

Recommendation Report for Planning Permission

REF NO: BE/18/18/PL

LOCATION: 27 North Bersted Street
Bersted
PO22 9AA

PROPOSAL: Variation of condition No. 2 imposed under planning application BE/45/16/PL relating to approved plans (steeper roof pitches & traditional window styles)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The proposal consists of the following changes:

- (1) Increase in the angle of the roof pitch for the 8 two storey houses from 20 degrees to 28 degrees. This increases the height of the roof above eaves level by 0.75m;
- (2) Increase in the angle of the roof pitch for the 2 bungalows from 20 to 25 degrees. This increases the height of the roof above eaves level by 0.6m;
- (3) Addition of pitched roofs to the agreed flat roofs on the front/rear of the Type 01 bungalow. 1m high pitched roof to the front, 1.5m high pitched roof on the rear. Both new roofs lower in height than the main roof;
- (4) Alteration to the style & height of the detached single garages. Instead of a flat roof, each will have a low pitched roof resulting in an increase in the overall height from 2.75m to 3.5m (the eaves height remains the same at 2.4m);
- (5) The garage to the type 01a bungalow is now to be detached (and pitched as per (4));
- (6) Addition of a 1m high lean to pitched roof to the porch on the type 02 house;
- (7) Addition of a 1.8m high lean to pitched roof to the attached side garage on the type 02 house;
- (8) Addition of a 1.1m high lean to pitched roof to the porch/forward garage projection on the type 03 house; and
- (9) Change in the window styles. These are best appreciated by comparing the drawings but a key difference is that the new windows will be shorter in height.

The drawings also list the proposed materials but these are as approved by BE/106/17/DOC and so do not require approval by this application.

SITE AREA

0.85 hectares.

RESIDENTIAL DEVELOPMENT 10.5 dwellings per hectare.
DENSITY (NET)

TOPOGRAPHY

Predominantly flat.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

The dwelling, 27 North Bersted Street no longer exists. The following boundary treatments were noted in respect of the land to the rear:

Eastern Boundary - Predominantly 1.8-2m high close boarded fencing. Part same height wall. Part brick store at the rear of no. 19. Part Fir trees/part chicken wire fence to rear of no. 9.

Southern Boundary - Heras Temporary Fencing.

Western Boundary - 1.8-2m high close boarded fence supplemented by dense planting.

Northern Boundary - 1.8-2m high close boarded fencing supplemented by small trees.

Condition 05 of BE/45/16/PL has been discharged under ref BE/106/17/DOC. This proposes the use of 1.8m high close boarded fencing between house plots and the use of 1.8m high close boarded fencing (together with native hedge planting to the site side) to the western boundary with the pub car park land.

SITE CHARACTERISTICS

This is currently a construction site.

CHARACTER OF LOCALITY

The site is located to the west of residential properties fronting North Bersted Street, which comprises various 1 and 2 storey properties. To the north and west of the site is the Bersted Site 6 development. As such there is residential development on three sides and a private car park associated with the nearby public house to the other boundary.

The following was noted in respect of neighbouring properties:

* Site 6 Estate - Two storey dwellings. Mix of side and rear elevations overlooking the site, some of which contain principal windows;

* Blackwell Court flats (part of Site 6) - Two storey. Mix of side and rear elevations overlooking the site, some of which contain principal windows;

* North Bersted Street - Mix of one and two storey dwellings. Rear windows overlook the site. There is a caravan in the rear of no. 1;

* Chichester Road - Two storey dwellings with rear principal windows overlooking the site;

* 29 North Bested Street - two storey dwelling with 3 flank facing obscure glazed windows overlooking the route of the access; and

* 25 North Bersted Street - single storey bungalow.

