

PLANNING STATEMENT

CONSTRUCTION OF 3 BEDROOM DETACHED DWELLINGHOUSE

AT

LAND TO WEST OF NO. 2 NORTH BERSTED STREET,
BOGNOR REGIS, WEST SUSSEX, PO22 9AD



PTP

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1.0 Introduction & Background

1.1 A grant of planning permission is sought for the construction of a detached dwellinghouse on land to the south-west of No.2 North Bersted Street. During the 1950s the application site formed part of the residential curtilage of 'Wayside'. At a later date the bungalow No.2 North Bersted Street was constructed leaving the application site as part of its garden. The garden was not used, as such, and evolved into an area used for the open storage of builders' materials. In recent years the site has been vacant (between 2009 and 2011) and also used occasionally by a sign writer and a fencing company for the storage of materials.

1.2 This statement describes our Client's proposal and places it in context with relevant national and development plan policy, guidance and advice. It will be concluded that our Client's application proposal should receive support and be granted planning permission.

2.0 The Site and Its Surroundings

2.1 The application site comprises a roughly rectangular piece of land located on the south-east side of North Bersted Street immediately to the north-west of the Holy Cross Church Hall. The site is oriented south-west to north-east and has a frontage onto the road of approximately 37m together with a depth of up to 8.9m. The north-eastern end of the site accommodates the access and drive to No.2 North Bersted Street.



2.2 The majority of the site has been used in recent years for the storage of signage, builders and fencing materials. The site is bounded to the north-east and

north-west by brick plinth walls that are topped with a close boarded timber fence. The south-western and south-eastern boundaries are defined by a mix of 1.8m high close boarded fencing and concrete block walls. Access to the site is via a pair of galvanised steel gates which are at the western end of the north-west boundary. Beyond the boundaries to the south-west and south-east are a number of Sycamore trees. The site has a permeable gravel surface.

2.3 The site is located within a predominantly residential area in the defined Built Up Area Boundary for Bersted. Adjacent the site to the north and east are dwellings which have frontages onto North Bersted Street. To the north-west is the Royal Oak Public House which is a Grade II listed building; to the south-east is the Holy Cross Church Hall and Church. The site is well related to shops and services being just 150m from a Tesco Express (to the south on Chichester Road) and close to Bartons Junior School (to the north-east). The site is also well served by regular bus services (700 Coastliner; U7 – Chichester to Bognor; 141 Student service between Elmer and Chichester and; 905 – Bognor to Chichester university).

3.0 The Proposed Development

3.1 A grant of planning permission is sought for the construction of a detached two storey dwellinghouse on land to the south-west of No.2 North Bersted Street. The dwelling would be constructed towards the north-eastern end of the site with its rear garden and principal amenity area being located to the west. The proposed house would share the existing access with No.2 North Bersted Street.

3.2 The proposed dwelling would be constructed in the style of a chalet bungalow with elevations comprising facing brickwork, complemented by a brick plinth and brick banding of a contrasting colour. The dwelling would be constructed below a shallow concrete tiled ridged roof which would run north-east to south-west.

3.3 Entry to the dwelling would be via an open sided porch at the north-east corner of the building. This would lead to a paved, open forecourt parking area that would accommodate two vehicle parking spaces. Immediately to the north-east of the dwelling, beyond the two spaces, would be the existing drive and access that serves No.2 North Bersted Street. The drive and access would be shared by both the existing and proposed dwellings for access.

3.4 The dwelling's ground floor area would comprise a entrance hall, w.c., and a large open room within which would be a kitchen/living/dining area. At the western end of the living space would be outward opening patio doors that would lead directly into the property's south-west facing back garden. Stairs that are located in the entrance hall would lead to a first floor which would consist of 3 bedrooms (one en-suite) together with a family bathroom. Each of the three bedrooms would be lit, on their north-west facades, by a 'half and half' dormer window. The master bedroom, which would be at the south-west end of the first floor would also benefit from a Juliet balcony which would overlook the dwellings rear garden.

