

11 June 2018

David Easton
Principal Planning Officer
Arun District Council
Arun civic Centre
Littlehampton
BN17 5LF

savills

Jim Beavan

Via Planning portal

Dear Ms Gardner,

**APPLICATION FOR A NON-MATERIAL AMENDMENT TO PLANNING APPLICATION A/142/16/OUT
(APPLICATION UNDER SECTION 73 TCPA 1990)**

MERRY ENGLAND NURSERY, DAPPERS LANE, ANGMERING (PP-07044853)

I am writing on behalf of Mrs Ingrid Haggis, the landowner at Merry England Nursery (hereafter referred to as the applicant). Pursuant to this full online submission please find attached the following information submitted in support of a Non-Material Amendment (MMA) to Planning Application A/142/16/OUT.

This letter sets out the context of the existing consent, the nature of the proposed amendments and the rationale and necessity for the change.

In addition to this letter, the application submission consists of:

- Application Form
- Access Plan (Drg ref: 5804/101 Rev B)
- Highways Ownership Plan
- Create Nursery Verge Title Plan (WSX392352)
- The fee of £234 (to be paid electronically)

Background

As you will be aware, Outline Planning consent was granted on 30 June 2017 for the demolition of the existing buildings at Merry England Nursery and the erection of 18 No. dwellings and the provision of pedestrian footpath adjacent to Dappers Lane (ref: A/142/16/OUT).

During the determination of the application, the Local Highway Authority (West Sussex County Council) raised concerns with the sites accessibility and sustainability given that there is no dedicated footway provision along Dappers Lane and any pedestrians or cyclists visiting the site would be required to share the carriageway with vehicles. To address these concerns, the applicant proposed a length of footway along the southern side of Dappers Lane, with a crossing point via tactile paving to the adjacent footway onto Merryfield Crescent. Details provided show a 2.0m wide footway which was considered by the Local Highway Authority and identified as achievable.

The provision of the footpath is enshrined in the following conditions attached to the consent (Savills emphasis added):

Condition 3

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

Adventis Plc. Chartered Surveyors. A subsidiary of Savills plc. Registered in England No. 2605138.
Registered office: 33 Margaret Street, London, W1G 0JD

ARUN DISTRICT COUNCIL A/91/18/NMA



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

- Location Plan - 0192 Rev B
- **Access Plan - 5804/101 Rev A**

Condition 10

*No development shall commence until the vehicular access and footway serving the development has been constructed **in accordance with the approved planning drawing**. Prior to the implementation of the footway hereby approved full details of its construction shall be submitted to and approved by the Local Planning Authority in consultation with West Sussex County Council.*

Application Rationale

The site immediately to the south of Merry England Nursery (Crete Nursery) was recently granted consent for the demolition of the existing outbuildings and erection of 14 new homes (17 January 2018 - A/178/17/OUT).

Following the grant of outline consent the Owners at Crete Nursery have successfully applied to register the verge land adjacent to their property, serving to create a 'ransom' situation whereby the footway is undeliverable without their cooperation (see attached Title). We have sought to liaise directly with the owners of Crete Nursery to negotiate the construction of the footpath over their verge land, however, an agreement with Crete Nursery has not been forthcoming.

With prospective developers now seeking to take the Outline consent on the Merry England site forward to Reserved Matters it is imperative for my Client to be able to secure an implementable consent which has necessitated this NMA.

Non-Material Amendment

The approved Access Plan (5804/101 Rev A) currently shows the proposed footpath being delivered along the east side of Dappers Lane with a crossing point via tactile paving to the adjacent footway onto Merryfield Crescent.

This application seeks to amend the approved plan to show the 2.0 metre footway extending as far south as the Crete Nursery ownership before crossing to the west side of Dappers Lane via tactile paving and travelling south to tie into the existing footway at Merryfield Crescent. As per the extant Outline Consent, the footway and crossing would be delivered via S278 Agreement.

It is therefore proposed to amend the wording of Condition 3 to read:

Condition 3

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

- Location Plan - 0192 Rev B
- ~~- Access Plan - 5804/101 Rev A~~
- **Access Plan - 5804/101 Rev B**

Condition 10 would remain unchanged.

Deliverability

The proposed footpath option runs entirely within land owned by West Sussex County Council as confirmed in the attached highway ownership plan showing the extent of the adopted highway coloured pink.

There is an informative attached to the outline consent which sets out that:

The application is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

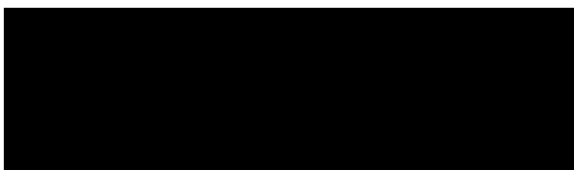
Should the Council wish to cement the delivery of the footway, an obligation to enter into a S278 with West Sussex County Council could be fully secured by way of a supplemental S106 Agreement.

Conclusions

The applicant understands that the definition of non-material is the responsibility of the planning authority to determine. Indeed, the judgement on "materiality" in any particular case is one of fact and degree. In this case it is maintained that the changes to the consented scheme do not constitute 'material' amendments and sit comfortably within the spirit of the original consent and will allow this consent to progress to detailed planning stage.

If you require any further information please do not hesitate to contact me.

Yours sincerely



Jim Beavan
Savills Planning

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