

Recommendation Report for Planning Permission**REF NO:** BR/295/11/**LOCATION:** Beatrice House
Northcliffe Road
Bognor Regis**PROPOSAL:** Community garden to provide pathways, railings and planting**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The application seeks consent to provide a community garden consisting of pathways, railings and planting.
SITE AREA	Approximately 379 sq metres
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	Various semi-mature trees.
BOUNDARY TREATMENT	Timber perforate fence, approximately 300mm high.
SITE CHARACTERISTICS	Courtyard area laid to grass surrounded by two storey modern residential development.
CHARACTER OF LOCALITY	Predominantly residential comprising modern residential development of two storey dwellings and flats.

RELEVANT SITE HISTORY

BR/588/87	Application under Regulation 4 of the Town and Country Planning (General Development Order) 1977 - Outline Application for Social Services Hostel for the mentally handicapped.	No Object'n Sub 16-12-1987
BR/54/89	Application under Regulation 4 of the Town and Country Planning General Regulations 1976 for Outline Application in respect of residential use including two new road access, off existing road.	Deemed Perm Cnd 29-03-1989
BR/178/89	Application under Regulation 5 of the Town and Country Planning General Regulations 1976 for Outline Approval in respect of residential use including two new road accesses off existing road.	Approved Cond 14-07-1989

BR/8/90	Details in pursuance of BR/178/89 for the erection of 26 no. 2-storey houses and 38 no. 2-storey flats	Approve Cond 28-02-1990
BR/141/90	Details in Pursuance of BR/178/89 for the erection of 4 No two storey 2 bedroom houses and 10 No two storey 3 bedroom houses	Approve Cond 09-05-1990
BR/137/49/A	O/L for residential estate of 70 houses	Refused 03-07-1962
BR/260/84	Outline application for residential development with construction of an access road to the land at the rear north	Approve Cond 27-06-1984

REPRESENTATIONS**Representations received:**

Bognor Regis Town Council

No objection.

1 Letter of Objection:-

This will encourage more noise and anti-social behaviour, as there used to be a seating area here, covered in cans, bottles and other anti-social behaviour.

Comments on Representations received:

Comments noted. The Housing Association will be responsible for the maintenance and management of this space. The applicant has confirmed that seating was originally proposed, but omitted from the plans in order to prevent anti-social behaviour.

CONSULTATIONS

Planning Solicitor

Consultations responses received:

Parks and Green Spaces: The proposal of a community garden in this location, if public access is maintained, would count as a positive initiative and would be welcomed.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within built-up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

GEN7
GEN2

The Form of New Development
Built-up Area Boundary

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.

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 is an area of public open space within a residential estate of modern two storey dwellings and flats. The site is laid to grass with a number of semi-mature trees and is enclosed by perforate timber fencing, approximately 300mm high.

It is proposed to create a more formal landscaped area with diagonal pathways converging in the centre. The plans include steel single standard bow top fencing, 1 metre high, to demarcate the pathways, 2 formal grassed areas, one with 700mm high grassed mound, and two further areas enclosed by railings with planting of summer meadow of grasses, wild flowers and shrubs. A Rowan Tree is to be planted in the centre of the garden with a steel treeguard surround. Two Field Maples will be retained and one is to be removed on the western side of the garden. The pathways will measure approximately 1.2 metres in width and will be finished in rolled tarmac with red brick edging. The eastern boundary will not be enclosed with railings.

The area is currently open space devoid of planting, other than grass and semi-mature trees. The proposed new community garden will improve the visual amenities of the area by creating a more attractive public open space. The proposal is therefore considered to comply with policy GEN7, by creating an attractive place and space with the needs of people in mind ii); and retains a significant open area, which makes a contribution to the local environment vi). With regard to neighbouring amenity, some concern is raised in relation to potential anti-social behaviour. The applicant confirms that proposed seating has been omitted from the plans, in order to discourage anti-social behaviour. The proposed garden is considered to be a high standard of design and layout, and due regard is had to the amenities of neighbouring properties, to comply with policy GEN7 iv).

It is therefore recommended that planning permission is granted, subject to the following conditions.

HUMAN RIGHTS ACT

FOR APPROVAL

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 for 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

Not applicable in this instance.

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: Proposed Site Plan, received on 12 March 2012.

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 Landscaping (hard and soft) shall be carried out in accordance with the details shown on plan (Proposed Site Plan received 12.3.2012). All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding season, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 4 **INFORMATIVE:** Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN7, GEN2

NATIONAL POLICIES: National Planning Policy Framework (2012)

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.