

PLANNING APPLICATION REPORT

REF NO: BE/57/23/PL

LOCATION: Holly Court
Tamarisk Close
Bersted
PO22 9JG

PROPOSAL: Application under Regulation 3 of the Town and Country Planning (General Regulations) 1992 for the removal of all existing timber cladding and installation of new Hardie Plank cement board product to closely match existing in appearance. This application is in CIL Zone 4 (zero rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks permission for the removal of timber cladding and the installation of new Hardie Plank fibre cement cladding on a low rise residential block.
SITE CHARACTERISTICS	Low rise residential block of flats. External materials consist of concrete blockwork and dark brown timber cladding with white uPVC windows.
CHARACTER OF LOCALITY	Residential.

REPRESENTATIONS

Bersted Parish Council - awaiting response.

No public representations received to date.

COMMENTS ON REPRESENTATIONS RECEIVED:

No comments to make at this time. A report update will be issued once the publicity period has ended on 06/07/23.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

ADC Residential Services - awaiting response.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted, the report will be updated accordingly once the publicity period has ended on 06/07/23.

POLICY CONTEXT

Built Up Area Boundary
CIL Charging Zone 4

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DDM4	D DM4 Extensions&alter to exist builds(res and non-res)
DSP1	D SP1 Design

Bersted Neighbourhood Plan 2014 Policy ES1 Design of new development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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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 Bersted Neighbourhood Plan policies have been taken in to account.

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 complies with relevant Development Plan policies in that the replacement components, on a like for like basis, would not harm the character of the area or residential amenity and would conform with development plan policies.

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

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The key policies are D DM1 and D DM4 of the Arun Local Plan, and guidance outlined in the Arun Design Guide.

Bersted has a 'made' Neighbourhood Development Plan, of which policy ES1 is relevant. This policy is concerned with the design of new development and states that new development which would have an effect on the appearance or character of the surrounding area should be of a high-quality design and should contribute to local character by creating a sense of place appropriate to its location.

DESIGN & VISUAL AMENITY

The cladding is to be fixed to all elevations of the property and will be at high level, it will be highly visible in the locality.

The development is proposed due to the timber cladding being in disrepair. The cladding is to be replaced on a like for like basis in terms of its positioning on the elevation. The cladding envelopes the top half of the building on the front (north) elevation and wraps around the side and rear elevations at high level. The main alteration is the materials of the cladding which is to be changed from timber to fibre cement weatherboard cladding, this alteration is acceptable and will have little visual impact given the proposed cladding has a timber grain texture and look. The proposed chestnut brown colour is similar to the dark brown timber.

The development is sympathetic to, and reflective of, the existing building design and materiality, in accord with Arun Design Guide.

The alterations to the cladding will have minimal visual impact upon the character of the building or the locality and is in accord with D DM1 and D DM4 of the Arun Local Plan, ES1 of the Bersted NDP and Arun Design Guide.

RESIDENTIAL AMENITY

The Arun Design Guide states development should protect neighbouring amenity in terms of privacy and overshadowing, consider the positioning of neighbouring buildings and respond to existing elevations through the size and positioning of doors and windows. The proposal accords with these criteria.

As the alterations do not result in any change to the footprint or height of the building, the proposal will have no adverse overbearing or overshadowing impact on neighbouring properties. The location of the windows and doors are retained and will not give rise to any overlooking effects.

The proposal poses minimal impact on residential amenity and is in accord with D DM1 and D DM4 of the Arun Local Plan, and the Arun Design Guide.

OTHER ISSUES

The cladding is stated to be "non-combustible and offer the best fire protection possible for any coloured facade board". If the works involve work to a thermal element a submission under the Building Regulations may be required and the applicant should discuss the matter with Building Control to see if an application is required.

SUMMARY

This report has been written prior to the end of the statutory consultation period (due to end 06/07/23) to ensure the application can be considered at the planning committee on 12/07/23.

Subject to representations and consultation responses received prior to the end of the statutory consultation period on 06/07/23, at this point in time, the development is in accord with the relevant development plan policies and as such is recommended for approval subject to the following conditions and informatives.

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.

CIL DETAILS

This application is not CIL liable.

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 Plan, Existing Elevations and Roof Plan PL/01
- Proposed Elevations and Roof Plan PL/02

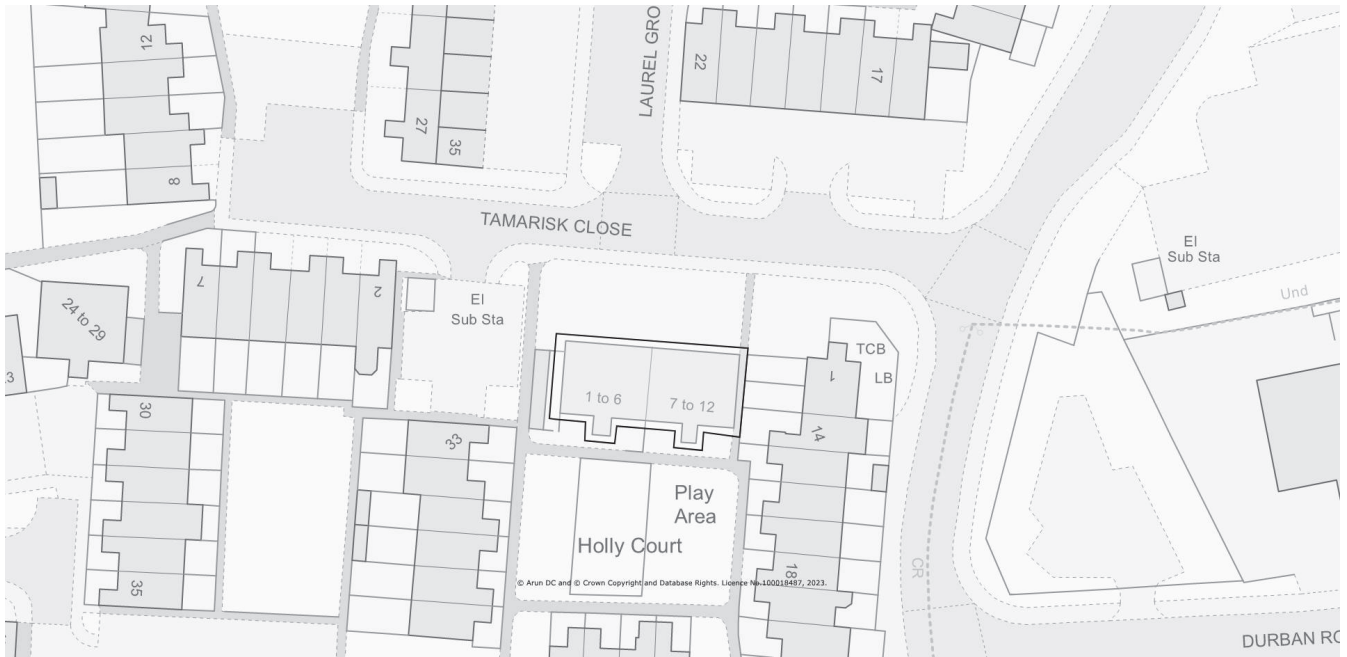
Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 **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.

BACKGROUND PAPERS

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

BE/57/23/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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