Recommendation Report for Planning Permission

REF NO: **BE/41/16/PL**

LOCATION: Chalcroft Nurseries
Chalcraft Lane
Bersted

PROPOSAL: Variation of condition 2 imposed on planning permission BE/168/12 to enable minor changes to elevations

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The changes consist of the following: * Omission of the Entrance Display/Lobby on the eastern elevation of the building, replacement with double doors; * Change from 4 windows to 2 doors & 2 windows on the other part of the eastern elevation; * Increase in height of one service bay roller-shutter door on the western elevation to match the height of the other 'door'. Omission of two proposed windows above the same 'door'; * Two additional pedestrian doors on the northern & southern elevations (one per each elevation); * Two additional roof lights on the northern elevation; and * Internal layout changes.
SITE AREA	0.5 hectares
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Boundary hedgerow.
SITE CHARACTERISTICS	The site is part of an existing garden centre site and the building in question is now substantially complete. There is car parking adjacent and access is gained from the shared access onto Chalcraft Lane.
CHARACTER OF LOCALITY	The site is part of a long established garden centre which is located on the edge of the defined settlement (there are houses to the east) and has a semi-rural character. There are rural fields to the north and east.

RELEVANT SITE HISTORY

BE/168/12/	Erection of showroom for indoor display of conservatories and garden buildings. (Departure from the Development Plan).	ApproveConditionally 21-02-2013
BE/23/15/DOC	Application for approval of matters reserved by conditions imposed under BE/168/12 relating to Conditions No. 3, 4, 5, 8, 10 & 11 - Surface water drainage scheme, access & maintenance of any watercourse or culvert, contamination risk, protection &/or mitigation of damage to BAP species & BAP habitat, secure covered cycle storage & Construction Management Plan	DOC Approved 02-06-2015

None.

REPRESENTATIONS

Representations received:

Bersted Parish Council

"No Objection"

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A.

POLICY CONTEXT

Designations applicable to site:

Outside Built Up Area Boundary; and
No Public Sewer.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
Publication Version of the Local Plan (October 2014):		C SP1 Countryside D DM1 Aspects of Form and Design Quality D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential) D SP1 Design SD SP1 Sustainable Development SD SP2 Built-Up Area Boundary
Bersted Neighbourhood Plan 2014 Policy CLW4		Provision of Allotments

Bersted Neighbourhood Plan 2014 Policy ES1	Design of new development
Bersted Neighbourhood Plan 2014 Policy ES5	Building design
Bersted Neighbourhood Plan 2014 Policy ES7	Development outside of the Built Up Area Boundary

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.

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 in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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: Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Yapton. The Bersted Neighbourhood Plan was not in force at the time of the original determination but it is now appropriate to consider the relevant policies.

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

The application seeks to vary planning permission Ref BE/168/12/PL by amending the floor and elevation plans to reflect the as built showroom.

The changes are not considered to be such that the as built showroom will now be harmful to the character or appearance of the local area. The changes are considered to be minor in nature and the building is located within an existing commercial site. The relevant policies of the Bersted Neighbourhood Plan have been taken into account but are not considered to affect the view that the changes to the building are appropriate.

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.

RECOMMENDATION

APPROVE CONDITIONALLY

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

Sheet 1 - Location Plan;
Drawing 6A - Ground Floor Plan Proposed Showroom; and
Drawing 8A - Proposed Elevations.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

2 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

3 INFORMATIVE: All of the conditions imposed on BE/168/12/PL shall remain in force except for condition 02 which is amended by this permission as set out above.