

Recommendation Report for Planning Permission

REF NO: FP/118/12/

LOCATION: Site 6
Land North of Felpham
Bognor Regis

PROPOSAL: Development of 22No. 4, 3 and 2 bedroom houses with associated parking and landscaping. (Amendments to plots 40-51 and 58-67 inclusive, approved under application FP/237/08).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This application relates to Phase 1 of Policy Site 6 at Felpham.

The application follows on from previous consents granted under FP/251/07 and FP/237/08 and involves a replan of a small section of Phase 1 relating to 22 dwellings.

There is no increase in dwelling numbers only a change in mix of housing types to incorporate more detached units with on site parking rather than central shared car parking areas and loss of flats over garage units.

In detail the proposal involves the following changes (approved/proposed):

5 bedrooms (2/1)
4 bedrooms (27/29)
3 bedrooms (63/64)
2 bedrooms (12/12)
2 bed FOG (11/9)
2 bed apart(8/8)
1 bed apart(4/4)

Whilst the number of total units is unchanged (127) there is an increase of two bedspaces in total. Parking provision is reduced by a single space from 45 to 44 spaces.

Apart from changes involving the loss of central shared parking areas the general layout remains as previously approved with minor changes to siting and house types around the perimeter of the phase.

SITE AREA 0.5 hectares

RESIDENTIAL DEVELOPMENT DEN N/A

TOPOGRAPHY Predominantly flat.

TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	n/a
SITE CHARACTERISTICS	Site bounded by new residential development comprising Phase 1 of consented scheme.
CHARACTER OF LOCALITY	Development site.

RELEVANT SITE HISTORY

FP/92/04/	Outline Application for residential development and associated uses forming part of policy site 6. Construction of the Bognor Regis Northern Relief Road from A259 at Felpham to A29 (This application is accompanied by an environmental statement and affects a public right of way)	Called In by DCLG 30-11-2004 Appeal: Allowed+Conditions 22 11 2006
FP/251/07/	Reserved Matters application pursuant to outline planning permission FP/92/04 relating to 3 phases of residential development for 464 dwellings, and up to 217sqm retail floorspace, with associated residential roads, drainage works and public open space - This application affects a Public Right of Way	Approved Cond + S106 18-09-2008
FP/237/08/	Amendment to provide changes to 200 residential units previously approved in accordance with Reserved Matters application FP/251/07 pursuant to outline planning permission FP/92/04 relating to three phases of residential development for 464 dwellings, and up to 217sqm retail floor space with associated residential roads, drainage works and public open space - This application also falls within the parish of Yapton	Approved Cond + S106 03-03-2009

REPRESENTATIONS

Representations received:

Felpham Parish Council

raise no objection.

West Sussex Wildlife Protection comment that the land needs checking for possible wildlife habitation.

Comments on Representations received:

The principle and general layout have already been established through earlier planning

approvals.

CONSULTATIONS

WSCC Local Development Divis.
Env. Amenities & Comm. Safety
Environment Agency

Consultations responses received:

Environment Agency raise no comment on the basis that the scheme does not involve additional residential units.

West Sussex County Council raise no highway objection as the public highway does not appear to be altered and parking provision has been approved.

Comments on Consultation responses:

Noted

POLICY CONTEXT

Designation applicable to site:
Within Built-Up Boundary
Site 6

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN8	Development and the Provision of Infrastructure
	GEN12	Parking in New Development

PLANNING POLICY GUIDANCE

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

Following the grant of planning permission, the developer now seeks to adjust the mix of housing across a small part of Phase 1 of the Felpham Site 6 Development Site.

Phase 1 is located at the eastern end of the development site and abuts an open space area fronting Flansham Lane to the east and existing residential development in Roundle Avenue to the south. The replan area involves the south eastern corner of Phase 1.

The current proposal seeks to amend the mix of house types mainly a reduction in 5 bed and flat over garage units and an increase in both 3 and 4 bedroom units. These changes have allowed parking to be generally provided on site with a reduction in the use of parking courts. This is a preferred option for potential purchasers.

The same number of units are retained over the entire phase and the internal road system is largely unaffected by the change in house types and alterations to plots and the minor resiting of buildings.

Whilst this phase abuts properties in Roundle Avenue the alterations only affect five houses along this boundary. These alterations involve house changes and minor resittings which will have no appreciable impacts on residential amenity. It will be appreciated that these properties are separated from existing development by a service road and grassed verge. The minimum distance between proposed and existing houses is in the order of 32 metres. Properties which abut the eastern boundary face an existing recreation ground whilst changes to other boundaries are not significant.

The proposal will therefore have no additional material impacts on the character or appearance of the area or on residential amenity.

It is therefore recommended that the application be approved subject to the conditions set out below and the completion of a Deed of Variation to cover the issue of the new consent within the terms of existing Legal Agreements on the site. A draft Deed has been prepared and is in the process of being signed by relevant parties.

