

REPORT UPDATE

Application No: FP/55/15/PL

Reason for the Update / Changes

Reason for Update/Changes:

Additional representations/Consultations

Letter of objection from Cllr English - Builders have shown little regard to the planning process and blatantly destroyed TPO trees to the detriment of the Felpham environment. Permission to remove trees must not be permitted and new large trees must be replanted. Likelihood of flooding and water run-off to detriment of existing owners.

Arboriculturalist - a number of trees have been identified for felling with 20 subject to TPO's. The loss of trees needs to be replaced. Proximity of parking bay to plot 97 and access road to T23 is concerning. Contend the loss of T51 as it is not justified. Object to the felling of 20 TPO trees.

Protective fencing needs to be erected and kept in place for the duration of the development. Loss of trees must be mitigated with a new planting regime.

Additional Comment:

In respect of the financial contribution sought for primary education, WSCC have confirmed that they have exercised their right to the option on the 'school land' at Felpham Site 6 but that there has been no further progress or commitment in terms of using that site for the erection of a primary school.

Following receipt of detailed comments from the Arboriculturalist, the following additional planning conditions are recommended;

The existing trees shall be protected in a manner to be agreed with the Local Planning Authority before the development commences for the duration of the development and shall not be damaged, destroyed, uprooted, felled, lopped or topped during that period without the previous written consent of the Local Planning Authority. Any trees removed without such consent or dying or being seriously damaged or becoming seriously diseased during that period shall be replaced in the following planting season with trees of such size and species as may be agreed with the Local Planning Authority.

Reason: To ensure the retention of vegetation important to the visual amenity and for the environment of the area in accordance with policy GEN7 of the Arun District Local Plan.

No trees to be retained on the site shall be damaged, uprooted, felled, topped or lopped without the prior written consent of the Local Planning Authority until 2 years after completion of the development hereby permitted. Any trees removed without such consent or being severely damaged or becoming seriously diseased or dying before the end of that period shall be replaced with trees of such size and species as may be agreed with the Local Planning Authority.

Reason: To ensure the retention of vegetation important to the visual amenity and for the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

When excavating for new developments foundations any root structure exposed with a diameter of over 25mm should be retained unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the retention of vegetation important to the visual amenity and for the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

Officers Comment:

Recommendation remains that of approval subject to the additional conditions in this update.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

FP/55/15/PL

Recommendation Report for Planning Permission

REF NO: FP/55/15/PL

LOCATION: Site 6
Phases 4 & 5
Land North of Felpham Felpham

PROPOSAL: Erection of 38 No. residential dwellings with associated access, parking, landscaping & works (amended proposals for site already approved for residential development).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Proposal to re-plan elements of the previously approved Development Phase 5 of land forming part of Policy Site 6 north of Felpham.

The current application proposes an amendment to Phase 4&5 of the development proposals already granted planning permission, under application Nos: FP/205/10, FP/231/11/NMA and FP/224/11.

As with previous replans on this development, the adjustment in product mix is intended to stimulate a healthier rate of sale and is designed to accelerate the rate of delivery of

report

market housing.

These proposals will not result in any additional units.

5 Bed House. Approved 23. Proposed 0.

4 Bed House. Approved 5. Proposed 38.

Total. 28. 38.

This application follows on from the recent consent granted under FP/205/10 which approved 70 additional dwellings and amended a further 192 dwellings within Phases 4 and 5.

As with the approved scheme the layout indicates that the housing will be developed as perimeter blocks with the majority of buildings sitting on the back of the pavement. The overall scale remains predominantly two storey with some two and a half storey at appropriate visual points. The material palette includes brick, flint, stone, render and weatherboarding with slate and plain tile roofs.

SITE AREA

2.26 hectares.

RESIDENTIAL DEVELOPMENT DENSITY (NET)

The existing approved scheme would deliver 18 dwellings per hectare. The proposed alteration would deliver 24 dwellings per hectare.

TOPOGRAPHY

Predominantly flat.

BOUNDARY TREATMENT

Mixture of tree coverage, hedging and some post and wire fencing. The site is currently characterised by construction works.

