

Recommendation Report for Planning Permission

REF NO: FP/194/14/PL

LOCATION: Site 6
Meadowskeep Phase 2
Land North of Felpham

PROPOSAL: Variation of conditions 2 & 9 imposed under FP/224/11 relating to approved plans.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Application seeks permission to amend the siting of plots 287 - 289 within phase 2 of the Felpham Site 6 development. Plots 288 - 289 have been re-sited in error and face north-west instead of west as approved under FP/224/11. Because of the change in orientation, the rear garden boundaries are also now slightly amended.

The rear boundary to plot 287 is also slightly amended as a result.

SITE AREA

16.34 hectares

RESIDENTIAL DEVELOPMENT DENSITY (NET) 26.5 dph

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Mixture of trees and hedgerows and some post and wire fencing.

SITE CHARACTERISTICS

Former agricultural land now under development.

CHARACTER OF LOCALITY

Surrounding area to the south is predominantly residential with a golf course located to the west of the site and the initial section of the BRNNR to the north and east. Site 6 currently under residential development.

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

Called In by DCLG/SD

30-11-2004 *Appealed*

Appeal:

report

A259 at Felpham to A29 (This application is accompanied by an environmental statement and affects a public right of way)

**Allowed+Conditions
22 11 2006**

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
FP/205/10/	Phases 4 and 5. Additional 70 dwellings and amendments to a further 192 dwellings, affecting 262 dwellings in total, following reserved matters approvals in accordance with outline permission (Ref FP/92/04). Phase 4 Ref:FP/43/09. 115 approved.56 new dwellings and 115 amended now proposed.Phase 5 Ref: FP/128/09. 121 approved. 14 new dwellings and 77 amended now proposed - This application affects a Public Right of Way. This application is subject to an Environmental Impact Assessment	Approved Cond + S106 16-02-2012
FP/224/11/	Alterations to 269 previously approved dwellings on Phases 2, 4 and 5 at Site 6, Felpham - This application affects a Public Right of Way	Approved Cond + S106 28-03-2012

Noted.

REPRESENTATIONS

Representations received:

Felpham Parish Council

Felpham Parish Council - No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

N/A

POLICY CONTEXT

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN7](#)

[Publication Version of the Local Plan \(October 2014\):](#)

[Felpham Neighbourhood Plan 2014 POLICY ESD1](#)

The Form of New Development

D DM1 Aspects of Form and Design Quality

D DM3 External Space Standards

D SP1 Design

Design of new development

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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 on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton

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 proposed amendments to the siting of plots 288 - 289 and consequential amendments to the boundaries to plots 287 - 289 are minor in nature and will not result in any significant impact on the character of the area or the amenities of adjoining occupiers.

The applicants have been in discussion with the occupants of the adjoining property to the south (46 Westmorland Drive) and agreed to erect a 2m high boundary wall from the front wall of plot 289 to the rear garden. Whilst plot 289 would be sited closer to this property, it is sited forward of the property and does not result in any significant loss of residential amenity.

The three properties will all remain having satisfactory levels of residential amenity.

There are no material implications for existing Section 106 agreements.

It is therefore recommended that conditions 2 and 9 be amended as follows. All other conditions attached to planning permission FP/224/11 remain as per that decision notice.

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 the following impacts (negative, Neutral or positive) 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 Condition 2:

The development hereby approved shall be carried out in accordance with the following (in part) approved plans:

PLAN-LOC/110113
PLAN-LAY/PH2/110113 Rev E
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

D18/547/CP/2-01 J
EXT-WKS/PH2/110113/05 J

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

4347:80
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

4248.01 Rev U

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

L.303 Rev C

Various house types plans and elevations as contained with schedule D110113

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 Condition 9:

All garages, (including any integral garages), parking spaces and cycle parking facilities shown on Site Layout drawing nos PLAN-LAY/PH2/110113 Rev D (excluding plot 288), PLAN-LAY/PH4/110113 Rev F, PLAN-LAY/PH5/110113-1 Rev F and 110113-2 Rev E shall be provided prior to the occupation of the dwelling(s) which they are intended to serve. The parking spaces and garages shall be allocated to the dwellings according to the number which appears in brackets at each plot on the aforementioned drawing. Thereafter garages, parking spaces and facilities shall be permanently retained for vehicle and cycle parking purposes unless the Local Planning Authority gives prior written approval 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 in the interests of clarity to ensure that parking is allocated to numbered plots. To accord with policies GEN7 & SITE6 of the Arun District Local Plan.