

Recommendation Report for Removal of a Planning Obligation

REF NO: A/200/20/PO

LOCATION: Quiet Waters
Roundstone Lane
Angmering

PROPOSAL: Application to modify a Planning Obligation dated 18th January 2018 under Planning reference A/132/17/OUT relating to affordable housing.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Modify s106 from 5 no. affordable rented houses and 5 no. shared ownership to 8 no. affordable rented and a contribution of £100,000 to off site affordable housing
SITE CHARACTERISTICS	The application site comprises a housing development now constructed.
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 site is located outside the built-up area boundary (BUAB) but 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. To the north of West End Nursery there are a further three residential development sites (the Rugby Club, DW Land 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 area of scrubland which is surrounded by metal fencing and beyond by a storage area for Haskins Garden Centre. The adjoining site is currently being redeveloped as an AUDI car showroom.

RELEVANT SITE HISTORY

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
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Planning permission granted for 30 houses

REPRESENTATIONS

None

COMMENTS ON REPRESENTATIONS RECEIVED:

N/a

CONSULTATION RESPONSES RECEIVED:

ADC Affordable Housing Officer - No objections

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Outside the Built up Area Boundary (the BUAB)

Within a Local Gap

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
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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.

There are no relevant policies in the Neighbourhood Plan.

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 the scheme will provide an acceptable amount of affordable housing.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

Negotiations have taken place with the Council where it has been agreed to modify the affordable housing element of approval A/132/17/OUT.

The site will deliver 8 self-contained flats in a three-storey detached block with landscaped grounds and parking spaces. This forms part of the affordable housing provision on the site which is being delivered via a s 106 agreement which was originally for 5 rented units and 5 shared ownership units. Because of the impracticality of combining shared ownership and rented units in the same block, the scheme was not attractive to RSLs and in order not to lose the on-site provision, the number of affordable rented units has increased from 5 to 8 at the request of Housing Services, and a commuted sum of £100,000 will also be received in lieu of the remaining 2 shared ownership units.

The varied agreement will not alter the number of units on the site and there will be no impact on character or residential amenity.

The s106 deed of variation reflects this change of circumstance and is recommended for approval following acceptance by the Council's affordable housing officer.

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

- 1 INFORMATIVE:·The Council have approved the revised Site Layout DWG 1006-ang101 revision X, which shows the revised position of the play area, under planning decision A/38/20/PL dated 26th June 2020 and this now forms part of the s106 clause 6.1 of A/132/17/OUT.