

Recommendation Report for Planning Permission

REF NO: FP/132/12/

LOCATION: Site 6
Land North of Felpham
Bognor

PROPOSAL: Application for variation of condition 2 following grant of planning permission FP/224/11/ to replace Barwick house type to plot 195 with Tiverton house type

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application relates to the most recent approval granted under FP/224/11 which involved a replan of phases 2,4 and 5. The current application seeks to amend a house type on plot 195 of Phase 2 from a 3 bed Barwick unit to a 2 bed Tiverton model. This involves minor changes to the external appearance of the building involving a reduction in the number of window openings at first floor level. This submission seeks to accommodate this change by way of a variation of condition (2) on FP/224/11 which lists the approved plans.
SITE AREA	n/a
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	n/a
SITE CHARACTERISTICS	Former agricultural land now under development.
CHARACTER OF LOCALITY	Development site.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Felpham Parish Council
raise no objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

POLICY CONTEXT

Designation applicable to site:

Within Built-Up Area

Site 6

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN2](#)
[GEN7](#)

Built-up Area Boundary

The Form of New Development

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 proposal in seeking to amend a house type on a single plot will have no discernible impacts either on the locality or surrounding residents.

It is therefore recommended for approval with all previous conditions attached to FP/224/11 repeated apart from the required variation to condition no.2.

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 (The 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 the following impacts no negative 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 approved shall be carried out in accordance with the following (in part) approved plans:

PLAN-LOC/110113 Rev A
PLAN-LAY/PH2/110113 Rev K
PLAN-LAY/PH5/110113-1 Rev F
PLAN-LAY/PH5/110113 -2 Rev E
PLAN-LAY/PH5/110113-3 Rev A
PLAN-LAY/PH4/110113 Rev F
PLAN-LAY/AO/PH2/110113
PLAN-LAY/AO/PH4/110113
PLAN-LAY/AO/PH5/110113-1
PLAN-LAY/AO/PH5/110113-2
STREET-SCENE/PH2/110113/02
PLAN-LAY/PH2/110113/01

SCE/PH2/110113
SCE/PH4/110113
SCE/PH5/110113

4347:82
4347:700
4347:71
4348:04 Rev B
4348:06 Rev B
4347:06 Rev B
4348:05 Rev B
4347:72
4347:81
4347:83
4347:701
4347:70
4347:05 Rev B

D1530.L.270 Rev D
L.272 Rev D
L.221 Rev F
L.271 Rev D
L.203 Rev F
L.202 Rev F
L.220 Rev G

Various house types plans and elevations as contained with schedule D110113 to now include:

TIV/PH2/110113/HT-FP Rev A
TIV/PH2/110113/HT-EL Rev A
STREET-SCENE/PH2/110113/02 all in respect of plot 195

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.

- 2 INFORMATIVE: This decision should be read in conjunction with planning approval ref:FP/224/11 and its attaching conditions which remain extant.
- 3 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: NPPF

This is only a summary of reasons for granting to comply with Article 31 and full reasons

appear in the Officers report.

- 4 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.