

Recommendation Report for Planning Permission

REF NO: A/125/19/PL

LOCATION: Quiet Waters
Roundstone Lane
Angmering
BN16 4AX

PROPOSAL: Variation of condition 16 following the grant of A/132/17/OUT to read 'No dwelling shall be first occupied until the approved cycle parking has been provided for that dwelling in accordance with the details approved under applicaiton A/82/18/DOC'.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Planning permission A/132/17/OUT was granted approval subject to condition 16 which stated: No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and in accordance with Policy GEN7 of the Arun District Local Plan. The details of the covered and secured cycle parking were approved under application A/82/18/DOC. The proposed variation of condition intends to gain approval to alter the phasing of occupation of dwellings such that a dwelling can be occupied following provision of cycle parking for each individual dwelling. The varied condition would read: No dwelling shall be first occupied until the approved cycle parking has been provided for that dwelling in accordance with the details approved under application A/82/18/DOC. Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and in accordance with Policy D DM1 of the Arun District Local Plan.
SITE CHARACTERISTICS	The site is now under construction with approximately 20 houses at various stages of construction and land works having been completed.

CHARACTER OF LOCALITY

The application site is located on the eastern side of Angmering Village, to the east of Roundstone Lane and to the north of the A259. The area is being transformed by new housing on the former West End Nursery site which lies immediately north of the application site which is currently being re-developed for 246 dwellings by CALA Homes (i.e. A/144/15/PL - Cresswell Park).

To the east of the application site is Haskins Garden Centre which contains a range of retail uses occupying large buildings, with associated car parks and storage areas. To the west of Roundstone Lane is Roundstone Van Centre and a second hand car dealership. To the south of the application site is an AUDI car showroom; and beyond a storage area for Haskins Garden Centre.

RELEVANT SITE HISTORY

A/81/18/RES	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. This application is a Departure from the Development Plan.	Approve Conditionally 13-11-18
A/82/18/DOC	Approval of details reserved by condition imposed under A/132/17/OUT relating to conditions 5-details of materials & finishes of buildings, surfaces for roads/footpaths, means of enclosure & parking of vehicles, 6-surface water drainage, 7-SuDS details, 10-landscape & layout, 11-refuse & recycling bins, 12-car, motorcycle & cycle parking, 13-location of fire hydrants, 14-decentralised & renewable or low carbon energy source, 16-covered & secured cycle parking & 27-noise levels.	DOC Approved 03-12-18
A/132/17/OUT	Outline application with some matters reserved for the demolition of the existing single dwelling & construction of 30 No. dwellings (resubmission following A/39/17/OUT). This application is a Departure from the Development Plan.	App Cond with S106 19-01-18

The Quiet Waters site is currently being developed under Outline planning approval A/132/17/OUT and reserved matters application A/81/18/RES.

The details of construction of the cycle storage facilities was approved under A/82/18/DOC.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Angmering Parish Council

No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Highways England

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WSCC County Highways - No objection.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:

ADOPTED LOC PLN

CLASS B ROAD

NO PUBLIC SEWER

TREE PRES ORDER

PD RESTRICTION

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

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.

No policies in the Neighbourhood Plan are considered relevant to this application.

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 provide facilities for sustainable transport methods.

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

BACKGROUND

The principle and planning grounds are provided within the approval of the outline application A/132/17/OUT and reserved matters application A/81/1/RES.

The details of cycle storage facilities were approved under A/82/18/DOC which would remain unaltered.

The only variation would be the phasing of the occupation of dwellings in order that dwellings could be occupied on an individual basis once the cycle storage has been constructed rather than waiting for all dwellings to have their cycle storage constructed before a single dwelling could be occupied.

CONCLUSION

The variation of condition 16 of A/132/17/OUT is considered to comply with the Local Development Plan and condition 16 of A/132/17/OUT is varied as follows:

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 (right to respect private and family life) 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 the following 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).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 Condition 16 imposed under A/132/17/OUT is amended to read:

"No dwelling shall be shall be first occupied until the approved cycle parking has been provided for that dwelling in accordance with the details approved under application A/82/18/DOC"

'Reason: In the interests of amenity and of the environment of the development, in accordance with Policy D DM1 of the Arun Local Plan.'
- 2 INFORMATIVE: This decision only varies Condition 16 and all other conditions imposed under the original approval (A/132/17/OUT) remain in effect unaltered.
- 3 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. 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.