

Recommendation Report for Planning Permission

REF NO: BE/14/17/PL

LOCATION: Land to the rear of 95-99
North Bersted Street
Bersted

PROPOSAL: Variation of condition 2 imposed under BE/133/16/PL relating to approved plans. This application affects the setting of a Listed Building & affects the character & appearance of the North Bersted Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The changes concern the raising of the eaves by 100mm to provide clearance for window heads, changes to some of the windows and the addition of a flue for a wood burning stove.
SITE AREA	The submitted red edge covers the same site area as Application BE/133/16/PL - 0.2 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	5 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Boundaries would appear to be formed by hedges and low fences.
SITE CHARACTERISTICS	The site is located at the end of a track which runs Northwest from North Bersted Street between nos. 97 & 101. This track then passes 99 North Bersted Street (which is located behind 95/97). The site is grassed. At the time of the previous application, there appeared to be the remains of a shed and some poly tunnels on the site.
CHARACTER OF LOCALITY	The site is just north of a residential street but is actually rural in character with the nearest (detached) dwelling some 45m to the south. Surrounding land would appear to either garden or paddocks. There are houses in the distance to the north and west which are part of the Site 6 development.

RELEVANT SITE HISTORY

BE/14/17/PL

BE/133/16/PL	1 No. dwelling. This application affects the setting of a Listed Building, the character & appearance of the North Bersted Conservation Area & is a Departure from the Development Plan.	App Cond with S106 01-12-2016
BE/15/17/PL	Double garage (revised scheme following BE/133/16/PL). This application affects the setting of a Listed Building & affects the character & appearance of the North Bersted Conservaton Area.	Refused 11-05-2017

Planning permission was granted in December 2016 for a single storey approximately 6m high dwelling on the site. The design of the proposed dwelling was subject to negotiations with the Councils Historic Buildings Adviser.

REPRESENTATIONS

Representations received:

None.

Comments on Representations received:

N/A.

CONSULTATIONS

Listed Building Officer
Conservation Officer

Consultations responses received:

ADC HISTORIC BUILDINGS ADVISER: "The scheme appears to have kept some of the changes we advised such as eaves height and roof form. The only difference is the window design which is split pane rather than multi. Given that this is not especially harmful and the main changes have been made, I am happy to support."

ADC CONSERVATION OFFICER - "Refusal for the permitted scheme was recommended in terms of the Council's conservation Policies and there is no further comment"

CONSERVATION AREA ADVISORY COMMITTEE - "Objection: comments relating to BE/133/16/PL still stand"

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;
Class C Road;
Affecting the setting of the North Bersted Conservation Area;
Affecting the setting of a Grade II Listed Building; and
Pagham Harbour Access Management Zone B.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>AREA2</u>	Conservation Areas
	<u>GEN2</u>	Built-up Area Boundary

GEN7

Publication Version of the Local
Plan (October 2014):

Bersted Neighbourhood Plan 2014 Policy ES1
Bersted Neighbourhood Plan 2014 Policy ES5
Bersted Neighbourhood Plan 2014 Policy ES7

The Form of New Development
D DM1 Aspects of Form and Design
Quality
D SP1 Design
HER DM1 Listed Buildings
HER DM3 Conservation Areas
HER SP1 The Historic Environment
SD SP1 Sustainable Development
SD SP2 Built-Up Area Boundary
Design of new development
Building design
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.

A new local plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these is taking place 10 April 2017 to 5pm on Tuesday 30 May 2017. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account.

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 are material considerations in the determination of this planning application. The emerging Plan was submitted in January 2015 and the examination is currently suspended. The examination is due to re-commence in summer 2017 following publication of modifications to the Plan.

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 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: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

The following is an analysis of the Written Ministerial Statement (WMS) in respect of this application:

- The Bersted Neighbourhood Plan has been part of the development plan for more than 2 years and the WMS is less than 2 years old;
- The Bersted Neighbourhood Plan allocates sites for housing; and
- Arun District Council can only currently demonstrate an approximately 2 year supply of deliverable housing sites.

Therefore, the WMS does not apply.

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).

The relevant policies of the Bersted Neighbourhood Plan are considered within 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."

Section 71(1) of the Act states: "In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The proposed changes to the design of the approved house are considered to comply with relevant Development Plan policies in that they would not be harmful to residential amenities of nearby properties or the setting of the adjacent Listed Buildings and Conservation 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

The proposed dwelling has the benefit of a recent planning permission and this application only seeks approval for some changes to the building design. The previous building design was subject to negotiation with the Councils Historic Buildings Adviser and was supported on the basis of these changes.

One of the proposed changes concerns the lifting of the eaves and this is in contravention to the changes made to the approved scheme. However, the Council HBA has assessed the new proposal and considers it to be capable of support. It is therefore recommended that the application be approved subject to the following revised plans condition and 2 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

Application BE/133/16/PL was approved subject to a legal agreement concerning the payment of a contribution towards the mitigation of the Pagham Harbour Special Protection Area. The legal agreement contains a clause which mean that it automatically applies to subsequent revisions to the proposal.

RECOMMENDATION

APPROVE CONDITIONALLY

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

Floor Plan dwg. 4 Rev B; and
Elevations dwg. 5 Rev C.

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 INFORMATIVE: All of the conditions imposed on BE/133/16/PL shall remain in force except for condition 02 which is varied by this permission as set out in the new condition 01 above.
- 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.