

Recommendation Report for Planning Permission

REF NO: BN/97/20/PL

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

PROPOSAL: 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.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application is for the temporary use of 3 previously approved dwellings for commercial purposes as a sales area, sales and marketing suite and show homes. The application includes the provision of access and the construction of a car park accommodating 13 parking spaces, including 1 disabled space; together with the installation of an electric vehicle charging point in the car park and the provision of flags and advertisements for the temporary sales area, sales and marketing suite and show homes.
SITE AREA	3.5 hectares (i.e. the whole of the Angels Nursery site).
RESIDENTIAL DEVELOPMENT DENSITY (NET)	36 dwellings per hectare over the whole of the Angels Nursery site.
TOPOGRAPHY	Predominantly flat.
TREES	There are trees and hedges around the southern and western boundaries of the site, together with a number of trees which are protected by Tree Preservation Orders (TPOs) growing within a cluster in the north western part of the site and another cluster in the western part of the site.
BOUNDARY TREATMENT	Trees and hedgerows grow along the southern and western boundaries of the site. The site has red painted timber hoardings along the northern frontage with Yapton Road, following the re-laying of the rising main along the front of the site in February and March 2016. 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 and the site has been cleared of structures. 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 with 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 to the north of Yapton Road, there is a development of 44 dwellings allowed on appeal in January 2013 and the reserved matters (BN/26/15/RES) were approved in October 2015. This development has 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 permission was granted with a S106 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.

Yapton Road is an extension to the existing built-up area and the character is more rural to the east of the village centre 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/84/20/PL	Application for variation of condition 2 (approved plans) imposed on planning permission BN/93/19/PL for the development of 95 dwellings; and consequential changes to other conditions following commencement of development.	
BN/131/19/PL	Application for variation of conditions imposed on planning reference BN/43/16/PL relating to Conditions 2 (Approved Plans), 8 (Access/Maintenance of Watercourse or Culvert) and 18 (Access and Associated Off-Site Highway Works).	Refused 12-03-20
BN/42/18/PL	Variation of condition 2 imposed under BN/43/16/PL relating to approved plans.	ApproveConditionally 31-01-19
BN/93/19/PL	Continuance of use without compliance with condition 18 following the grant of planning permission BN/43/16/PL relating to 'the development, hereby permitted, shall not	App Cond with S106 28-02-20

be occupied until the access and associated off-site highway works have been constructed in accordance with plans and details (including recommendations of any associated Road Safety Audits) to be submitted to and approved by the LPA after consultation with the Local Highway Authority'.

BN/43/16/PL	95 No. dwellings together with access, landscaping open space & associated works.	App Cond with S106 03-05-17
BN/98/20/A	Construction of 1 No. Mounted Stack advertisement sign & 10 No. flags.	ApproveConditionally 22-10-20

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

There is a Section 73 permission (BN/42/18/PL) for minor changes to the elevations of all 95 dwellings that have already been granted planning permission (BN/43/16/PL). The Section 73 permission varied Condition 2 which was imposed on the planning permission (BN/43/16/PL). Condition 2 lists all of the submitted plans that have been approved under BN/43/16/PL including the elevations and floor plans of all 95 dwellings. The approved changes were to the windows, and the removal of windows; to the external doors on the elevations of the houses and apartments; to increase the ridge heights of the roofs from between 49mm and 375mm at the most; together with amendments to the roof heights of the double garage roofs; and removing a chimney from one of the plots.

A Section 73 application (BN/131/19/PL) was refused on 12th March 2020. One of the two reasons for refusal being: "Condition 2 should not be varied for the following reason: The layout, the lack of footway and cycleway connectivity to the surrounding area, the lack of visitor parking spaces, the non-SHMA compliant housing mix, the clustering of the affordable housing, the disproportionate concentration of higher density development in the south eastern corner of the site, the lack of open space and the loss of a protected tree and development within the root protection area of protected trees result in a development that has an unacceptable layout, housing mix, connectivity and design causing harm to the future occupiers of the development and the character of the area contrary to Policies D DM1, AH SP2, T SP1, T DM1 and ENV DM4 of the Local Plan and Policy GA2 of the Barnham and Eastergate NP".

