Recommendation Report for Planning Permission

REF NO: BE/73/19/PL

LOCATION: Dove Cottage
76 North Bersted Street
Bersted
PO22 9AQ

PROPOSAL: Conversion of the Annexe to a separate unit of accommodation (Studio).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Proposed conversion of the existing annexe to a separate unit of residential accommodation. The proposed accommodation comprises a kitchen/diner and living room at ground floor level and a bedroom and shower room within the roof. The property would have a private paved patio and lawned garden area, car parking and cycle storage within the front driveway, and bin storage to the side of the building.
SITE AREA	0.02 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	50 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	There is a tree within the curtilage of 76 North Bersted Street which is the subject of a Tree Preservation Order (TPO). However, given the nature of the proposals, no trees would be affected by the proposed development.
BOUNDARY TREATMENT	The building is sited within the garden of 76 North Bersted Street. There is close boarded timber fencing and vegetation to the western and southern side of the building. To the eastern side of the building is a small low brick wall adjacent to the garden of the main house. To the southern side of the building there is a paved driveway and conifer hedging fronting onto North Bersted Street.
SITE CHARACTERISTICS	The site consists of a single storey building sited within the grounds of no.76 Bersted Street ('Dove Cottage'), a grade II listed cottage. The building is single storey (with accommodation at roof level), with brick and flint elevations and a clay tile half-hipped roof. The accommodation comprises a kitchen/diner and living room at ground floor level and a bedroom and shower room within the roof. There is a paved path and patio to the side and front of the building, a pebbled driveway and wooden vehicular gates fronting onto North Bersted Street. The site is located within the Built-Up Area Boundary, North

	Bersted Conservation Area, Bersted Neighbourhood Plan Area, and within Zone B of the Pagham Harbour SSSI.
CHARACTER OF LOCALITY	The site is located within the Built-Up Area Boundary of North Bersted. North Bersted Street is characterised by a mix of single and two storey detached and semi-detached residential properties, lining the street, enclosed by front boundary walls, most with on-site parking and front garden areas. There are a number of period properties and cottages, several of which have thatched roofs. The street has a semi-rural feel.

RELEVANT SITE HISTORY

BE/192/88	Conversion of existing garage/ store to granny flat	Refused 17-10-88

An application for the conversion of the garage building (building in question) into a granny annexe was refused in 1988, on the grounds that the conversion to a separate residential unit would be out of character with the locality, detrimental to the amenity of the adjoining residential properties, and provide a poor environment for the future occupiers.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

No objection.

Arun District Council Conservation Advisory Panel -
The change of use would not harm the character of the Conservation Area.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Conservation Officer -
No objection. Application relates to a modern building within the grounds of a listed building, it is not curtilage-listed by reason of its age (being post-1947). Application appears to relate purely to a change of use of the building, with no alterations to the fabric of the structure. The proposed change of use will not change the character or appearance of the conservation area, nor harm the setting of the listed building. Request additional details with regard the proposed boundary treatment around the new dwelling, to assess its impact on the setting of the nearby listed building. The proposed boundary treatment of Yew hedging to a height of 1.8m would be acceptable in that it would conserve the setting of the nearby listed

building.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:
Built-Up Area Boundary
Curtilage of a Grade II listed building
North Bersted Conservation Area
Bersted Neighbourhood Plan Area
Zone B of the Pagham Harbour SSSI

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

SDSP2	SD SP2 Built-up Area Boundary
HSP1	HSP1 Housing allocation the housing requirement
HERSP1	HER SP1 The Historic Environment
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
DDM2	D DM2 Internal space standards
DDM1	D DM1 Aspects of form and design quality
TSP1	T SP1 Transport and Development
WMDM1	WM DM1 Waste Management
ENVDM2	ENV DM2 Pagham Harbour

Bersted Neighbourhood Plan 2014 Policy ES5	Building design
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

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans 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 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.

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).

