

Recommendation Report for Planning Permission

REF NO: A/47/22/PL

LOCATION: Land East Of
Roundstone Lane
Angmering
BN16 4AL

PROPOSAL: Continuance of use without compliance with condition 17 imposed under A/3/21/PL relating to prior to first occupation the hatched area indicated on Site Layout Green Arrangement 1388/001 K shall be laid to be an open grassed area and shall remain, at all times, available for public use.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application relates only to the removal of condition (17) in respect of use of the land at the most eastern part of the site. The condition states: Prior to first occupation the hatched area indicated on drawing Site Layout General Arrangement 1388/001 K shall be laid to be an open grassed area and shall remain, at all times, available for public use. Reason: In the interests of the amenity and the character of the area in accordance with policy D DM1 of Arun Local Plan. The permission for the provision of a 74-bed care home (A/3/21/PL) is being implemented and nearing completion. The application site is the same as approved and the design and position of the home is unaltered by this proposal.
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	Contractors fencing erected along site boundaries.
SITE CHARACTERISTICS	The approved care home is under construction and nearing completion.
CHARACTER OF LOCALITY	The site is located to the east of Roundstone Lane and is part of a larger site for the area to provide 600 homes to the east of Angmering. Sites to the north and south of the site were granted permission with a number of the properties already completed and occupied. To the west of Pound Place lies Bramley Green which has a mix of two and two and a half storey properties fronting Roundstone Lane. To the east is the Angmering By Pass road and the South Downs National Park beyond.

RELEVANT SITE HISTORY

A/3/21/PL	Erection of a 74-bed care home (C2 residential institution) with car parking, landscaped gardens & access from Roundstone Lane. (resubmission following A/9/19/PL). This site is in CIL Zone 2 (Zero Rated) as other development.	ApproveConditionally 09-04-21
A/50/20/PL	Variation of condition 2 imposed under A/51/18/PL (APP/C3810/W/19/3220233) relating to inclusion of electricity substation & gas & electricity meter housing; alteration of internal paths; inclusion of cycle & motorcycle parking; alteration to car parking layout; inclusion of pedestrian crossing to internal roadway & amendment of bin store to include stand for generation housing.	ApproveConditionally 09-06-20
A/9/19/PL	Demolition of existing dwelling & erection of a 62 bedroom care home (C2 Residential Institution) with car park, landscaped gardens & access from Roundstone Lane (resubmission following A/51/18/PL).	ApproveConditionally 16-09-19
A/51/18/PL	Demolition of existing dwelling & erection of a 64 bedroom care home (C2 Residential Institution) with car park, landscaped gardens & access from Roundstone Lane. This application is a Departure from the Development Plan.	Refused 15-11-18
		Appeal: Allowed+Conditions 31-12-19

REPRESENTATIONS

Angmering Parish Council - No Objection.

One Objection

- Disagree with point 4 of agent's covering letter that states public access to land would conflict with the safety and security of residents.
- It has been proven that views of nature/greenery have a positive impact on wellbeing, this space will benefit their residents.
- If the owners are unable to keep their residents safe, they should be barred from running a care home.
- If the public constitute such a threat, perhaps the applicant should fund local policing services to ensure the safety of all of us.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments are noted and addressed in the conclusions section of this report.

The area would be incorporated within the landscaped garden area so would provide a positive impact on the wellbeing and outlook of residents.

There is no reason to dispute the assertion by the agent that the proposal would enhance security for

residents of the home.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection.

Greenspace Officer - No Objection.

The landscape detail provided as above will mitigate for the impact of the site proposals.

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:](#)

HDM2 H DM2 Independent living and care homes

DDM1 D DM1 Aspects of form and design quality

DSP1 D SP1 Design

ENVDM5 ENV DM5 Development and biodiversity

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

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13 Arun District Design Guide (SPD) January 2021

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.

The relevant policies of Angmering Neighbourhood Plan have been taken into account.

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 there would be no materially adverse effect on the visual amenities of the locality.

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/3/21/PL. The application only relates to the alteration 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 2011-2031.

D SP1 (Design), D DM1 (Aspects of Form and Design Quality), H DM2 (Independent Living and Care Homes) of the Arun Local Plan 2011-2031. These policies seek to ensure that development:

- Minimises the impact on neighbouring land/residents.
- The design is adaptable and appropriate in design and scale.

Angmering Parish Neighbourhood Plan (ANP).

Policy HD6 (Housing Layout and Design) seeks to ensure that development by way of appearance and design are appropriate to their location.

