

Recommendation Report for Planning Permission

REF NO: A/231/21/PL

LOCATION: Land South of Water Lane
Angmering

PROPOSAL: Variation of condition imposed under A/24/21/PL relating to conditions 2-approved plans, 3-approved plans, 5-flint wall & 6-landscaping.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This is a Section 73 application to vary Conditions 2, 3, 5 and 6 imposed on A/24/21/PL for the development of a sales cabin with 4 parking spaces and associated landscaping. Condition 2 is a time limited condition whereby the sales cabin and associated infrastructure shall be removed from the site by 30th September 2022; Condition 3 comprises a list of the approved plans; Condition 5 refers to the re-construction of the flint wall; and Condition 6 is a time limited condition for the implementation of the approved landscaping scheme.
SITE AREA	0.04 hectare.
TOPOGRAPHY	Predominantly flat.
TREES	There is a cluster of trees that are protected by a Tree Preservation Order (A/2/17) which are located adjacent to the field gate onto Weavers Hill, immediately north of the site.
BOUNDARY TREATMENT	The application site is located 800 metres to the east of Angmering village centre and is bounded by Weavers Hill to the west.
SITE CHARACTERISTICS	The site forms part of what has been identified in the Local Plan as "Angmering North" - a strategic residential allocation for at least 800 new homes. The site formerly comprised agricultural land before the sales cabin was constructed, the 4 space car park was laid out and the ornamental landscaping was planted. The site is bounded by a flint wall and a mix of trees and hedgerows which front onto Weavers Hill. There are no designated heritage assets within the site. Angmering village centre is within 800 metres of the application site, accessed using Weavers Hill and Cumberland Road.
CHARACTER OF LOCALITY	The area is rural in character with the South Downs National Park to the north beyond the A27 and to the east side of the A280. There are residential areas immediately beyond the western boundary of the site on Weavers Hill and Cumberland Road. To the south of the site is The Avenals housing development. The Angmering Conservation Area lies to the south west of the site. There are listed buildings located in close proximity to the site: Avenals Farmhouse, Weavers

Cottage, Cressingham Cottage and Barn or outbuilding to the South of Cressingham Cottage, Malt Barn Cottage, The Malthouse and Pigeon House Farm.

RELEVANT SITE HISTORY

A/155/20/DOC	Approval of details reserved by condition imposed under ref A/99/17/OUT relating to Condition Nos 10 - ecological schedule of works and 19 - badger survey.	DOC Approved 04-02-21
A/31/21/PL	Variation of Conditions following grant of A/109/20/RES relating to Condition No 1 - Arboricultural Impact Assessment, Arboricultural Method Statement, Landscape Masterplan and Landscape & Public Open Space Plans and Condition No 7 - Arboricultural Method Statement and the Tree Removal / Protection Plans.	ApproveConditionally 16-07-21
A/25/21/A	Erection of 5 No. non-illuminated Banner flags and 10 No. non-illuminated Totem signs.	Refused 29-03-21
A/99/17/OUT	Outline application with some matters reserved (Access only) for development up to 175 No. residential dwellings, public open space, play areas with associated infrastructure including roads, drainage & landscaping. This application affects the character & appearance of Angmering Conservation Area & the setting of Listed Buildings.	App Cond with S106 12-03-19
A/179/20/RES	Approval of reserved matters (appearance, layout, scale and landscaping) following outline consent A/99/17/OUT, for a culverted embankment.	ApproveConditionally 05-02-21
A/109/20/res	Approval of reserved matters following outline consent A/99/17/OUT for 175 No dwellings & associated infrastructure. This application may affect the setting of a listed building, may affect the character & appearance of the Angmering Conservation Area & falls within Strategic Site SD9, CIL Zone 1 (Zero Rated).	ApproveConditionally 04-02-21
A/24/21/PL	Erection of a temporary sales cabin with 4 parking spaces and associated landscaping. CIL zone 1-This	ApproveConditionally 27-05-21

application is Zero Rated as temporary buildings.

REPRESENTATIONS

ANGMERING PARISH COUNCIL:

No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

LOCAL HIGHWAY AUTHORITY:

No objection.

ADC CONSERVATION OFFICER:

The site is located in the vicinity of Angmering Conservation Area, Avenals Farmhouse, Weavers Cottage, Cressingham Cottage and Barn or outbuilding to the South of Cressingham Cottage, Malt Barn Cottage, The Malthouse and Pigeon House Farm. The amendments to the layout and appearance of the sales area are minor in scale and, on balance, mean that it would not cause harm to the significance of the heritage assets or their setting, nor would it harm the character of the area. As a consequence, it should be determined in accordance with the relevant policies within the Development Plan, along with these comments, together with the contents of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

ADC ECOLOGY

No objection.