A separate Section 73 permission (BN/84/20/PL) was granted on 27th November 2020 for a variation of condition 2 (approved plans) imposed on planning permission BN/93/19/PL for the development of 95 dwellings, and consequential changes to other conditions following commencement of development.

REPRESENTATIONS

No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

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

No objection. Parking spaces should be laid out with dimensions of 2.4 by 4.8 metres.

SOUTHERN WATER:

No objection. The public foul sewer requires a clearance of 3m on either side to protect it from construction work and allow for future maintenance. No development should be carried out within 3 metres of the external edge of the public sewers.

ADC DRAINAGE:

No objection to the temporary commercial use. Final drainage arrangements must be in accordance with details approved under the drainage conditions.

ADC ENVIRONMENTAL HEALTH:

No objection. Conditions are required relating to the submission of a Construction Management Plan, controlling the hours of construction and regarding contaminated land.

ADC GREENSPACE:

No objection. The ornamental landscaping for the sales area and show homes would be temporary in nature. The landscaping will need to conform to the agreed site landscape design when the temporary commercial use of this area ceases.

ADC ARBORICULTURE:

No consultation response was submitted.

ADC ECOLOGY:

No objection. The ecological requirements covering the larger site are applicable and comprise reptile mitigation; ecological enhancements and mitigation; the lighting scheme will need to take into account the presence of bats in the area.

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).

SUSSEX POLICE:

No objection. The development needs to be constructed to Secured by Design standards.

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 in the Arun Local Plan.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

AHSP2	AH SP2 Affordable Housing
DDM1	D DM1 Aspects of form and design quality
DDM2	D DM2 Internal space standards
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
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
HERDM1	HER DM1 Listed Buildings
HERDM6	HER DM6 Sites of Archaeological Interest
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems

<u>Barnham & Eastergate Neighbourhood Plan 2014</u> <u>POLICY ES1</u>	Applications for new development must meet the local drainage requirements
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES10	Trees and hedgerows
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES5	Quality of design
Barnham & Eastergate Neighbourhood Plan 2014 POLICY ES6	Contribution to local character
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 GA2	Footpath and cycle path network
Barnham & Eastergate Neighbourhood Plan 2014 POLICY GA4	Parking and new development
Barnham & Eastergate Neighbourhood Plan 2014 POLICY H3	Housing mix
Barnham & Eastergate Neighbourhood Plan 2014	Integration of new housing into surroundings

POLICY H4

Barnham & Eastergate Neighbourhood Plan 2014 Outdoor space

POLICY H5

Barnham & Eastergate Neighbourhood Plan 2014 Attention to detail

POLICY H6

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD12	Open Space, Playing Pitches & Indoor & Built Sports Facilities

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. The Barnham and Eastergate Neighbourhood Plan (2014-2029) 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."

The development is inside the built-up area boundary (BUAB) of Barnham and complies with the relevant Development Plan policies. The proposal 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 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 be weighed in the balance with the Development Plan.

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 just 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 and the commencement of pipe laying works for the site drainage.

ASSESSMENT

This application seeks the temporary commercial use of 3 detached houses (Plots 2, 3 and 4) as a sales area and a sales office with 2 show homes. The development includes the construction of a 13 space car park, including 1 disabled space, together with an electric vehicle charging point, the provision of footways between the car park and the sales area and show homes, the provision of estate railings to enclose the front of the commercial area facing onto Yapton Road, and the provision of illuminated bollards along the footways and in the car park. The application includes advertisements for the temporary sales area and a sales office comprising V Board adverts and flags - however advertisement consent is a separate regime and will be dealt with via another application.

When all the dwellings on the wider residential site have been constructed and sold and the commercial use has ended, the customer car park, the footways illuminated bollards and would be removed from the site and the 3 buildings would be converted for use as detached houses with their respective curtilages; and car parking spaces would be provided together with the garden sheds for all 3 detached houses.

DESIGN AND FORM OF BUILDINGS

Policy D SP1 of the Local Plan requires "all development proposals should be of good quality and demonstrate a high standard of design".

Paragraph 124 of the National Planning Policy Framework (NPPF) says: "the creation of high-quality

buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities".

