

Recommendation Report for Removal of a Planning Obligation

REF NO: A/72/18/PO

LOCATION: Land at West End Nursery
Roundstone Lane
Angmering
BN16 4AX

PROPOSAL: Application for the Modification of Planning Obligation imposed on A/144/15/PL relating to the Affordable Housing Agreement

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Application to modify the s106 agreement dated 1st June 2016 under reference A/144/15/PL as varied by a deed of variation dated the 20th December 2016.
SITE AREA	9.72ha
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Gross density of 25.3dph and net density of 36.68dph not including open space.
TOPOGRAPHY	Predominantly flat within the site. The site sits approximately 1-2 m above the height of Roundstone Lane.
TREES	None affected by the application.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	The application site benefits from permission for the construction of 246 residential units, associated open space, access and car parking.
CHARACTER OF LOCALITY	The site is located to the east of Angmering village and is bounded by Roundstone Lane to the west. Immediately opposite the site entrance is an entrance to a variety of industrial units behind the frontage residential properties. The edge of Angmering village has a mix of existing residential development with 2 and 2.5 storey properties fronting Roundstone Lane. There is a strong green edge to the settlement with trees and hedges on both sides of the lane. To the south of the proposed site there is the Haskins Garden Centre and extensive retail development with associated car parking. The North of the site has a cypress tree belt, beyond which is Worthing Rugby Club. The proposed site, Worthing Rugby Club and the land to the north of the rugby club has all been agreed as a strategic housing allocation. Two sites one by Barratt Homes and one by David Wilson Homes are under construction with a number of homes already completed and

occupied.

To the east the A280 which clearly defines the built edge to Angmering. To the east of the A280 is open farmland.

RELEVANT SITE HISTORY

Planning permission was granted under reference A/144/15/PL for the construction of 246 No. residential dwellings including garages & associated parking, affordable housing, associated landscape & infrastructure & addition of pumping station. Utilisation of 2 No. existing vehicular access points from Roundstone Lane & formation of access road to serve the development.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

Objection -

We object on the basis that we wish to see the requirement retained for affordable housing to be available for the local community.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted. However, the proposed variation would not conflict with policy AH SP2 of the Arun District Local Plan (2011-2031) and there is no policy justification for the requirement for a local connection. This matter will be considered further in the conclusion to this report.

CONSULTATIONS

Planning and Housing Strategy

CONSULTATION RESPONSES RECEIVED:

HOUSING STRATEGY AND ENABLING MANAGER

No objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Within the built up area boundary.

DEVELOPMENT PLAN POLICES

AHSP2 AH SP2 Affordable Housing

PLANNING POLICY GUIDANCE:

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2011-31, West Sussex County Council's - Waste and Minerals Plans and Made Neighbourhood Development Plans.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

The Angmering Neighbourhood Plan has been made but there are considered to be no relevant policies in the determination of 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 it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

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 site benefits from planning permission under reference A/144/15/PL and the s106 was signed on the 1st June 2016 and varied on the 20th December 2016.

The application seeks to vary paragraphs 1.14.1; 1.14.1(I); 1.14.1 (ii) and 1.14.1(iii) of the s106 agreement (as varied by the First Deed of Variation) in relation to the specific eligibility criteria for the Intermediate Units.

It has been identified by the agent that the eligibility criteria set out within the s106 agreement is outdated and does not reflect the actual method by which Intermediate Units are allocated to those in need of affordable housing.

The applicant participates in the Homes England Shared Ownership and Affordable Housing Programme (SOAHP) 2016-21. The SOAHP sets updated criteria for the allocation of shared ownership units and allows for the allocation of units to individuals registered on the Help to Buy Register. The SOAHP requires that shared ownership units are made available to anyone with an income of less than £80,000, without any reference to any local connection requirements.

In order for the applicant to accord with the Homes England SOAHP variation of the s106 is required. The proposed variation has been considered by the Council's Housing Strategy and Enabling Manager who has raised no objection to the proposed variation. The proposed variation would be in accordance with policy AH SP2 of the Arun District Local Plan (2011-2031). Therefore, it is recommended that the application is approved and the s106 is varied in accordance with the application.

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