3.5 The rear garden would have a depth of some 14m. This would accommodate a patio area, immediately to the rear of the dwellings south-west elevation, together with a shed for secure cycle parking. There is currently a vehicular located at the western extremity of the sites frontage onto North Bersted Street. This would be

permanently closed and replaced with a brick plinth and close boarded timber fence to match the existing boundary treatment. All access to and from the proposed dwelling would be via the shared drive/access described at paragraph 3.3.

4.0 Planning Policy

National Planning Policy Framework, 2012

4.1 The National Planning Policy Framework (NPPF) was published by the Government on 27th March 2012. The Government states that ‘At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking....’ The document promotes planning principles which include making effective use of land, promoting mixed use developments that create more vibrant places, and encouraging multiple benefits from the use of land in urban and rural areas. Furthermore, the document requires Local Planning Authorities to approach development management decisions positively (i.e. to look for solutions rather than problems so that applications can be approved wherever it is practical to do so).

4.2 The NPPF states (at para.7) that there are ‘... three dimensions to sustainable development: economic, social and environmental. The economic role is described as ‘contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure; The social role requires planning to support ‘...strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.’ The environmental role relates to the protection and enhancement of ‘...our natural, built and historic environment...’.

4.3 Amongst the Core Planning Principles described at paragraph 17 the NPPF states that planning should ‘proactively drive and support sustainable economic development to deliver the homes... that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.’ A further planning objective is to ‘... take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs...’.

4.4 Paragraph 28 relates to ‘Supporting a prosperous rural economy’. This guidance states ‘Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:... promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.’

4.5 With regard to residential development, at para. 50, the NPPF states ‘To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. Local planning authorities should ... plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community...and ... identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand...’.

4.6 Paragraph 57 of the NPPF deals with design. This paragraph states that ‘...It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings...’. In respect of architectural design the NPPF comments (para. 60) that ‘...Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles...’.

4.7 Paragraph 61 refers to the connection between people and places. It states ‘Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment...’.

4.8 Paragraph 196 of the Framework confirms that the NPPF is a material consideration in planning decisions. Paragraph 197 states, furthermore, that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

The Arun District Local Plan 2003

4.9 The Arun District Local Plan provides the framework for guiding development in the District until such time as it is replaced by the emerging Local Plan. The key aim of the Plan is to apply the principles of sustainable development in assessing development proposals, striking the balance between the need for development and the protection of scarce resources. Policies and proposals within the Plan seek to guide development to meet needs, such as economic regeneration and housing, and ensure the provision of appropriate infrastructure, whilst protecting precious resources such as the countryside, open spaces and sites important for their nature conservation value.

4.10 The “saved” policies of this plan place emphasis upon providing sustainable development. The most relevant “saved” Local Plan policies to this application include the following:

- GEN2 Built Up Area Boundary
‘Development or redevelopment will be permitted within the built-up area boundaries, subject to the other policies in this plan...’
- GEN5 Provision of New Residential Development
- GEN7 The Form of New Development

‘Planning permission will only be granted for schemes displaying high quality design and layout...’

- GEN12 Parking in New Development
- GEN18 Crime Prevention
- GEN22 Buildings or Structures of Character

‘Planning permission will not be granted for development resulting in the loss of existing buildings or structures of interest and importance which are attractive in their own right or which contribute to the character and appearance of an area...’

4.11 In summary the relevant ‘saved’ policies of the 2003 Local Plan require new development to be, primarily, within existing built up areas and should be of a high quality design and layout, not having a detrimental impact upon either the local landscape, and environment, or the amenities of the occupiers of nearby property. Parking provision for a development should be appropriate to the needs of future occupiers based upon the sites location and access to public transport.

Arun District Local Plan 2011-2031 (Publication Version)

4.12 The Arun District Local Plan 2011-2031 and supporting documents were submitted on 30th January 2015 for independent examination to the Secretary of State for Communities and Local Government via the Planning Inspectorate. The Publication Version of the Local Plan was subsequently agreed by the Council in October 2015. The Local Plan sets out a vision for the future of Arun up to 2031. It sets the planning framework for the district and will detail planning policy and identify the amount of development proposed and where it should be located. It will be used in the consideration of planning applications. The Plan covers the Arun Local Planning Authority Area (LPA). The LPA is Arun District Council administrative area excluding land within the South Downs National Park Authority boundary.

