

Recommendation Report for Removal of a Planning Obligation

REF NO: P/52/19/PO

LOCATION: Land off Summer Lane
Pagham
PO21 4NG

PROPOSAL: Application to Modify a Planning Obligation dated 30 September 2016 under P/58/15/OUT relation to the definition of 'Affordable Housing Units'.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION It is proposed to alter the mix and tenure split of the affordable housing provision. The changes are set out in the following:

	1B-AR	2B-AR	3B-AR	1B-SO	2B-SO
S106 requirement	7	12	0	0	8
Proposed mix	0	25	2	0	0

(where AR is Affordable Rent and SO is Shared Ownership)

SITE AREA 5.6 hectares including access.

RESIDENTIAL DEVELOPMENT N/A

DENSITY (NET)

TOPOGRAPHY Appears flat but has a slightly declining gradient from east to west.

TREES None affected by the proposal.

BOUNDARY TREATMENT The northern boundary is defined by scrub and a ditch and there is a hedgerow and a tree bordering a small paddock to the north west. To the east the site is bordered by broken hedgerow which adjoins the rear gardens of Brooks End/Sylvia Close. The southern boundary partially adjoins a dwelling off Summer Lane and is divided hedgerows and post and rail fencing. The remainder of this boundary abuts Summer Lane.

The parcel of land to the south is open on its north, west and southern boundaries. The east is bounded by a village hall, open space and garden boundary fences associated with existing properties.

SITE CHARACTERISTICS The site covers two separate parcels of land both to the north of Summer Lane, with a separate parcel of land to the south. The area of land to the south is proposed as POS comprising approximately 1.6ha with the remaining land to the north of Summer Lane proposed for housing and associated POS. The total POS area comprises 2.57ha.

The site comprises mainly agricultural land to the west and informal grazing land/scrub on the parcel of land to the east. To the west of the site the land is bordered by arable land which continues in a westerly direction. To the east of the housing site are the rear of dwellings associated with Brooks End and Sylvia Close, and there are a number of residential properties and Pagham United Reformed Church which face the proposed POS area. Land to the north is dominated by the Mill Farm Park Homes estate.

Summer Lane comprises a road and a public footpath (FP100) providing access to a small number of large, detached properties arranged in a linear formation on the north side. Summer Lane continues in a westerly direction where it provides access to a small number of isolated properties, but it is more regularly used as a footpath.

CHARACTER OF LOCALITY

Despite its relatively close proximity to Pagham the site has a rural feel owing to the nature of the site and the large expanse of open countryside to the west. It sits on the very western edge of the settlement, the extent of which generally follows the line of Pagham Road. The only exception to this is the Mill Farm Estate which lies to the north of the site which comprises a large residential park homes estate; this encroaches into an area of former countryside.

Dwellings to the south along Summer Lane are detached properties of individual appearance. Properties to the east within Brooks End and Sylvia Close comprise a mix of detached and semi-detached dwellings.

RELEVANT SITE HISTORY

P/70/19/RES Approval of reserved matters following outline consent P/58/15/OUT for 90 No. dwellings. Also seeking to address the terms of planning conditions 6 (Phasing), 8 (ecology), 9 (Surface Water), 12 (Vehicular Access), 15 (Parking), 18 (Travel Plan), 20 (Landscape Management), 24 (Parking Control), 25 (Dwelling Parking) and 26 (Materials)

P/58/15/OUT	Outline application with some matters reserved for the erection of 90 No. dwellings with associated access & open space. This is a Departure from the Development Plan.	App Cond with S106 30-09-16
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REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Pagham Parish Council

"No objection"

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Planning and Housing Strategy

CONSULTATION RESPONSES RECEIVED:

ADC HOUSING STRATEGY & ENABLING MANAGER - "I have no objection to the revised scheme"

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Outside of the Built Up Area Boundary;

Flood Zone 1;

Strategic/Local Gap (proposed POS to the south of Summer Lane only); and

No Public Sewer.

DEVELOPMENT PLAN POLICIES

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

AHSP2 AH SP2 Affordable Housing

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

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. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

On the 19th July 2019, the "Pagham Development Management Plan 2019-2026" was published. The Plan contains four policies. The PNP was published under regulation 14 and the necessary consultation period ended on the 31st August 2019. It is therefore necessary, in accordance with paragraph 216 of the NPPF, to have regard to the Draft Neighbourhood Plan as a material planning consideration.

However, given the conflict between the PNP and the NPPF, the PNP should be attributed no weight at this time. It must also be highlighted that the PNP in its current format is not considered to be in general conformity with the Arun Local Plan and is therefore in conflict with Paragraph 036 (Reference ID: 41-036-20190509) of the Planning Practice Guidance.

None of the draft PNP policies are relevant to this determination.

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 the affordable housing policy within the Local Plan allows for negotiation on the affordable housing tenure mix.

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 application site has the benefit of an extant outline planning permission for the erection of 90 dwellings with associated access and open space. There is currently a reserved matters application in for determination by the Council which provides the details on the proposed scheme and identifies which of the proposed dwellings will be affordable.

The proposed amendment is simply to the definition of affordable housing and the change is supported by the Councils Housing Strategy and Enabling Manager. There are no policy objections (policy AH SP2 allows for negotiation on the affordable housing tenure mix) and therefore, it is recommended that the modification to the S.106 Planning Obligation be prepared.

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