Recommendation Report for Planning Permission

REF NO: **BE/180/16/PL**

LOCATION: Land adj to 2 North Bersted Street
Bognor Regis

PROPOSAL: 1 No. dwelling. This application affects the setting of a Listed Building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed three bedroom dwelling will be sited at the north eastern end of the plot with garden at the south western end and two parking spaces at the far north eastern end. It is proposed to close the existing access and instead take access over land between the site and 2 North Bersted Street (NBS) and to repave this area. The dwelling will be 1.5 storeys high with dormers in the NBS elevation. No new boundary treatments are shown. Four proposed windows are shown in the elevation facing the church hall - 2 x ground floor living room windows & 2 x roof level bathroom velux windows. One bedroom window is shown in the elevation facing the front garden of 2 NBS.
SITE AREA	0.0339 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	29 dwellings per hectare.
TOPOGRAPHY	The site is flat but the south eastern boundary includes a retaining wall to the approximately 1m higher land of the church adjacent. The ground level then rises to a height of 1.5m. Thus the church hall is built on land approx. 1.5m higher than the level of the site.
TREES	No trees within the site but the site is dominated and overshadowed by 8 self-sown off-site Sycamores adjacent to the south eastern boundary.
BOUNDARY TREATMENT	* 1.7m high part close boarded fencing, part brick wall along the North Bersted Street (NBS) frontage and to the boundary with no. 2 NBS; * Mixed treatment to the Church Hall including close boarded fencing atop a block work wall

	to a height of over 2m, post & rail fencing with the Sycamore trees above a low block work wall; and * Close boarded fencing approx. 2m high above a low block work wall to the south western boundary.
SITE CHARACTERISTICS	Narrow rectangular site currently used for open storage of construction type materials and plant. The site includes a shipping container. Access via double gate from North Bersted Street.
CHARACTER OF LOCALITY	Mixed commercial/residential with existing dwellings to the north east and on the opposite side of North Bersted Street (NBS), a Grade II Listed Public House to the northwest and an unlisted early 19th Century Church with church hall directly to the south east. The character of existing residential development is mixed with some bungalows, some two storey houses, some featuring front gables and some with side gables. Materials and designs are also mixed. However, all are detached. The adjacent property to the east, 2 NBS is a bungalow with principal windows to the front & affected side. No roof level windows. To the south east, the church hall has windows looking out across the site but at a higher level.

RELEVANT SITE HISTORY

BR/127/63	Lock-up garages	Refused 21-11-1963
BR/784/73/EUC	Established use of land as builders yard	Refused 03-12-1973
BR/293/78	Storage only of 18 touring caravans	Refused 21-06-1978
BR/49/79	Outline for one detached dwelling	Refused 14-03-1979

None.

REPRESENTATIONS

Representations received:

Bersted Parish Council

"OBJECT for the following: The application does not comply with Bersted Neighbourhood Plan policy ES1 regarding the design of the of the building which will affect the character of the surrounding area. The application does not comply with ES5 as it does not contribute to the historic character of that area and affects the setting of a listed building"

1 letter of objection from the Parochial Church Council of the adjacent Church of the Holy Cross. Grounds as follows:

(1) The plan is incorrect in that the position of the existing access is not shown correctly;
(2) The new access point requires access over an adjoining property which is blocked by a wall and an electricity pole;
(3) The Architects 3D drawings do not accurately reflect the local townscape;
(4) Highway safety re pedestrians crossing North Bersted Street;
(5) Overdevelopment;
(6) No approach to us re access from Church land;
(7) history of planning refusals on this land;
(8) The addition of a building & fencing on the site would impair visibility to the adjacent access into the Church car park;
(9) Overlooking of and loss of light to the side windows of the church hall;
(10) Concerns about security to the church hall;
(11) Building works will undermine the stability of the retaining wall; and
(12) Impact on the setting of the adjacent Listed Pub.

Comments on Representations received:

In respect of the Parish Council comments, character and design issues will be discussed within the Conclusions section. The impact on the setting of the Listed Building is covered by the comments of the Councils Historic Buildings Adviser but will also be discussed in the Conclusions section.