Bersted Neighbourhood Plan policies are relevant in the determination of this planning 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 add to the housing supply within the BUAB, would conserve the setting of the nearby listed building, would preserve the character of the conservation area, would provide sufficient internal living accommodation and external private amenity space, would maintain residential amenity, would provide sufficient car and cycle parking and bin storage, and would provide the required financial contribution toward the Pagham Harbour SIINC.

CONSERVATION AREA

Where the building is located in a Conservation Area, Section 71(1) of the Act states:

In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposal is considered to comply with these criteria in that it is not considered to materially affect the character or the setting of the Grade II Listed Building or the character of the Conservation Area.

TREES

Section 211(1) of the Town and Country Planning Act 1990 states:-

'Subject to the provision of this section and Section 212, any person who, in relation to a tree to which this section applies, does any act which might by virtue of Section 198(3)(a) be prohibited by a Tree Preservation Order shall be guilty of an offence.'

It is a defence to have provided notification to the Local Planning Authority 6 weeks in advance of any works. This is to enable the Local Planning Authority time to consider making a Tree Preservation Order.

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. Policy SD SP2 of the Arun Local Plan states that development should be focused within the BUAB and will be permitted, subject to consideration against other policies of the Local Plan. As such, the principle of additional residential accommodation in this location is acceptable.

The addition of 1 new housing unit, resulting from the proposed change of use from an annexe to a separate residential unit, would be welcomed in that it would add to the housing supply within the District, and accord with housing requirement policy H SP1 of the Arun Local Plan.

LISTED BUILDING & CONSERVATION AREA

The NPPF seeks to conserve designated heritage assets such as listed buildings and Conservation Areas. Local Plan policy HER SP1 advises that designated heritage assets including listed buildings and their settings and Conservation Areas will be given the highest level of protection and should be conserved and enhanced in a manner appropriate to their significance. Policy HER DM1 requires proposals affecting statutorily listed buildings to protect, and where possible enhance, the setting of the building. Policy HER DM3 requires that proposals preserve or enhance the character and appearance of Conservation Areas. Policy ES5 of the Bersted Neighbourhood Plan states that listed buildings and their settings and Conservation Areas will be conserved and enhanced to reinforce the quality and character of Bersted.

The site is located within the curtilage of a grade II listed building, Dove Cottage. Dove Cottage is an early c19 2 storey building, faced with flints, red brick dressings and quoins, with a hipped thatched roof and casement windows. Due to the age of the annexe building (post 1947), although it would be sited within the curtilage of the listed building, it would not constitute being curtilage listed. In any event, only a change of use is being proposed, with no external alterations or alterations to the fabric of the building proposed. As such, listed building consent would not be required for the works.

The North Bersted Conservation Area has strong historical links with farming and agriculture; it retains a country feel, partly as a result of the presence of many fine examples of 16th, 17th and 18th century farmhouses, as well as the general informality of the layout of the street, landscaping and boundary walling.

Given that the proposal relates purely to the change of use and would not result in any external alterations, it would preserve the setting of the listed building and the character of the Conservation Area, in accordance with the NPPF, Local Plan policies HER SP1, HER DM1 and HER DM3 and Neighbourhood Plan policy ES5. In addition, the proposed boundary treatment of Yew hedging to a height of 1.8m would be acceptable as it would also conserve the setting of the nearby listed building.

INTERNAL & EXTERNAL SPACE STANDARDS

Policy D DM2 of the Arun Local Plan states that the planning authority will require internal spaces to be of an appropriate size and that the Nationally Described Space Standards will provide guidance. The policy also refers to exceptions, as referenced in paragraph 13.3.4 of the supporting text to D DM2, which states that there may be occasions where development schemes cannot apply with all the space standards required (such as the conversion of an existing building or where compliance may harm the historic character of the building) and that Arun District Council will consider these on a case-by-case

basis.

