

Recommendation Report for Planning Permission

REF NO: BE/55/18/PL

LOCATION: Rear of 95-99
North Bersted Street
Bersted
PO22 9AF

PROPOSAL: Erection of double garage (resubmission following BE/15/17/PL). This application affects the setting of a listed building & may affect the character & appearance of the North Bersted Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal would consist of a garage 5.6m (d) by 6.3m (w) to a over all height of 4.25m. The garage would be an open car port style finished with a barn hip roof and clad in close boarded weatherboarding. The roof would be finishing with a state tile.
SITE AREA	0.20 Hectares
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Boundaries would appear to be formed by hedges and low fences.
SITE CHARACTERISTICS	The site is located at the end of a track which runs Northwest from North Bersted Street between nos. 97 & 101. This track then passes 99 North Bersted Street (which is located behind 95/97). The site is grassed. At the time of the previous application, there appeared to be the remains of a shed and some poly tunnels on the site.
CHARACTER OF LOCALITY	Built up area, edge of settlement semi rural character.

RELEVANT SITE HISTORY

BE/15/17/PL	Double garage (revised scheme following BE/133/16/PL). This application affects the setting of a Listed Building & affects the character & appearance of the North Bersted Conservaton Area.	Refused 11-05-17 Appeal: Dismissed 28-09-17
BE/133/16/PL	1 No. dwelling. This application affects the setting of a Listed Building, the character & appearance of the North Bersted Conservation Area & is a Departure from the Development Plan.	App Cond with S106 01-12-16

BE/14/17/PL	Variation of condition 2 imposed under BE/133/16/PL relating to approved plans. This application affects the setting of a Listed Building & affects the character & appearance of the North Bersted Conservation Area.	ApproveConditionally 12-05-17
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Planning permission was granted in December 2016 for a single storey approximately 6m high dwelling on the site. The decision included conditions preventing the siting of outbuildings within the curtilage of the dwelling.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

Bersted Parish Council - No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Conservation Officer

Engineering Services Manager

Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - No Objection (subject to condition)

Conservation officer - no comments made

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designations applicable to site:

Within Built Up Area Boundary;

Class C Road;

Affecting the setting of the North Bersted Conservation Area;

Affecting the setting of a Grade II Listed Building; and

Pagham Harbour Access Management Zone B.

DEVELOPMENT PLAN POLICES

DDM1	D DM1 Aspects of form and design quality
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas

Bersted Neighbourhood Plan 2014 Policy ES1	Design of new development
Bersted Neighbourhood Plan 2014 Policy HDQ8	Car parking
Bersted Neighbourhood Plan 2014 Policy ES5	Building design

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011-31, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

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.

The relevant BNDP have been considered in 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 lies within the built up area boundary where development is acceptable in principle. This is a variation to the previous refused application (BE/15/17/PL) dismissed at appeal. The assessment for this application is to assess if the inspectors concerns have been overcome. In particular item no.8 indicated that 'Other recently approved built development has been located in close proximity to the existing settlement, such that it does not extend development into the surrounding countryside to the extent proposed in this instance'.

The repositioning of the current garage adjacent to the approved dwelling would allow for the grouping of the buildings in the Built up Area boundary, therefore the significance of the developments impact on the countryside setting to the conservation area is overcome by virtue of the siting of the development.

SUMMARY:

The principle of residential development on this site has already been established by BE/133/16/PL. The previous refusal has been changed with the repositioning of the garage to within the built up area close to the approved dwelling. The building, by reason of its position and design, would not be appreciated in the street scene or cause harm to the amenities of the neighbour. It would also preserve the character of the setting of the Conservation Area.

The officers consider the applicant has overcome the concerns of the inspector and the proposal is in accordance with Policy D DM1 of the Arun Local Plan 2011-31 subject to condition.

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 permitted shall be begun before the expiration of 3 years from the date of this permission.

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; Location & Block Plan 2; 3C - proposed siting plan, 8A - Proposed elevations & floor plan.

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 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

Reason : To ensure that the proposed development is satisfactorily drained in accordance with Policy W DM1, of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 4 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason : To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion.

- 5 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.