

Recommendation Report for Planning Permission

REF NO: BN/38/21/PL

LOCATION: Land At Angels Nursery
Yapton Road
Barnham
PO22 0AY

PROPOSAL: Retention of feature entrance wall set back from access to approved residential development at Land at Angels Nursery, Yapton Road, Barnham.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application is for the retention of the feature entrance wall which has been constructed along part of the Yapton Road frontage at the "Windmill Views" housing development.
SITE AREA	3.5 hectares (i.e. the whole of the Angels Nursery site).
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	Trees and hedgerows grow along the southern and western boundaries of the site. The red painted timber hoardings have been removed from along the northern frontage with Yapton Road and a feature entrance wall has been constructed. Contractor fencing has been installed along the eastern boundary of the site with the former Lillies Caravan Park.
SITE CHARACTERISTICS	The site is flat and was formerly in horticultural use. All former horticultural buildings have been removed, the site has been cleared of horticultural structures and three show homes have been constructed on the site. The site is being marketed by Redrow Homes as "Windmill Views" housing development.
CHARACTER OF LOCALITY	The site is in close proximity to the village centre and has good pedestrian access to Barnham railway station. To the west of the site there is Barnham Community Hall and neighbouring residential development that fronts the access road to the hall. There are playing fields, known as Murrells Field, to the south of the community hall. Opposite the Angels Nursery site, at the former tree nursery, there is a development of 44 dwellings which has now been completed. To the east, immediately adjacent to the site, is the former Lillies Caravan Park which has been cleared and it is also to be developed for housing, with 38 dwellings. The outline planning permission was granted with a Section 106 Agreement; and one of the two reserved matters applications was allowed at appeal.

Land to the south of the Angels Nursery site remains in horticultural use with extensive glasshouses.

This area of Yapton Road is very much an extension to the existing built-up area and the character is clearly more rural to the east where there is residential ribbon development along the southern side of Yapton Road. Further to the east there is Barnham Windmill and an associated cluster of small craft shops.

RELEVANT SITE HISTORY

BN/97/20/PL	Temporary commercial use of 3 previously approved dwellings for use as a sales area and sales office and show homes including access, parking and associated landscaping.	ApproveConditionally 03-12-20
BN/29/13/	Application for approval of reserved matters following Outline approval BN/27/09 for demolition of all existing structures and redevelopment with 86 dwellings together with associated open space, landscaping and access improvements.	ApproveConditionally 14-03-14
BN/43/16/PL	95 No. dwellings together with access, landscaping open space & associated works.	App Cond with S106 03-05-17

BN/43/16/PL has been granted for the development of 95 dwellings on the former Angel's Nursery site.

REPRESENTATIONS

BARNHAM & EASTERGATE PARISH COUNCIL:

No objection to the retention of the wall.

One letter of objection.

- The wall was not part of the original plans.
- The wall changes the character of the development in an adverse way.
- The wall is unnecessary, resulting in a false entrance and does not reflect the character of the area.
- The wall has a suburban appearance and is out of keeping and it should be removed.

COMMENTS ON REPRESENTATIONS RECEIVED:

Planning related comments noted and issues addressed in the Conclusions section below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:**LOCAL HIGHWAY AUTHORITY:**

No objection. The feature wall is set back 8.0m from the edge of the carriageway, and is situated outside the highway boundary and does not obstruct vehicular visibility for those using the access on Yapton Road.

ADC CONSERVATION OFFICER:

There are no heritage assets on the site but Ivy Cottage Listed Building and Luccombe Cottage Listed Building, The Old School House Locally Listed Building and The Murrell Arms Locally Listed Building and Church Lane Conservation Area are within close proximity. The application is considered to not cause harm to the significance of the heritage asset or their setting. As a consequence, it should be determined in accordance with the relevant policies within the Development Plan and the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

ADC GREENSPACE:

No objection. A landscaping condition is required detailing the planting, to show quantities, species choice planting densities and size at time of planting.

COMMENTS ON CONSULTATION RESPONSES:

Planning related 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
ENVDM4	ENV DM4 Protection of trees
HERDM1	HER DM1 Listed Buildings
HERDM3	HER DM3 Conservation Areas
SDSP2	SD SP2 Built-up Area Boundary

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

[POLICY ES5](#)

[Barnham & Eastergate Neighbourhood Plan 2014](#) Integration of new housing into surroundings
POLICY H4

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
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.

Barnham and Eastergate Neighbourhood Plan (2014-2029) was made in July 2014. The Barnham and Eastergate Neighbourhood Plan is currently being reviewed. The emerging Barnham and Eastergate Neighbourhood Plan 2 was published recently and is out for Regulation 14 pre-submission consultation and publicity from 23rd November 2020 to 15th January 2021. 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."

Section 70(2) of TCPA provides that:-

- (2) In dealing with an application for planning permission the authority shall have regard to:
- (a) the provisions of the development plan, so far as material to the application, a post-examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

The feature entrance wall has no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor does it have an adverse impact upon the established character of the surrounding area including Barnham Community Hall and neighbouring residential development that fronts the access road to the hall; or to the playing fields, known as Murrells Field.

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 was established with the granting of BN/29/13/ for 86 dwellings in 2014. In early 2016, the applicant sought to increase the number of dwellings to 95 but the two re-plan applications were refused due to the layout, design, and lack of public open space.

