

Recommendation Report for Planning Permission

REF NO: BE/13/20/PL

LOCATION: Rear of Blackberry House
Berry Lane
North Bersted
PO22 9AF

PROPOSAL: Single storey dwelling with detached carport (alternative to BE/64/17/PL). This application may affect the North Bersted Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Single storey 3 bedroom detached house represents further development to the rear of Blackberry House in the style of a recently approved L-shaped dwelling with a half hipped roof. It is to be accessed via Blackberry Lane. There is another access from North Bersted Street in the between Nos 83 and 85 where the bin storage is proposed. An open sided detached carport is proposed in the north-eastern corner of the site.
SITE AREA	0.3 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	3 dwellings per hectare.
TOPOGRAPHY	Predominantly flat. Slightly rising ground from the road level.
TREES	None affected by the development.
BOUNDARY TREATMENT	Hedgerow and metal fencing.
SITE CHARACTERISTICS	Land to the rear of recently constructed dwelling house (BE/135/07) contains 3 wooden stables, 3 paddocks. Adjacent to footpath/newly laid access road.
CHARACTER OF LOCALITY	Semi rural location on the outskirts of the Conservation Area, with open field to the north-west and public open space area to the south-west. Residential properties in surrounding area are predominantly 2 storeys detached, semi-detached and terraced of four. Nos 81,83 are locally listed buildings.

RELEVANT SITE HISTORY

BE/64/17/PL	Single storey dwelling. Amendments to planning permission BE/53/15/PL. This application affects the setting of the adjacent Bersted Conservation Area.	App Cond with S106 17-07-17
BE/53/15/PL	Proposed single storey dwelling. Amended siting and	ApproveConditionally

access to planning permission BE/91/12. This application affects the setting of the adjacent Bersted Conservation Area.

01-07-15

BE/91/12/	Proposed single storey dwelling (Resubmission following BE/113/11).	App Cond with S106 19-10-12
BE/113/11/	Proposed dwelling	Refused 11-11-11
BE/135/07/	Erection of 1 no 4 bedroomed dwelling (Resubmission of BE/101/07)	ApproveConditionally 16-01-08

The most recent approval (BE/64/17/PL) is identical with the current proposal. The only differences are another access from North Bersted Street, significantly larger hardstanding area and an open carport.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

No response.

2 letters of objections:

- It would be harmful to the setting of the North Bersted Conservation Area.
- This application envisages regular car traffic along Berry Lane; infringement of a public footpath.
- The 2 previous applications have shown access drive through the grounds of Blackberry House.

COMMENTS ON REPRESENTATIONS RECEIVED:

The red line of the location plan submitted with recent and current application shows applicant's ownership of the part of Berry Lane which would serve as access to the proposal property.

CONSULTATIONS

Engineering Services Manager
Engineers (Drainage)
WSCC Strategic Planning
Southern Water Planning
Conservation Officer

CONSULTATION RESPONSES RECEIVED:

CONSERVATION OFFICER:

The house appears to be an almost carbon copy of the previously approved building (minus fenestration changes). It has a 'barn style' design with the intention of reflecting some of the characteristics of those in the locality. This application includes a large area of hardstanding, a new detached carport and the retention of the existing stables and adjacent concrete apron. The design of the house is generally acceptable and would allow the site to be read as a transition from the built development along the street into the surrounding countryside.

It is unfortunate such a large area appears to be proposed for hardstanding; it covers the entire width of the plot and would potentially urbanise the curtilage. Could the hardstanding be reduced or designed so as to not look so suburban in character?

The success of such a scheme will depend upon the quality of the materials/finishes used, as well as the style/appearance of the joinery. The applicant will be using materials such as brick, a timber frame, oak cladding and plain clay tiles. Such an approach is positive, but you may wish to condition details of these materials, along with joinery in order to ensure they reflect the character of the locality.

Conclusion

The proposal will have a neutral impact on the various heritage assets and their settings. As a consequence, it is considered to not cause harm to the significance of the heritage assets or their setting. It should be determined in accordance with the relevant policies within the Development Plan, along with these comments. The contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) should be taken into account.

DRAINAGE ENGINEERS: No objection subject to condition.

