

Recommendation Report for Planning Permission

REF NO: A/49/22/PL

LOCATION: The Honey Pot
Honey Lane
Angmering
BN16 4AB

PROPOSAL: Variation of condition imposed under ref A/118/97 relating to Condition No 7 - parking spaces.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks planning permission for a variation of condition imposed under ref A/118/97 relating to Condition No. 7 - parking spaces.

EXISTING WORDING
CONDITION 7 : The dwellings shall not be occupied until the parking spaces, turning facilities and garages shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking, turning and garaging of vehicles.

REASON : To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways.

PROPOSED VARIATION TO WORDING
CONDITION 7 : The dwellings shall not be occupied until the parking spaces shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking of vehicles.

REASON : To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways.

SITE CHARACTERISTICS The site is occupied by a two storey detached property.

CHARACTER OF LOCALITY The area is predominately residential.

RELEVANT SITE HISTORY

A/118/97	Outline application for the construction of two detached chalet style houses with garages	ApproveConditionally 11-03-98
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An application was approved in October 2021 for a single storey side and rear extension and a two storey side extension.

REPRESENTATIONS

Angmering Parish Council provided no objection.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Built up area boundary.

DEVELOPMENT PLAN POLICIES

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

TSP1	T SP1 Transport and Development
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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.

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 not have a materially adverse impact on the residential amenities of nearby properties nor would it have a significant adverse impact upon the established character of the surrounding area or upon the highway.

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 principle of the development has been agreed. It is only the issue relating to the parking condition which can be considered under this application.

INTRODUCTION

The proposal seeks to vary the condition which relate to the parking at the property and was approved under A/118/97.

The proposal has been constructed and makes no physical changes.

The condition states 'The dwellings shall not be occupied until the parking spaces, turning facilities and garage have been provided and constructed. The proposal seeks to remove the words 'turning facilities and garage' from the condition.

WSCC have been consulted and note there is sufficient space on site for the parking of at least 7 cars and space for turning available also. The change of wording would remove the requirements for garages on site however this does not affect the number of spaces that are available to park.

The change to the wording of the condition does not result in harm upon the highway with a sufficient number of parking spaces provided and existing turning available on site.

The proposal is recommended for approval.

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 7 imposed under A/118/97 is amended to read:

'The dwellings shall not be occupied until the parking spaces shown on the submitted plans have been provided and constructed. The areas of land so provided shall not thereafter be used for any purpose other than the parking of vehicles.'

REASON : To ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in accordance with T SP1 of the Arun Local Plan.

- 2 INFORMATIVE: All other conditions imposed on A/118/97 remain in place.