RELEVANT SITE HISTORY

BE/106/17/DOC

Application for approval of details reserved by condition imposed under BE/45/16/PL relating to conditions 3-

DOC Approved

13-02-18

REPORT(ODB)

schedule & samples of materials & finishes, 4-landscaping scheme, 5-details of screen walls and/or fences, 6-vehicle access construction, 7-Construction Management Plan, 8-surface water drainage, 9-details of foul sewerage disposal, 10-maintenance of SUDs system, 11-access & management of any watercourse, 15-details of waste & recycling enclosures & 18-covered & secure cycle parking spaces.

BE/101/17/DOC	Application for approval of details reserved by condition imposed under BE/45/16/PL relating to condition 12 for a programme of archaeological works.	DOC Approved 06-09-17
BE/87/17/NMA	Application for a non-material amendment following the grant of BE/45/16/PL relating to alterations to elevation treatments, change of roof pitch & changes to window style.	Withdrawn 10-08-17
BE/74/17/PL	Demolish existing bungalow, create a new access road & erect 10 No. two storey houses (amendment to application BE/45/16/PL).	App Cond with S106 27-11-17
BE/45/16/PL	Demolish existing bungalow & create a new access road off North Bersted Street & to erect 10 dwellings.	App Cond with S106 04-08-16

Outline permission was granted in June 2014 for a scheme of 25 dwellings. A subsequent permission, BE/45/16/PL for 10 dwellings is currently being implemented and is an important material consideration in the determination of this application. This planning permission comprises of 2 bungalows and 8 two storey houses. All are to be detached and all have either integral or detached garages and a driveway parking space. In addition, 2 visitor and 2 unallocated spaces are shown within the layout. The approved scheme results in a net gain of 9 dwellings. All of the conditions requiring approval of details associated with this permission have been discharged through applications BE/101/17/DOC and BE/106/17/DOC.

A later planning permission, BE/74/17/PL sought permission to drop the two bungalows and instead build 10 two storey houses. This was approved in November 2017 but the applicants decided not to implement this subsequent permission. This would have increased the height of plots 1 & 2 (the two bungalows) and would have had a greater impact on the existing surrounding dwellings.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

"No objection"

In addition, 3 letters of objection on the following grounds:

- * Impact on light reaching neighbouring gardens/overshadowing;
- * Impact on neighbours house prices; and
- * Impact on privacy of neighbouring properties.

COMMENTS ON REPRESENTATIONS RECEIVED:

The impact of new development on house process is not a material planning consideration and so cannot be taken into account. The other issues will be discussed within the conclusions section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

N/A.

POLICY CONTEXT

Designations applicable to site:

Within the Built-up Area Boundary;
Policy Site 6;
Flood Zone 1;
Class C Road; and
Pagham Harbour Zone B.

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN7 The Form of New Development

[Publication Version of the Local Plan \(October 2014\):](#)

D DM1 Aspects of Form and Design Quality

D SP1 Design

[Bersted Neighbourhood Plan 2014 Policy ES1](#)

Design of new development

Bersted Neighbourhood Plan 2014 Policy HDQ2

Integration of new housing

Bersted Neighbourhood Plan 2014 Policy HDQ5

Design of new housing development

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 and is 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.

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 then subject to public consultation. The hearing sessions into the examination of the Arun Local Plan ended on Thursday 28 September 2017 and the Inspector then wrote to the Council to set out his 'Interim Views following the Hearings'. The plan was then modified further in January 2018 (Modified - Arun Local Plan - January 2018 Consultation) and these were subject to public consultation between 12 January 2018 and 23 February 2018.

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. 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.

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 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."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

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 located within the built up area boundary where the principle of new development is considered to be acceptable subject to other policies in the development plan. Furthermore, the site benefits from an extant planning permission (ref BE/45/16/PI) for 2 bungalows and 8 two storey houses which has been implemented and is in the process of being built. The changes proposed by this application concern only the external design and height of the dwellings. Therefore, it is only considered appropriate to assess these changes with regards to visual and residential amenity.

It should also be noted that the site benefits from an extant permission under ref BE/74/17/PL for 10 two storey houses instead of 8 two storey houses and two bungalows. This would have increased the height of plots 1 & 2 (the two bungalows) and would have had a greater impact on the existing surrounding dwellings. The applicants have decided not to implement this permission but subject to the discharge of planning conditions, could still do so if they wished.

