

Recommendation Report for Planning Permission

REF NO:	BN/129/19/PL
LOCATION:	Land to the rear of Lillies Yapton Road Barnham Bognor Regis
PROPOSAL:	Repositioning red line & garage 4 & 5 of approved application BN/6/18/RES (APP/C3810/W/18/3212398).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application (BN/129/19/PL) seeks the re-siting of the double garage and parking spaces serving Plots 4 and 5 on land to the rear of the Lillies, which were approved under reserved matters BN/6/18/RES. The site is accessed off Yapton Road.
SITE AREA	163 square metres of land immediately adjacent to a larger landholding known as land to the rear of the Lillies which comprises of 1.2 hectares of land.
RESIDENTIAL DENSITY (NET)	32 dwellings per hectare on the larger landholding known as land to the rear of the Lillies.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The site forms part of a larger landholding known as land to the rear of the Lillies, which is bounded by high hedging along the southern and eastern sides of the site, with a small number of trees within the site. A blue painted timber hoarding has been constructed along the entire northern frontage with Yapton Road, to screen the site from view and to deter unauthorised access to the site. The western boundary of the site (i.e. the larger landholding) is formed of contractor fencing which has been erected along the boundary with the adjacent Angels Nursery site.
SITE CHARACTERISTICS	The larger landholding was formerly occupied by the Lillies Caravan Park and comprised tourist accommodation in the form of log cabins, static caravans and touring caravan pitches, all of which have been removed from the site which is now vacant. The site is located on the south side of Yapton Road, Barnham. Current access to the site is directly from Yapton Road, immediately to the west of the residential curtilage of Number 47 Yapton Road.

CHARACTER OF LOCALITY

The larger landholding known as land to the rear of the Lillies is located south east of Barnham village, along Yapton Road. The area around the application site comprises many horticultural uses and there are also a number of residential dwellings to the north and east of the application site.

To the north of the application site is Yapton Road and beyond, on the former tree nursery, is a residential development of 44 dwellings which has been completed. To the west is Angel's Nursery site which was granted planning permission (BN/43/16/PL) at appeal for up to 95 dwellings and associated open space; it also provides a layout that has properties located along the frontage of Yapton Road. To the south of the application site there are various nurseries with greenhouses along Hill Lane.

The application site is bounded to the east by a two storey detached house at number 47 Yapton Road which fronts onto the highway, which appears to have been part of the Caravan Park reception and office in the past; with an extensive back garden, including a timber building on the boundary. There is a small car park adjacent to the site entrance and next to the former site office / reception.

To the south of number 47 Yapton Road there is a significant hedgerow which separates the application site from the greenhouses at Fleurie Nursery.

RELEVANT SITE HISTORY

BN/6/18/RES	Approval of reserved matters following outline consent BN/32/15/OUT relating to appearance, landscaping, layout & scale for erection of 38 No. dwellings including open space, landscaping & new access (resubmission following BN/28/17/RES).	Refused 23-07-18 Appeal: Allowed+Conditions 14-01-19
BN/32/15/OUT	Outline application with all matters reserved for the erection of 38 No. dwellings including open space, landscaping & new access. This application is a Departure from the Development Plan.	App Cond with S106 05-04-16
BN/28/17/RES	Approval of reserved matters following outline consent BN/32/15/OUT relating to appearance, landscaping, layout & scale for erection of 38 No. dwellings including open space, landscaping & new access	Refused 19-01-18 Appeal: Dismissed 14-01-19

The second reserved matters application (BN/6/18/RES) was refused by the LPA due to the inappropriate and unacceptable layout of the development on the land to the rear of the Lillies.

The Inspector allowed the appeal (APP/C3810/W/18/3212398) for reserved matters application BN/6/18/RES on 14th December 2019. The main issue at the appeal was the effect of the proposal on the character and appearance of the area having particular regard to the public open space proposed within the site. The apartment block would be located at the rear of the site, and the public open space would be provided just over half way down the site. By locating the public open space in front of the apartment block it would have a greater visual presence, be easily accessible for all residents of the proposal, and assist in breaking up the built form. In addition, a further drainage space would be provided to the rear of the apartment block, which would enhance the general level of openness of the site in its entirety. The open space between the Lillies and the adjacent Angels Nursery site could be linked by the proposed footpath.