The building would constitute a 1.5-2 storey dwelling since it has accommodation at roof level. A double bed is shown on the plans so it would constitute a 1 bedroom 2 person dwelling. The Nationally Described Space Standards require that for a 1 storey, 1 bedroom, 2 person dwelling there is a minimum GIA of 58sqm and for a 2 storey, 1 bedroom, 2 person dwelling it is 50sqm. The plans indicate that there is a GIA of approximately 53sqm (excluding areas of the sloped roof which would have a floor to ceiling height of under 1.5m). This exceeds the requirement for a 1 storey dwelling (50sqm) but is under the requirement for a 2 storey dwelling (58sqm). However, given this can be treated as a 1.5 storey dwelling and the GIA is only be minimally under the requirement for a 2 storey dwelling, it is considered acceptable in terms of internal space provision for occupants, and would accord with Local Plan policy D DM2. The ground floor living areas have ample windows and doors providing a good level of natural light and outlook to occupants. The bedroom and shower room are each served by a conservation rooflight. The property is well laid out and provides functional living accommodation.

Whilst the Council does not have specific external space standards, the supporting text to policy D DM2 refers to a detailed Design Guide (still to be adopted) which will include guidance on external space standards, and the need for planning applications to have regard to include adequate provision of private external space. Until such time as the Design Guide is published, there is no policy within the Arun Local Plan regarding private garden sizes. However, regard should also be had to paragraph 127 of the NPPF which states that "Planning policies and decisions should ensure that developments (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users". Policy HDQ6 of the Neighbourhood Plan states that a private outdoor garden amenity space must be provided for all new dwellings and should be commensurate with the size and type of the dwelling and have regard to privacy.

The plans show a paved patio area in front of the building and area of grass to the side, separate to the garden of the main house, Dove Cottage. This provides the occupants with an outdoor private amenity space which is of a sufficient scale with a mix of hard and soft landscaping to serve the property. The proposals accord with Local Plan policy D DM2 and Neighbourhood Plan policy HDQ6 in this regard. Elevations have been provided showing the boundary treatments between this garden area and that of Dove Cottage, to ensure the boundary treatment is appropriate within the setting of the listed building and that the garden area for this separate dwelling is enclosed and private.

RESIDENTIAL AMENITY

Policy D DM1 of the Arun Local Plan that new development will have minimal impact to users and occupiers of nearby property and land, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

The proposed change of use from an annexe ancillary to the main house (Dove Cottage) to a separate new residential unit may lead to increased movements of people and vehicles in and out of the site. However, given its existing use as ancillary accommodation, and the scale of the development, this would be unlikely to be to such a degree as to result in significant noise and disturbance to neighbouring occupants. This use would be expected and acceptable given the sites location within a Built-Up Area and its residential setting. No external alterations nor built development is proposed and, as such, there would be no impact on the outlook or daylight of neighbouring occupants. Elevations have been provided showing the boundary treatments between the garden area to the site and that of Dove Cottage. The boundary treatment ensures that the garden area for this separate dwelling is mainly enclosed and private from that of Dove Cottage and that the windows to the building do not result in overlooking and loss of privacy to Dove Cottage. It appears from the site plan that there would be a small area or 'gap' in the proposed boundary hedging but this would only provide limited glimpses between neighbouring

gardens and would not give rise to significant overlooking into the neighbouring garden of Dove Cottage. The existing boundary treatments to the side and rear of the dwelling would ensure there would not be any undue overlooking and loss of privacy to the nearest properties, nos. 72 and 76 North Bersted Street and Broome House.

The proposals would maintain residential amenity, in accordance with policy D DM1 of the Local Plan.

HIGHWAYS & PARKING

Regard should be had to paragraph 109 of the National Planning Policy Framework which states that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

Policy T SP1 of the Arun Local Plan supports development which incorporates appropriate levels of parking in line with the West Sussex County Council guidance on parking provision.

West Sussex County Council has produced a parking demand calculator which will provide guidance on the levels of car parking required. This can be viewed at:
https://www.westsussex.gov.uk/roads-and-travel/information-for-developers/pre-application-advice-for-roads-and-transport/

Arun District Council has recently consulted on its own Arun District Parking Standards SPD, which is due to be adopted in January 2020. As such, this also forms a material consideration in the determination of this application. The ADC Parking SPD requires that for a property of this size and in this location, would require a minimum of 2 on-site car parking spaces.

