

Recommendation Report for Planning Permission**REF NO:** BE/64/17/PL**LOCATION:** Rear of Blackberry House
Berry Lane
North Bersted Bognor Regis**PROPOSAL:** Single storey dwelling. Amendments to planning permission BE/53/15/PL. This application affects the setting of the adjacent Bersted Conservation Area.**SITE AND SURROUNDINGS****DESCRIPTION OF APPLICATION**

As above.

Changes to dwelling approved by BE/53/15/PL includes a single storey extension to the kitchen on the south west side of the rear of the property. Rooflights (3no to front roof-slope and 2no to rear) and 2 no suntubes in the roof. A flue serving a woodburning stove has also been included on the north west (front) elevation.

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 of any significance affected by the proposed development.

BOUNDARY TREATMENT

Hedgerow and metal fencing.

SITE CHARACTERISTICS

Land to the rear of a newly constructed house and on the land are 3 wooden stables, 3 paddocks. Adjacent to footpath/newly laid access road.

CHARACTER OF LOCALITY

Semi rural location, abuts the Conservation Area, adjacent to the Site 6 development and public open space area.

RELEVANT SITE HISTORY

BE/101/07/	Erection of 1 no four bedroom dwelling	Refused 25-09-2007
BE/135/07/	Erection of 1 no 4 bedroomed dwelling (Resubmission of BE/101/07)	ApproveConditionally

		16-01-2008
BE/29/10/	Proposed House - Amendments to Planning Permission BE/135/07	ApproveConditionally 29-06-2010
BE/46/11/NMA	Applicaiton for a non-material amendment following a grant of planning permission BE/29/10/ to change door on south return elevation to a window	Approve 09-05-2011
BE/113/11/	Proposed dwelling	Refused 11-11-2011
BE/143/11/NMA	Application for a non material amendment following a grant of planning permission BE/29/10/ for internal changes to W/C and wetroom, fully glazed double French doors and 2 No Velux 'Sun Tunnels'	Approve 05-12-2011
BE/91/12/	Proposed single storey dwelling (Resubmission following BE/113/11).	App Cond with S106 19-10-2012
BE/62/14/HH	New detached garage.	ApproveConditionally 29-07-2014
BE/53/15/PL	Proposed single storey dwelling. Amended siting and access to planning permission BE/91/12. This application affects the setting of the adjacent Bersted Conservation Area.	ApproveConditionally 01-07-2015
BE/182/16/PL	Application for variation of condition no.2 following grant of planning permission BE/62/14/HH relating to amended door & window arrangements.	ApproveConditionally 24-02-2017

BE/53/15/PL approved a very similar development of one house in this location. There are only modest changes shown in this application. Previous applications also granted for a detached dwelling.

REPRESENTATIONS

Representations received:

Bersted Parish Council

No objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Drainage)
WSCC Strategic Planning

Conservation Officer

Consultations responses received:

Conservation Officer

The minor amendment to the previously permitted scheme (BE/53/15/PL) causes no harm to the significance of the adjacent Bersted Conservation Area, and there is no objection in terms of Local Plan 2003 Policy Area 2 and Local Plan 2014 Policy HER DM3.

WSCC (Strategic Planning-Highways)

The amended scheme proposes minor changes to the 2015 planning permission. No changes are proposed to the previous access, parking and turning arrangements. Please refer to previous comments to approved BE/53/15.

No grounds to resist this application from the highway point of view.

SOUTHERN WATER

Please apply standard informative.

Comments on Consultation responses:

Comments noted. Southern water informative will be applied.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary
Abuts Conservation Area
Pagham Harbour Buffer Zone

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) [AREA2](#)
[GEN12](#)
[GEN2](#)
[GEN7](#)

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

[Bersted Neighbourhood Plan 2014 Policy ES1](#)
[Bersted Neighbourhood Plan 2014 Policy ES2](#)
[Bersted Neighbourhood Plan 2014 Policy ES5](#)
[Bersted Neighbourhood Plan 2014 Policy HDQ2](#)

Conservation Areas
Parking in New Development
Built-up Area Boundary
The Form of New Development
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
SD SP1 Sustainable Development
SD SP2 Built-Up Area Boundary
HER DM3 Conservation Areas
ENV DM2 Pagham Harbour
Design of new development
Surface water management
Building design
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

SPD2	Conservation Areas
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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; 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

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 policies of the made Bersted Neighbourhood Plan will be considered in this application.

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. A contribution has been agreed 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.

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 is for variations to extant permission BE/53/15/PL. The principle of development is accepted.

The amendments include:-

- single storey extension to the kitchen on the south west side of the rear of the property,
- roof lights (3no to front roof-slope and 2no to rear) and 2 no suntubes in the roof,
- a flue serving a woodburning stove on the north west (front) elevation,
- a unilateral undertaking for Pagham Harbour Contribution has been included as the Council is now requiring contributions for new dwellings within the Pagham Harbour Buffer Zone.

The single storey element to the rear of the approved dwelling will have a limited impact in terms of design and visual amenity. It is modest in size and in character with the form and size of the approved dwelling and be of the same materials. The nearest neighbouring dwelling to the extension would be approx. 20m away so it is not considered to have a significant impact on neighbouring residential amenity.

The flue, roof lights and sun pipes would also have a limited impact on visual amenity as are minor elevation changes and modest in size. The minimum 19m approx. distance from neighbouring dwellings limits the impact they would have on residential amenity and the roof lights would be set too high and face upwards, not allowing any overlooking to neighbouring dwellings or direct residential amenity spaces.

The £871 contribution to Pagham Harbour protection has been agreed through a unilateral undertaking in accordance with emerging Arun District Local Plan policy ENV DM2.

All conditions applied to the previously approved application will be included in this application as all are considered relevant.

The development is considered to meet the requirements of the Bersted NDP, saved policies of the Arun District Local Plan and emerging Arun District Local Plan and is recommended for conditional approval.

HUMAN RIGHTS ACT

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 to be paid on commencement of development of £871.

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 2C, 3C and 5C.

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

- 3 No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls and roof of the proposed bungalow 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.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 4 No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in

accordance with policy GEN7 of the Arun District Local Plan.

- 5 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details. The details so agreed shall be maintained in good working order 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 and policy ES2 of the Bersted Neighbourhood Development Plan.

- 6 Details for the storage of waste on the premises shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The details so approved shall be retained in perpetuity.

Reason: To protect the amenities of nearby residents in accordance with Arun District Local Plan policy GEN7.

- 7 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority and retained as such in perpetuity.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies in accordance with the NPPF.

- 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 GEN7 of the Arun District Local Plan.

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the building shall not be extended or altered in any way unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: (a) To enable the Local Planning Authority to control the development in detail in

the interests of the amenities of adjoining residential occupiers and the locality in general in accordance with policy GEN7 of the Arun District Local Plan.

- 10 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.
- 11 INFORMATIVE: This decision has been granted in conjunction with a Section 106 Unilateral undertaking legal agreement relating to a Pagham Harbour Conservancy contribution of £871 payable on commencement of development.