SOUTHERN WATER: No objection subject to standard informative

WSCC Highways: No objection - Arun and WSCC parking standards require dwellings with three beds to provide and secure and covered cycle parking for at least two cycles.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The block plan has been amended following the advice of the Conservation Officer showing hardstanding area reduced in size. A carport for 2 cars is proposed therefore in this instance cycle parking is not required.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary
Abuts Conservation Area
Pagham Harbour Buffer Zone

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation

ENVDM2	ENV DM2 Pagham Harbour
ENVDM5	ENV DM5 Development and biodiversity
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

Bersted Neighbourhood Plan 2014 Policy ES1	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES2	Surface water management
Bersted Neighbourhood Plan 2014 Policy ES5	Building design
Bersted Neighbourhood Plan 2014 Policy HDQ2	Integration of new housing
Bersted Neighbourhood Plan 2014 Policy HDQ6	Outdoor space
Bersted Neighbourhood Plan 2014 Policy HDQ7	Attention to detail
Bersted Neighbourhood Plan 2014 Policy HDQ8	Car parking

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD2	Conservation Areas
SPD3	Parking Standards

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: ES1, ES2, ES5, HDQ2, HDQ6, HDQ7 and HDQ8.

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. A contribution has been agreed to assist in the protection of Pagham Harbour and as such it is not considered to be detrimentally affected in terms of impact on biodiversity by this application.

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;

The site is in the built up area boundary and abuts a Conservation Area. The site would be on the edge of Bersted but approval for a dwelling of the same size and design to be built on this site which is still able to be implemented. The proposal would be suitably integrated into the surrounding area. Development is acceptable in principle, subject to normal development control criteria and being sensitive to the surrounding character.

DESIGN AND VISUAL AMENITY:

Arun Design Guide Supplementary Planning Document (SPD), a material consideration in the determination of applications, was published under consultation until 21 February 2020. Part P.O1 deals with infill development and requires development to respond positively to the character, appearance and layout of surrounding buildings to provide high quality development which enhances amenity for surrounding and new residents.

The site is a paddock with stabling. The application proposes to construct a single storey dwelling with detached carport and second access from North Bersted Street with bin storage. The site is well screened with hedgerow. The height will not impinge on views across the field to Site 6 and the design is rustic in the use of materials with oak weather boarding to clad the dwelling and slate roofing. The siting is close to dwellings and not in isolation. These are traditional materials in keeping with the rural setting. On the opposite side of Berry Lane, is the public open space area for Site 6 designed to complement the rural nature of Berry Lane. The dwelling will not conflict with views of the open space given the design and proposed materials.

The dwelling accords with policies D SP1 and D DM1 of the Arun Local Plan, policies ES1, ES5 and HDQ2 of the Bersted Neighbourhood Development Plan and with the relevant requirements of Arun Design Guide .

IMPACT ON THE CHARACTER & APPEARANCE OF THE CONSERVATION AREA:

The criterion e.of Policy HER DM3 stress that proposals affecting Conservation Areas will be required to retain historically significant boundaries, important open spaces and other elements of the area's established pattern of development.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on Conservation Areas, great weight should be given to conserving the heritage asset. Significant features

can be harmed or lost through alterations. Paragraph 195 states that where a proposed development will lead to substantial harm to the heritage asset, it should be refused.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in the exercise, with respect to any buildings or other land in a conservation area, of any any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

This site is on the edge of the farmland and Berry Lane by its very rural nature is part of this historic context. The proposed development has been designed to appear as a rustic rural building with timber cladding and slate roof and is single storey such as a converted barn/stable. The Conservation Officer hasn't raised an objection and considered the development is acceptable and it will not harm the heritage asset. The proposal will be in accordance with the policies set out above.

NEIGHBOUR AMENITY

The proposal would have little impact on neighbouring residential amenity as it is to be set 25m away from Blackberry House and more than 30m from the properties at 85-91 North Bersted Street. As such the application is considered to be acceptable in terms of impact on neighbour amenity.

