

Recommendation Report for Planning Permission

REF NO: BE/10/21/PL

LOCATION: Car park adjacent to
The Royal Oak Public House
Chichester Road
Bognor Regis

PROPOSAL: Retention perimeter post & rail fence to the back edge of road side verge with gated access from Chichester Road & North Bersted Street. This application may affect the setting of a listed building & the site is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for a retention of perimeter post and rail barrier fence to the back edge of the road side verge as recently installed, with gated access from Chichester Road and North Bersted Street and an installation of 5 bar gates, one on each entrance. A vehicle standing space will be achieved to ensure arriving or departing traffic is off the highway in front of the gates. The fence line will not encroach into the maintained highway boundary. The purpose of the gated entrances and perimeter barriers is to secure the site from fly parking and unauthorised or anti-social use.
SITE AREA	0.24 hectares.
TOPOGRAPHY	Predominantly flat but with a slight slope up from south to north.
TREES	No trees but there is a mature hedge along the northern and western boundaries.
BOUNDARY TREATMENT	Perimeter post and rail barrier fence to the road and to the front of the neighbour at 1 North Bersted Street. There is a 2m high fence on raised ground to the boundary with 346 Chichester Road and with 1 North Bersted Street.
SITE CHARACTERISTICS	Pub car park associated with the Royal Oak public which is located on a traffic island on the other side of North Bersted Street to the South. The site is half hardstanding, half grassed areas to the rear and verge of grass to the front.
CHARACTER OF LOCALITY	Predominantly residential area with the exception of the public house, a church and an A1 shop with residential above to the south of the pub. The site has residential dwellings on each side and backs onto allotment land. 1 North Bersted Street is a single storey pitched roof bungalow

with a couple of secondary openings within its flank wall. 346 Chichester Road to the west is being redeveloped with a pair of two storey semi-detached dwellings being erected within the side garden. The eastern dwelling has a first floor obscure glazed bathroom window which will overlook the site.

RELEVANT SITE HISTORY

BE/47/15/PL	Erection of 1 No. convenience foodstore. This application affects the setting of a listed building.	Refused 03-11-15 Appeal: Dismissed 01-06-16
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BE/47/15/PL for Erection of 1 No.convenience food store was refused and dismissed on appeal.

REPRESENTATIONS

Bersted Parish Council: No objection.

No letters of objection received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Conservation Officer: The Royal Oak Public House and associated wall encircling yard at rear are a Grade II Listed Building. It is an irregular 2 storey brick building, probably of C18, with later extensions and alterations. It has a hipped roof with clay tiles and a slate mono-pitched roof over a rear extension. It is considered to be of architectural and historical significance.

The pub adjoins roads on all elevations and is separated from the area of land used as a car park. It is this separate area which is subject to the current application. It is noted that the works have already been partly implemented, it is considered that the post and rail fencing is of an acceptable design and location and will not cause harm to the significance of the listed building. The application is considered to not cause harm to the significance of the heritage asset or its setting.

WSCC: No objection. The fence does not appear to obstruct vehicular visibility at the two accesses to Chichester Road and North Bersted Street. Regarding the gated accesses, the gates are in locations whereby vehicles can pull in off the highway and wait whilst the gates are in operation.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary;
Classes A & C Roads;
Listed Building Grade II;
No Public Sewer; and
Pagham Harbour Buffer Zone B.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development

<u>Bersted Neighbourhood Plan 2014 Policy EE4</u>	Local shopping facilities
Bersted Neighbourhood Plan 2014 Policy EE5	Retain car parking
Bersted Neighbourhood Plan 2014 Policy ES5	Building design

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 relevant policies of the Bersted Neighbourhood Development Plan have been taken into account in determining this application: ES5: Building Design, Policy EE5: Retain Car Parking.

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 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. The proposal is not considered to materially affect the character or the setting of the Grade II Listed

Building.

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 in the built-up area as defined in by the Arun District Local Plan where development is considered to be acceptable in principle subject to normal development control criteria. The National Planning Policy Framework (NPPF) supports the effective and efficient use of land in the built up area.

