

Recommendation Report for Planning Permission

REF NO: BN/19/20/PL

LOCATION: Land at former Pollards Nursery
Ashdown Vale
Songthrush Lane
Barnham

PROPOSAL: Retention of bin store & bicycle store.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This is a retrospective planning application for the retention of the bin store enclosure and the bicycle store which are both located adjacent to 12 back to back affordable houses on the Ashdown Vale development, in Barnham. The bin store enclosure is a regular shaped timber structure and measures 3.3 metres wide by 3.2 metres deep by 1.5 metres high. The bicycle store is a black powder coated steel framed structure with a clear polycarbonate roof and sides, and it measures 5.0 metres wide, by 2.1 metres deep, by 2.1 metres high and accommodates up to 12 bicycles.
SITE AREA	21 square metres of land within the Ashdown Vale development. The whole residential development on land at the former Pollards Nursery site now known as Ashdown Vale covers approximately 6.2 ha.
TOPOGRAPHY	Predominantly flat.
TREES	A significant belt of trees lies on the western boundary of the site; and a number of trees along the northern boundary are protected by a Tree Preservation Order. A number of trees have been felled in accordance with previously approved plans.
BOUNDARY TREATMENT	Existing vegetation on northern boundary adjoining residential properties to the north. There is a mature tree-lined boundary to the western boundary which includes a belt of Leylandii trees, some of which have been removed due to wind damage. The eastern boundary is adjoined by glass houses; and the railway line is located immediately south of the application site.
SITE CHARACTERISTICS	The site access lies approximately 950 metres to the east of Barnham village centre, south of Lake Lane. To the east, the site is bounded by glasshouses associated with the existing Pollards Nursery. To the south, the site is bounded by the railway line and to the west, by former agricultural land which was recently allowed at appeal for the development of 75

dwellings, which is being developed.

The application site was previously part of a horticultural business (the former Pollards Nursery site) and it was occupied by glasshouses that were built in the 1950s/60s, with associated hardstandings and structures.

The residential development of 107 houses on the Ashdown Vale estate is virtually completed apart from minor groundworks to the play areas and public open space.

CHARACTER OF LOCALITY

The site is located on the eastern edge of Barnham. There are some residential properties to the north of the application site and a newly completed housing estate west of the site but the area is generally semi-rural in nature and character and typical of areas close to the edge of settlements.

RELEVANT SITE HISTORY

BN/51/16/RES	Approval of reserved matters following outline consent BN/16/12 & BN/21/14 for appearance, landscaping & scale for erection of 107 dwellings, car parking including garages, internal access roads, footpaths, parking & circulation areas, hard & soft landscaping, formal & informal play areas & public open spaces, attenuation basins, sewage treatment plant & other associated infrastructure & engineering	ApproveConditionally 22-09-17
BN/52/16/RES	Approval of reserved matters following outline consent BN/16/12 & BN/21/14 for appearance, landscaping & scale for erection of 107 dwellings, car parking including garages, internal access roads, footpaths, parking & circulation areas, hard & soft landscaping, formal & informal play areas & public open spaces, attenuation basins, sewage treatment plant & other associated infrastructure & engineering - Duplicate application of BN/51/16/RES	ApproveConditionally 02-03-18
BN/21/15/RES	Approval of reserved matters following outline consent BN/16/12/ for the construction of 107 No. residential dwellings with associated internal access roads, footpaths, boundary treatments, attenuation ponds, pumping station, landscape & open space (including allotments).	ApproveConditionally 02-12-15
BN/16/12/	Outline application with some matters reserved for a	Refused

development of up to 107 no. residential units (this application is a Departure from the Development Plan)

22-11-12

**Appeal: Allowed+Conditions
17-10-13**

Outline planning permission (BN/16/12) was allowed on Appeal, and amended by the Section 73 application BN/21/15 which removed two small sections of land from the development site and removed them from the red edge boundary.

The main issue at the Appeal was the effect on the character and appearance of the rural area having regard to national and development plan policies in respect of development in the countryside and the delivery of new housing.

The Inspector concluded at the Appeal that the development did not comply with policies relating to development outside of defined development boundaries, but that in the absence of a 5 year land supply these policies were not considered to be up-to-date and the presumption in favour of sustainable development applied. That having regard to paragraph 14 of the NPPF, there would be a benefit in terms of a contribution to housing supply, some local surface water drainage improvement and the potential for further investment in the horticultural business. The encroachment into the countryside was not found to be harmful to the character and appearance of the rural area. The adverse impact of approving the scheme did not outweigh the benefits.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Barnham & Eastergate Parish Council
No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

WSCC Strategic Planning
Parks and Landscapes
Environmental Health

CONSULTATION RESPONSES RECEIVED:

LOCAL HIGHWAY AUTHORITY:
No objection.

ADC GREENSPACE:
No objection.

ADC ENVIRONMENTAL HEALTH:
No comments to make.

ADC CLEANSING MANAGER:

No consultation response submitted.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and issues addressed in the Conclusions section below.

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:](#)

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way

[Barnham & Eastergate Neighbourhood Plan 2014](#) Quality of design

[POLICY ES5](#)

Barnham & Eastergate Neighbourhood Plan 2014 Contribution to local character
POLICY ES6

Barnham & Eastergate Neighbourhood Plan 2014 Outdoor space
POLICY H5

Barnham & Eastergate Neighbourhood Plan 2014 Attention to detail
POLICY H6

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 to retain the bin store and the bicycle store is considered to comply with relevant Development Plan policies in that the two structures would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would they 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

PRINCIPLE

The principle of the development of this site was established when the Inspector allowed the appeal into the outline planning application (BN/16/12) for 107 houses (including 30% affordable provision), which was followed by an approval for reserved matters (BN/21/15).

