Recommendation Report for Planning Permission

REF NO: **BE/48/14/PL**

LOCATION: Site 6
Chichester Road
North Bersted

PROPOSAL: Application for the variation of Condition 2 (approved drawings) following a grant of planning permission BE/122/10/

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application is to vary the list of approved plans on planning permission BE/122/10 as a result of amendments required to road alignment outside of the new primary school site (currently under construction).
SITE AREA	12.59 hectares.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	30 dph
TOPOGRAPHY	Predominantly flat.
TREES	The development proposals would result in the retention of all the magnificent hedgerows and trees in this part of the development.
BOUNDARY TREATMENT	Hedgerows, some post and wire fencing and other fencing.
SITE CHARACTERISTICS	Residential development site currently under construction.
CHARACTER OF LOCALITY	The application site is located adjacent to the northern edge of North Bersted. The development will form an integrated extension to the existing urban area of North Bersted. The development will be bounded by the A259 Chichester Road and properties in Bucksham Avenue to the west. The southern boundary is mainly defined by residential development along North Bersted Street. Berry Lane runs northwards from North Bersted Street into the site. The northern boundary will be defined by the Bognor Regis Northern Relief Road. To the east of the residential development site is located the area of land allocated within Arun District Local Plan Policy SITE3 (v) as

public open space. This area is defined by North Bersted Street to the west, Roman Way and residential properties in Addison Way and Sunningdale Gardens to the south, and will be bounded by the relief road to the north. The North Bersted Conservation Area abuts the south eastern corner of this public open space area.

RELEVANT SITE HISTORY

BE/122/10/	Erection of 373 dwellings, together with associated access, landscaping and engineering works, in substitution for details previously approved as reserved matters pursuant to outline planning permission BE/45/04 (representing an increase of 106 dwellings over that previously approved) - This application is accompanied by an Environmental Impact Assessment	App Cond with S106 28-09-2011

BE/122/10 granted planning permission for an additional 106 dwellings on the site and was accompanied by a S106 to provide for additional infrastructure, including affordable housing.

REPRESENTATIONS

Representations received:

Bersted Parish Council

None

Comments on Representations received:

n/a

CONSULTATIONS

Highways Agency
WSCC Strategic Planning
WSCC Strategic Planning

Consultations responses received:

WSCC (Highways)- Design of adoptable access roads within Phase 3 are acceptable and Technical Approval is granted.

Comments on Consultation responses:

Noted

POLICY CONTEXT

Designation applicable to site:
(NOT REQUIRED FOR CLE/CLP)

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development

SITE6 Land to the North of Bersted, Bognor Regis and Felpham

Publication Version of the Local Plan (October 2014):

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

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.

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 site lies within the built-up area as defined in the Arun District Local Plan where the principle of residential development is acceptable subject to normal development control criteria being met. Planning permission has been granted by the Secretary of State on the whole of the site, known as Site 6, for the development of 650 dwellings in total at Bersted. Berkeley Homes have permission to construct 434 of these units, with Persimmon Homes constructing the other 216 dwellings.

Planning application BE/122/10 related to the erection of 373 dwellings on part of the Berkeley Homes land in substitution for details previously approved. This represents an overall increase of 106 dwellings over the numbers previously approved, together with variations to the design and mix of house types across the site to reflect current economic and social conditions.

The amendments include the provision of 9 parking bays for pick up/drop off outside of the primary school site. These have been included at the request of WSCC as part of the proposals for a new school. It is considered that these minor amendments are acceptable and will benefit the highways matters associated with the new primary school when it opens.

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 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 neutral 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).

SECTION 106 DETAILS

The s106 agreement attached to planning permission BE/122/10 remains in place as this amendment relates only to the road layout and not any additional or reduced numbers of dwellings.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The following plans have been included within Condition 2 of planning permission BE/122/10.

2037/PH3/S38/301 U
2037/PH3/GA/301 Y
2037/PH3/GA/302 BB

All other plans listed within this condition remain part of the planning permission.

Reason: For the avoidance of doubt and in accordance with Policy GEN7 of the Arun Local Plan.

2 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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 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.

3 INFORMATIVE: All of the conditions attached to BE/122/10 remain the approved planning conditions and this remains the relevant planning permission with the planning obligation requirements attached.