HUMAN RIGHTS ACT

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

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 No development shall be carried out unless and until a schedule of materials and finishes to be used for external walls (and roofs) of the proposed dwellings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the character and appearance of the area by endeavouring to achieve buildings of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The development hereby approved shall be carried out in accordance with the following approved plans:

PLAN-LOC/120524
PLAN-LAY/PH1/120524
PLAN-LAY/AO/PH1/1020524
STREET SCENE/PH1/120524/01
STREET SCENE/PH1/120524/02
341.D1/PH1/120524/HT-FP
341.D1/PH1/120524/HT-EL
341.E1/PH1/120524/HT-FP
341.E1/PH1/120524/HT-EL
110627/HT/230.A/FP
230.A/PH1/120524/HT-EL
341.W2/PH1/120524/HT-FP
341.W2/PH1/120524/HT-EL
341.W/PH1/120524/HT-FP
341.W/PH1/120524/HT-EL
382.E/PH1/120524/HT-FP
382.E/PH1/120524/HT-EL
404/PH1/120524/HT-FP
404/PH1/120524/HT-EL
421.1/PH1/120524/HT-FP
421.1/PH1/120524/HT-EL
421/PH1/120524/HT-EL
421/PH1/120524/HT-FP

469/PH1/120524/HT-EL
469/PH1/120524/HT-FP
DG.1/PH1/120524/AB-EP
DG.6/PH1/120524/AB-EP
SG.1/PH1/120525/AB-EP

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.

- 4 The finished ground floor levels of the dwellings hereby approved shall not exceed the levels shown in the Engineering Layout Drawings numbered 4180 /01D,/02/D,/03/D,/04/D,/05/D and /06/B received by the Local Planning Authority on dates referred to in the Appendix at Informative 47 on Notice FP/251/07, unless the Local Planning Authority gives prior written approval for any variation and this condition shall apply notwithstanding any information contained in the current application.

Reason: To accord with Policy GEN7 of the Arun District Local Plan.

- 5 The ground floor level of all buildings on the site shall be at least 3.5 metres AOD.

Reason: To accord with Policies GEN11 and SITE6 of the Arun District Local Plan.

- 6 Within three months of the date of this notice of permission, or other period as agreed in writing by the local planning authority, written confirmation from a lighting engineer or lighting consultant shall be provided to the Local Planning Authority to confirm that the proposed lighting scheme for the development complies with ILE Guidance for Reduction of Obtrusive Light, and is in accordance with the Environmental Statement of March 2005 which accompanied the outline application FP/92/04. If the scheme does not meet these requirements, amendments shall be submitted within a further period of two months to the Local Planning Authority and approved in writing.

Reason: In the interests of clarity to accord with Policy GEN33 of the Arun District Local Plan.

- 7 Prior to the occupation of the first dwelling, details of the design of street furniture including; lampposts, bollards, signage and benches shall be submitted to and approved by the Local Planning Authority and the details thus approved shall be used in the development unless the Local Planning Authority gives prior written approval for any variation.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a development of visual quality in accordance with Policy GEN7 of the Arun District Local Plan.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 , or any Order revoking or re-enacting that Order, there shall be no additional windows or other openings (other than those shown on the plans hereby approved) at first floor level or above in the following elevations of the dwelling at the following plots in phase 1 without the prior permission of the Local Planning Authority on an application in that behalf:

Plot 40 south elevation

Plot 48 east elevation
Plot 59 east elevation
Plot 63 south elevation
Plot 65 north elevation
Plot 66 north elevation
Plot 67 North elevation

Reason: To protect the amenities of adjoining residential properties in accordance with policy GEN7 of the Arun District Local Plan.

- 9 All garages, including integral garages, parking spaces and cycle parking facilities shown on the layout drawing PLAN_LAY/PH1/120524 shall be provided prior to the occupation of the dwellings which they are intended to serve. The parking spaces and garages shall be allocated to the dwellings according to the number which appears on the plan referenced in this condition. Thereafter garages, parking spaces and facilities shall be permanently retained for vehicles and cycle parking purposes unless the Local Planning Authority gives prior written consent for any variation.

Reason: In the interests of highway safety and to ensure that facilities are provided and retained for a range of transport modes and to accord with policy GEN7 of the Arun District Local Plan.

- 10 The roads, footways, verges and cycle-ways hereby permitted shall not be gated and shall remain open and freely accessible at all times to all members of the general public and kept free of any gates, barriers or other obstructions.

Reason: In the interests of highway safety and to accord with policy GEN7 of the Arun District Local Plan.

- 11 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 SITE6

NATIONAL POLICIES: NPPF

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

- 12 INFORMATIVE: As this consent represents an amendment to an earlier approval, this consent (FP/118/12) and its attaching conditions should be read in conjunction with decision notice FP/237/08 and its conditions which remain extant.