4.13 The following policies of the emerging Local plan are considered to be relevant to this application.

- SD SP1 Sustainable development
- SD SP2 Built-up Area Boundary

Development will be permitted within the area defined as the Built-Up Area Boundary on the Policies Maps and permits neighbourhood plans to make appropriate changes to the boundary.
- LAN DM1 Protection of landscape character

‘Landscape character, including its natural features, are conserved or enhanced...’
- H SP2 Affordable housing

‘For schemes of 7 units or less, the Council will require the payment of a commuted sum....’

- D SP1 Design
‘All development proposals should be of good quality and demonstrate a high standard of design... All development proposals must consider the efficient use of land, layout, landscape and its setting, density, mix, scale, massing, materials, finish, architectural details and nearby habitats’
- D DM1 Aspects of form and design quality
‘When considering any application for development the Council will have regard to the following aspects... 1. Character; 2. Appearance / attractiveness; 3. Impact; 4. Innovation; 5. Adaptability; 6. Crime prevention; 7. Trees and woodland; 8. Solar gain; 9. Public realm; 10. Layout – movement; Layout – legibility; Public art; 13. Density; 14. Scale.’
- D DM2 Internal space standards
‘The planning authority will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. District specific standards are to be identified for inclusion in this Policy which should be adhered to in all new development...’
- D DM3 External space standards
‘The Planning Authority will require the provision of useable private amenity space (excluding parking and turning areas) in new residential development unless the urban density form in town centres requires greater flexibility... All planning applications must be considered against current West Sussex County Council guidance on parking provision...’
- ECC SP2 Energy and climate change mitigation
- ENV DM2 Pagham Harbour
‘...b. Within Zone B (400m-5km) for all new residential development and development which is likely to have an impact on Pagham Harbour will be required to... i. undertake access management measures... ii. create easily accessible new green spaces for recreation within or adjacent to the development site, or to make developer

contributions towards the provision of such green spaces to serve the area...'

Key Types of Infrastructure - Contribution for Access Management at Pagham Harbour

'Any proposed new or additional residential development within Zone B will be required to pay a contribution of £1275 per unit, in order to make the proposed development acceptable in planning terms...'

- ENV DM4 Protection of trees
'Development will be permitted where it can be demonstrated that trees ...in a Conservation Area or contributing to local amenity, will not be damaged or destroyed..'
- ENV DM5 Development and biodiversity
- WM DM1 Waste management
- QE DM1 Noise pollution

4.14 On 28th November 2014 the Government revised its guidance in relation to the need for housing developments to make provision for local infrastructure projects via "tariff style planning obligations". The guidance stated that "contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm." The Governments change in policy was challenged successfully at the High Court with the consequence that LPAs could, once again, request financial contributions towards local infrastructure provision for smaller housing developments of 10 dwellings or fewer. However, on 15th July 2016 the Court of Appeal quashed the decision of the High Court ruling that the Government could introduce the original guidance removing the need for smaller housing development to provide affordable housing or to make tariff based financial contributions.

4.15 The National Planning Practice Guidance was revised accordingly with paragraph 031 Reference ID: 23b-031-20160519 stating: -

"...There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and should be taken into account.

These circumstances are that;

contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm..."

Bersted Neighbourhood Plan 2014-29

4.16 The Bersted Neighbourhood Development Plan (BNDP) was formally 'made' on 5th November 2014 and now forms one of the Development Plan Documents. The Plan sets out a vision for the area over a fifteen year period and beyond that reflects the thoughts and feelings of local people in their community. The Plan sets objectives on key identified themes such as getting around, business, tourism, community, leisure, well-being, the natural environment and the design quality of physical structures. Of relevance to this application are policies: -

Policy ES1: Design of new development

Policy ES6: Protection of trees

Policy EE2: Retention of employment uses

Proposals for the redevelopment or change of use of land or buildings in employment or service trade use to non-employment uses will not be permitted unless the existing use can be shown to be no longer viable. Evidence should be provided by the developer that the site has been actively marketed for a minimum of 12 months and that no sale or let has been achieved.

