

Recommendation Report for Planning Permission

REF NO: BE/50/22/PL

LOCATION: Blackberry House
Berry Lane
Bersted
PO22 9FG

PROPOSAL: Variation of condition following the grant of BE/13/20/PL relating to condition 2-plans condition.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This proposal seeks to amend condition 2 of BE/13/20/PL, to change the approved plans to alter the approved layout elevations of dwelling due to a new porch proposed on the north-western elevation. Condition 2 of BE/13/20/PL required compliance with the submitted plans - this application would vary those plans.
SITE AREA	0.3 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	3 dwellings per hectare.
TOPOGRAPHY	Predominantly flat. Slightly rising ground from the road level.
TREES	None affected by the development.
BOUNDARY TREATMENT	Hedgerow and metal fencing.
SITE CHARACTERISTICS	Land to the rear of recently constructed dwelling house (BE/135/07) contains 3 wooden stables, 3 paddocks. Adjacent to footpath/newly laid access road.
CHARACTER OF LOCALITY	Semi-rural location on the outskirts of the Conservation Area, with open field to the north-west and public open space area to the south-west. Residential properties in surrounding area are predominantly 2 storeys detached, semi-detached and terraced of four. Nos 81,83 are locally listed buildings.

RELEVANT SITE HISTORY

BE/13/20/PL	Single storey dwelling with detached carport (alternative to BE/64/17/PL). This application may affect the North Bersted Conservation Area.	App Cond with S106 15-05-20
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Drainage Engineers suggested in their comments: Due to the scale, location and type of application we have no conditions to request. It is noted that standard condition PCENG2 was applied to application BE/64/17/PL however this was not at the request of this department. If the planning officer sees fit to

apply that condition to this application (should it be approved) for consistency, then we do not object to this.

Condition 6 (PCENG2) has been withdrawn following the request of the applicant as unnecessary.

REPRESENTATIONS

Bersted Parish Council: No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

N/A

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

N/A

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

Abuts Conservation Area

Pagham Harbour Buffer Zone

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCDM1	ECC DM1 Renewable Energy
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM2	ENV DM2 Pagham Harbour
HERDM3	HER DM3 Conservation Areas
HERSP1	HER SP1 The Historic Environment
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

WMDM1 WM DM1 Waste Management
WSP1 W SP1 Water

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 HDQ2	Integration of new housing
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

SUPPLEMENTARY POLICY GUIDANCE:

SPD11 Arun Parking Standards 2020

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The relevant policies of the Bersted Neighbourhood Development Plan have been taken into account in determining this application: ES1, ES2, ES5, HDQ2, HDQ6, HDQ7 and HDQ8.

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 would 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. A contribution has been played to assist in the protection of Pagham Harbour and as such it is not considered to be detrimentally affected in terms of impact on biodiversity by this application.

The proposal is considered to comply with the Arun Local Plan in that it would not cause demonstrable harm to the character of the area (including existing trees), to the amenity of neighbouring residents, the biodiversity value of the site & surroundings or result in a severe impact on the local highway.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE;

The principle of development was approved by BE/13/20/PL - this application seeks amendments to the approved plans.

CHARACTER OF THE AREA:

Policy D DM1 of the Arun Local Plan requires that the Council have regard to certain aspects including character, density and scale.

Policy D SP1 "Design" states: "All development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Policies ES1 and ES5 of the Bersted Neighbourhood Development Plan require new development to be high quality and to reflect the character of the location.

The original permission was considered acceptable in form, character and design. The proposed porch would be attached to the north-western elevation facing existing paddock, would be modest in size and design. It would not have any demonstrably harmful impact on the character of the area.

The proposal complies with Arun Local Plan policies D DM1, D SP1, policy ES5 of the Bersted Neighbourhood Development Plan, Arun Design Guide and with the guidance on character in the NPPF.