Paragraph 16 of the National Design Guide states: "well-designed places and buildings come about when there is a clearly expressed 'story' for the design concept and how it has evolved into a design proposal. This explains how the concept influences the layout, form, appearance and details of the proposed development. It may draw its inspiration from the site, its surroundings or a wider context. It may also introduce new approaches to contrast with, or complement, its context. This 'story' will inform and address all ten characteristics. It is set out in a Design and Access Statement that accompanies a planning application."

The Arun Design Guide Supplementary Planning Document (SPD), is a draft with consultation undertaken in early 2020 with adoption expected later in the year. The guide 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.

It was considered during the determination of the Section 73 application (BN/84/20/PL) that the information provided in the Design Statement and the high quality design and appearance of the dwellings provided in the House Type Pack would result in the delivery of an arts and crafts style development that is characteristic of an inter-war residential development. It is considered that the design and form of the 3 buildings that would be the subject of the temporary commercial use of the site as a sales area and show homes would be in keeping with the wider residential development on the site.

DENSITY

Policy D DM1 (13) of the Local Plan requires: "the density of new housing will make efficient use of land while providing a mix of dwelling types and maintaining character and local distinctiveness. Higher densities will be more appropriate in the most accessible locations. Proposals should take into account the density of the site and its surroundings. The density of large sites should be varied to guard against uniformity".

Paragraph 122(a) of the NPPF (February 2019) states "planning decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it."

BN/84/20/PL proposed a density of 36 dwellings per hectare across the site and this remains unchanged in this application for commercial use of part of the wider site. The lower density development comprising detached and semi-detached houses are focussed towards the northern and western parts of the site. The 3 buildings that are the subject of this application make up part of the net density of the site which has already been approved.

SITE LAYOUT AND CHARACTER

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

Policy D SP1 of the Local Plan specifies that development should have been derived from a thorough site analysis and context appraisal; adherence to objectives informing sustainable design (inclusivity, adaptability, security, attractiveness and usability, health and wellbeing and climate change); and the influence these objectives have on the form of the development.

Policy ES8 of the Barnham and Eastergate NP says: "generally, buildings should be designed as a three dimensional whole, so that elements such as bay windows are designed in from the start rather than being 'bolted-on' at the end; with windows and doors set back from the external surface of the buildings, to introduce some depth and modelling to the facade; with changes in material related to the design of the building rather than a random approach. For example, changes in material may relate to a change in form such as a setback or projection".

Site Access Layout

Work has started on the construction of the site access road but off-site highway works on Yapton Road have not commenced. The private driveway serving the detached houses on Plots 2, 3 and 4 will need to be constructed once this temporary commercial use of this part of the site has ended. The private driveway, which will measure 4.8 metres complies with the guidance in Manual for Streets, which is acceptable and it complies with Policy T SP1 of the Local Plan.

Landscape Layout

The detail submitted under Drawing No. 7436-SA-001 Rev. G - Sales Arena Layout shows areas of planting and lawns within the commercial area, but it does not include any details relating to species of maintenance measures. The temporary landscaping of this commercial area is considered to be acceptable. It is necessary to impose a condition requesting details of the species to be planted and the maintenance measures; together with details whereby once the commercial use of the site has ended, that the landscape scheme approved for the wider site is implemented on the site in the first available planting season.

Layout of the 3 Buildings

The 3 buildings on the site comprise the following standard Redrow house types: Oxford, Marlow and Harrogate. The sales centre and sales office would be accommodated in the Harrogate; and the Oxford and Marlow would comprise the 2 show homes. The layout plan of the 3 buildings in the commercial development mirrors the approved layout (for Plots 2, 3 and 4) in the Section 73 application (BN/84/20/PL) in terms of the siting of the buildings and the internal road layout.

Once the commercial uses of the 3 buildings has ended they will need to be converted into dwelling houses, with their own domestic curtilages, driveways and garages. The customer car park will need to be removed, the houses on Plots 1, 5 and 6 would need to be constructed along with the private drive which would run in front of Plots 1-4 inclusive in accordance with the layout plan (Drawing No. P19-0723_10 Rev. Q - Site Layout) approved under BN/84/20/PL. A condition is required to be imposed to achieve this.