The Inspector considered that the layout proposed in the reserved matters application would provide a visually dominant and strategically sited open space, which would provide a pleasant respite in the built form. The location of the apartment block to the rear of the site, adjacent to the parking spaces and set back from the footpath would create a suitable buffer between the public realm and the private space of future residents. The Inspector concluded that the proposed layout in the reserved matters application would provide a logical grain of development that would retain a level of openness and secure the optimum use of the open space.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Barnham & Eastergate Parish Council

No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Engineering Services Manager

Engineers (Drainage)

Southern Water Planning

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

LOCAL HIGHWAY AUTHORITY:

No objection.

SOUTHERN WATER:

No objection.

ADC DRAINAGE:

No objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within the Built up Area Boundary (BUAB) in the Arun Local Plan.

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

AHSP2	AH SP2 Affordable Housing
SDSP2	SD SP2 Built-up Area Boundary
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HDM1	H DM1 Housing mix
INFSP1	INF SP1 Infrastructure provision and implementation
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

[Barnham & Eastergate Neighbourhood Plan 2014](#)
[POLICY ES1](#)

Applications for new development must meet the local drainage requirements

Barnham & Eastergate Neighbourhood Plan 2014
POLICY ES5

Quality of design

Barnham & Eastergate Neighbourhood Plan 2014
POLICY ES8

Buildings should be designed to reflect the three-dimensional qualities of traditional buildings

Barnham & Eastergate Neighbourhood Plan 2014
POLICY GA4

Parking and new development

Barnham & Eastergate Neighbourhood Plan 2014
POLICY H4

Integration of new housing into surroundings

Barnham & Eastergate Neighbourhood Plan 2014
POLICY H5

Outdoor space

Barnham & Eastergate Neighbourhood Plan 2014
POLICY H6

Attention to detail

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan.

Barnham and Eastergate Neighbourhood Plan (2014-2029) was made in July 2014. Relevant Neighbourhood Plan (NP) policies have been taken into account and are addressed in the Conclusions section of this report.

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 is located within the built-up area boundary (the BUAB) as identified on the Policies Map.

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

PRINCIPLE

The principle of residential development on land to the rear of the Lillies, off Yapton Road was established on 5th April 2016 when outline planning permission (BN/32/15/OUT) was granted for 38 dwellings, with all matters reserved. In 2017 a reserved matters application (BN/28/17/RES) was refused by the LPA and dismissed at appeal. In the following year, a second reserved matters application was submitted (BN/6/18/RES) which was refused by the LPA, but allowed on appeal.

The applicant has submitted a new planning application (BN/129/19/PL) for the re-siting of the double garage and parking spaces serving Plots 4 and 5 on land to the rear of the Lillies.

The red line plan that was submitted with current planning application BN/129/19/PL includes the site access onto Yapton Road and identifies land outside, but immediately adjacent to the boundary of the Land to the rear of the Lillies, which is covered by outline planning permission (BN/32/15/OUT) and reserved matters approval (BN/6/18/RES). The applicant owns the land that is subject to planning

application BN/129/19/PL and it is proposed to be incorporated into the residential development on the Land to the rear of the Lillies.

It is understood that there would be no changes to the approved dwellings or to the design and appearance of the garages on Plots on 3, 4, 5, 6 and 7.

LAYOUT

Policy D DM1(1) of the Local Plan requires the proposed development to "make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding areas, in terms of its scale, massing, aspect, siting, layout, density, building materials (colour, texture), landscaping and design features".

Policy H4 of the Barnham and Eastergate Neighbourhood Plan (NP) says: "Proposals for residential development should be of high quality, and designed so that the new housing integrates into its surroundings and is well connected to the village".

The reserved matters application (BN/6/18/RES) on the land to the rear of the Lillies was refused by the LPA due to the inappropriate and unacceptable layout of the development, but it was allowed on appeal.