A rising main was laid by Southern Water along the front of the site in February and March 2016. In March 2016 BN/29/13/ was about to commence when the applicant discovered that the Southern Water sewer pipe, that crossed the site was 20m out of line from the Southern Water plan. This resulted in the developer seeking to re-plan the site to take account of the pipeline.

BN/43/16/PL was granted on 3rd May 2017 for the development of 95 dwellings on the site and this was to be implemented within three years of that date or else it would lapse (i.e. on 2 May 2020). BN/93/19/PL was a section 73 application seeking to vary the conditions imposed on planning permission BN/43/16/PL. This was agreed subject to it being implemented within the same timescale as the parent permission (2 May 2020).

A separate Section 73 application (BN/84/20/PL) which sought a variation on the variation has been granted. The residential use of the site at Angels Nursery has clearly been established, and construction works have commenced on the site with the laying out of part of the internal access road at the entrance to the site, the commencement of pipe laying works for the site drainage, the construction of the show homes under BN/97/20/PL and the construction of the feature entrance wall.

ASSESSMENT

This application seeks the retention of the feature entrance wall. Key issues to be considered are ones of appearance, layout, landscaping, impact on heritage assets and on residential amenity.

DESIGN AND APPEARANCE

The Arun District Design Guide, January 2021 promotes good design through setting out key design objectives including the development of a design rationale which should draw upon the results of a site appraisal in order to justify the reasoning behind key design decisions for the proposed development.

The feature entrance wall comprises facing brick. The wall has been designed as a landscape feature, providing a 'sense of arrival' to the site. The feature wall enhances the entrance into the site, and it enhances the visual appearance of the built environment at the eastern end of the village of Barnham.

The proposed retention of the feature wall is acceptable and that it complies with Policy D SP1 and Policy D DM1 of the Local Plan, Policy ES5 of the Barnham and Eastergate NP, the NPPF and the Arun Design Guide.

LAYOUT

The feature entrance wall is located to either side of the vehicular access to the approved residential development which is under construction at "Windmill Views". The wall is set back 8.0m from the highway, extending back to 11.0m from the highway where it meets the footway. The location of the feature wall ensures that it has no effect on any visibility splays and it has no impact on the approved areas of public open space. The feature consists of two sections of brick walling either side of the access road which are 1.2m high, with a number of piers which are 1.5m high. The name of the estate ("Windmill Views") has been included on both sections of walling and borders are included to their front. The feature entrance wall enhances the entrance into the site, providing a more appropriate sense of arrival than the approved layout.

Landscape Layout

The indicative landscape details submitted under Drawing No. 783-DET-002 - Site Entrance Feature Wall shows additional planting around the feature wall. The area to the front of the wall would be well landscaped. The planting proposed to the front of the feature wall would be enhanced when compared to the most recent approval for the wider site (i.e. Drawing No. P19-2044_01 Rev. F - Landscape Masterplan for BN/84/20/PL). The indicative landscaping is acceptable. It is necessary to impose a condition requesting details of the species to be planted together with the maintenance measures.

Root Protection Areas of Trees

There are trees protected by a Tree Preservation Order (T64-T65: Oaks and T85-T87: Poplars) on the site including a cluster of trees located immediately west of the feature wall, but the wall is not located within the root protection areas of the trees.

The layout of the feature wall complies with Policy D DM1(10) and Policy D SP1 of the Local Plan and Policy H4 of the Barnham and Eastergate NP.

RESIDENTIAL AMENITY

The siting of the feature entrance wall ensures that there would be no materially adverse overbearing impacts on the approved houses at "Windmill Views" or on the existing houses along Yapton Road. The development is acceptable on the residential amenities of neighbouring properties because there are no overbearing impacts. The development complies with Policy D DM1(3) of the Local Plan in terms of impact on neighbouring residential amenity along Yapton Road.

HERITAGE ASSETS

Paragraph 190 of the NPPF (February 2019) requires great weight to be given to the conservation of heritage assets. Any harm resulting from the proposed development should be weighed against the public benefit in accordance with paragraph 196 of the NPPF (February 2019). Paragraph 196 of the NPPF says that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum value".

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 says: "In the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"

In considering whether to grant planning permission for development that affects a listed building or its setting, the Council shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The design and appearance of the feature wall would appear to reflect the general character of the permitted housing estate, and as a result does not cause harm to the identified heritage assets.

The development is acceptable and complies with Policy HER DM1 in terms of impact on listed buildings and Policy HER DM3 in terms of impact on the Conservation Area; the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), in that it protects the setting of Listed Buildings.

DEED OF VARIATION

A Deed of Variation amending the S106 Agreement, to enable BN/38/21/PL to be listed in the Unilateral Undertaking is not required. The application is for the retention of the feature wall that has been built at the entrance to the development site. If permission is granted it would not allow any development to be built without paying any s106 contributions or obligations.

SUMMARY

This application seeking the retention of the feature entrance wall on the Yapton Road frontage of the site is acceptable. The feature entrance wall is a well designed, high quality scheme which seeks to integrate itself with the wider residential development on this site.

RECOMMENDATION

It is recommended that this application is approved, that the feature wall is retained in-situ 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.

RECOMMENDATION

APPROVE CONDITIONALLY

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

- Drawing No. EWLP-001 - Location Plan.
- Drawing No. 783-DET-001 - Site Entrance Feature Wall.
- Drawing No. 783-DET-002 - Site Entrance Feature Wall Layout.

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 **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.