In respect of the concerns of the adjacent property; points (4), (5), (8), (9) and (12) will all be discussed in the Conclusions section. The following comments are offered in respect of the other concerns:

(1) Although the indicated existing access is not to the site itself, it is an existing access to 2 North Bersted Street (NBS). It is also very clear from the situation on the ground where the existing access to the site is;
(2) The applicant states that they have a right of way over the neighbours land. They would need separate consent to remove the telegraph pole;
(3) Agreed. However, it is clear from viewing the site in person what the situation on the ground is;
(6) This is not a valid planning consideration;
(7) The last planning refusal was almost 40 years ago and is not considered to set any kind of precedent for the current application;
(10) Noted. However, the proposal dwelling will likely improve security through (a) natural surveillance and (b) the residential occupation of an existing vacant site; and
(11) Noted. It is not possible to assess this without any evidence to support the view. The applicants may need to enter into a Party Wall Act agreement in order to carry out works adjacent to the boundary. Furthermore, Building Control officers will ensure that any proposed building work is safe in respect of existing and proposed buildings.

CONSULTATIONS

Natural England
Listed Building Officer
Conservation Officer
WSCC Strategic Planning
Engineering Services Manager
Engineers (Drainage)
Arboriculturist
WSCC Strategic Planning
Environmental Health

Consultations responses received:

NATURAL ENGLAND - No objection. Comments in full n the Councils website.

WEST SUSSEX COUNTY COUNCIL HIGHWAYS - No objection subject to conditions on access closure, visibility, cycle parking, vehicle parking & turning and Construction site setup. Comments in full below:

"West Sussex County Council, as the Local Highway Authority (LHA), has been re-consulted on the above proposals for 1 x dwelling. In LHA latest comments dated 28th February we requested that the swept path use an average sized car to demonstrate the achievability of a turn on site to exit on to North Bersted Street in a forward gear. We also requested clarification on the parking arrangements for existing dwelling and the sightline to the south from the access point.

Swept Path
Amended plan PL-10 B demonstrates car swept path for the new dwelling showing that a car can park, manoeuvre on site and exit on to the public highway in a forward gear. The LHA are satisfied with the parking and turning arrangements for the new dwelling.

Existing Dwelling
The architect has also clarified that the existing car parking will be in garage and on concrete driveway adjacent existing dwelling and will not impede on turning area for the new dwelling. No gate or dividing feature is proposed between the properties on the existing frontage. Removal of the splayed wall will improve turning for the existing dwelling. Nevertheless, the existing dwelling is currently operating without a turn on site without evidence of highway safety concern.

Visibility Splay
The architect has clarified that the set back of the fence will result in a hardbound strip of land between the site and the footway which will be maintained by the applicant. Sight lines indicate that a splay of 24.6 metres to the south nearside carriageway edge is achievable. To a one metre off set from the carriageway edge approximately 31 metres is achievable. Under Manual for Streets guidance this equates to a Stopping Sight Distance of approximately 23 mph. Considering the vicinity to the mini roundabout junction and the improvement over the existing visibility the LHA accept these visibility splays at the existing access point.

Conclusion
The LHA does not consider that the proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal."

ADC TREE OFFICER - Originally raised an objection and requested further information. This was provided and re-assessed but the objection maintained. The applicant then provided further information in support of the proposal and the following are the third & final comments from the Tree Officer:

"It is true to state that these Sycamore trees are self-seeded and not of a quality whereby we might want to place them under a Tree Preservation Order - nevertheless they exist and BS5837:2012 requires that we take them into consideration in the light of any proposal to develop in close proximity - overhang of branches is not the only consideration here as they are positioned to the south side of the development site and thus will cast heavy shade across the house and garden. They are also young trees with significant growth potential so as they grow and their crowns eventually meet up along the boundary line there will be a solid screen of leaves and branches and even more intense shading of the garden.

They may exercise their right under Common Law to prune back branches in line with their boundary if they so wish. However, Sycamore are prolific growers and any pruning is likely to generate a growth response from the trees and where you make one cut five or more new branches may arise from around each pruning point.

