

PLANNING APPLICATION REPORT

REF NO: BE/51/24/PL

LOCATION: Land at Chalcroft Nurseries
Chalcroft Lane
Bersted
PO21 5TS

PROPOSAL: Feature wall either side of the access road into the development known as Nursery Fields. This application is in CIL Zone 4 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to construct a feature wall to either side of an access road which serves a site known as Nursery Fields.
SITE CHARACTERISTICS	The wider site has permission for 225 dwellings and is under construction. The access road joins Chalcroft Lane.
CHARACTER OF LOCALITY	The site is to the west of Bersted, on the northern outskirts of Bognor Regis. The wider area is built up in nature and predominately residential.

RELEVANT SITE HISTORY

BE/1/23/RES	Approval of reserved matters following BE/148/20/OUT for 225 No dwellings. This site affects a Public Right of Way and falls within Strategic Site SD3 CIL Zone 1 (Zero Rated).	ApproveConditionally 10-08-23
BE/148/20/OUT	Outline application with all matters, except for site access, reserved for the development of up to 225 residential units with associated infrastructure, open space and vehicular and pedestrian access. This application affects a Public Right of Way.	Refused 01-04-21
		Appeal: Allowed+Conditions 12-04-22

REPRESENTATIONS

Bersted Parish Council - objection.

- Not in keeping with the area.
- It would restrict the possibility of widening the access road which appears narrow.

1 representation received - No objection.

- The wall will tidy the entrance and create a tasteful landmark for the development.
- If there are concerns about the road width, why has this not been raised previously.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

The road width was dealt with under BE/148/20/OUT. If future proposals were submitted regarding an increase road width this may require the proposed development to be removed/altered.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSSC Highways - No objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Strategic Housing Allocation - West of Bersted (SD3)
Built-Up Area Boundary

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
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.

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 it would not have an adverse impact on the established character of the surrounding area or harm highway safety.

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.

BIODIVERSITY NET GAIN

This application is not liable for Biodiversity Net Gain (BNG).

CONCLUSIONS

The key policies that are relevant are D DM1 and D SP1 of the Arun Local Plan and the Arun Design Guide.

Bersted has a Neighbourhood Plan with policy ES1 of relevance to the application.

DESIGN AND VISUAL AMENITY

The proposal seeks to construct two brick feature walls which be to opposite sides of the access road leading to the housing development known as Nursery Fields and will front Chalcraft Lane. The walls will be set back approximately 6m from the boundary to the east fronting Chalcraft Lane.

The walls will have a height of 1.2m increasing to 1.7m via a sloping design as it extends away from the pavement. Each wall will be around 3m in total length and is slightly curved in nature. They will be constructed of red brick with flint panels and stone caps and will display a stone plaque engraved with the name and open date of the housing development.

The walls are not excessively large and appear appropriate in scale to their surroundings. There are examples of various boundary treatments within the vicinity featuring brick walls and fencing and the development would not appear as an isolated feature within the street scene.

ES1 of the Bersted Neighbourhood Plan state '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'. The design has added detailing via the integration of a flint panel which is appropriate for its location and the plaque helps to create a sense of place, as such it complies with policy.

Section H of the Arun Design Guide states 'Schemes should provides high quality boundary treatment that reflects and/or enhances the existing character of the area and its surroundings'. By reason of the size and design of the wall proposed, the scheme complies with the guidance reflecting the character of the area.

The design proposed is acceptable and would not result in harm to the visual amenity of the area. The proposal would accord with D DM1 and D SP1 of the Arun Local Plan, the Arun Design Guide and ES1 of the Neighbourhood Plan.

RESIDENTIAL AMENITY

The walls are positioned a suitable distance from the closest neighbouring dwelling at 92 Chalcraft Lane and are unlikely to be visible from this property. There are no properties to the southwest. They are set back from the highway, both from Chalcraft Lane to the east and from the access road when travelling north west and as such would not result in an obstruction.

Due to the type of development proposed, it would not result in adverse harm upon neighbouring amenity in accordance with D DM1 (3) of the Arun Local Plan.

CONCLUSION

The proposal would not result in adverse harm to the surrounding area or upon residential amenity and as such accords with relevant policies and is recommended for approval subject to conditions.

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 Plan - 221001/SL18/LP_EFW Rev A
- Site Plan, Elevation and Street Scene Plan - 221001/SL20 Rev A
- Site Layout with Entrance Feature Walls - 221001/SL22 Rev A
- Materials Schedule

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Arun Local Plan policies with D DM1 and D SP1 of the Arun Local Plan.

3 **INFORMATIVE:** Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is for development which is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

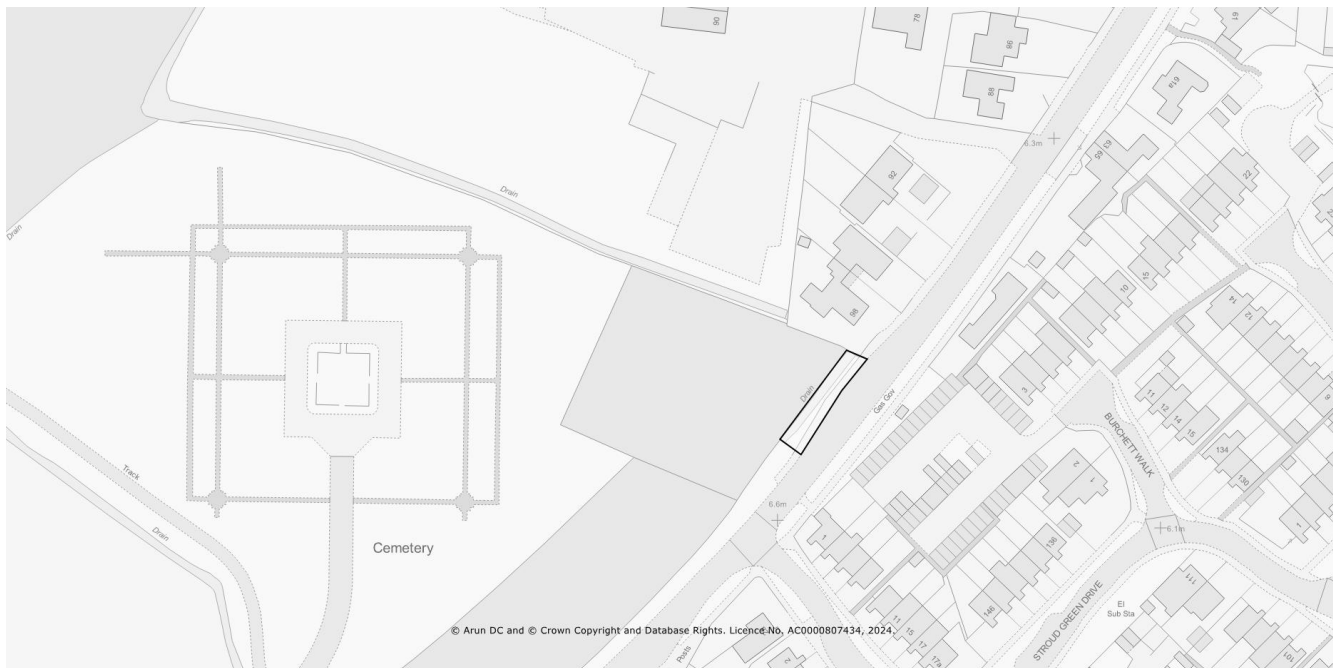
This planning permission is de minimus as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

4 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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/51/24/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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