

Recommendation Report for Removal of a Planning Obligation

REF NO: A/58/20/PO

LOCATION: Land at West End Nursery
Roundstone Lane
Angmering

PROPOSAL: Application to Modify a Planning Obligation under reference A/144/15/PL dated 1st June 2016 Schedule 2 Paragraph 6.3 and 6.4 to amend the payment date for 50% sports pitch contribution.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION The application seeks to modify para's 6.3 and 6.4 of schedule 2 of the s106 agreement of A/144/15/PL to amend the payment date for 50% sports pitch contribution.

SITE CHARACTERISTICS Housing development site where many of the houses have been completed and some are occupied.

History noted.

REPRESENTATIONS

No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Parks and Landscapes

CONSULTATION RESPONSES RECEIVED:

None.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:
Adopted Local Plan

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 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.

The Neighbourhood Development Plan

No policies in the Neighbourhood Plan relate to this application.

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 due to current circumstances it would be reasonable to allow a delay in payment of the sports pitch contribution.

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

The applicants have made the following statement;

'Due to the closing down of all the CALA Homes on site business operations, as a result of the catastrophic impact of the coronavirus Covid -19 and the nationwide lockdown, the priority of any company in such times is to ensure the survival of the business over this very difficult period and beyond, within reason. It is because of this situation that both our sales income and all construction operations have come to an abrupt halt and are to remain closed for the foreseeable future.

The impact on our business is therefore significant and it is hoped the LPA will act reasonably to agreeing to the deferment of a forthcoming final financial contribution in accordance with the Section 106 Agreement.'

The proposed alteration of condition will result in a delay of provision of the contribution.

The s106 agreement currently provides for the contribution to be made on the occupation of the 200th

dwelling. The 246th dwelling is the last house to be constructed as part of the original planning permission.

Summary:

For the reasons set out above it is recommended that the modification to the original Section 106 Agreement under planning permission A/144/16/ by modifying Schedule 2 para 6.3 and 6.4 and therefore accepting the extension of time for the payment to be made to the occupation of the 246th dwelling should be approved.

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