Neighbourhood Plan policy HDQ8 advises that proposals for new development will have adequate on-site parking to meet current and future needs at a minimum rate of 2 spaces per dwelling. According to the WSCC Parking Standards, the requirement for a 1 bed dwelling in this location (Parking Behaviour Zone 2) would be 1.4 car parking spaces on site.

The plans include a driveway to the front of the property which would be around 10m in length and 3.2m in width. The standard parking bay size is 4.8m in length and 2.4m in width. As such, the proposals would provide up to 2 parking spaces on-site, and would accord with the WSCC Parking Standards, emerging ADC Parking SPD, and Neighbourhood Plan policy HDQ8.

The WSCC parking guidance requires a minimum level of 1 cycle parking space to serve a 1 bed dwelling. In accordance with guidance, this needs to be convenient to users, secure and undercover. The ADC Parking SPD requires cycle parking provision of 1 space.

A site plan has been provided showing cycle storage for bicycle/s within secure and undercover storage, close to the property.

The proposals would provide appropriate car and cycle parking, in accordance with Local Plan policy T SP1, Neighbourhood Plan policy HDQ8, WSCC parking standards and ADC emerging Parking SPD.

BIN STORAGE

Policy WM DM1 of the Arun Local Plan advises that all new residential development, including flat conversions, will be permitted provided that:
(a) it is designed to ensure that kerbside collection is possible for municipal waste vehicles
(b) where appropriate, communal recycling facilities and safe bin storage areas are available to residents

of flats

Development proposals must show bin storage/collection provision as follows:-
Each unit should be provided with the equivalent of 240 litres of residual waste storage/bins. Alternatively one 240 litre wheelie bin for each property can be provided.
The same amount of storage space/bins for recyclable materials is required to be provided.

Policy HDQ7 of the Neighbourhood Plan states that bin stores and recycling facilities should be designed to screen bins from public view, whilst being easily accessible for residents, and sited in a position that meets the Council's Highways standards.

A site plan has been provided showing the location and scale of the bin storage and the bin collection point at or near the highway boundary, which would ensure it allows for kerbside collection. Whilst there would be a requirement for 2 x 240l bins (1 for refuse and 1 for recycling) and only 1 bin is shown on the site plan, there would in any event be ample space for the placement of wheelie bins on the site near to the property, and given the boundary treatments these would not have any adverse impact on the setting of the nearby listed building. The proposals would provide appropriate bin storage provision, in accordance with Local Plan policy WM DM1 and Neighbourhood Plan policy HDQ7.

FLOODING

As set out in the National Planning Policy Framework, inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. There are requirements regarding the submission of a Flood Risk Assessment and Sequential test documentation. The relevant requirements for these are dependent upon the designated flood zone that the site is located within and the Technical Guidance to the NPPF provides more details on these issues. Arun Local Plan policy W DM2 provides policy on areas at risk of flooding.

The site is located within Environment Agency Flood Zone 1 (lowest risk of flooding). Given only a change of use is proposed and no additional built development, and given its siting in FZ1, no flood mitigation measures are required.

Policy W DM3 states that all development must identify opportunities to incorporate a range of Sustainable Urban Drainage (SUDs) systems. These features may include green roofs, permeable driveways, soakaways, water harvesting such as water butts.

Given only a change of use is proposed and no additional built development, no SUDs would be required. Notwithstanding this, a drainage plan has been submitted with the application, which shows two soakaways within the garden and patio areas to the new property, and that the foul water pipe would run under the garden and connect to the main drain.

