposed garage would not be of a sufficient width or depth to accommodate a vehicle as per the Arun Parking Standards which outlines that garages should measure 3m by 6m. It is noted that concerns have been raised in relation to the loss of the existing parcel of land which is utilised informally for parking. The parcel of land is not an allocated parking space, and the existing arrangement is informal. Therefore, the proposal would not result in a loss of parking.

USE

The submitted application form indicates that the garage would be used for the parking of a small vehicle. This use would be consistent with the other garages within the vicinity, and would be acceptable.

SUMMARY

The proposed development is in accordance with relevant Development Plan policies and is therefore recommended for approval, subject to conditions and informatives.

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 (dependent 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:

Location and Site Plan 001.
Proposed Floor Plans and Elevations 002.
Design and Access Statement.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policy D DM1.
- 3 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).
- 4 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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.