My objection is about the overall relationship of house to trees and the sustainability of development on this plot - I accept that constructing a dwelling here is possible but it is the ongoing relationship between trees and house owner that leads me to conclude that there will inevitably be pressure to 'prune or fell' these trees - which equates to poor planning and design.

Sycamore have a propensity to readily seed into open ground and this is likely to lead to conflict when a new garden is proposed within the direct 'drop zone' of these seeds which will be a cause of constant irritation for the new owners. Additionally we have the problem of aphids feeding on the leaves and excreting sticky sugary sap that drips from the trees in the Summer months adhering to paintwork and paths and patio surfaces as well as garden furniture and also washing hanging out on the line - resulting in discolouration and damage.

Whilst the Church as tree owners might currently wish to see these trees remain for screening and separation purposes - in future under pressure from a complaining neighbour they may well feel obligated to take action and remove the trees to avoid conflict. It would be irresponsible of Arun DC not to do all in their powers at this juncture to avoid such conflict by promoting good design and resisting development on this site.

If you do not cut the overhanging branches back they will directly overhang the roof and guttering of the new dwelling casting shade and at certain times of the year filling guttering with leaves potentially blocking downpipes.

I think we are judging this situation as it is presented now and highlighting the problems and areas of conflict which will arise from day one and get worse as the years go by. As things stand I would have to sustain an OBJECTION to this scheme as I feel that the relationship of trees to dwelling would inevitably lead to conflict and 'pressure to prune or fell' these trees. In essence it boils down to the fact that in my opinion trees and dwelling cannot exist in harmony here so you either have one or the other but not both."

ADC HISTORIC BUILDINGS ADVISER - Object on the grounds of design but not in respect of the setting of the Listed Building. Comments in full below:

"The proposal site is within the setting of two listed buildings: The Royal Oak public house and Holy Cross Church, both of which are grade II. Whilst any dwelling or structure here will be visible to some degree from various aspects and approaches along North Bersted Street, its impact on the setting of heritage assets is likely to be limited. It is almost certain that a dwelling would be within the scene of the Royal Oak as viewed from the south west, however is unlikely to be considered prominent or overly harmful to the building's significance.

Although the proposed dwelling would be closer to the church, its juxtaposition and situation abutting the church hall is likely to help conceal it. The dwelling would also be seen from more oblique angles in relation to views of the church. All that said, this does not negate the need to consider carefully the design. In this instance, the house is situated close to the pavement and road and is not set back in the same way as other dwellings. It therefore is likely to appear cramped in this regard and incongruous with the other development around it. The treatment of the facade seems to exacerbate this sense, being largely blank of fenestration at first floor level with dormers breaking through the eaves. This does not sit well in the street scene and as such must be considered negative.

As a result I would question both its appropriateness and amenity within the street scene and suggest that further design advice is sought."

ADC DRAINAGE ENGINEERS - "The application is for fewer than two properties outside of the Lidsey WwTW catchment area. If deemed necessary, apply ENGD2A"

ADC ENVIRONMENTAL HEALTH - "The applicant has not considered the impact of noise from the church hall on the future residents. However, we do not have a history of complaints (of any sort) from the church or church hall, and therefore I do not consider that there would be any likely issues from noise. Environmental Health therefore have no comments to make on this application."

Comments on Consultation responses:

Comments noted. In respect of the Drainage Engineer comments, it would not be necessary to impose the surface water drainage condition. It should also be noted that the Historic Buildings Adviser's comments are incorrect in respect of the reference to the Holy Cross Church being listed. This building is neither formally nor locally listed.

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;
Pagham Harbour Zone B;
Flood Zone 1;
Adopted Class C Road; and
Setting of Grade II Listed Buildings.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	AREA13	Sites of International Importance for Nature Conservation
	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN9	Foul and Surface Water Drainage
	GEN12	Parking in New Development

	GEN32	Noise Pollution
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality D DM2 Internal Space Standards D DM3 External Space Standards D SP1 Design ECC SP2 Energy and climate change mitigation ENV DM2 Pagham Harbour ENV DM4 Protection of Trees ENV DM5 Development and Biodiversity HER DM1 Listed Buildings HER SP1 The Historic Environment QE DM1 Noise Pollution SD SP1 Sustainable Development SD SP2 Built-Up Area Boundary T SP1 Transport and Development W DM3 Sustainable Urban Drainage Systems
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 ES6		Protection of trees
Bersted Neighbourhood Plan 2014 Policy HDQ2		Integration of new housing
Bersted Neighbourhood Plan 2014 Policy HDQ3		Windfall sites
Bersted Neighbourhood Plan 2014 Policy HDQ5		Design of new housing development
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

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 have been considered as part of this determination.