Root Protection Areas of Trees

There are trees protected by a Tree Preservation Order (T64-T65: Oaks and T85-T87: Poplars) in the wider residential development on Land at Angels Nursery, but none are located within the current application site for the show homes and the sales areas; and this proposed commercial development is not located within the root protection areas of any trees.

Layout of Surface Water Drainage Features

The wider site includes an attenuation basin for the surface water drainage, which is considered to be acceptable; as this surface water drainage would serve the commercial development comprising the sales area and a sales office with 2 show homes. A condition is required to ensure that the 3 buildings are constructed in compliance with the approved surface water drainage details for the wider site.

Layout of Footways

The commercial development includes the provision of a footway from the customer car park to the sales

centre and between the sales centre and the 2 show homes for customers to access the commercial properties from the car park. A condition is required to ensure that the footway is provided prior to the opening of the sales centre and the show homes; and a separate condition is required to ensure the footways are removed when the commercial use comes to an end and the 3 buildings are converted into dwelling houses, with their associated curtilages.

Parking Layout and Provision

The customer car park comprises 13 parking spaces including a disabled space. The quantum of car parking proposed is in line with the recommendations in paragraph 4.1 of the Arun District Parking Standards, approved January 2020 which says: "parking for non-residential uses needs to consider the accessibility of the site, the likely demand for parking and the viability of the site. Developers should seek to balance operational needs, space requirements, efficient use of land. This commercial development is a temporary use of the land and it is considered reasonable to have a 13 space car park for staff and customers serving a sales area, a sales office and 2 show homes.

The customer car park includes the provision of an electric vehicle charging point, which is acceptable. A condition is required to ensure that the customer car park is constructed and ready for use prior to the opening of the sales centre and the show homes for commercial use; and another condition is required to ensure that the customer car park and the electric vehicle charging point are removed once the commercial use of the site ends.

APPEARANCE

The sales area, the sale office and the 2 show homes on the Yapton Road frontage to the site would have the appearance of typical inter-war houses, with houses incorporating splayed bay windows incorporating tile hanging and projecting gables on the front elevations with whitewashed render. A number of the houses have integral garages.

The materials palette would comprise facing brick, together with the use of render and / or tile hanging and / or timber boarding on specific dwellings, together with roof tiles. The sales area, the sales office and the show homes would be enclosed by black railings along the site frontage during the temporary period of time that these units are in commercial use. It is considered that the appearance of the sales area, sales office and the show homes would enhance the built environment at the eastern end of the village of Barnham and provide the design benchmark for the development on land to the east of the application site, known as The Lillies,

SCALE AND BUILDING HEIGHTS

Policy D DM1(14) of the Local Plan says: "the scale of development should keep within the general confines of the overall character of a locality unless it can be demonstrated that the contrary would bring a substantial visual improvement".

The two storey sales area and a sales office with 2 show homes facing outwards towards Yapton Road to the north would be in keeping with the character of the approved residential development and would ensure that the development reflects the built form and massing, in this part of Barnham.

Consequently, it is considered that the development complies with Policy D DM1 of the Local Plan.

RESIDENTIAL AMENITY

Policy D DM1(3) of the Local Plan says: "have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

The siting of the sales area, a sales office and 2 show homes would ensure that there would be no

materially adverse overlooking or overbearing impacts on the approved houses or on the existing houses in the area. The development would be acceptable on the residential amenities of neighbouring properties because there would be no materially adverse overlooking or overbearing impacts given the distance to the site boundary.

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

Policy HER DM1 of the Local Plan says: "proposals affecting statutory Listed Buildings will be required to preserve or enhance the historic character, qualities and special interest of the buildings" and "protect and where possible enhance the setting of the building". (Policy HER DM1(a) and (e).

Policy HER DM3 of the Local Plan says: "in order to preserve or enhance the character or appearance of the Conservation Area, planning permission will normally be granted for proposals within or affecting the setting of a Conservation Area, provided that it does not harm important views into, out of or within the Conservation Area".

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 impact of the development has previously been assessed where it was concluded that the location of the assets and the fact that there is little/no inter-visibility between them and the site meant that the development would not cause harm to them or their settings. It is considered that developing this part of the site first as the sales area will not cause harm to the heritage assets.

