

Recommendation Report for Planning Permission

REF NO: BE/81/13/

LOCATION: Site 6
Chichester Road
North Bersted

PROPOSAL: Variation of Condition No. 2 following a grant of planning permission BE/122/10
- proposed house types.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Planning application BE/122/10 granted planning permission for the erection of 373 dwellings on Phases 2-5 of the Berkeley Homes land at Site 6. This represented an overall increase of 106 dwellings over the number previously approved, together with variations in the design and mix of house types across the site.

This application relates to some minor amendments to these approved plans in respect of house types and therefore seeks only to vary the list of approved plans contained within condition 2 attached to BE/122/10.

SITE AREA

12.59 hectares

RESIDENTIAL DEVELOPMENT DENSITY (NET) 30 dwellings per hectare

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 Previously agricultural land.

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/131/07/	Reserved matters pursuant to outline planning permission BE/45/04 relating to phase 1 of the residential development for 100 dwellings together with associated highways and drainage works - This application affects a public right of way and the setting of the North Bersted Conservation Area	App Cond with S106 30-04-2008
BE/85/09/	Revisions to reserved matters planning applications BE/131/07; BE/23/08; & BE/8/09 to provide 8 'FOG' units to 'The Boulevard' & 4 pairs of semi-detached units on Chichester Road frontage with associated garaging & parking. Amendments to Phases 1-4 to maintain overall unit numbers at 434 units.	App Cond with S106 15-12-2009
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

REPRESENTATIONS

Representations received:

Bersted Parish Council

Bersted Parish Council - No objection

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

- none

Comments on Consultation responses:

N/A

POLICY CONTEXT

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

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>GEN7</u>	The Form of New Development
	<u>GEN9</u>	Foul and Surface Water Drainage
	<u>SITE6</u>	Land to the North of Bersted, Bognor Regis and Felpham

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

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

Paragraph 214 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.

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.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the Draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

CONCLUSIONS

As stated already, these proposals are for minor amendments to the approved drawings for planning permission BE/122/10. In more detail, the amendments comprise the following;

- Plots 688-689 - introduction of garden rooms (previously block 13)
- Plot 690 - substitution of house type (new house type on drawing list above)
- Plot 691-692 - substitution of house type (new house type on drawing list above)
- Plot 693 - substitution of house type (new house type on drawing list above)
- Plot 694 - updated house type and internal reconfiguration (new house type on drawing list above)
- Plot 696 - substitution of house type (new house type on drawing list above)
- Plot 697 - substitution of house type (new house type on drawing list above)
- Plot 698 - substitution of house type (new house type on drawing list above)
- Plots 700-701 - substitution of house type (new house type on drawing list above)
- Plot 702 - updated house type and minor internal reconfiguration (new house type on drawing list above)
- Plots 703-708 - amended block, previously Block 14 (plots 703-709)
- Plot 709 - introduction of a 2-bed FOG unit
- Sonning House (previously block 15) plots 710-726 - minor elevational changes, internal reconfiguration to provide a lift
- Plot 727 - introduction of 2-bed FOG unit
- Plots 728-733 - updated block (previously block 16, plots 727-733)
- Plots 734-735 - previously block 17 - introduction of garden rooms
- Plots 736-743 - previously block 19 - updated block
- Plots 744-748 - previously block 18 - updated block
- Plots 754 - updated housetype
- Plots 755-756 - introduction of garden rooms (previously block 21)

There was a similar planning permission granted (BE/69/13) for minor amendments within phase 3a. This submission relates to phase 2d.

All of the above amendments are minor in nature and do not affect the overall quality of the scheme. They therefore respect the character of the development and the area. The addition of garden rooms and a garage will result in no adverse impact on the residential amenity of any existing or future occupants.

It is therefore recommended that the application be approved and condition 2 is varied to include the list of plans that relate to the above amendments.

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).

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 [ref 1777-A-1001-B]
Site Layout Plans [ref 1777-C-1005-N & 1006-M]
Site Layout Phases 1-4 S783/PH3A/01
Site Layout Phases 1-4 S783/P1-4/Rev B
Master Plan [ref 1777-C-1000-K]
A-3130 rev E Block 23 (Plots 769-773), Elevations
A-3251 rev E Block 47 (Plots 880-886), Elevations
A-3295 Block 56 (plots 942-946) Floor plans rev B
A-3296 Block 56 (plots 942-946) Elevations rev C
A-3300 Block 57 (plots 947-951) Floor plans rev B
A-3301 Block 57 (plots 947-951) Elevations rev C
A-3305 Block 58 (plots 952-957) Floor Plans & Elevations rev D
A-3310 Block 59 (plots 962-966) Floor Plans rev D
A-3311 Block 59 (plots 962-966) Elevations rev D

