Recommendation Report for Planning Permission

REF NO: **BE/15/17/PL**

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

PROPOSAL: 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.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed garage will have a footprint of 6.35m by 5.85m with a height to the eaves of 2.09m and to the ridge of 4.2m. The submitted site plan also shows changes to the amount of hard surfacing / turning space, a slight change to the location of the proposed underground Foul Treatment Plant (FTP) and a change to the route of the discharge from the FTP to the ditch.
SITE AREA	The submitted red edge covers the same site area as Application BE/133/16/PL - 0.2 hectares.
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/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

Planning permission was granted in December 2016 for a single storey approximately 6m high dwelling on the site. The decision included conditions preventing the siting of outbuildings within the curtilage of the dwelling.

REPRESENTATIONS

Representations received:

None.

Comments on Representations received:

N/A.

CONSULTATIONS

Listed Building Officer
Conservation Officer
Ecology Advisor

Consultations responses received:

CHICHESTER DC ECOLOGIST - "Comments are provided in relation to the ecological implications of the above planning application at Bersted. I accept the conclusions of the Ecological Survey and should permission be granted, the following conditions should be imposed:

* No artificial external lighting unless agreed in writing by the local authority, to minimise impacts on commuting bats;
* Vegetation clearance outside the bird nesting season (March - September inclusive) unless under the supervision of a qualified ecologist who has undertaken a nest search;
* The lawn must be continually mown before and during construction and not left to grow above 5cm in height to prevent reptiles from colonising the area; and
* Relocation of the two compost heaps to the north of the site by hand."

ADC CONSERVATION OFFICER - "The proposed garage is associated with a recently permitted dwelling located just outside the northern boundary of the Bersted conservation area and some distance to the north of two, grade II listed buildings. While the additional new development may have little impact on the settings of the listed buildings, it exacerbates the intrusive presence of the adjacent dwelling, which was resisted in terms of the Council's conservation Policies.

Randomly located, isolated buildings of this nature are alien to the traditional frontage pattern of development and they intrude into long, countryside views. The proposed garage contributes to a gradual accretion of 'backland' buildings outside the settlement boundaries, and the cumulative effects erode locally distinctive qualities of the designated area and diminish its significance.

The proposal is thus contrary to Para. 132 of the NPPF, which requires great weight to be given to the conservation of designated heritage assets and notes that significance can be harmed or

lost through inappropriate development within their settings. Refusal is therefore recommended in terms of Local Plan 2003 Policy Area 2 and Local Plan 2014 Policy HER DM3."

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

Comments on Consultation responses:

Comments noted. Conditions were previously applied to BE/133/16/PL in respect of ecological mitigation and if this application were to be approved then it would be necessary to re-impose the same conditions.

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:	AREA2	Conservation Areas
	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	GEN12	Parking in New Development
	GEN29	Nature and Conservation Across the District
Publication Version of the Local Plan (October 2014):		C SP1 Countryside
		D DM1 Aspects of Form and Design Quality
		D SP1 Design
		ENV DM5 Development and Biodiversity
		HER DM1 Listed Buildings
		HER DM3 Conservation Areas
		HER SP1 The Historic Environment
		SD SP1 Sustainable Development
		T SP1 Transport and Development
Bersted Neighbourhood Plan 2014 Policy ES1		Design of new development
Bersted Neighbourhood Plan 2014 Policy ES5		Building design
Bersted Neighbourhood Plan 2014 Policy ES7		Development outside of the Built Up Area Boundary
Bersted Neighbourhood Plan 2014 Policy HDQ8		Car parking

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	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; 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 proposal is considered to conflict with relevant Development Plan policies in that it although it would not result in harm to the residential amenities of nearby properties, it would have a materially adverse impact on the setting of the adjacent 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

PRINCIPLE:

Planning permission has only very recently been granted for a dwelling on this site and as such the principle of the previously approved parts of the scheme (i.e. the dwelling, the driveway, the foul treatment plant) are not in doubt. The dwelling itself was to be located on the small part of the site which lies within the built up area boundary. However, the double garage is a new

addition and this will be located on a part off the site that is outside of the built up area boundary (BUAB) as defined by adopted Local Plan and also the Bersted Neighbourhood Plan.