PLANNING HISTORY

The condition was not imposed when the original application for the care home A/51/18/PL was allowed by the Inspector. It was introduced as part of the consideration of A/9/19/PL and was controlled by imposition of condition 9. It was justified on the basis that the proposal integrated with the development to the north by ensuring that built form did not extend beyond the eastern limit of residential development and the railings adjacent to the site were moved further to the west to provide a better relationship with the extensive area of open space to the rear. The open space connected adjoining sites together and no intrusive harsh boundary was located adjacent to the open space. The stark contrast with the flat open area to the north was removed and the proposal contributed more positively to the feeling of space derived from the area. The condition sought to secure the laying out of the space beyond the proposed

boundary to ensure that the comprehensive open space was delivered.

This condition was re-imposed as condition 17 when planning permission for the 74-bed care home was granted under A/3/21/PL. However, Drawing J180649-GL-L-DR-001 Rev B - Landscape General Arrangement Plan was included in the list of approved plans in condition 1 which shows proposed 1.8m high hoop top metal rail fencing in the same position as shown in this application which encloses the hatched area. In addition, Condition 16 referred to the boundary treatments plan 002 Rev C which also detailed enclosure of the area with hoop top fencing.

The imposition of the condition clearly conflicted with plans which were approved at appeal where it was stated that the area to the east should remain open.

ANALYSIS OF TESTS FOR IMPOSITION OF CONDITION

Paragraph 56 NPPF states that planning conditions should satisfy the six tests, namely:

1. Necessary.
2. Relevant to planning.
3. Relevant to the development to be permitted.
4. Enforceable and
5. Precise.

Condition 17 is a repeat of a condition imposed on planning permission A/9/19/PL which approved a 62-bedroom care home and sought to retain the hatched area as open space for use by the public. When planning permission, A/3/21/PL was submitted, this area was not indicated as such on any of the plans. This was mistakenly not picked up when determining the application. As a result the condition did not apply as it bears no relation to the layout details submitted and approved with the application and was superseded by the later applications.

The condition was not therefore necessary or reasonable since it did not relate directly to the proposal which was submitted and approved and was not necessary (1) or relevant to the development permitted (3) above and should not have been imposed. It is also not enforceable (4) since other approved plans within the same planning permission allow the enclosure of the hatched area.

VISUAL AMENITY AND DESIGN

Whilst it is acknowledged that the preference for the hatched area would be for it to remain open this cannot now be achieved for the reasons given above. However, the site is bounded by new residential development to the north and south comprising 2 storey semi-detached and detached dwellings. Given the nature of both the visual context of the site and the mainly 2 storey form of development approved and that the layout ensures the built form is located to the rear of the site with space to site boundaries the inclusion of the eastern area within the garden of the site enclosed by hoop top fencing, which can be looked through, would not be overly intrusive or out of keeping and the comprehensive landscaping scheme provided as part of the proposal would ensure visual integration of the area with the area beyond. The approved form of boundary treatment would not be a harsh visual barrier. The approved development allows space between the boundary fencing and roadway to the east providing a gap (approx. 9m) between the development and the highway which links into the open space beyond to the north and south. The main layout of the site and care home block position and appearance are unaffected by the proposal.

Although the garden area of the home would jut out into the open space around it the benefit derived from the open space within the wider area generally is not compromised by the proposed changes. The alterations to the approved layout at the eastern end of the site would appear visually integrated with the approved development in compliance with policy D DM1 of ALP and would allow for sufficient space around the development to be retained to provide a cohesive and visually linked area of open space.

RESIDENTIAL AMENITY

In terms of the amenity of proposed occupiers it would not be appropriate for the eastern boundary to be kept open or land made available for public use as it would conflict with the safety and security of residents living in the care home.

The approved building is orientated to run down the length of the site and is not altered by this proposal. Its position and the main access position into and within the site remain as approved. Any noise generated from the layout change to incorporate the area within the garden would be limited. The proposal would therefore accord with policies QE DM1 and D DM1(3) in that it adequately addresses the impact to users and occupiers of nearby property.

CONCLUSION

The application is therefore recommended for approval subject to the following condition.

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 plan:

Location Plan 1388/000 REVA.

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.

- 2 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.
- 3 INFORMATIVE: This permission relates to the removal of condition 17 of planning permission A/3/21/PL only. The applicant is reminded that the other planning conditions attached to the original planning permission number A/3/21/PL remain in force and must be complied with.