A-3315 Block 60 (plots 967-969) Floor Plans & Elevations rev D
A-3320 Block 61 (plots 970-973) Floor Plans rev D
A-3321 Block 61 (plots 970-973) Elevations rev D
A-3325 Block 62 (plots 640-641 Floor Plans & Elevations rev A
A-3326 Block 63 (plots 647-648) Floor Plans & Elevations rev A
A-3500 Garages - Floor Plans & Elevations (Sheet 1) rev C
A-3501 Garages - Floor Plans & Elevations (Sheet 2) rev D
A-3550 Carports - Floor Plans & Elevations (Sheet 1) rev D
A-3551 Carports - Floor Plans & Elevations (Sheet 2) rev D
A-3552 Carports - Floor Plans & Elevations (Sheet 3) rev D
A-3600 Storage - Floor Plans and Elevations Rev D
C-1005 Phase 1-4 Rev P
C-1006 Phase 5 Rev N
A-1007 Storey Height Rev E
A-1008 Dwelling Distribution Rev D
A-1009 Construction Phasing Rev E
C-1010 Street Elevation A Rev C
C-1011 Street Elevation B Rev C
C-1012 Street Elevation C Rev C
C-1013 Street Elevation D Rev D
C-1020 Street Elevation E,F and G Rev C
C-1021 Street Elevation H and J Rev C
C-1022 Street Elevation K and L Rev D
A-4000 Design and Access Rev F
A-3000 Block 1 Rev C
A-3005 Block 2 Rev D
A-3006 Block 2 Rev D
A-3010 Block 3 Rev C
A-3015 Block 4 Rev D
A-3020 Block 5 Rev B
A-3021 Block 5 Rev C
A-3030 Block 6 Rev C
A-3035 Block 7 Rev C
A-3040 Block 8 Rev C
A-3045 Block 9 Rev C
A-3046 Block 9 Rev C
A-3055 Block 11 Rev C
A-3060 Block 12 Rev C
A-3205 Block 38 Rev E
A-3210 Block 39 Rev D
A-3211 Block 39 Rev D
A-3215 Block 40 Rev E
A-3220 Block 41 Rev C
A-3225 Block 42 Rev D
A-3226 Block 42 Rev D
A-3230 Block 43 Rev F
A-3235 Block 44 Rev D
A-3236 Block 44 Rev D
A-3240 Block 45 Rev C
A-3245 Block 46 Rev D
A-3250 Block 47 Rev C

A-3255 Block 48 Rev C
A-3256 Block 48 Rev D
A-3260 Block 49 Rev E
A-3261 Block 49 Rev E
A-3265 Block 50 Rev D
A-3270 Block 51 Rev D
A-3275 Block 52 Rev D
A-3276 Block 52 Rev D
A-3280 Block 53 Rev D
A-3285 Block 54 Rev E
A-3290 Block 55 Rev C
A-2371 3BH7.2 Rev D
A-2372 3BH7.2 Rev D
A-2373 3BH7.2 Rev D
A-2412 4BH1 Rev D
A-2413 4BH1 Rev D
A-2436 4BH3 Rev D
A-2437 4BH3.1 Rev D
A-2438 4BH3.1 Rev D
A-2439 4BH3.1 Rev A
A-2440 4BH3.1 Rev A
A-2441 4BH3.1 Rev A
A-2442 4BH4 Rev D
A-2443 4BH4 Rev D
A-2444 4BH3.1 Rev A
A-2453 4BH5 Rev D
A-2454 4BH5 Rev D
A-2462 4BH6 Rev D
A-2463 4BH6 Rev C
A-2464 4BH6 Rev C
A-2473 4BH7 Rev C
A-2474 4BH7 Rev C
A-2482 4BH3.1 Rev D
A-2483 4BH3.1 Rev D
A-2484 4BH3.1 Rev B
A-2486 4BH3.1 Rev A
A-2553 5BH5 Rev C
A-2555 4BH3.1 Rev A
A-2556 4BH3.1 Rev A
A-2558 4BH3 Rev A
A-3120 Block 22 Rev C
A-3121 Block 22 Rev B
A-3135 Block 24 Rev D
A-3140 Block 25 Rev D
A-3195 Block 36 Rev C
A-3200 Block 37 Rev D
A-3201 Block 37 Rev D

S812/Ph2d/P688-690 (plots 688 - 690), Floor Plans & Elevations
S812/Ph2d/P691-692 (plots 691 - 692), Floor Plans & Elevations
S812/Ph2d/P693-694 (plots 693 - 694), Floor Plans & Elevations