ADC GREENSPACE:

No objection.

The Sales Arena landscaping proposals would appear suitable for purpose and location and of temporary nature for the duration of the Sales Cabin requirement at which time the area would be re-instated to that under the proposed landscape plans for this section of the development.

ADC ARBORICULTURE:

No consultation response was submitted.

COMMENTS ON CONSULTATION RESPONSES:

All planning related comments are noted and covered in the Conclusions section of this report.

POLICY CONTEXT

Designation applicable to site:

Strategic Allocation in the Arun Local Plan.

Within the Built-Up Area Boundary in the Arun Local Plan.

DEVELOPMENT PLAN POLICIESArun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
SDSP2	SD SP2 Built-up Area Boundary

Angmering Neighbourhood Plan 2014 POLICY EH1 Development in the Conservation Area

Angmering Neighbourhood Plan 2014 POLICY EH2 Protect the Landscape setting of the South Downs National Park

Angmering Neighbourhood Plan 2014 POLICY HD1 Built-up Area Boundary

Angmering Neighbourhood Plan 2014 POLICY HD4 Materials

Angmering Neighbourhood Plan 2014 POLICY HD5 Built Form

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, The South Inshore & South Offshore Marine Plan 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.

Relevant Angmering Neighbourhood Plan (NP) policies have been taken account of and are addressed in the Conclusions section of this report. The Angmering NP was made on 11th March 2015 and is therefore over 2 years old and therefore has limited weight.

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."

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

The minor amendments that have been made to the appearance of the sales cabin, the provision of 1.8 metre high close boarded fencing in place of 2.0 metre high hoardings and the changes to the

ornamental planting comply with relevant Development Plan policies, The minor amendments do not adversely affect the character and appearance of the site due to the temporary nature of the sales area which commenced on 1st September 2021 and expires on 31st August 2022, following which the sales cabin and associated infrastructure shall be removed from the site by 30th September 2022.

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

PRINCIPLE

The principle of developing a temporary sales cabin (with associated car parking and landscaping) to market 175 dwellings on Land South of Water Lane was established when A/24/21/PL was granted on 27th May 2021. The residential development on Land South of Water Lane has permission under A/99/17/OUT, A/109/20/RES and A/179/20/RES.

This Section 73 application seeks to regularise a number of minor changes that have been made to improve the design and appearance of the sales area, comprising changes to the approved planting scheme, the provision of greater amounts of paving and hard standing to enable access to the generator at the rear of the sales cabin, and the construction of 1.8 metre high close boarded fencing in place of 2.0 metre high hoardings.

VARIATION OF CONDITION 2

This Section 73 application is to vary Condition 2, which was imposed on A/24/21/PL for the provision of a temporary sales cabin and lists all of the approved plans. This application proposes to substitute approved Drawing No. P1320 SALES.01 Rev. B - "Sales Area Layout" and approved Drawing No. PLN-1-5009 Rev. B (JBA 19/283-09) - "Detailed Soft Landscape Proposals for Sales Area" listed in Condition 2 with the following plans:

- Drawing No. P1320 SALES.01 Rev. D - "Sales Area Layout".
- Drawing No. PLN-1-5009 Rev. C (JBA 19/283-09) - "Detailed Soft Landscape Proposals for Sales Area."

VARIATION OF CONDITION 3

This application also proposes to substitute approved Drawing No. P1320 SALES.01 Rev. B - "Sales Area Layout", Drawing No. P1320.SALES.04 - "Sales Cabin Plans & Elevations", Drawing No. PLN-1-5009 Rev. B (JBA 19/283-09) - "Detailed Soft Landscape Proposals for Sales Area" and the Revised Design and Access Statement: Land South of Water Lane, Angmering - Temporary Sales Cabin, dated 9th April 2021, listed in Condition 3 with the following plans:

- Drawing No. P1320 SALES.01 Rev. D - "Sales Area Layout".
- Drawing No. LGCHA023 - "Elevation & Layout",
- Drawing No. PLN-1-5009 Rev. C (JBA 19/283-09) - "Detailed Soft Landscape Proposals for Sales Area."
- Revised Design and Access Statement: Land South of Water Lane, Angmering - Temporary Sales Cabin, dated 17th November 2021.

VARIATION OF CONDITION 5

This application also proposes to substitute approved Drawing No. P1320 SALES.01 Rev. B - "Sales Area Layout" listed in Condition 5, which relates to the re-construction of the flint wall, with the following plan:

- Drawing No. P1320 SALES.01 Rev. D - "Sales Area Layout".