Policy GEN3 of the Arun Local Plan states that development in the countryside is unacceptable unless it is for a certain category of development (non of which apply to this proposal) or is otherwise in accordance with a policy in sections 2 & 3 of the plan referring to a specific use or type of development. Policy DEV19 would be applicable to extensions but not to residential outbuildings.

Policy ES7 of the Bersted Neighbourhood Development Plan states that: "Development outside of the built-up area boundary, as shown in Appendix F, development or redevelopment will not be supported."

The garage is a completely new structure and is therefore inappropriate in principle. However, it does not follow that it should automatically be refused as it is first necessary to consider whether it is harmful in visual or other terms.

DESIGN, CHARACTER & HERITAGE ASSETS:

Local Plan Policy AREA2 "Conservation Areas" requires that planning application proposals must either preserve or enhance the character or appearance of a Conservation Area or its setting. The site lies around 30m from the edge of the defined North Bersted Conservation Area and as such has the potential to affect the setting of this designated heritage asset.

Regard should also be had to the impact of the proposal on the setting of nearby listed buildings. The south-western corner of the application site borders with the rear garden of no. 95 North Bersted Street which is Grade II Listed.

The application has been assessed by the Councils Conservation Officer who has raised an objection. The Officer considers that the proposed garage will contribute to a change in character of this edge of built up area boundary location and will also erode the locally distinctive qualities of the Conservation Area and diminish its significance as a Heritage Asset.

Paragraph 132 of the National Planning Policy Framework (NPPF) is quite clear that:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."

However, there is no concern with the impact of the proposed garage on the setting of the Listed Building.

The change to the position of the Foul Treatment Plant and the proposed increase in the amount of hardstanding are considered to be acceptable as these are both either at or below ground level and will therefore not have a significant impact on the character of the area.

RESIDENTIAL AMENITY:

The double garage would be sited a considerable distance away from the nearest residential dwellings and as such will not have a harmful impacts in terms of loss of light. The garage is also to the north east of the approved dwelling and such will not overshadow the dwelling's windows.

HIGHWAY SAFETY, CONVENIENCE & PARKING

The proposed garage will not result in the loss of any parking spaces whilst the changes to the hardstanding will enlarge the previously approved vehicle turning area. There are therefore no highway objections to the proposal. A condition would however be required to ensure that the garage remained available for the parking of vehicles and was not used for the storage of domestic items.

SUMMARY:

The principle of residential development on this site has already been established by BE133/16/PL. At that time, it was considered that the proposal was for a single storey building with a simple rural appearance and that it would have only a very limited visibility within the landscape. A planning condition was then imposed on the permission to remove permitted development rights for outbuildings.

This proposal seeks to add a large double garage to a location just north of the approved dwelling and consequently within the defined countryside. Development plan policies for the protection of the countryside do not support the proposal and as such, it would be contrary to such policies. In addition, the garage is considered to adversely affect the setting of the adjacent North Bersted Conservation Area.

It is therefore recommended that planning permission be refused for the following reason.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

1 The proposed double garage, by reason of its siting and scale will exacerbate the intrusion associated with the adjacent dwelling and would be inappropriate and detrimental to the setting of the North Bersted Conservation Area and also represent inappropriate development within the countryside contrary to policies GEN3, AREA2 of the Arun District Local Plan (2003); ES5, ES7 of the Bersted Neighbourhood Development Plan; C SP1, HER-SP1, HER-DM3 of the Arun Local Plan 2011-2031 Publication Version; and paragraph 134 of the National Planning Policy Framework.

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 identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.