CHARACTER OF LOCALITY

The surrounding area is predominately residential in character. Downview Road is generally characterised by two storey detached properties. Some detached bungalows and chalet bungalows. Properties are of varied styles and materials. Shirley Drive is mixed in character, consisting of one, one and a half and two storey detached dwellings. Whitelands generally consists of detached bungalows with several two storey properties. Dwelling predominately consist of brick and tile with some use of rendered walling. Lindsey Court consists of detached

bungalows, some with roof accommodation and again are predominately brick and tiled. Bognor Regis Golf Club is located to the west of the 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/SD 30-11-2004 <i>Appealed</i> Appeal: Allowed+Conditions 22 11 2006
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
FP/90/13/	Phase 5 - Additional 7 dwellings and amendments to a further 33 dwellings following reserved matters approval ref FP/128/09 in accordance with outline permission FP/92/04 - This application affects a Public Right of Way	Approved Cond + S106 12-02-2014
FP/210/13/	Amendments to 89 dwellings following reserved matters approval ref: FP/205/10, FP/231/11/NMA and FP/224/11 in accordance with Outline permission FP/92/04. This application affects a Public Right of Way.	Approve Conditionally 04-03-2014

The original outline planning permission on the site approved 700 dwelling. This was increased to 770 as a result of planning permission FP/205/10.

REPRESENTATIONS

Representations received:

Felpham Parish Council

One letter of no objection subject to securing suitable screening, obscure glass facing Shirley Drive and no vehicle access to the footpath in North Road.

Comments on Representations received:

CONSULTATIONS

WSCC Strategic Planning
Parks and Landscapes
NHS Coastal West Sussex CCG
Engineers (Fluvial Flooding)
Planning and Housing Strategy
Surface Water Drainage Team

Consultations responses received:

ADC Drainage Engineers - Surface water to be drained to the previously agreed scheme.

WSCC (highways) - Change in density unlikely to significantly change traffic accessing site or local network. Forms state that there are 114 parking spaces but D&A statement states 88.

Comments on Consultation responses:

POLICY CONTEXT

Designation applicable to site:
Inside Built Up Area
Site 6
Class 'A' Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>DEV17</u>	Affordable Housing
	<u>GEN12</u>	Parking in New Development
	<u>GEN7</u>	The Form of New Development
	<u>SITE6</u>	Land to the North of Bersted, Bognor Regis and Felpham
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality
		D DM2 Internal Space Standards
		D DM3 External Space Standards
		D SP1 Design
Felpham Neighbourhood Plan 2014 POLICY ESD1		Design of new development
Felpham Neighbourhood Plan 2014 POLICY ESD10		Design details

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.

Paragraph 215 of the NPPF ensures that policies of the Arun District Local Plan 2003 carry weight on an individual basis as opposed to the plan in its entirety and based on their level of consistency with the NPPF. NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration and these policies are considered consistent with the NPPF. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment and Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. 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 lies within the built-up area as defined in the Arun District Local Plan where the principle of residential development is acceptable subject to normal development control criteria being met.

Planning permission has been granted by the Secretary of State on the whole of the site, known as Site 6, for the development of 700 dwellings in total at Felpham.

Planning permission FP/205/10 and FP/90/13 have resulted in an increase of 77 dwellings together with variations to the design and mix of house types across the site to reflect current economic and social conditions.

This application proposes an amendment to part of Phase 5 and results in an increase of 10 dwellings. In total, 787 dwellings are now proposed on the Felpham site and this application represents a minor increase in the total number of dwellings on this site.

Layout

The proposed layout indicates that the housing will be developed as perimeter blocks, with frontages used to create a clear distinction between the private and public realms. Blocks will comprise detached, semi-detached and terraced buildings, which vary in scale depending on the character of various parts of the site.

All public spaces are also positioned such that they will be overlooked by buildings to provide a safe and secure environment. Around the edges of the site buildings are positioned to reflect the adjacent boundary conditions. Some residential streets and neighbourhood blocks within the proposed development will be "Home Zones", specific areas designed for minimum vehicular traffic and maximum pedestrian outdoor activity. Home Zone streets will incorporate "gateways" to alert drivers that they are entering a domain where the vehicle does not take precedence; this will include signage, road narrowing, rumble strips, raised junctions and planting. A mixture of communal parking courtyards to the rear of the building line, and private garages will be utilised.