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

BIODIVERSITY

Policy ENV DM5 of the Local Plan says: "development schemes shall seek to achieve a net gain in biodiversity and protect existing habitats on the site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats".

The Ecology Mitigation and Enhancement Strategy for the wider site, submitted under Y/82/20/RES will cover the commercial development on the application site. Information on Biodiversity Net Gain was provided in the Ecology Mitigation and Enhancement Strategy. The proposed ecological enhancements include the installation of bird boxes on buildings and that gaps are included at the bottom of the fences to allow movement of small mammals across the site.

AIR POLLUTION

Policy QE DM3(c) of the Local Plan requires all major development proposals to assess the likely impacts of the development on air quality and mitigate any negative impacts by encouraging the use of cleaner transport fuels on site, through the inclusion of electric car charging points. The proposal is not a major application.

The customer car park includes the provision of an electric vehicle charging point, which complies with the requirements in the ADC Parking Standards SPD and it is in accordance with Policy QE DM3 (c) of the Local Plan.

EXTERNAL SPACE STANDARDS

Drawing No. 7436-SA-001 Rev. G - Sales Arena Layout shows all 3 buildings have sufficient space once the commercial use of the buildings has ended to accommodate rear gardens that measure at least 10.5m in length, which is acceptable to ensure adequate amenity space is provided and is in compliance with the Arun Design Guide. The site layout includes 20m back to back stand-off distances and 11m side-on-back distances, which are considered to be acceptable.

INTERNAL SPACE STANDARDS

Policy D DM2 of the Local Plan sets out that the LPA will require internal spaces to be of an appropriate size to meet the requirements of all occupants and their changing needs. Nationally Described Space Standards will provide guidance.

The floor plans of the sales area and a sales office with 2 show homes specify the number of bedrooms, and the occupancy and the square metres of floor space have been cross referenced with the Nationally Described Space Standard (NDSS) table (Table 1). The minimum gross internal floor areas of all of the sales area and a sales office with 2 show homes on the application site comply with Policy D DM2 and meet the NDSS requirements.

CLIMATE CHANGE

Policy ECC SP1 of the Local Plan says: "The Council will support development which is located and appropriately designed to adapt to impacts arising from climate change such as the increased probability of tidal and fluvial flooding; water stress; health impacts as a result of extreme temperatures and a decline in the quality of habitats and richness in biodiversity". Policy ECC SP2 of the Local Plan says: "All major developments must produce 10% of the total predicted energy requirements from renewable or low carbon energy generation on site, unless it can be demonstrated that this is unviable".

The sales area and a sales office with 2 show homes incorporate up-to-date building regulations (i.e. fabric first). The proposed north/south orientation of the sales centre and the show homes on Plots 2, 3 and 4 would not ensure maximum solar gain and would not comply with Policy ECC SP1 of the Local Plan.

The layout of the sales centre and the show homes on the application site was predicated on the plan (Drawing No. P19-0723_10 Rev. Q - Site Layout) approved under BN/84/20/PL. All 3 buildings are orientated north/south and therefore, on balance the layout makes all reasonable endeavours to achieve maximum solar gain.

DEED OF VARIATION

A Deed of Variation is required to amend the S106 Agreement, to enable this application (BN/97/20/PL) and the related Section 73 permission (BN/84/20/PL) to be listed in the Unilateral Undertaking; and for the inclusion of the amendments to the Affordable Housing Scheme, as proposed in BN/84/20/PL.

SUMMARY

This application seeking the temporary commercial use of 3 detached houses on the Yapton Road frontage of the site is considered to be acceptable. The development is architecturally acceptable. It is considered that the sales area and a sales office with 2 show homes would result in a well designed, high quality scheme which seeks to integrate itself with the wider residential development on this site and with other proposed new developments that are planned along Yapton Road including the scheme at the former Lillies Caravan Park which is located immediately east of the Angels Nursery site. It is recommended that this application for the temporary use of 3 buildings on the site for commercial purposes comprising a sales area and a sales office with 2 show homes is approved and the following conditions be imposed. In addition, it is recommended that the Section 106 Agreement is modified by means of a Deed of Variation. The Deed has been completed by the ADC Legal Services Team and it has been signed and executed by all interested parties.