IMPACT ON THE CHARACTER & APPEARANCE OF THE CONSERVATION AREA:

The criterion e. of Policy HER DM3 stress that proposals affecting Conservation Areas will be required to retain historically significant boundaries, important open spaces and other elements of the area's established pattern of development.

Policy ES5 of the Bersted Neighbourhood Development Plan sets down that the design of new buildings should contribute positively to the historic character. Listed Buildings and their settings and Conservation Areas and their settings, will be conserved and enhanced to reinforce the quality and character of Bersted.

It is necessary to consider guidance in the NPPF which sets out several steps when considering impact on heritage assets. Para 194 requires applicants to describe the significance of heritage assets affected, including any contribution made by their setting. Para 195 requires Local Planning Authorities to identify and assess the particular significance of the heritage asset that may be affected by a proposal. The Local Planning Authority must then consider the level of harm associated with the proposal and decide

whether there is any harm and if so, whether this is 'less than substantial harm' or 'substantial harm'. It is then necessary to counterbalance harm with the level of public benefits associated with the proposal (as set out in paras 199-202).

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

This site is on the edge of the farmland and Berry Lane by its very rural nature is part of this historic context. The proposal is for the addition of porch on the north-western elevation of previously approved dwelling, facing to the countryside. It would not harm the heritage asset.

The development satisfies requirements of the NPPF, and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and policy HER DM1, HER DM2 and HER DM3 of the Arun Local Plan.

OTHER MATTERS;

Matters such as residential amenity, parking, biodiversity, trees etc were considered under BE/13/20/PL. The proposed porch, as an addition to the dwelling, would not any impact on the above and is acceptable.

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

Unilateral undertaking for payment of Pagham Harbour conservancy contribution was paid on

commencement of development of £871.

CIL DETAILS

This application is not CIL Liable since BE/13/20/PL has been granted prior to CIL coming into effect and current application is a s.73 application and there is no increase in a floor area.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of the previous permission BE/13/20/PL, namely 15-05-20.

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 No 2G, Block Plan;
Dwg No 3F, Floor Plan;
Dwg No 5F, Elevations.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.
- 3 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls (and roofs) of the proposed building(s)/extension have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the building/extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/setting of the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy D DM1 of the Arun Local Plan.
- 4 No development above damp proof course (DPC) level shall take place until details of screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls and/or fences associated with them have been erected.

Reason: In the interests of amenity in accordance with policy D DM1 of the Arun Local Plan.
- 5 Prior to the occupation of the dwellings, a scheme for the provision of facilities to enable the charging of electric vehicles to serve the approved dwellings shall be submitted to the Local Planning Authority for approval and thereafter implemented in accordance with the approved details and the charge points shall thereafter be permanently retained and maintained in good working condition.

Reason: New petrol, diesel and hybrid cars/vans will not be sold beyond 2035, and to mitigate against any potential adverse impact of the development on local air quality, in accordance with policy QE DM3 (c) of the Arun Local Plan, the Arun Parking Standards SPD and the National Planning Policy Framework.
- 6 Construction/demolition activities shall take place, other than between 08:00 to 18:00 hours

(Monday to Friday) and 08:00 to 13:00 hours (Saturday) with no works taking place on Sunday or Bank Holidays unless they are not audible outside of the application site.

Reason: To protect the amenity of local residents in accordance with policies QE SP1 and QE DM1 of the Arun Local Plan.

- 7 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low carbon energy sources (as described in the glossary at Annex 2 of the NPPF) unless it can be demonstrated that a fabric-first approach would achieve an equivalent energy saving. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority before any development above damp proof course (DPC) level begins. The development shall be implemented in accordance with the approved details and timetable and retained as operational thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure on site renewable energy in accordance with national planning policy, and in accordance with Policy ECC SP2 of the Arun Local Plan.

- 8 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 D DM1 of the Arun District Local Plan.

- 9 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.

- 10 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 0345 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.

- 11 INFORMATIVE: Any lighting scheme for the site will need to take into consideration the presence of bats in the local area and the scheme should minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding.

- 12 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.