Adequacy of the proposed accommodation

6 dwelling types of 4 and 5 bed ranging from 1,591sqft to 2,236sqft totalling 60,937sqft at a density of 18 dwellings per hectare. The proposal seeks to rationalise these down to 5 dwelling types, all 4 bed ranging from 1,167sqft to 1,771sqft to provide 56380sqft total accommodation. 24 dwellings per hectare would result. Even though 10 new dwellings are proposed taking the total to 38 the sq footage has reduced.

All the dwelling types provide adequate internal and external accommodation. Neighbour impact between the proposed dwellings and those surrounding them is considered acceptable according to normal standards.

Access

The overall scheme has been designed to allow good permeability across the site for all forms of pedestrians. Level thresholds are used extensively. Access to the proposed development will be through adjacent development zones from the proposed east-west link road. Traffic noise from the proposed road will be mitigated through various landscaping methods. There will be no vehicular access from the existing housing areas to the south of the site. A clear hierarchy is proposed for the scheme which is visually indicated through scale, enclosure and surface detailing.

The proposed layout provides a permeable layout that offers pedestrians and cyclists a choice of safe routes through the scheme.

OPEN SPACE PROVISION:

The proposals represent an increase in 10 dwellings and total of 10 bedrooms over and above the approved layout. In accordance with the Council's adopted SPG, an additional area of 575 sqm of additional open space should be provided.

Over the whole of the development, approximately 4.56 hectares of open space would be required in accordance with the Council's adopted SPG. Approximately 4.8 hectares of open space is included over the whole of the development and this figure excludes the sports pitches (junior and senior), double NEAP and MUGA. It is therefore considered that the addition of 10 units is adequately provided for in terms of open space provision.

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).

SECTION 106 DETAILS

There is some degree of disagreement between officers and the requests from WSCC for financial contributions as a result of the proposals.

It should be noted that the two previous re-plans for the site (FP205/10 and FP/90/13) are important considerations as to how to deal with s106 matters as they have established the basis for the Council's decision. On these applications, a proportion was secured based on what was considered reasonable (FP/2015/10) and subsequently a proportion of those (FP/90/13).

WSCC state that no secondary and 6th form contributions were previously sought on these applications but the s106 simply states that the contributions are for 'education purposes'. They have also calculated their requests on the basis of 10 new 4 bed dwellings. On this basis, the contributions requested are;

Primary Education: £41,101
Secondary Education: £44,234
Sixth Form Education: £10,362
Libraries: £3,686
Fire Service: £390

It should be noted that contributions towards libraries and fire were not been secured on the previous re-plan permission and, in your officers opinion, there has been no change in circumstances to now seek a contribution. In terms of primary education, WSCC's calculations are based on 10 x 4 bed new dwellings. Your officers consider that this is an unreasonable way of calculating the contribution in this instance for the following reason;

i. The proposed amendment (as set out at the start of this report) is for a change in the mix that

will result in 17 additional bedrooms over and above the previous planning permission. WSCC's method of calculation is that 40 additional bedrooms will be created (10 x 4 bed houses).

ii. Based on WSCC's occupancy assumptions (January 2015) the occupancy of the development will change from 128 to 103.

In your officers opinion it is reasonable to seek contributions based on the increase in density for the 17 additional bedrooms over and above the approved position. Therefore, in your officers opinion, seeking a proportion of the contributions secured under FP/205/10 would be reasonable in this instance. WSCC have stated that the money will be utilised to fund building the new school on the site, as with the original S106 financial requirements and that WSCC have taken up the option in the original S106 for the land.

It should be noted that WSCC do not agree with the above approach for the reasons set out above. WSCC have however suggested an alternative which would see no secondary or 6th form contribution being sought (as per the previous permission) and a full primary contribution of £41,101 being made. Your officers consider that this is a reasonable compromise and would recommend to your committee that it is accepted.