SITE OF INTERNATIONAL IMPORTANCE FOR NATURE CONSERVATION

Arun Local Plan policy ENV DM2 states that all new residential developments within a 400m to 5km distance ('Zone B') of Pagham Harbour make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £1,275 per new residential unit was agreed by the Councils Cabinet on 20 July 2015. The report to Cabinet stated that:

"The access management measures identified are referred to as Strategic Access Management and Monitoring (SAMMs). As these do not include the allocation of specific land, they are not classified as

physical infrastructure, and are not included under the definition of infrastructure within Section 216 of the Planning Act 2008, meaning the pooling restrictions as set out under Regulation 123 of the CIL Regulations (2010) as amended, does not apply. It is common practice by many other authorities (for example Elmbridge) that contributions towards SAMMs are gathered through S106 planning obligations. This approach has also been confirmed within Counsel advice sought by the Council. As a contribution is required to make the development acceptable in planning terms, it is therefore in compliance with the tests under Regulation 122 of the CIL Regulations (2010) as amended"

The Councils Cabinet subsequently approved a reduction in the tariff from £1,275 to £871 as of the 10th April 2017.

Paragraph 014 (Reference ID 23b-014-20160519) of the Planning Practice Guidance describes tariff style contributions. It clearly states that these consist of contributions to pooled funding 'pots' intended to fund the provision of general infrastructure in the wider area. The Council accepts that the Pagham Harbour contribution is based on a tariff. However, the contribution is required to fund strategic access management and monitoring measures (SAMMs) which are necessary to meet the requirements of European law (transposed into English law through the Conservation of Habitats and Species Regulations 2010). Essentially this requires the Council to maintain, if not improve, the existing condition of the site.

As these SAMMs do not include the allocation of specific land, they are not classified as physical infrastructure, and are not included under the definition of infrastructure within Section 216 of the Planning Act 2008, meaning that the pooling restrictions as set out under Regulation 123 of the CIL Regulations (2010) as amended, do not apply.

Therefore, it is considered that the Council is able to seek these contributions despite the guidance in PPG Paragraph 031 (Reference ID: 23b-031-20160519009). This has also been tested at appeal on several occasions. For example, APP/C3810/W/16/3146804 which concerned a single dwelling in nearby Aldwick.

To meet the requirements, you need to make a financial contribution towards the provision of accessible natural open green spaces to serve the area. A contribution of £871 per new residential unit was agreed by the Councils Cabinet on 10 April 2017. This will need to be secured through a section 106 legal agreement.

Please note the section on the Council's website entitled "Planning Obligations" (specifically the "Contribution for Access Management at Pagham Harbour" section): http://www.arun.gov.uk/planning-obligations.

On the basis that there would be a net gain of 1 residential dwelling on the site the required sum would be £871.

CONCLUSION

The proposals would preserve the setting of the nearby listed building and conserve the character and appearance of the Conservation Area. The scheme would provide sufficient internal space and quality of living accommodation for occupants, external amenity space, car and cycle parking, areas for bin storage and would maintain neighbouring residential amenity. In addition, a suitable financial contribution has been secured through a Section 106 legal agreement for the provision of accessible natural open green spaces to serve the area within Zone B of Pagham Harbour (A Site of International Importance for Nature Conservation).

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

A Section 106 Legal Agreement has been provided with the application, confirming agreement to the required financial contribution towards the provision of accessible natural open green spaces to serve the area within Zone B of Pagham Harbour (A Site of International Importance for Nature Conservation). The sum of £871 has been paid.

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: Block Plan (received 03/12/2019), Existing and Proposed Ground Floor Plan, Existing and Proposed South Elevation, Existing and Proposed North Elevation, Existing and Proposed East Elevation, Existing and Proposed West Elevation (all received 02/07/2019) and Proposed Top Floor Plan (Received 20/06/2019).

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies D DM1, D DM2, HER SP1, HER DM1, HER DM3, T SPI and WM

DM1 of the Arun Local Plan and policies HDQ6, HDQ8 and HDQ7 of the Bersted Neighbourhood Plan.

3 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) or alterations (including Juliette balconies) to the dwelling house 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 and parking space, and preserve the setting of the listed building and the character and appearance of the conservation area, in accordance with the NPFF and policies D DM1, D DM2, HER SP1, HER DM1, HER DM3 and T SP1 of the Arun Local Plan.

4 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 (drawings showing proposed boundary treatments, cycle parking and bin storage) 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.