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 conflict with relevant Development Plan policies in that it would result in pressure to prune or fell the adjacent trees to the detriment of the local landscape and visual amenity.

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 an urban and predominantly residential area. It is defined as being part of the built up area boundary area and is acceptable in principle subject to normal development control criteria such as residential amenity, highway safety and parking. It is noted that the National Planning Policy Framework (NPPF) supports the effective and efficient use of land for sites in the built up area but also advises that new housing should be well integrated with and should complement neighbouring buildings and the local area in terms of scale, density, layout and access.

IMPACT ON THE SETTING OF HERITAGE ASSETS:

Both the Parish Council and the Parochial Church Council have raised concern as to the impact on the setting of the Listed Public House:

The NPPF sets out a presumption in favour of sustainable development but this is a presumption in favour of development that meets the objectives and policies of the NPPF, which has one of its twelve core principles the conservation of heritage assets. The NPPF states at paragraph 129 that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal and take this assessment into account when considering the impact of a proposal on a heritage asset in order to avoid or minimise conflict

between the heritage asset's conservation and any aspect of the proposal.

Paragraph 132 states that "Substantial harm to or loss of a grade II listed building, park or garden should be exceptional". Paragraph 133 states that:

"Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits.

The Council's Historic Buildings Adviser has assessed the application with regard to the impact on the setting of the Grade II Listed Public House. However, it is considered that the proposed dwelling will not be seen as a prominent building or be overly harmful to the building's significance.

The adjacent Church is not subject to any listing but is an old building and therefore is considered to be a non-designated heritage asset according to the NPPF. Paragraph 135 of the NPPF states with regard to non-designated heritage assets that: "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

However, the Council's Historic Buildings Adviser considers that the juxtaposition and siting abutting the church hall is likely to help conceal the new dwelling and that it would also be seen from more oblique angles in relation to views of the church.

DESIGN AND CHARACTER:

The Parochial Church Council consider that the proposal represents overdevelopment of this site. The Parish Council are concerned as to the building design. Furthermore, the Council's Historic Buildings Adviser has raised concern on design grounds, stating that:

"In this instance, the house is situated close to the pavement and road and is not set back in the same way as other dwellings. It therefore is likely to appear cramped in this regard and incongruous with the other development around it. The treatment of the facade seems to exacerbate this sense, being largely blank of fenestration at first floor level with dormers breaking through the eaves. This does not sit well in the street scene and as such must be considered negative."

Local Plan Policy GEN7 (ii) requires that new developments respond positively to the identified characteristics of a particular site to create developments which respect and enhance local distinctiveness.

Section 7 of the NPPF states that good design is a key aspect of sustainable development (paragraph 56), and that developments should respond to local character & history, reflect the identity of local
surroundings & materials, establish a strong sense of place and be visually attractive as a result of good architecture (paragraph 58). Paragraph 60 advises that local planning authorities should promote or reinforce local distinctiveness. Paragraph 64 then confirms that planning permission

should be refused for poor design that fails to improve the character or quality of an area.

It is accepted that the other dwellings along North Bersted Street (NBS) are all set well back from the highway with soft or hard landscaped front gardens. In this sense, the proposed dwelling would be out of character with its surroundings. However, the proposed layout is borne out by the narrow rectangular shape of the site and this lack of front garden cannot be avoided. Furthermore, it is considered that regard should be had to the existing use of the site which is considered to be untidy and not entirely appropriate in a predominantly residential area. The addition of a dwelling here would in principle, improve the streetscene. The concerns about the design are noted but regard should be had to the mixed nature of other dwellings along this side of North Bersted Street in that there is no prevailing design to the streetscene.

The concern about overdevelopment is noted but the site density (29 dwellings per hectare) does not suggest this and as reported elsewhere in the Conclusions section, there are no conflicts with the Council's internal and external space standards policies..

