

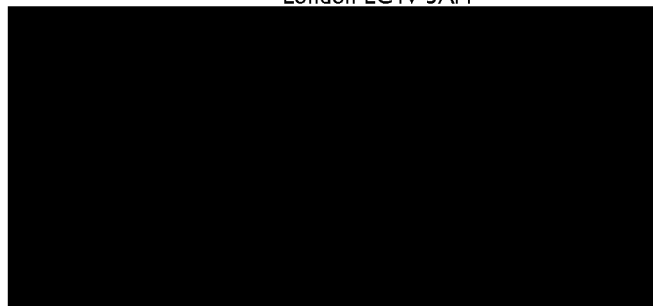
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PP-08112840

FUTURE
PLANNING AND DEVELOPMENT

28 August 2019

2 Wardrobe Place
London EC4V 5AH

Richard Castro-Parker
Planning Department
Maltravers Road
Littlehampton
West Sussex
BN17 5LF



Dear Mr Castro-Parker

Application under Section 73 of the Town and County Planning Act 1990 for removal of Condition 3 of A/81/18/RES at Quiet Waters, Roundstone Lane, Angmering, BN16 4AX

Future Planning and Development provide planning advice to our client Gold (Angmering) Limited. On behalf of our client we are pleased to enclose an application for the removal of Condition 3 of planning permission A/81/18/RES for *“Approval of reserved matters following outline consent A/132/17/OUT for appearance, landscaping, layout & scale for demolition of existing dwelling & the erection of 30 No. dwellings”* approved 13 November 2018.

The application has been submitted via the Planning Portal (reference PP-08112840).

Condition 3 relates to the approval of details of a pedestrian access link between the Quiet Waters site and the CALA Homes *Cresswell Park* development to the north. The condition is given in full as follows:

“Prior to first occupation, the details of the pedestrian access link between the application site and Cresswell Park, developed by CALA Homes to the north shall be submitted to and be approved in writing by the Local Planning Authority and retained as agreed thereafter. The dwellings hereby permitted shall not be occupied until these works have been completed in accordance with the agreed details”

The applicant is seeking to remove this condition because it does not meet the tests for the imposition of conditions as set out in national planning policy guidance.

Paragraph 55 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

1. *necessary;*
2. *relevant to planning;*
3. *relevant to the development to be permitted;*
4. *enforceable;*
5. *precise; and*
6. *reasonable in all other respects.*

The condition imposed on the permission does not meet these tests. Principally it is not reasonable on the basis that the adjacent site does not have a path linking into the application site. As such the 'pedestrian access link' will not link to another path in the CALA Homes site. CALA Homes would need to amend their permission to create a link path to connect to the path from the Quiet Waters site. This is clearly unreasonable and imprecise and thus in contravention of the requisite tests.

Notwithstanding the above, the applicant has sought to agree a pedestrian linkage with the Local Planning Authority for several months. The applicant has clearly demonstrated that the linkage is not possible without detriment to the approved layout. The boundary level is several metres higher than the existing levels in the centre of the site. It is therefore very difficult to provide a path which meets the Building Regulations – Part M disabled access gradient standards (as insisted upon by the Council) without the path having to take up a significant area of the site which is currently useable amenity space. Again, in this respect the condition is unreasonable and imprecise.

Despite numerous attempts to work with the Council and resolve this matter, we have been unable to find a solution which works without compromising the quality of the approved scheme; this clearly demonstrates that the condition is unreasonable.

Should you require any further information please give a call on the number at the top of this letter.

Yours sincerely



Garry Hutchinson – MRTPI