S812/Ph2d/P698 (plots 698), Floor Plans & Elevations
S812/Ph2d/P700-701 A (plots 700 - 701), Floor Plans & Elevations
S812/Ph2d/P702 (plot 702), Floor Plans & Elevations
S812/Ph2d/P703-708/01 (plots 703 - 708), Floor Plans
S812/Ph2d/P703-708/02 (plots 703 - 708), Elevations
S812/Ph2d/P710-726/01 (plots 710 - 726), Ground & First Floor Plans
S812/Ph2d/P710-726/02 (plots 710 - 726), Second Floor Plan
S812/Ph2d/P710-726/03 (plots 710 - 726), Elevations - Sheet 1
S812/Ph2d/P710-726/04 (plots 710 - 726), Elevations - Sheet 2
S812/Ph2d/P728-733 (plots 728 - 733), Floor Plans
S812/Ph2d/P728-733 (plots 728 - 733), Elevations
S812/Ph2d/P734-735 (plots 734 - 735), Floor Plans & Elevations
S812/Ph2d/P736-743/01 (plots 736 - 743), Floor Plans
S812/Ph2d/P736-743/02 (plots 736 - 743), Elevations
S812/Ph2d/P744-748/01 (plots 744 - 748), Floor Plans
S812/Ph2d/P754-756 (plots 754 - 756), Floor Plans & Elevations

S813/Ph3a/P780-782 Block 26 (Plots 780-782), Floor Plans & Elevations
S813/Ph3a/P783-786 Block 27 (Plots 783-786), Floor Plans & Elevations
S813/Ph3a/P787-793 Block 28 (Plots 787-793), Floor Plans & Elevations
S813/Ph3a/P794-799 Block 29 (Plots 794-799), Floor Plans & Elevations
S813/Ph3a/P800-802 Block 30 (Plots 800-802), Floor Plans & Elevations
S813/Ph3a/P803-804 Block 31 (Plots 803-804), Floor Plans & Elevations
S813/Ph3a/P805-806 Block 32 (Plots 805-806), Floor Plans & Elevations
S813/Ph3a/P807-809 Block 33 (Plots 807-809), Floor Plans & Elevations
S813/Ph3a/P810-814 Block 34 (Plots 810-814), Floor Plans & Elevations
S813/Ph3a/P815-820 Block 35 (Plots 815-820), Floor Plans & Elevations

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The development permitted by this planning permission shall only be carried out in accordance with the approved Environmental Statement (October 2010/project reference 12260816-002/WSP) and the following mitigation measures detailed within the Environmental Statement:

1. As identified within section 11 of the ES "Ecology and Nature Conservation" parts 11.5.10, 11.5.11, 11.5.12, the water vole mitigation proposed shall be followed. Prior to works commencing a water vole survey will be required, undertaken by a suitably qualified ecologist. If field signs are confirmed a scheme for mitigation shall be submitted for approval to the Local Planning Authority.

Reason: This condition is necessary to protect the water vole (*Arvicola terrestris*) and its habitat within and adjacent to the development site. Without it, avoidable damage could be caused to the nature conservation value of the site contrary to national planning policy. The applicant could also be liable to criminal prosecution under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000).

- 4 The Construction Environmental Management Plan (CEMP) submitted to the Local Planning Authority on 28th January 2008 shall be adhered to in the development hereby

approved, and this shall include the undertaking of risk assessments as detailed construction methods become known, and the production of method statements to be developed to control the risks identified. These assessments and method statements shall be made available to the Local Planning Authority at any time on its request. Should the Authority not agree with any such risk assessment or method statement, then it shall be revised and represented to the Authority for its written approval.

Reason: To ensure that development adheres to the Environmental Statement which formed part of the outline permission BE/54/04, which the current application is intended to support.

- 5 All garages, (including any integral garages), parking spaces and cycle parking facilities shall be provided in accordance with the approved plans prior to the occupation of the dwelling (s) which they are intended to serve. Thereafter they shall be permanently retained for vehicle and cycle parking purposes.

Reason. In the interests of highway safety and to ensure that facilities are provided and retained for a range of transport modes in accordance with the NPPF.

- 6 Details of the siting and size of the storm water tanks shall be submitted to and approved in writing by the local planning authority before development is commenced.

Reason: To ensure the proper drainage of the site in accordance with policy GEN9 of the Arun District Local Plan.

- 7 INFORMATIVE: The applicant is advised that, as from 6 April 2008, the submission of a 'Site Waste Management Plan' (SWMP) is mandatory for all construction projects in England with a project cost greater than £300,000 (excluding VAT) under the provisions of Section 54 of the Clean Neighbourhoods and Environment Act 2005. Further information on the requirements of SWMPs and how they should be applied in practice can be obtained from DEFRA, 6/F7 6D, Ergon House, Horseferry Road, London, SW1P 2AL, Tel. (0207) 2384847 or at their website: www.defra.gov.uk/constructionwaste

- 8 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.