

Recommendation Report for Planning Permission

REF NO: FP/90/13/

LOCATION: Phase 5
Site 6
Land north of Felpham Bognor Regis West Sussex

PROPOSAL: 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

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

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

This application follows reserved matters approvals for Phases 4 and 5, in accordance with outline permission ref FP/92/04, which sought outline approval for residential development and associated uses forming part of policy Site 6. Construction of Bognor Regis Northern Relief Road from A259 at Felpham to A29 at Land to the North of Felpham, North Bersted.

The current approved layout for this phase includes a number of 2.5 storey five bedroom houses and the intention is to design these out and replace with more modest 4 bedroom, 2 storey homes more representative of current demand. The application is for a total of 40 units within the phase (out of a total approved number of 165 within phase 5). This results in an additional 7 units. The proposed change in the mix of units affect 33 approved units and are as follows:

5 Bed House. Approved - 9. Proposed - 0.
4 Bed House. Approved - 15. Proposed - 34.
3 Bed House. Approved - 9. Proposed - 6.

Phase 5 would therefore comprise 178 units in total.

The current application proposes an amendment to Phase 5 of the development proposals already granted planning permission, under application Nos: FP/128/09, FP/205/10, FP/231/11/NMA and FP/224/11.

SITE AREA

1.79 hectares.

RESIDENTIAL DEVELOPMENT DEN

22 dwellings per hectare.

TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Mixture of tree coverage, hedging and some post and wire fencing. The site contains tree and hedgerow vegetation principally relating to agricultural field boundaries within and on the boundaries of the site. The boundary of the west of the site is with a golf course, which is well defined by trees and hedgerow.
SITE CHARACTERISTICS	Incomplete residential development site.
CHARACTER OF LOCALITY	The proposed development at Felpham, which forms part of Policy Site 6, is located between the residential areas of Felpham and the hamlet of Flansham, which in turn are located to the north east of Bognor Regis. The surrounding area is predominately residential in character.

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 Appeal: Allowed+Conditions 22 11 2006
FP/220/07/	Approval of reserved matters following outline application FP/92/04 - The eastern section of the Bognor Regis Northern Relief Road between the A259 at Felpham to the A29 & associated engineering works (This application affects a public right of way & also falls within the parishes of Yapton, Middleton, Bognor Regis, Aldingbourne & Bersted)	ApproveConditionally 15-01-2009
FP/128/09/	Reserved Matters application following outline planning permission FP/92/04 relating to phase E of residential development for 115 dwellings with associated residential roads, drainage works and public open space - This application affects a Public Right of Way	ApproveConditionally 03-12-2009

The original outline planning pemrision on the site approved 700 dwelling. This was increased to

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

770 as a result of planning permission FP/205/10.

REPRESENTATIONS

Representations received:

Felpham Parish Council

Felpham Parish Council - Object on the basis that there is great concern about the loss of space between the houses due to the number of dwellings proposed.

Comments on Representations received:

For the reasons set out in the conclusions section, it is considered that the addition of 7 units to an existing 33 would not result in any discernable increase in density or loss of space between buildings due to the removal of the large 5-bed units and the fact that all properties are detached.

CONSULTATIONS

Southern Water Planning
Environment Agency
Engineering Services Manager
WSCC Strategic Planning
Parks and Landscapes

Consultations responses received:

WSCC (highways) - Additional housing and changes to housing mix unlikely to have a significant impact on the surrounding road network.

Given parking is at approximately 2 spaces per dwelling within the curtilage, there would be no problems with on-street parking which may affect highway safety.

Submitted plans do not appear to have impact on public rights of way.

An amendment to the S106 will be required.

Environment Agency - Proposed development will only be acceptable if condition is imposed requiring surface water drainage strategy.

ADC Engineers - No comments.

ADC Environmental Services & Emergency - Amount of public open space on the site appears adequate in accordance with the Council's SPG. Therefore no additional contribution towards open space will be required. No change to agreed landscaping is required.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	<u>GEN7</u>	The Form of New Development
	<u>GEN8</u>	Development and the Provision of Infrastructure
	<u>GEN12</u>	Parking in New Development
	<u>GEN20</u>	Provision of Public Open Space within New Development
	<u>DEV17</u>	Affordable Housing

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:

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

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.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council published the draft Arun Local Plan in July 2012 and this is a material consideration in the determination of this planning application. A pre-submission Plan has yet to be endorsed and published. Following publication of a pre-submission draft, there is required to be a formal public consultation, resolution of objections, examination and formal adoption. At this time, the emerging Local Plan is afforded very limited weight in terms of the decision making process.