Two duplicate reserved matters applications were submitted in 2016: BN/51/16/RES and BN/52/16/RES. Amendments were made to both reserved matters applications BN/51/16/RES and BN/52/16/RES, which comprised changes to the house types, the removal of the foul water treatment plant and its replacement with public open space; a revision to the LEAP and the submission of additional technical details, including information on individual items of play equipment; and the removal of Leylandii trees adjacent to the boundary with 49 Nightingale Lane and their replacement with Alder trees; but retained the number of houses at 107 as already approved. Following the approval of reserved matters BN/51/16/RES on 22nd September 2017, further amendments were made to the second reserved matters application BN/52/16/RES, which comprised minor layout changes to the configuration of development on the site, due to changes in a number of house types. The development has been constructed generally in accordance with the plans listed under reserved matters application BN/52/16/RES, which was approved on 2nd March 2018 and the associated discharge of condition approvals.

However, a bin store enclosure serving Plots 10, 11 and 21-30 (inclusive) has not been constructed as approved on land immediately adjacent to the southern elevation of the 12 back to back houses; but on land that is public open space situated to the east of the houses. In addition, Worthing Homes, the Registered Provider has installed a bicycle store to serve the 12 back to back houses on land to the south of the car parking spaces. The current planning application regularises the two current breaches, i.e. the bin store is sited in a different location to that identified on the approved plans and there is no planning permission for the bicycle store.

VISUAL AMENITY & CHARACTER

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 D DM1 of the Local Plan also requires that the Council have regard to appearance and attractiveness, in order that the proposal does not have a detrimental impact on the character of the area.

Furthermore, Policy D SP1 requires that all development proposals should seek to make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

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 bin store enclosure has been constructed within an area of public open space, immediately east of the 12 affordable houses that it serves. The visual impact of the timber enclosure has been softened by the planting of shrubs, including laurels around the outside; which will eventually grow to screen the timber structure from view. The loss of this small tract of public open space to use as a bin store is unfortunate, but the residential estate contains large areas of POS which compensates for the loss of this small area. The siting of the bin store enclosure in this location is easily accessible by the 12 houses which are located immediately west of the bin store.

The bicycle store is located in the south east corner of the car parking area for the 12 houses, which is not a visually prominent location. The semi-transparent polycarbonate structure of the bicycle store ensures that the appearance of this structure is semi-transparent. Consequently, the siting of the bicycle store in this location would not have a detrimental impact on the visual amenity or character of this residential area.

It is considered that the proposed retention of bin store enclosure on the area of public open space immediately adjacent to Plots 10 and 11; and the retention of the bicycle store in the south west corner of the car parking area that serves the 12 houses, is acceptable in terms of the layout of the residential development in accordance with Policy D DM1 of the Local Plan and Policy H4 of the Barnham and Eastergate NP.

NEIGHBOUR AMENITY

The bin store enclosure is located on the area of public open space immediately east of the houses on Plots 10 and 11 at Ashdown Vale. The bicycle store is located immediately south of the parking bays that serve the 12 back to back houses. Having regard to the siting of the bin store enclosure and the bicycle store; it is considered that that they would not have a detrimental impact on neighbouring residential amenity with regard to overlooking, overshadowing, overbearing impact and loss of light/sunlight.

The Council's Environmental Health Officer has no comments to make on the retention of the bin store in this location. The proposed bin store enclosure and bicycle stores are set within a residential estate. There is considered to be no adverse impact on the visual amenities of the locality or the amenities of neighbouring properties.

As such, it is considered that the bin store enclosure and the bicycle store comply with Policies D DM1, of the Local Plan, in terms of neighbouring amenity.

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 cycle store with the 6 stands currently serves the residents in the back to back houses on Plots 10, 11, 21-30 inclusive. These houses are affordable dwellings which are run managed by Worthing Homes (a Registered Provider).

The retention of the bicycle store to serve these houses would ensure that there is provision for 12 bicycle parking spaces, which equates to 1 space per (1 and 2 bed) dwelling, which is in line with the recommendations in Table 2.3 on page 10 of the ADC Parking Standards SPD, which was issued in January 2020.

The quantum of bicycle parking spaces would be in accordance with Policy T SP1(d) of the Local Plan and the ADC Parking Standards SPD, and it is considered to be acceptable to retain the existing cycle store on the site.

SUMMARY

The newly constructed bin store enclosure and the bicycle store serving Plots 10, 11 and 21 to 30 (inclusive) at Ashdown Vale, i.e. the former Pollards nursery site, are considered to be acceptable and in accordance with Policy D DM1 and Policy D SP1 of the Local Plan and Policy H4 of the Barnham and Eastergate NP. It is recommended that, having regard to the above assessment, that planning permission is granted, subject to the following appropriate and reasonable conditions.

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 CONDITIONALLY

- 1 The development hereby approved shall be retained in accordance with the following approved plans:

Job No. 7430 - Bin and Cycle Store Location Plan

Job No. 7430 - Bin and Cycle Store Block Plan

Drawing No. P16-0421_01 - Cycle Store Floor Plans & Elevations

Drawing No. P16-0421_02 - Bin Store Floor Plans & Elevations

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

- 2 The bin store enclosure and the bicycle store hereby approved shall only be used by the adjacent residents of Plots 10, 11 and 21 to 30 (inclusive) at Ashdown Vale.

Reason: To protect the visual and neighbour amenity of the area in accordance with Policy D DM1 of the Arun Local Plan.

- 3 **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.