

REF NO: A/117/11/PO

LOCATION: Lansdowne Nursery
Mayflower Way
Angmering

PROPOSAL: Application to discharge a Planning Obligation dated 07/06/1983 under Planning application reference A/114/04/ relating to occupation of the land

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission to discharge a Planning Obligation dated 07/06/1983 and referred to to the construction of a residential property under A/34/83/. The Planning Obligation restricts occupation of the land to any person who is solely or mainly employed in agriculture.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	N/A
BOUNDARY TREATMENT	The site is currently enclosed by various timber hoarding and close board timber fencing, approximately 2m in height. This is supplemented in places by rows of mature conifer trees.
SITE CHARACTERISTICS	Construction is currently taking place on the site with new terrace housing largely complete, the existing chalet style dwelling remains on the site and appears to be occupied.
CHARACTER OF LOCALITY	Residential, Bramley Green estate to the north and east of the site. Recreation ground to the south and Angmering School site to the west.

RELEVANT SITE HISTORY

A/114/03/	Proposed residential development for the erection of 17No. 2/3 bedroom houses	Refused 26-01-2004
A/114/04/	Proposed residential development for the erection of 15 No. 2/3 bedroom houses (Re-submission following A/114/03)	Approved Cond + S106 13-02-2006
A/34/83	Erection of chalet dwelling to be occupied in connection with Lansdowne Nursery	Approve Cond 08-06-1983

PE/A/1/05/LEG	Application under Section 106 of the Town and Country Planning Act 1990 relating to A/114/04/ for residential development of 15 houses of 2/3 bedrooms	No Further Actn 13-02-2006
A/109/09/DOC	Discharge of condition no. 7 imposed on A/114/04	File Closed 12-10-2009
A/134/09/DOC	Discharge of condition 7 of planning approval A/114/04	File Closed 08-12-2009
A/140/10/DOC	Application for approval of details reserved by condition 14 of planning application A/144/04.	Approved 27-10-2010
A/86/10/DOC	Application for approval of details reserved by conditions 2,4,6,11 & 12 of planning application A/114/04.	Approved 05-11-2010
A/45/11/NMA	Application for a non-material amendment following a grant of planning permission A/114/04 - moving car port 3/4	Approve 28-03-2011

REPRESENTATIONS

Representations received:

Angmering Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Planning Solicitor

Consultations responses received:

Planning Solicitor:

I advise that you grant permission for the reasons that follow;

The Deed is dated 7th June 1983 which means that the pre 1992 rules apply.

The following procedure alternatives are given:

1. Grant the application via a deed per EPL Vol 2 para 106.70 which would be the orthodox way of proceeding.
2. Grant via S106A and rely on estoppel to effectively ensure we do not enforce it in future which would be practical and effective in my view.
3. refuse and see if they appeal and under which procedure. Strictly an appeal should be under S84 LPA 1925 to Lands Tribunal so we can defend as invalid to any appeal to PINS.

Suggests that there is no useful purpose identified to the Deed, so you can grant the application.

Comments on Consultation responses:

Comments noted. It is agreed that it would be reasonable to grant planning approval as there is

no useful purpose to the Deed given the recent planning approval (A/114/04) for the redevelopment of the site which is not related to the housing of agriculture workers.

POLICY CONTEXT

Designation applicable to site:
Outside the built-up area boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan: [GEN7](#) The Form of New Development

PLANNING POLICY GUIDANCE

PPS1 Delivering Sustainable Development

POLICY COMMENTARY

PLANNING

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

PLANNING

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 application seeks permission for the removal of a Planning Obligation dated 07/06/1983 which restricts occupation of the land to any person who is solely or mainly employed in agriculture. The restriction was imposed as there was a recognised need for accommodation in this location, previously defined as countryside land.

The site is located at the edge of the Bramley Green Estate which was built over nurseries and agricultural land which historically related to parts of Nurseries within the area. The site has been subject to a more recent planning approval for a residential development of 15No. dwellings under A/114/04/ which is currently being implemented with access gained from 'The Walkway'.

This application was also subject to a Planning Obligation dated 13th February 2006. The houses

approved on the site are not restricted by occupancy and therefore the removal of the planning obligation dated 07/06/1983 is considered to be acceptable.

Further, the recent planning approval together with there being no requirement for agricultural workers accommodation in this location its removal is supported to continue the implementation of the recent planning approval.

The observations made above show that the discharge of the planning obligation would be reasonable and allow for the occupation of the approved dwelling. It is therefore recommended that this request be approved.

RECOMMENDATION

APPROVE