RECOMMENDATION

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 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:

PH5B-D_150205_SS rev A
PLAN-LAY_PH5B-D_150205_AO rev A
PLAN-LAY_PH5B-D_150205_CSL rev A
PLAN-LAY_PH5B-D_150205_SL rev A
PLAN-MAT_PH5B-D_150205_MP
PRELIMINARY_PLAN-MAT_PH5B-D_150205_MP

4G5_PH5.B-D_150205_AB_EP
COR.1_PH5.B-D_150205_HT-EL
COR.1_PH5.B-D_150205_HT-FP
COR_PH5.B-D_150205_HT-EL
COR_PH5.B-D_150205_HT-FP
DG1_PH5.B-D_150205_AB_EP
DG6_PH5.B-D_150205_AB_EP
DG9_PH5.B-D_150205_AB_EP
IRV_PH5.B-D_150205_HT-EL
IRV_PH5.B-D_150205_HT-FP
LAY.1_PH5.B-D_150205_HT-EL.
LAY.1_PH5.B-D_150205_HT-FP
LAY.3_PH5.B-D_150205_HT-EL.
LAY.3_PH5.B-D_150205_HT-FP.

LAY_PH5.B-D_150205_HT-EL.
LAY_PH5.B-D_150205_HT-FP.
SG1_PH5.B-D_150205_AB_EP
SHE_PH5.B-D_150205_HT-EL
SHE_PH5.B-D_150205_HT-FP
WIN.3_PH5.B-D_150205_HT-EL
WIN.3_PH5.B-D_150205_HT-FP
WIN_PH5.B-D_150205_HT-EL
WIN_PH5.B-D_150205_HT-FP

5151-01 Drainage Layout
5151-02 External Levels Layout

BDWS19795aia_amsplan03
D1530 - DI Sheet - Phase 5 - 270215
D1530.L.370
D1530.L.371
D1530.L.374

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 disposal of foul sewage shall be to the Ford Waste Water Treatment Works only.

Reason: In the interests of amenity and to ensure that foul drainage is disposed of where there is capacity in accordance with policy GEN7 and GEN9 of the Arun District Local Plan.

- 4 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include details of how the scheme shall be maintained and managed after completion

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system in accordance with the National Planning Policy Framework.

- 5 No occupation of dwellings approved by this permission shall occur until the improvements to the existing sewage system as required by Souther Water have been completed.

Reason: To ensure an adequate drainage system is provided in accordance with the National Planning Policy Framework.

- 6 The Construction Environment Management Plan (CEMP) submitted to and received by the Local Planning Authority on 28th May 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 methods 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, planning ref: FP/92/04/ which the current application is intended to support.

- 7 All garages, (including any integral garages), parking spaces and cycle parking facilities shown on Site Layout drawing no. D42/ 5250/ SL5/ 01 Rev C 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.

- 8 No development shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of 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.

- 9 The existing trees shall be protected in a manner to be agreed with the Local Planning Authority before the development commences for the duration of the development and shall not be damaged, destroyed, uprooted, felled, lopped or topped during that period without the previous written consent of the Local Planning Authority. Any trees removed without such consent or dying or being seriously damaged or becoming seriously diseased during that period shall be replaced in the following planting season with trees of such size and species as may be agreed with the Local Planning Authority.

Reason: To ensure the retention of vegetation important to the visual amenity and for the environment of the area in accordance with policy GEN7 of the Arun District Local Plan.

- 10 No trees to be retained on the site shall be damaged, uprooted, felled, topped or lopped without the prior written consent of the Local Planning Authority until 2 years after completion of the development hereby permitted. Any trees removed without such consent or being severely damaged or becoming seriously diseased or dying before the

end of that period shall be replaced with trees of such size and species as may be agreed with the Local Planning Authority.

Reason: To ensure the retention of vegetation important to the visual amenity and for the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 11 When excavating for new developments foundations any root structure exposed with a diameter of over 25mm should be retained unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the retention of vegetation important to the visual amenity and for the environment of the development in accordance with policy GEN7 of the Arun District Local Plan.

- 12 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.

- 13 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

- 14 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.