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 Unilateral Undertaking under Section 106 of the Town and Country Planning Act was prepared and signed that accompanied BN/43/16/PL and it covers the requirements of WSCC highways, Traffic Regulation Order (TRO), contributions to education, libraries and fire and rescue, and maintenance and management of the public open spaces.

The implication of granting this planning application (BN/97/20/PL) would be to require a Deed of Variation to enable this application to be listed in the Unilateral Undertaking.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission; and the Local Planning Authority must be notified in writing on commencement of the development.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The commercial use of the buildings hereby permitted (use of 3 previously approved dwellings for use as a sales area and sales office and show homes only) shall be discontinued permanently on or before the expiration of the 5 year period from the commencement of development; and the buildings will be converted for use as dwelling houses, with their own domestic curtilages, driveways and garages. The houses on Plots 1, 5 and 6 would need to be constructed along with the private driveway which would run in front of Plots 1 to 4 inclusive, in accordance with the layout plan (Drawing No. P19-0723_10 Rev. Q - Site Layout) approved under BN/84/20/PL.

Reason: The Local Planning Authority would not normally grant permission for a commercial development in this location but under the circumstances prevailing it is considered reasonable to make an exception in this instance and to allow the development for a limited period, in accordance with Policy D DM1 and Policy D SP1 of the Arun Local Plan.

- 3 The customer car park, the illuminated bollards, the railings and footways identified on Drawing No. 7436-SA-001 Rev. G - Sales Arena Layout and the other approved plans shall be removed from the site and the commercial buildings shall be converted into dwelling houses within 5 years from the commencement of development.

Reason: To ensure the commercial development is for a limited period and that the buildings are converted for residential use, in accordance with Policy D DM1 and Policy D SP1 of the Arun Local Plan.

- 4 The development hereby approved shall be carried out in accordance with the following approved plans:

- Drawing No. LOC-001 - Location Plan showing site and sales layout.
- Drawing No. 7436-SA-001 Rev. G - Sales Arena Layout.
- Drawing No. 7436-SA-002 - Sales Area Engineering Layout.
- Drawing No. 19812-GS-Z1-XX-DR-C-2083 Rev. C - External Works Sales Area.
- Drawing No. 201 Rev. A - Harrogate Sales Centre: Structural Layout Ground Floor.
- Drawing No. 202 - Harrogate Sales Centre: Structural Layout First Floor.
- Drawing No. 401 Rev. C02 - Harrogate Sales Centre: Elevations A1.
- Drawing No. 201 - Marlow: Structural Layout Ground Floor with Conservatory.
- Drawing No. 202 - Marlow: Structural Layout First Floor.
- Drawing No. 401 - Marlow: Elevations A1 with Conservatory.
- Drawing No. EF_OXFOQ_DM.3 Rev. A - Oxford Lifestyle: Elevations and Floor Plans.
- Drawing No. 205834-001-ELE - V Board Elevations.
- Drawing No. 205834-002-ELE - Flag Sign Elevations.
- Drainage Statement: Angels Nursery, Yapton Road, Barnham (Ref. 7033/2-3F Second Issue, 6th March 2018), prepared by Gyoury Self Consulting Engineers.

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.

- 5 The temporary sales area and sales office and show homes shall not be used for commercial

purposes until the road(s), footways, and the car parking area serving it have been constructed, surfaced and drained in accordance with the approved plans and details.

Reason: To secure satisfactory standards of access for the proposed development, in accordance with Policy D DM1 of the Arun Local Plan.

- 6 The illuminated bollards must be switched off out of trading hours.

Reason: To enable the Local Planning Authority to control the development in the interests of amenity in accordance with Policy D DM1 of the Arun Local Plan.

- 7 Within 28 days of the date of this planning permission, details of trees and shrubs to be planted and the proposed maintenance measures should be submitted for approval in writing by the Local Planning Authority. All seeding or turfing shall be carried out in the first planting and seeding seasons following the opening of the commercial premises as a temporary sales area and sales office and show homes; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

- 8 The 3 commercial buildings should be constructed in compliance with the approved surface water drainage details for the wider site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 9 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.