RESIDENTIAL AMENITY:

Local Plan policy GEN7 (iv) indicates development will be permitted if it takes into account impact on adjoining occupiers, land, use or property. One of the 'core planning principles' of the NPPF is to secure high quality design and a good standard of amenity (para 17). Both the adopted Local Plan policy GEN7 and the emerging Local Plan policy require regard to be had to the amenity & living conditions of neighbouring properties. The Local Plan also contains policies designed to minimise the harm arising from noise & light pollution to local residents.

It should also be noted that paragraph 17 of the NPPF states that ".... Planning should .... * always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings"

The Parochial Church Council has raised the following issue relevant to this section:

(9) Overlooking of and loss of light to the side windows of the church hall;

It is considered that the window positions in the proposed building have been influenced by the neighbouring properties and the need to prevent overlooking. The first floor bedroom window in the elevation facing 2 NBS will only look out across the front parking area and does not therefore face any existing windows. Furthermore, the first floor rear windows which look onto the church hall are both velux windows to bathrooms and can be obscure glazed. The ground floor windows will not affect the church hall due to the change in levels between the sites.

The position of the proposed dwelling to the northeast of the church hall plus the line of Sycamore trees in between will mean that there will not be any materially harmful loss of light to the church hall's windows.

NOISE POLLUTION:

It is also necessary to consider the potential for noise pollution between the users of the church hall and the residential occupiers. The Church's website states that the hall is available for regular group meetings, one off meetings, parties and events.

Council Environmental Health Officers have assessed the application and consider that although the application does not consider the impact of noise from the church hall on the future residents, there is no history of complaints arising from the occasional evening use of the church hall such that there would not be any likely issues from noise.

INTERNAL & EXTERNAL SPACE STANDARDS:

It is necessary to assess the proposal against the internal space standards as set out in the Governments new Technical Housing Standards (Nationally Described Space Standard). The proposed dwelling is two storeys, has 3 bedrooms and is considered to be suitable for occupation by 5 people. The standard is therefore 93m2. The proposed floor plans show floor space of 115m2 and therefore, there is no conflict with the standards.

In respect of external standards, it is necessary to have regard to policy D DM3 of the emerging local plan (publication version) which has been approved by the Council for development management purposes and subject to testing at appeal. The policy states that

Policy D DM3 of the Arun Local Plan 2011 - 2031 (Publication Version) (October 2014) sets out the Council's external space standards and despite not being an adopted policy is currently being used for development management purposes and has been subject to testing at appeal.

There are two requirements to the policy. Firstly, a minimum rear garden depth of 10m. The rear garden depth serves to (a) ensure that rear gardens are usable spaces and (b) to provide for a 20m back to back distance between dwellings. This depth standard may be relaxed if both of the following situations are in existence: (a) there is no back to back arrangement (and no realistic possibility of a future back to back arrangement); and (b) where the garden is sufficiently wide so as to exceed the area requirement. The second requirement concerns the area of the private rear garden.

The proposed dwelling requires a garden of 10m depth and 85m2 in area. The rear garden area shown is 14m deep with an area of 114m2.

HIGHWAYS & PARKING:

The Parochial Church Council has raised the following issues relevant to this section:

(4) Highway safety re pedestrians crossing North Bersted Street;
(8) The addition of a building & fencing on the site would impair visibility to the adjacent access into the Church car park;

The Highways Authority (WSCC) have been consulted on the proposal and following the receipt of amended plans, have decided not to raise any objection. They are satisfied that the proposed new access point is both fit for purpose and safe for both the new dwelling and 2 NBS. WSCC Highways have not commented specifically on those concerns expressed by the Church but as the proposed dwelling is situated at the opposite end of the plot to the Church's access and as there is existing fencing to the boundaries, it is not considered that there will be any harm to visibility to the church access. It is also not considered that the addition of 1 dwelling will have a materially harmful impact on the ability of pedestrians to cross this road.

Two parking spaces are proposed and this is in accordance with Policy HDQ8 of the Bersted Neighbourhood Plan.