VARIATION OF CONDITION 6

This application also proposes to substitute approved Drawing No. PLN-1-5009 Rev. B (JBA 19/283-09) - "Detailed Soft Landscape Proposals for Sales Area" listed in Condition 6, which is a time limited condition for the implementation of the approved landscaping scheme, with the following plan:

- Drawing No. PLN-1-5009 Rev. C (JBA 19/283-09) - "Detailed Soft Landscape Proposals for Sales Area."

An assessment of the minor changes to the approved layout of the sales cabin, the landscaping and the boundary treatments, that have been implemented on the site is set out below.

SITE LAYOUT AND APPEARANCE

The single storey, flat roofed sales cabin that has been built on the site is a fairly simple structure with glazing on the principal elevation and decorative panels on the remaining; and it measures 7.3 metres long, by 6.0 metres wide by 3.1 metres high. The sales cabin that has been installed on the site is of a different layout and appearance to the sales cabin that was approved under A/24/21/PL. The sales cabin that has been installed on the site has a single front face with doors in the middle of the cabin, whereas the approved plans showed the front of the cabin having a recessed frontage containing the access door to the right of the cabin. There is a discrepancy between the appearance of the sales cabin approved under A/24/21/PL and the appearance of the sales cabin as shown on the plans for the advertisement consent. The changes that have been implemented on the sales cabin are minor and they are acceptable as they enhance the appearance of the sales cabin when compared with the approved plans and when the cabin is viewed from Weavers Hill, and they ensure that the development complies with Policy D DM1(14) of the Local Plan and Policies HD4 and HD5 of the Angmering NP.

Landscape Layout

The approved landscaping plan included the provision of 3 specimen shrubs in square tall containers in front of the sales cabin, however, a more extensive shrubbery bed has been planted in place of the specimen shrubs; as the extensive shrubbery bed enhances the appearance of the sales area and provides sufficient ground cover. Paving slabs have been provided down the side of the sales cabin, which are not shown on the approved plan; the approved plan shows a plant border directly to the right hand side side (i.e. the southern side) of the sales cabin. The paving slabs have been laid to ensure access to the generator which is located to the rear of the sales cabin and is required from a Health and Safety perspective. The extensive shrubbery bed that has been planted in front of the sales cabin, together with the hard landscaping is acceptable as, taken as a whole, it enhances the appearance of the sales area. Once the temporary landscaping of the sales area has been removed in September 2022, the approved landscape scheme for the residential development on the site is scheduled to be implemented 12 months later in September 2023. The minor amendments to the approved landscaping of the temporary sales area are acceptable, in accordance with Policy D DM1(1) and Policy D SP1 of the Local Plan, Policy EH2 of the Angmering NP and the Arun Design Guide.

Boundary Treatment

The sales cabin was proposed to be enclosed by 2.0 metre high branded hoardings, which would have secured the site and enabled advertising hoardings to be attached to the hoardings. The 1.8 metre high close boarded fencing which has been erected around the sales area in place of the 2.0m high branded hoardings provides a robust, secure and aesthetically pleasing solution to both secure the site and provides an attractive visual back-drop to the the sales area when viewed from Weavers Hill and Angmering Conservation Area, and it deters unauthorised access to the larger development site on Land South of Water Lane. The amendment to the boundary treatment to the sale area is acceptable and the implemented scheme complies with Policy D SP1 and Policy D DM1 of the Local Plan, Policy HD8 of the Angmering NP and the Arun Design Guide.

HERITAGE ASSETS

Paragraph 195 of the NPPF, 2021 requires great weight to be given to the conservation of heritage assets. Any harm resulting from the proposed development should be weighed against the public benefit in accordance with paragraph 202 of the NPPF. Paragraph 202 of the NPPF says that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum value". Section 72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 says: "in the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area".

