

BE/21/07**PLANNING APPLICATION REPORT**

DESCRIPTION/ ADDRESS	- Application under Regulation 3 of the Town and Country Planning General Regulations 1992 for change of use from open land to public open space Land off Fir Tree Way, Ash Grove, North Bersted
-------------------------	---

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	The application is to revise the location of the open space.
SITE AREA	559 sq.m
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Land is predominantly flat but at a lower level than existing housing.
TREES	None
BOUNDARY TREATMENT	Wire mesh fencing.
SITE CHARACTERISTICS	Existing open space and part of a vacant field.
CHARACTER OF LOCALITY	Residential to the west. Rest of site is surrounded by a vacant field. The Aldingborne Rife is adjacent to the east.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
BE/21/97	Development of 20 No. 2 and 3-bed houses, access road and associated car parking.	Approved Conditionally 20-5-98

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Bersted Parish Council	Awaited
Local Groups	None
Other	None

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Environment Agency	Awaited.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan : LOC1 Arun District Local Plan : GEN20, GEN7

BE/21/07

PLANNING POLICY GUIDANCE

PPS 1 - Delivering Sustainable Development
 PPG17 - Sport and Recreation
 PPS 25 - Development and Flood Risk

POLICY COMMENTARY

The above policies combine to give the development control criteria against which application of this nature will be judge that is the effect on the visual and residential amenities of the area and on flooding.

COMMENT ON CONSULTATION RESPONSES

None

COMMENT ON REPRESENTATIONS RECEIVED

None

ASSESSMENT OF PROPOSAL**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 there will be no adverse effect on the amenities of the 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

The open space was required and constructed when planning permission was granted to the residential development of Fir Tree Way.

The open space area is on lower lying land that is part of the flood plain of the Aldingbourne Rife.

This application is to relocate the open space from adjacent to 10 Fir Tree Way where its use has been having an adverse effect on the residential amenities of the residents of that property. Also access has been obtained in the adjoining industrial premises causing nuisance to the occupiers.

The relocation of the open space within the vacant land is acceptable. It is also larger in size which will be even more usable. As it is away from the residential properties it will mean that their residential amenities are less affected.

The Environment Agency were consulted before the submission of the application and indicated that they had no objection subject to no land raising, any new fencing shall be constructed to allow floodwater to flow, access gates to be provided and warning signs to be erected.

It is therefore recommended that the application be approved subject to the conditions set out

BE/21/07 **CONCLUSIONS**

overleaf.

Owing to the statutory publicity period not expiring until 12th April 2007, it is recommended that the decision be delegated to the Head of Planning Services and Housing Strategy in consultation with the Chairman of the Committee.

BERSTED

BE/21/07/

Application under Regulation 3 of the
Town & Country Planning General
Regulations 1992 for change of use
from open land to public open space

Land Off Fir Tree Way
Ash Grove
North Bersted

RECOMMENDATION

Approve Conditions

- 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 Details of the fencing and access gates shall be submitted to and approved in writing by the local planning authority before the development hereby permitted is commenced. The approved fencing shall not thereafter be altered without the written consent of the local planning authority.

Reason: To allow floodwater to flow in accordance with policy GEN 11 of the Arun District Local Plan.

- 3 There shall be no raising of the land without the prior permission of the local planning authority on an application on that behalf.

Reason: To allow floodwater to flow in accordance with policy GEN11 of the Arun District Local Plan.

- 4 Details of warning signs highlighting health and safety issues shall be submitted to and approved in writing by the local planning authority before development is commenced.

Reason: In the interests of safety in accordance with policy GEN 11 of the Arun District Local Plan.

