

Recommendation Report for Planning Permission

REF NO: A/236/21/PL

LOCATION: Merry England Nursery
Dappers Lane
Angmering
BN16 4EN

PROPOSAL: Variation of condition imposed under A/168/18/RES relating to condition 4-landscape plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The proposal relates to a small change to the approved landscape scheme comprising the removal and replacement of 3 trees G2(Elm),T5(Magnolia) and G7(Fruit Tree) previously indicated for retention.

TOPOGRAPHY Predominantly flat.

TREES 3 trees previously indicated for retention are to be removed and replaced with similar species:
G2 Tree - Elm with a height of approx. 5m
T5 Tree - Magnolia with a height of approx.. 5-6m
G7 Tree - mixed Fruit with a height of 5m

BOUNDARY TREATMENT Post and rail fencing, trees and hedging.

SITE CHARACTERISTICS The site is under construction.

CHARACTER OF LOCALITY Rural with limited residential development to the east of Dappers Lane, to the north and south of the site are former nurseries used largely for commercial purposes with open fields to the east of the site. To the west of Dappers Lane is residential development within the built up area boundary.

RELEVANT SITE HISTORY

A/168/18/RES	Application for approval of reserved matters following outline planning permission A/142/16/OUT for the demolition of existing buildings & erection of 17 no. dwellings, refurbishment of 1no 3bed dwelling & the provision of pedestrian footpath adjacent to Dappers Lane	ApproveConditionally 18-04-19
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REPRESENTATIONS

None.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Landscape Officer - No Objection.

Species and height acceptable. Elm must be disease resistant variety such as Ulmus New Horizon (or similar).

COMMENTS ON CONSULTATION RESPONSES:

- comments noted

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

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

DDM1 D DM1 Aspects of form and design quality

DSP1 D SP1 Design

[Angmering Neighbourhood Plan 2014 POLICY HD6](#) Housing Layout & Design

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.

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 proposed

alterations to the approved landscaping plan have an acceptable impact on the design of the scheme and do not affect the residential amenity of the dwellings on site or neighbouring it.

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,
- (aza) a 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.

OTHER MATERIAL CONSIDERATIONS

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

CONCLUSIONS

PRINCIPLE

The site lies within the built up area boundary of the Local Plan where the principle of residential redevelopment is acceptable and in this particular case has already been approved under reference A/168/21/PL. The application only relates to the alterations listed in the description. All other matters relating to the permission remain unaltered

The key policy consideration in the determination of this application are;

Arun Local Plan (ALP).

D SP1 (Design) and DDM1 (Aspects of Form and Design Quality), of Arun Local Plan. These policies seek to ensure that development:

- Minimises the impact on neighbouring land/residents.
- The design is adaptable and appropriate in design and scale.
- Demonstrate a high standard of soft landscaping.

Angmering Parish Neighbourhood Plan (ANP)

Policy HD6 (Housing Layout and Design) seeks to ensure that development by way of appearance and layout is appropriate to its location and retains important trees and hedgerows and new trees and shrubs are of similar species to those in the immediate area.

VISUAL AMENITY AND DESIGN

The removal and replacement of 3 trees is considered acceptable in landscape design terms and would not have an adverse impact on visual amenity. The proposal therefore accords with policy D DM1(2) of the Arun Local Plan and policy HD6 of the Angmering Neighbourhood Plan.

RESIDENTIAL AMENITY

The proposed landscaping alterations have no adverse impact on residential amenities of adjoining occupiers or future residents. The proposal therefore accords with policy DDM1(3) in that it has no unacceptable adverse impact on the occupiers of nearby property.

CONCLUSION

The proposal is recommended for approval subject to the following conditions:

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

- Location Plan - 0277- P032
- Masterplan - 0277 - P010
- Masterplan (colour) - P013
- Survey Plan 25532/4546

The below plan the subject of this application is approved in relation to Layout and Landscaping only.

- Landscape Proposal - LSP/073/001/REV C

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

- 2 The applicant shall plant the approved replacement trees during the next planting season following the felling of the trees, the subject of this application and the precise species of the Elm tree shall be approved by the Local Planning Authority. In the event that any such trees die within five years following such planting shall replace them by similar trees in similar

positions during the next planting season.

Reason: To retain trees in the interests of the environment of the locality in accordance with policy D DM1 of the Arun Local Plan.

- 3 INFORMATIVE: This application amends condition 4 of A/168/18/RES only and all other conditions remain in force.
- 4 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.