There are listed buildings located in close proximity to the sales area on Weavers Hill: Avenals Farmhouse, Weavers Cottage, Cressingham Cottage and Barn or outbuilding to the South of Cressingham Cottage, Malt Barn Cottage, The Malthouse and Pigeon House Farm. Angmering Conservation Area lies to the south west of the site. The Conservation Area covers the historic core of the village and consists of three different areas of townscape. The area of relevance to the sales area is The High Street, which is almost entirely residential in character and is wider than other roads with a significant gentle curve which invites exploration of the many attractive buildings which are distributed along the road. The amendments to the layout and appearance of the sales area are minor in scale and they would not impact on the listed buildings and the Conservation Area. Weavers Hill is narrow, with the re-built flint feature wall fronting almost directly onto it. This application does not involve the removal of any further sections of the flint wall that has not already been approved. The temporary nature of the sales cabin means that the application is considered to not cause harm to the significance of the heritage assets or their setting, nor would it harm the character of the area. The temporary nature of the sales cabin (i.e. from 1st September 2021 to 31st August 2022) after which it would be removed, and the area reverted to part of the planned open space is acceptable. The minor changes to the sales area are acceptable and they comply with Policy HER DM1 of the Local Plan in terms of impact on listed buildings and Policy HER DM3 of the Local Plan and Policy EH1 of the Angmering NP in terms of impact on the Conservation Area, the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), in that the minor changes protect the setting of the Listed Buildings and Angmering Conservation Area.

SUMMARY

This Section 73 application seeking the variation to Conditions 2, 3, 5 and 6 of A/24/21/PL to regularise the minor changes that have been implemented at the sales cabin is acceptable. The minor changes that have been implemented enhance the layout and appearance of the development, in accordance with Policy D SP1 and Policy D DM1(1) of the Local Plan, Policy HD5 of the Angmering NP, the Arun Design Guide and the National Planning Policy Framework.

RECOMMENDATION

It is recommended that this Section 73 application is approved and that Conditions, 2, 3, 5 and 6 of A/24/21/PL be varied; that Condition 1 be amended to address the time limit (i.e. the development hereby permitted shall be begun before 27th May 2024), and that Condition 4 remains unchanged.

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 The development hereby permitted shall be begun before 27th May 2024; and the Local Planning Authority must be notified in writing on commencement of the development.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The commercial use of the land hereby permitted shall be discontinued permanently on or before the 31st August 2022, following which the sales cabin, the 4 space customer car park, the 1.8 metre high close boarded fencing, and the temporary ornamental planting identified on - Drawing No. P1320 SALES.01 Rev. D - "Sales Area Layout" and Drawing No. PLN-1-5009 Rev. C (JBA 19/283-09) - Detailed Soft Landscape Proposals for Sales Area shall be removed from the site by 30th September 2022.

Reason: To ensure the commercial development is for a limited period, in accordance with Policy D DM1 and Policy D SP1 of the Arun Local Plan.

- 3 The development hereby approved shall be carried out in accordance with the following approved plans:

- Drawing No. P1320 SALES.02 - Sales Area Location Plan.
- Drawing No. P1320 SALES.01 Rev. D - Sales Area Layout.
- Drawing No. LGCHA023 - Elevation & Layout.
- Drawing No 01 Rev. A - Plan Layout General Arrangement.
- Drawing No. 02 - Proposed Elevations.
- Drawing No. 03 Rev. P1 - Weavers Hill Access Visibility Assessment.
- Drawing No. PLN-1-5009 Rev. C (JBA 19/283-09) - Detailed Soft Landscape Proposals for Sales Area.
- Revised Design and Access Statement: Land South of Water Lane, Angmering - Temporary Sales Cabin, dated 17th November 2021.
- Construction Management Plan: Sales Area (Ref. A290-R009 Rev. A), by Abley Letchford Partnership, 9th April 2021.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy D DM1 of the Arun Local Plan.

- 4 The temporary sales cabin shall not be used for commercial purposes until the road, footway and the car parking area serving it have been constructed, surfaced and drained in accordance with the approved plans and details.

Reason: To secure satisfactory standards of access for the proposed development, in accordance with Policy D DM1 of the Arun Local Plan.

- 5 Within 3 months of commencement, the length of flint wall which is proposed to be re-built outside the visibility splay, as indicated on - Drawing No. P1320 SALES.01 Rev. D - "Sales Area Layout" shall be built re-using the flint from the existing wall.

Reason: In the interests of amenity and the environment in accordance with Policy D DM1 of the Arun Local Plan.

- 6 All planting, seeding or turfing comprised in the approved details in Drawing No. PLN-1-5009 Rev. C (JBA 19/283-09) - "Detailed Soft Landscape Proposals for Sales Area" shall be carried out within 3 months of the date of this permission.

Reason: In the interests of amenity and of the environment of the development in accordance with Policy D DM1 of the Arun Local Plan.

- 7 INFORMATIVE: The potential temporary closure of Weavers Hill to form the access will require a temporary traffic regulation order. The applicant will need to apply for this and it will be considered independently of the current Construction Management Plan (Ref. A290-R009 Rev. A); the approval of the Construction Management Plan does not guarantee the temporary traffic regulation order will be accepted by West Sussex County Council.

- 8 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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.