

Recommendation Report for Removal of a Planning Obligation**REF NO:** BN/2/14/PO**LOCATION:** Angel's Nursery
Yapton Road
Barnham**PROPOSAL:** Application to modify a Planning Obligation dated 04/08/10 under planning application no. BN/27/09 to vary the percentage of affordable housing from 40% to 30%**SITE AND SURROUNDINGS****DESCRIPTION OF APPLICATION**

The planning obligation that accompanied planning permission BN/27/09 proposed 40% (34) of the homes to be provided as affordable. This was in accordance with the development plan at the time and the South East Plan requirements also.

The South East Plan has now been revoked and the only policy requirement for the provision of affordable housing is contained in the Council's Interim Policy at 30%, which would provide 26 units for a scheme of 86 dwellings.

The applicant has had detailed discussions with the Council's Housing & Enabling Officer over the provision of affordable housing and the tenure split between shared ownership and rented accommodation.

The Deed of Variation seeks to formalise the amended affordable housing proposals.

SITE AREA

3.5 hectares

RESIDENTIAL DEVELOPMENT DEN

N/A

TOPOGRAPHY

Predominantly flat

SITE CHARACTERISTICS

The application site comprises two former horticultural nurseries and extends to 3.5 hectares. It is occupied by two two-storey residential properties, and areas of hard standing within the site and two existing access points onto Yapton Road.

CHARACTER OF LOCALITY

Application site currently comprises a horticultural site in the countryside but close to the village of Barnham. The area around the application site comprises many similar uses and there are also a number of residential dwellings to the north and east of the application site.

RELEVANT SITE HISTORY

BN/27/09/	Outline application for demolition of all existing structures and redevelopment with up to 95 dwellings (including up to 38 affordable homes) together with associated open space, landscaping and access improvements (This is a Departure from the Development Plan)	Refused 09-04-2010 Appeal: Allowed 06 01 2011
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REPRESENTATIONS**Representations received:**

Awaited

Comments on Representations received:

None

CONSULTATIONS

Southern Water Planning
Planning and Housing Strategy
Planning Solicitor

Consultations responses received:

Housing Strategy and Enabling Officer:

No objection to the variation in terms of the affordable housing percentage.

Southern Water:

No objection to the proposed changes in percentage of affordable housing. Condition requested which would require the developer to advise the LPA in consultation with Southern Water of measures which will be undertaken to divert the public sewers prior to the commencement of the development.

Comments on Consultation responses:

Comments noted. The condition requested by Southern Water cannot be included within this approval, the application seeks permission to vary an existing legal agreement and conditions such as that proposed cannot be applied to such an application.

POLICY CONTEXT

Designation applicable to site:
Class B Road
Outside the built-up area boundary
Tree Preservation Order
Area of Special Control for adverts

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [DEV17](#) Affordable Housing

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

XXX6 Interim Affordable Housing Policy

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan will be considered for publication at a later meeting of Full Council and the whole Local Plan will undergo a formal public consultation once the remaining chapters have been published (with subsequent examination and adoption). The weight given to the published policies can be significant if the policies do not have unresolved objections and are consistent with the NPPF. The published chapters 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 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 proposed Deed of Variation accords with the current requirements of the planning policy for affordable housing. The Council's Housing & Enabling Manager supports the proposals and has had discussions with the developer over the tenure split and the delivery of the affordable housing units.

The proposals accord with current planning policy and the Deed of Variation should therefore be agreed.

RECOMMENDATION

BN/2/14/PO

APPROVE