HDQ2: Integration of new housing

Proposals for new housing must ensure that the new homes are well connected to the surrounding area and visually integrated with their surroundings.

HDQ3: Windfall sites

Permission will be granted for small residential developments on infill and redevelopment sites within the Parish subject to the policies of this plan being met.

5.5.4 Small residential developments on infill and redevelopment sites will come forward during the life of this plan. All such sites must incorporate the principles set out in this plan.

HDQ5: Design of new housing

Proposals for new housing must be of high quality and designed to reflect the local character. They must demonstrate how they meet the policies set out in this Plan.

HDQ6: Outdoor space

A private outdoor garden amenity space, or a shared amenity area must be provided for all new dwellings.

HDQ8: Car parking

Proposals for new development will have adequate onsite parking to meet current and future needs at a minimum rate of two spaces per dwelling...

5.0 Planning Considerations

Principle of Development

5.1 The application site falls within the Built Up Area Boundary for Bersted. Consequently, there is a presumption in favour of new residential development within these boundaries providing the proposal is compliant with other policies of the Development Plan. It is considered, therefore, that the principle of the development is compliant with policies GEN2 of the 2003 Local Plan and SD SP1 and SD SP2 of the emerging Local Plan.

Use of the Land

5.2 Policy EE2 of the Neighbourhood Plan relates to the retention of employment uses. Whilst it is acknowledged that this site has, over the years, been used intermittently for the storage of builders (and similar) materials it has not been used as an employment 'base' and is not served by the normal utilities (i.e. electricity, water or gas).

5.3 The site was marketed without success between 2009 and 2011. From this time on the site has been leased occasionally for a peppercorn rent, however, given the lack of services it has only been used by tenants for open storage.

5.4 It is apparent that the builders yard has not actually been used as a "place of work" by employees and; that it has only ever been used for open storage. As such, it is considered that it is not actually an employment site that should be considered as relevant in the context of this policy of the Neighbourhood Plan.

5.5 It is also the case that the use of the land as a builder's yard was only granted an Established Use Certificate in 1973. This certificate means that the use of the site as a builder's yard is immune from enforcement action. The Certificate would not, therefore, prevent the land reverting back to garden land as a fall-back¹ if its use as a builders yard ceased. The proposed development would not be in conflict, therefore, with policy EE2 of the Neighbourhood Plan.

Design

5.6 The proposed dwelling would be of a bespoke, high quality design, specifically styled and oriented to sit comfortably within the site, appearing as a complimentary element to the North Bersted Street scene. The dwelling would be framed against a backdrop of several Sycamore trees that surround the site to the south-west and south-east. The street already accommodates a variety of styles of dwelling; No.2 is a bungalow; No.4A is a two storey dwelling beneath an asymmetrical roof, and; No. 4 a detached two storey house with relatively wide front façade. The design of the

¹ The matter of fall-back was considered in the "Zurich case" [2012] where the Judge stated: -

"The prospect of the fall back position does not have to be probable or even have a high chance of occurring; it has to be only more than a merely theoretical prospect. Where the possibility of the fall back position happening is "very slight indeed", or merely "an outside chance", that is sufficient to make the position a material consideration (see Samuel Smith Old Brewery (Tadcaster) v Secretary of State for Communities and Local Government [2009] EWCA Civ 333 at [20]-[21] per Sullivan LJ). Weight is, then, a matter for the planning committee." [Zurich Assurance Ltd (t/a Threadneedle Property Investments), R (on the application of) v North Lincolnshire Council & Anor [2012] EWHC 3708 (Admin) (20 December 2012)].

proposed dwelling, as a chalet-bungalow, would add to the eclectic mix of styles of houses found along North Bersted Street. The proposed layout would share the existing vehicular access onto North Bersted Street with No.2 North Bersted Street resulting in the permanent closure of the sites existing vehicular access which is further along the property frontage to the west.