VISUAL AMENITY:

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

Bersted Neighbourhood Plan policies ES1, HDQ2 and HDQ5 are all relevant. Policy ES1 states that: "New development which would have an effect on the appearance or character of the surrounding area should be of a high quality design and should contribute to local character by creating a sense of place appropriate to it's location".

Policy HDQ2 states that "Proposals for new housing must ensure that the new homes are well connected to the surrounding area and visually integrated with their surroundings." Furthermore, HDQ5 requires that new housing is of a high quality and is designed to reflect the local character.

The changes proposed to both the windows, garages and the dwelling roofs are designed to revert the appearance of the dwellings back to a more traditional design. Although the effect of the change is to increase the height of various roofs to dwellings & garages, the changes to the overall style are considered to be positive. Furthermore, the increases in height is considered to be relatively minor and will not result in any harm to the character or appearance of the surrounding area. It is therefore considered that the proposal is in accordance with Arun Local Plan policy GEN7 and with policies ES1, HDQ2 & HDQ5 of the Bersted Neighbourhood Development Plan.

RESIDENTIAL AMENITY:

Arun District Local Plan Policy GEN7 (iv) indicates that development will be permitted if it takes into account impact on adjoining occupiers, land, use or property.

It is not considered that the changes to the windows will result in any increase in overlooking. The new windows will be smaller in size than those already approved and therefore, if anything, there will be less

overlooking as a result.

The increases in the height of the dwellings and garages as described in the "Description of Application" section, are not considered to be significant particularly as in the case of the dwellings, the height increase is to a hipped roof and as such the additional height is focussed towards the centre of each dwelling (unlike as in the case of a higher gable end for example). The will be slightly higher but this increase is not considered to be significant when assessed alongside of the height of the dwellings.

Regard should also be had to the presence of the planning permission BE/74/17/PL which remains extant and could still be implemented. This proposes the replacement of the two bungalows with two storey houses and was considered to be acceptable. The increase in height of these two dwellings as now proposed is significantly less than that associated with BE/74/17/PL. It is considered that the 8 two storey houses are far enough away from nearby dwellings such that the extra 0.75m of height to the roof will not have any discernibly increased impact on the light reaching nearby gardens,

It is not considered that the changes to the dwelling/garage roof heights and to the style of windows will result in any additional adverse impacts upon neighbouring properties and as such the proposal complies with Policy GEN7.

RECOMMENDATION:

It is recommended that planning permission be granted in accordance with the following conditions. It should be noted that those planning conditions already discharged by applications BE/101/17/DOC & BE/106/17/DOC are not included in this list of conditions.

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/45/16/PL was accompanied by a Section 106 Legal Agreement which secured financial contributions towards off-site informal recreation/children's play space and towards the access management measures relating to the Pagham Harbour Special Protection Area. This Agreement contains a clause (paragraph 5.1) that ensures it applies to any future variations of application BE/45/126/PL

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of the original planning permission ref BE/45/16/PL.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

- * Dwg. 17015/200 Rev A "Site Plan";
- * Dwg. 17015/5012 "Type 01 (proposed) Bungalow Plans";
- * Dwg. 17015//5011 "Type 01 (proposed) Bungalow Elevations";
- * Dwg. 17015//5014 "Type 01a (proposed) Bungalow Plans";
- * Dwg. 17015//5013 "Type 01a (proposed) Bungalow Elevations";
- * Dwg. 17015//5016 "Type 02 (proposed) House Plans";
- * Dwg. 17015//5015 "Type 02 (proposed) House Elevations";
- * Dwg. 17015//5018 "Type 03 (proposed) House Plans";
- * Dwg. 17015//5017 "Type 03 (proposed) House Elevations";
- * Dwg. 17015//5020 "Type 04 (proposed) House Plans";
- * Dwg. 17015//5019 "Type 04 (proposed) House Elevations"; and
- * Dwg. 17015//5021 "Garages (existing/proposed)".