The proposed re-siting of the double garage and the two car parking spaces serving Plots 4 and 5 on land immediately adjacent to the larger landholding known as land to the rear of the Lillies, would enable more residential amenity space to be created around Plots 4 and 5.

The additional tract of land which lies immediately north of the re-sited double garage, which is within the red line boundary, would be conveyed to Plot 4 and it would remain as soft landscaping, as intended in the reserved matters application (BN/6/18/RES) but it now comprises a slightly larger area of land.

Consequently, it is considered that the proposed re-siting of the double garage and parking spaces serving Plots 4 and 5 is acceptable in terms of the layout of the wider residential development on land to the rear of the Lillies, in accordance with Policy D DM1 of the Local Plan and Policy H4 of the Barnham and Eastergate NP.

PARKING PROVISION.

Policy T SP1 of the Local Plan says "The Council will support transport and development which incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact upon on-street parking" (Policy T SP1(d)).

The proposed development comprises the re-siting of the garages (i.e. double garage) and parking spaces serving Plots 4 and 5. The provision of a garage and a parking space for Plot 4 together with a garage and a parking space for Plot 5 would ensure there are 2 car parking spaces per dwelling, which is in line with the recommendations in Table 3.1 of the ADC Parking Standards SPD, which was issued in January 2020.

The two garages (i.e. the double garage) serving Plots 4 and 5 would measure 6.5 metres wide by 6.5 metres deep, externally. The internal dimensions of the garages (the double garage) would measure 6.0 metres by 3.0 metres, which is in accordance with the ADC Parking Standards SPD.

The proposed quantum of car parking spaces would be in accordance with Policy T SP1(d) of the Local Plan and the ADC Parking Standards SPD.

SUMMARY

The application seeking the re-siting of the double garage and parking spaces serving Plots 4 and 5 on land to the rear of the Lillies is considered to be acceptable.

It is considered that the proposed re-sited parking provision for Plots 4 and 5 would result in an improved layout. It is therefore recommended that this application is approved and the following conditions be imposed.

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.

SECTION 106 DETAILS

A Section 106 was prepared and signed that accompanied outline planning permission BN/32/15/OUT for the Land to the rear of the Lillies and it covers the requirements of WSCC highways, contributions to education, libraries and fire and rescue, together with maintenance and management of public open space.

The implication of granting planning permission (BN/129/19/PL), would be to require a Deed of Variation to enable this application to be listed alongside the outline planning permission (BN/32/15/OUT) and the approval of reserved matters (BN/6/18/RES) in the Section 106 Agreement, as a new planning permission is being issued.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall begin not later than 3 years from the date of this decision.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act, 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved drawing and submitted material:

Drawing No. LP.02 Rev. B - Location Plan

Drawing No. SL.02 Rev. C - Site Layout

Drawing No. MATT151202 - GAR.02 Rev. B - Double Garage - Twin - Floor Plans & Elevations

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with Policy D DM1 and Policy D SP1 of the Arun Local Plan.

- 3 No dwelling on Plots 4 and 5 shall be occupied until the parking spaces, turning facilities and garages for that dwelling shown on the approved plans have been provided and constructed for the dwelling to which they related. The area of land so provided shall not thereafter be used for any purpose other than the parking, turning and garaging of vehicles.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in accordance with Policy D DM1 and Policy D SP1 of the Arun Local Plan.

- 4 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roof of the double garage have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the double garage.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy D DM1 of the Arun Local Plan.

- 5 No development above damp proof course level shall take place until the details of the pedestrian/cycle link between the Land to the rear of the Lillies (BN/32/15/OUT & BN/6/18/RES) and the Angel's Nursery site (BN/43/16/PL & BN/93/19/PL) have been submitted to and been approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until these works have been completed in accordance with the approved details.

Reason: In the interests of amenity and of the environment of the development, in accordance with Policy D DM1 of the Arun Local Plan.

- 6 Any construction related pruning works to any tree identified within the application site should be completed under supervision of the Local Authority Tree Office and should be carried out to meet the BS 3998: 2010 Standards.

Reason: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice and in the interests of amenity and the environment in accordance with Policy D DM1 and Policy ENV DM4 of the Arun Local Plan.

- 7 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.