

Recommendation Report for Planning Permission

REF NO: A/157/19/PL

LOCATION: Quiet Waters
Roundstone Lane
Angmering
BN16 4AX

PROPOSAL: Variation of condition 3 imposed under A/81/18/RES relating to pedestrian access link between Quiet Waters site & the CALA Homes Cresswell Park Development to the north.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Planning permission A/81/18/RES was granted approval subject to condition 3 which stated: '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. The dwellings hereby permitted shall not be occupied until these works have been completed in accordance with the approved details. Reason: In the interests of amenity and of the environment of the development, in accordance with Policy D DM1 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure pedestrian links with the adjacent residential development and public open space on Cresswell Park. The proposed variation of condition intends to gain approval for the details of pedestrian access link (Dwg.no.1006-Ang-301) and to alter the phasing of the development so that the pedestrian access link is completed before the occupation of phase 3 of the development as set out in Phasing Dwg.no. 1006-Ang-294. The varied condition would read: 'The pedestrian access link from the application site to Cresswell Park, developed by CALA Homes to the north shall be constructed in accordance with drawing 1006-Ang-301 and retained as approved thereafter. The dwellings in Phase 3 of the development, as shown on drawing 1006-Ang-294, shall not be occupied until these works have been completed in accordance with the agreed details" 'Reason: In the interests of amenity and of the environment of
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the development, in accordance with Policy D DM1 of the Arun Local Plan.'

TOPOGRAPHY

The link footpath provides access over a bund approximately 1.8 metres in height on otherwise flat terrain.

TREES

None affected by the proposed development.

BOUNDARY TREATMENT

A 2 metre close boarded fence runs along the top of the bund.

SITE CHARACTERISTICS

The site is now under construction with the approximately 20 houses at various stages of construction and land works having been complete including the bund which the pedestrian access link is to cross.

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 north of West End Nursery there are a further three residential development sites (the Rugby Club, Swanbourne Park and Manor Nursery), which run as far as the High Street.

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.

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

The CALA homes development (A/144/15/PL - Cresswell Park) is almost complete and a reciprocal path is to be constructed on the north side of the bund.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

No comment received.

No neighbour comments received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Parks and Landscapes

Arboriculturist
Engineers (structural)
Engineering Services Manager

CONSULTATION RESPONSES RECEIVED:

ADC Greenspace - No objection subject to path tying up with CALA homes path in slope and materials.

ADC Structural Engineers - No objection.

- Path structurally adequate and slopes suitable for wheelchair users.
- Questioned design lifetime of unilog walling in relation ownership/management of the path and public adoption.

COMMENTS ON CONSULTATION RESPONSES:

The path is to be maintained privately by the management company on the estate.

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

SDSP2 SD SP2 Built-up Area Boundary

[Angmering Neighbourhood Plan 2014 POLICY HD4](#) Materials

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

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

Policy HD4 Materials of the Angmering Neighbourhood Development Plan is 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 be of a design commensurate with the character of the area and would not have an adverse impact on residential amenity.

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 of approval of the reserved matters applications (A/81/18/RES) would be unaffected by the proposal. The variation of condition 3 would in effect be the discharge of the condition approving details of the pedestrian link and a minor change to the phasing of the construction which better relates to the actual phasing of development on the site which is now well underway.

DESIGN

The design of the pedestrian link is intended to be accessible and inclusive in particular allowing use by pushchairs and wheelchairs

The proposed pedestrian link would be in character with the landscaped bank upon which it would be located with the materials of construction being unilog walling which has been approved for retaining walls elsewhere on the development and metal hand rails. Tree planting at the western end is intended to reduce the visual impact of the ramp within the development. The materials are considered to comply with policy HD 4 of the Angmering Neighbourhood Plan and the pedestrian link as a whole complies with policy D DM1 and D SP1 of the Arun Local Plan in terms of design.

RESIDENTIAL AMENITY

The proposed pedestrian link is located within a play area and set away from the nearest dwellings such that there is not considered to be a significant impact on residential amenity and as such the proposal accords with policy D DM1 in this respect.

CONCLUSION

The pedestrian link is considered to comply with the Local Development Plan and condition 3 of A/81/18/RES 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 3 imposed under A/81/18/RES is amended to read:

The pedestrian access link from the application site to Cresswell Park, developed by CALA Homes to the north shall be constructed in accordance with drawing 1006-Ang-301 and retained as approved thereafter. The dwellings in Phase 3 of the development, as shown on drawing 1006-Ang-294 Revision A, shall not be occupied until these works have been completed in accordance with the agreed details.

'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 3 and all other conditions imposed under the original approval (A/81/18/RES) 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.