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.

- 3 Upon completed construction of the SuDS System but prior to occupation of any part of the scheme, the owner or management company shall either provide the local planning authority with an updated copy of the management manual incorporating any changes as a result of construction/implementation or confirm in writing that no changes are required to the manual.

No further changes shall be made to the approved SuDS Maintenance & Management Plan/Regime including the management company responsible or the financial arrangements between the owners of the dwellings & the management company other than with the written consent of the Local Planning Authority.

The owner or management company shall thereafter strictly adhere to and implement the recommendations contained within the manual to ensure that the system is maintained in perpetuity.

Reason: To ensure the efficient maintenance and on-going operation of the SuDS system and to ensure the best practice in line with guidance set out in 'The SuDS Manual' CIRIA

publication ref: C753 Chapter 32.

- 4 Immediately following implementation of the approved SuDS scheme and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. There shall be no deviation to the approved scheme other than with the written consent of the Local Planning Authority. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

- 5 Prior to the use of the access commencing, visibility splays of 2.4 metres by 43 metres shall be provided at the proposed site vehicular access onto North Bersted Street in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 6 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with policies GEN7 and GEN9 of the Arun District Local Plan and the National Planning Policy Framework.

- 7 No part of the development shall be first occupied until the roads, footways, and casual parking areas serving the development have been constructed, surfaced and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority. These details shall include the provision of a continuous minimum width 1.8 metre footway from North Bersted Street into the proposed development.

Reason: To secure satisfactory standards of access for the proposed development in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

- 8 The buildings hereby permitted shall not be occupied until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority to prevent surface water discharging onto the public highway.

Reason: In the interests of road safety and to accord with approved policy in accordance with policy GEN7 of the Arun District Local Plan.

- 9 The development hereby permitted shall incorporate those measures to minimise the risk of crime as set out in the letter from the Sussex Police Crime Prevention Design Adviser issued on 16 June 2016. These measures shall then be retained permanently and maintained in good working order.

Reason: In the interests of reducing the fear of and opportunity for crime in accordance with Policy GEN7 of the Arun Local Plan and the National Planning Policy Framework.

- 10 The development must be carried out in accordance with Section 13 and Appendix 6 of the submitted Ecological Appraisal and Phase 1 Habitat Survey.

Reason: In accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking or enacting that Order) no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the elevations of the new dwellings without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities of adjoining residential properties in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 12 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 13 All of the bathroom and en-suite windows in the first floor windows of the new dwellings shall at all times be glazed with obscured glass.

Reason: To protect the amenities and privacy of the adjoining property in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 14 The garages associated with the dwellings shall be used as private domestic garages only and for no other purpose.

Reason: To ensure the provision of adequate off-street parking space in accordance with policy GEN7 of the Arun District Local Plan.

- 15 If any root structures with a diameter over 25mm are exposed during the excavation of the foundations for the new buildings then these should be retained unless otherwise agreed in writing with the Local Planning Authority. Any removal of roots over 25mm in diameter that has been agreed with the Local Planning Authority shall then be carried out under the supervision of the Council's Arboricultural Officer.

Reason: To ensure the retention and maintenance of trees and vegetation; which is an important feature of the area in accordance with sound arboricultural practice.

- 16 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 17 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.

- 18 INFORMATIVE: Should any protected species or evidence of any protected species be found prior to or during the development, all works must stop immediately and an ecological consultant or Chichester District Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of this advice and provided with the contact details of a relevant ecological consultant.
- 19 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 20 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.
- 21 INFORMATIVE: The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 22 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to £9,000 for off-site informal recreation/children's play space; and £11,475 for access management measures relating to Pagham Harbour.
- 23 INFORMATIVE: A number of conditions which were on the original decision notice for BE/45/16/PL have already been discharged through applications BE/101/17/DOC and BE/106/17/DOC and regard should be had to the wording of these decisions when implementing this planning permission.