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 resulted in an increase of 70 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 7 dwellings. In total, 777 dwellings are now proposed on the Felpham site and this application represents an increase of 0.01% of the total number of dwellings on this site. However, the proposed increase is only part of a smaller parcel of land and would represent an increase from 33 dwellings to 40 dwellings on the site.

LAYOUT:

The proposed layout indicates that the housing will remain to 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.

The majority of the buildings will sit on the back of the pavement and will directly address the street.

In terms of increases in built form and loss of open spaces between dwellings (the objection from Felpham Parish Council), the site essentially has three main built up frontages on the perimeter. These three frontages are proposed to be amended as follows;

- Northern street scene - proposed to have 5 detached dwellings in place of 4 approved detached dwellings on a 70m frontage.
- Western street scene - proposed to have 11 detached dwellings in place of 7 approved detached dwellings on a 120m frontage
- Eastern street scene - proposed to have 6 detached dwellings in place of 5 approved detached dwellings on a 75m frontage.

The final additional dwelling is on a frontage where there was three detached dwellings.

The amendments will result in a development that is more intense than approved. However, all dwellings are detached and all have in-curtilage garaging between dwellings. A resultant density of only 22 dph is not overly intensive and the proposed amendments will not result in a significant loss of spaciousness.

OPEN SPACE PROVISION:

The proposals represent an increase in 7 dwellings and total of 22 bedrooms over and above the approve layout. In accordance with the Council's adopted SPG, an additional area of 403 sqm of additional open space should be provided.

Over the whole of the development, approximately 4.5 hectares of open space would be required in accordance with the Council's adopted SPG. Approximately 4.8 heatres 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 7 units is adequately provided for in terms of open space provision.

PARKING PROVISION:

Your officers calculate that there are approximately 90 off-street car parking spaces, which is well in excess of that required by the Parking Demand Calculator. In addition, it should be noted that all proposed dwellings have at least two off-street car parking spaces.

S106 MATTERS:

The applicants are proposing to deal with S106 matters in an identical way to that approved under FP/205/10 (the planning permission for an additional 70 units). This permission applied proportionate obligations included within the original planning permission (FP/92/04). As these proposals relate to a proportion of those approved under FP/205/10, the applicatnts propose the following contributions;

- Affordable Housing - ?44,100
- Education - ?8,247
- Heathcare - ?3,370
- LEAP - ?2,400

These contributions will be payable at the same time as those under FP/205/10 i.e. upon the 237th occupation within phases 4 and 5.

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 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 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:

Location Plan LOC/PH5.1/121114
Site Layout/Approved overlay LAY/A0/PH5.A/121114 A
Phase 5a Re-Plan LAY/PH5.A/121114 D
Streetscenes Sheet 1 of 2 SCE/PH5.a/121114/01
Streetscenes Sheet 2 of 2 SCE/PH5.a/121114/02
House Type Irving IRV/121114/HT-FP
House Type Irving IRV/121114/HT-EL
House Type Archford ARC.a/121114/HT-FP
House Type Archford ARC.a/121114/HT-EL
House Type Cornell COR/121114/HT-FP
House Type Cornell COR/121114/HT-EL
House Type Shenton SHE/121114/HT-FP
House Type Shenton SHE/121114/HT-EL
House Type Layton LAY/121114/HT-FP
House Type Layton LAY/121114/HT-EL
House Type Layton.3 LAY.3/121114/HT-FP
House Type Layton.3 LAY.3/121114/HT-EL
House Type Millford MIL/121114/HT-FP
House Type Millford MIL/121114/HT-EL
Ancillary Buildings SG1/121114/AB-EP

Ancillary Buildings TG4/121114/AB-EP
Ancillary Buildings DG1/121114/AB-EP
Ancillary Buildings DG6/121114/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.

- 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 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.
- 10 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
- 11 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.