The proposal site is a parking area of The Royal Oak and this proposal is for the retention of a perimeter fence along the back edge of the roadside verge of Chichester Road/North Bersted Street with gated accesses. This application is part retrospective - works commenced on 15/12/2020.

HERITAGE:

Policy HER SP1 of the Arun Local stresses that designated heritage assets will be given the highest level of protection. Policy HER DM2 plan requires that all Locally Listed Buildings must be largely intact and not adversely affected by later extensions or alternations and preferably, although not exclusively, they should make a positive contribution to their surroundings or the street scene.

Policy ES5 of the Bersted Neighbourhood Development Plan sets down that The design of new buildings should contribute positively to the historic character. Listed Buildings and their settings and Conservation Areas and their settings, will be conserved and enhanced to reinforce the quality and character of Bersted.

NPPF part1 6 states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of existing and future generations. In para 190 the local planning authority is required to consider the significance of heritage assets (including the setting) that may be affected by the proposal.

NPPF para 193 states that considering the impact of a development on the significance of a designated heritage asset, the great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to significance; and where a development proposal (paragraph 196) will lead to less than substantial harm to the significance of designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The perimeter post & rail fence and proposed gates are in a close proximity to designated heritage assets, such as The Royal Oak PH, Grade II Listed Building. The public house adjoins roads on all elevations and is separated from the area of land used as a car park. It is this separate area which is subject to the current application.

The proposal for the retention of the fence and an installation of gates is acceptable since it is of a tolerable design and location and will not cause harm to the significance of the listed building. The Conservation Officer shares this opinion that the application is considered to not cause harm to the significance of the heritage assets or their setting.

The development satisfy the requirements of NPPF, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the policies HER SP1 and HER DM2 of the Arun Local Plan and policy ES7 of the Bersted Neighbourhood Development Plan.

CHARACTER OF THE AREA:

Policy D SP1 "Design" states: "All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Policy D DM1 of the Arun Local Plan requires that the proposal makes the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area.

Policies ES1 and HDQ5 of the Bersted Neighbourhood Development Plan require new development to be of a high quality and to reflect the character of the location.

The site is on Chichester Road, a B-classified road subject to a speed restriction of 30 mph in this location.¹ North Bersted Street is a single storey pitched roof bungalow with and 346 Chichester Road to the west is being redeveloped with a pair of two storey semi-detached dwellings being erected within the side garden. The Royal Oak is separated from the parking area by North Bersted Road. The fence is 1.1m high and the proposed 5 Bar Gates would be 3.9m wide and 1.270 high.

The post and rail fence and gates are of an acceptable design and would not detract from the local area character complies with policies D SP1 and D DM1 of the Arun Development Plan and policies ES1 and HDQ5 of the Bersted Neighbourhood Development Plan.

The fence does not appear to obstruct vehicular visibility at the two accesses to Chichester Road and North Bersted Street. Regarding the gated accesses, the gates are situated in locations whereby vehicles can pull in off the highway and wait whilst the gates are in operation.

RESIDENTIAL AMENITY:

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land.

The development due to its nature would have a neutral impact to users and occupiers of nearby properties and land therefore would accord with the Arun Local Plan policy D DM1.

HIGHWAY SAFETY:

Arun Local Plan policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of highway safety, it states that:

"The Council will support transport and development which: Explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

Para 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The fence does not appear to obstruct vehicular visibility at the two accesses onto Chichester Road and North Bersted Street. Regarding the gated accesses, the gates are in locations whereby vehicles can pull in off the highway and wait whilst the gates are in operation.

WSCC does not consider that this proposal has an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the NPPF (paragraph 109), and that there are no transport grounds to resist the proposal.

It is considered the proposal would satisfy policy T SP1 of the Arun Local Plan and with the guidance on highways within the NPPF.

SUMMARY

The retention perimeter post and rail fence, with gated access from Chichester Road and North Bersted Street would not compromise the visual amenities, setting of listed building or character of the area, highway safety or the amenities of nearby residential occupiers. The proposal complies with development plan policies. The recommendation to approve is made subject to conditions/informative.

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 approved shall be carried out in accordance with the following approved plans:

Block and Location Plans, Dwg No 2020 45 P 01.

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.

- 2 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.