5.7 Some distance to the north-west of the site is the listed building the Royal Oak Public House. This building 'turns its back' on the application site with the nearest part of the pub being a relatively modern, single storey extension and wall enclosing the rear service yard. It is considered that the redevelopment of the application site, as proposed, would have little impact, if any upon the setting of the listed building. This is due to both the separation distance between the rear of the Royal Oak and the application site and the screen provided by a band of mature Sycamore trees.

5.8 The current, occasional, use of the site for the open storage of signs, builders and fencing materials would cease and be replaced with a residential use. This would reflect and respect the predominating residential character of the area removing what could, at times, be a site that appeared visually incongruous and untidy due to its use for the open storage of shipping containers a variety of building related materials.

5.9 As such, it is considered that the proposed development would be compliant with saved policies GEN 5, GEN 7 and GEN 12 of the 2003 Local Plan; D SP1, D DM1, 2, 3 of the emerging Local Plan and; policies ES1, HDQ2, HDQ5, HDQ6 and HDQ8 of the Bersted Neighbourhood Plan.

Neighbour Amenity

5.10 It is recognised that any future redevelopment of the site should consider and take account of any adverse future impacts upon neighbour amenity. Saved 2003 LP policy GEN 7 together with emerging policy D DM1 require any future developments to be designed so as not to adversely affect the amenities of adjacent residents.

5.11 The proposed dwelling has been specifically designed with its primary windows positioned in the dwellings gable ends facing north-east (to allow a view along North Bersted Street) and south-west (over the back garden). Secondary windows have been positioned in the three dormer extensions oriented north-west. As such, there would be no intrusive overlooking of nearby residential property. Similarly, the dwelling, which would sit on slightly lower ground than the Church Hall to the south-east would be screened from sight by the not insignificant belt of trees. Given the foregoing it is considered that the proposed development is compliant with saved 2003 LP policy GEN 7 together with emerging policy D DM1.

Affordable Housing

5.12 As is explained at paragraphs 4.14 and 4.15 given that the site would not deliver a development of 11 or more dwellings it is exempt from having to make a financial contribution towards the provision of Affordable Housing.

Highways and Transport

5.13 The proposed development would ensure the provision of 2 on-site parking spaces for future residents (and their visitors). The site would utilise the existing access from North Bersted Street that currently serves No.2. The existing drive would allow vehicles to turn and exit the site. Additionally, the proposal would result

in the closure of the gated access which serves the site located at the western extremity of the property frontage. The closure of this existing access would, therefore, improve highway safety along this stretch of the road.

5.14 As such, it is considered that the proposed development would be compliant with saved policies GEN 7 and GEN 12 of the 2003 Local Plan; D SP1 and D DM1 of the emerging Local Plan and; policies ES1 and HDQ8 of the Bersted Neighbourhood Plan.

Flooding

5.15 The application site is indicated on the Environment Agency's flood maps as being within Flood Zone 1. As such, the site is considered to have a very low risk of flooding (i.e. a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%)).

Trees

5.16 The applicant also commissioned a Tree Survey. The report identifies the root protection areas for each tree and these have been transferred across so as to correlate with the site plan of the proposed development. Only a very small part of the root protection area for tree T03 falls within the footprint of the proposed dwelling. The foundations for the house would be hand dug in this area with mitigation put in place, under the guidance of a qualified arboriculturist, should any roots be found. The applicants are of the view that trees adjacent to the sites south-west and north-west boundaries would not be adversely affected by the proposed development.

6.0 Conclusions

6.1 In conclusion it is considered that the application proposal would result in the construction of a much needed family home within Bersted. The proposed development would make a much better use of what is a brownfield site, in so doing improving the character and appearance of the existing streetscene. It is considered, as such, that the proposed development is compliant with current National and Local (both current and emerging) planning policy.