SPACE STANDARDS:

Policy D DM2 states: "The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance". It is necessary to assess the proposal against internal space standards set out in the Governments Technical Housing Standards (Nationally Described Space Standard) to determine if the building is suitable for residential use. The proposal relates to gross internal floor spaces of 188 square metres which is also above the requirement for a 3 bed dwelling. size.

Policy D DM1 refers to the need for compliance with the Arun Design Guide. This replaces policy D DM3 "External Space Standards" which was deleted at the request of the Local Plan Inspector. The Arun Design Guide stresses the design of new homes should provide clear delineation of public and private spaces; incorporating a 'public front' and private 'back' to the rear of the site, providing private gardens. Regard should be had to para 127 of the NPPF which requires development has a high standard of amenity for existing and future users. The proposal provides a large garden space which is more than is required and complies with policies D DM1 & D DM2, HDQ6 of the Bersted Neighbourhood Development Plan and with the guidance in the NPPF (para. 127)

PARKING AND HIGHWAY SAFETY:

Policy T SP1 in criterion f.(iv) sets out that the Council will support transport and development which explains how the development has been designed to incorporate facilities for charging electric and plug-in hybrid vehicles (where charging facilities are to be omitted from the development, evidence of market demand and viability must be provided).

Since no charging facilities are proposed, a condition requiring provision such facilities will be attached to the decision.

The proposal provides 2 parking spaces in carport and space for off street parking bays with adequate turning space. The driveway would be accessed from Berry Lane, the lane is owned by the applicant so access over it is possible. Cars would enter Berry Lane from North Bersted Street.

Since no charging facilities are proposed

Bin and recycling storage has been shown on the proposed plan but no elevations of the storage has been provided nor it's capacity. As such it is appropriate to impose a condition requiring details of bin storage to be provided. As the carport is proposed it is not reasonable to require details of secure cycle storage via condition.

The Local Highway Authority do not consider that the proposal has an unacceptable impact on highway safety or result in 'severe' cumulative impact on the operation of the highway network, therefore it is not contrary to the NPPF para 109, and there are no transport grounds to resist the proposal subject to condition. The development complies with policy TP1 of the Arun Local Plan and Arun District Council's Parking Standards Supplementary Planning Document (January 2020) and policy HDQ7 and HDQ8 of the Bersted Neighbourhood Development Plan.

IMPACT ON THE PAGHAM HARBOUR SPECIAL PROTECTION AREA:

ALP policy ENV DM2 requires that new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015. The Councils Cabinet subsequently approved a reduction in the tariff from £1,275 to £871 as of the 10th April 2017.

The application site lies within the designated Zone B and accordingly it was necessary to apply this requirement. The applicant has agreed to the £871 contribution.

CONCLUSION:

It is considered that the proposed development would satisfy the requirements of the relevant policies of the Arun Local Plan and the Bersted Neighbourhood Development Plan as well as relevant paragraphs of the NPPF and therefore recommended for approval subject to the following 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.

SECTION 106 DETAILS

Unilateral undertaking for payment of Pagham Harbour conservancy contribution to be paid on commencement of development of £871.

CIL DETAILS

This is CIL Liable in principle;.

RECOMMENDATION

- 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:

Dwg 1E Location Plan
Dwg 2F Block Plan
Dwg 3E Proposed Floor Plan
Dwg 5E Elevations
Dwg 6 Carport Elevations

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.
- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roofs of the proposed building have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy D DM1 and HER DM3 of the Arun Local Plan.
- 4 No development above damp proof course (DPC) level shall take place until details of screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls and/or fences associated with them have been erected.

Reason: In the interests of amenity in accordance with policy D DM1 of the Arun Local Plan.

- 5 Prior to the occupation of the dwelling, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwelling shall be submitted to the local planning authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.

- 6 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 7 Construction/demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan

- 8 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development above damp proof course (DPC) level begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy in accordance with national planning policy, and in accordance with Policy ECC SP2 of the Arun Local Plan.

- 9 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 or dormer windows) to the dwelling houses shall be constructed or buildings 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 D DM1 of the Arun District Local Plan.

- 10 INFORMATIVE: Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers.
Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.
- 11 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.
- 12 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 13 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 14 A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.
- 15 INFORMATIVE: Any lighting scheme for the site will need to take into consideration the

presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.