TREES:

Policy ES6 of the Bersted Neighbourhood Plan states that: "Development that damages or results in the loss of ancient trees/trees of arboricultural and amenity value or loss of significant ground cover and habitat will be resisted. Development proposals must be designed to retain wherever possible ancient trees or trees of good arboricultural and amenity value. Proposals should be accompanied by a tree survey that establishes the health and longevity of any affected trees and a management plan to demonstrate how they will be so maintained."

Regard is also had to adopted Local Plan policy GEN7 (vi) which states that development should retain significant open or wooded areas which, in their own right, make a material contribution to the local environment. Policy ENV DM4 of the Emerging Local Plan also requires that trees which contribute to local amenity are not damaged or destroyed unless the benefits of the development outweigh the loss of the trees.

The Councils Tree Officer has carefully considered the application and has assessed a number of support documents proposed buy the applicant to try to overcome the concerns raised. However, the Tree Officer has maintained an objection to the proposal on the grounds that the siting of a dwelling here would lead to pressure to heavily prune or indeed fell the existing Sycamore trees. It is considered that the arguments made by the Tree Officer are persuasive and that the trees in question, although not worthy of protection at this time, do contribute to the local townscape and are likely to benefit local wildlife in terms of food sources and habitat.

PAGHAM HARBOUR:

Policy ENV DM2 of the Emerging Local Plan requires that all 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. This contribution is now required for all new residential developments within Zone B. Proposals that fail to provide the necessary contribution will be considered to be contrary to Policy ENV DM2 of the Emerging Local Plan. The applicant has agreed to this requirement and there is now a completed S.106 legal agreement associated with the application.

NPPF TEST OF SUSTAINABILITY

Paragraph 7 of the National Planning Policy Framework (NPPF) sets out the three dimensions to sustainable development - the economic, social and environmental roles. In order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

Paragraph 14 of the NPPF states that the presumption in favour of sustainable development requires the granting of planning permission, 'unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits'. Furthermore, paragraph 49 states that:

"Housing applications should be considered in the context of the presumption in favour of

sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites".

Environmental Role -

The site is in a sustainable urban location with various local amenities, shops and services all within walking distance along street lit footway links. It is considered that new residents will not need to rely on the private car to access basic services & facilities. This environmental factor weigh in the scheme's favour. However, regard should be also had to the potential for harm arising from the development of the site to the existing Sycamore trees adjacent to the south eastern boundary. It is considered that the addition of a house on this plot will result in pressure to rune or fell these trees and this harm to the environment weighs against the application.

Economic Role -

It is considered the proposal will result in a localised economic benefits through the need to employ people to carry out the building works. The proposal will also result in a new dwelling and so an increase in Council tax receipts, new homes bonus payments and other economic benefits derived from bringing new people into the area. These economic factors weigh in the scheme's favour.

Social Role -

It is considered that the proposal will have social benefits by providing 1 new family sized dwelling which could help meet local needs. This factor weighs in the scheme's favour.

Assessment -

Given the potential for harm/loss of the existing trees, the proposals cannot be considered to be completely environmentally sustainable. Therefore, despite the other environmental, economic & social benefits, the proposal does not accord with the definition of sustainable development.

SUMMARY:

There is no objection to the principle of a dwelling here or in respect of its design. However, the proposal is considered to be environmentally unsustainable and will be in conflict with policy ES6 of the Bersted Neighbourhood Plan, policy GEN7 (vi) of the adopted Local Plan as well as emerging local planning policy. It is therefore recommended that the application 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) 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

A Section 106 legal agreement has been signed and this relates to a payment of £1275 towards the mitigation of the impacts of the development on the Pagham Harbour Special Protection Area.

RECOMMENDATION

REFUSE

1 The relationship of the proposed dwelling to the Sycamore trees along the southern boundary, which are considered to have amenity value in the local townscape, will inevitably lead to conflict and pressure from future residential occupiers to prune or fell the trees. The proposal would therefore be environmentally unsustainable in conflict with policy GEN7 of the Arun District Local Plan, policy ES6 of the Bersted Neighbourhood Development Plan, policy ENV DM4 of the Arun Local Plan 2011-2031 Publication Version showing Modifications and paragraph 17 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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.