

Recommendation Report for Planning Permission**REF NO:** BE/129/15/PL**LOCATION:** The Memorial Stone Company
Shirpney Road
Bognor Regis**PROPOSAL:** Retention of store building & tool shed.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above. The two buildings are already present on the site and substantially complete. They are both single storey pitched roof structures.
SITE AREA	0.06 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A.
TOPOGRAPHY	Predominantly flat.
TREES	No trees but there is a 4m high hedge to the roundabout frontage and the tool shed is sited adjacent to this hedge.
BOUNDARY TREATMENT	4m high hedge to the road frontage. Line of trees to the caravan park.
SITE CHARACTERISTICS	Existing commercial site which crafts, stores and sells gravestones. The site itself is essentially just flat hardstanding. There are a couple of single storey buildings already on the site and a lawned garden area at the eastern end.
CHARACTER OF LOCALITY	The site is located adjacent to a caravan park (to the North) and on a main roundabout opposite a retail park to the south. There is construction occurring on the land to the eastern side of the A29 and as such, although a rural site, this is a fairly developed edge of settlement area.

RELEVANT SITE HISTORY

BE/8/97/CLE	Application for a Certificate of Lawfulness for an existing use - use of land for storage purposes.	Refused 03-07-1998
BE/46/98/	Change of use of land to storage and display	Approved Cond + S106

of grave stones

30-05-2000

The original permission, ref BE/46/98 was granted together with a S.106 legal agreement requiring the retention of existing trees and the boundary hedge.

REPRESENTATIONS

Representations received:

Bersted Parish Council

Bersted Parish Council - no objection.

Two letters of objection from local road users who consider the access to be dangerous and who question whether the buildings will be used for storage.

Comments on Representations received:

Noted. A condition is proposed to ensure the buildings are used for storage. The WSCC Highways comments below deal with the highway safety related issues.

CONSULTATIONS

WSCC Strategic Planning

Consultations responses received:

WSCC Highways - "The application seeks the retention of a 24.7 sqm storage/display area to be utilized by the existing occupier of the site, The Memorial Stone Company. Works on the structure have commenced but has not yet been completed. After inspection of the documents provided it is evident that there will be no change to staff number and no change to the access and parking arrangements of the site. I would conclude that the proposal would not have 'severe' impact on the operation of the highway network; therefore there are no transport grounds to resist the proposal."

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designations applicable to site:

Outside Built Up Area Boundary;
Class A & C Roads;
Flood Zone 1 (Low Risk);
No Public Sewer; and
Special Control of Adverts.

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN3
GEN7

[Publication Version of the Local Plan \(October 2014\):](#)

[Bersted Neighbourhood Plan 2014 Policy ES1](#)
[Bersted Neighbourhood Plan 2014 Policy EE1](#)
[Bersted Neighbourhood Plan 2014 Policy ES7](#)

Protection of the Countryside
The Form of New Development
D DM1 Aspects of Form and Design
Quality
C SP1 Countryside
Design of new development
Business expansion
Development outside of the Built Up Area
Boundary

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

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

PRINCIPLE & AMENITY:

The site lies just outside of and adjacent to the defined built up area boundary. As such, the principle of development is considered to be unacceptable unless necessary for the needs of agriculture, forestry, the extraction of minerals, deposit of waste, the diversification of the rural economy or where such development is in accordance with a policy within sections 2 & 3 of the adopted Local Plan.

However, the two buildings are sited within the confines of an existing commercial site and are in accordance with Neighbourhood Plan Policy EE1 in that there will not be any impact on the amenities of the area. This is because the proposed buildings are entirely hidden behind the existing hedge and as such there is no adverse impact on the streetscene. Furthermore, there is not considered to be any impact to the adjacent caravan park as the site is well screened by the existing row of trees.

HIGHWAYS:

Two local residents have commented on the safety of the existing access. However, WSCC Highways are clear that the proposal will not result in any change to staff numbers or to the site access/ parking arrangements. The County Highways officers states that there would be no transport grounds to resist the proposal.

SUMMARY:

It is therefore recommended that this application be 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.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby approved shall be carried out in accordance with the following approved plans:

Location Plan @ 1:2500 Scale;
Site Plan & Location Plan;
Proposed Tool Shed Plans & Elevations; and
Proposed Store Building Plans & Elevations (2 drawings).

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

- 2 The two buildings hereby permitted shall only be used in association with the storage of grave stones & associated tools and the storage/display of gravestones and for no other purpose within or outside any Use Class specified in the Schedule of the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: Permission has been granted exceptionally in view of the existing use of this rural site

- 3 **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.