

Recommendation Report for Planning Permission

REF NO: Y/106/20/PL

LOCATION: Land to the south of Ford Lane
East of North End Road
Yapton
BN18 0DS

PROPOSAL: Temporary commercial use of 4 previously approved dwellings for use as a sales area and sales office and show homes including access, parking and landscaping. This application affects a Public Right of Way.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application is for the temporary use of 4 previously approved dwellings for commercial purposes as a sales area, sales and marketing suite and show homes. The application includes the provision of access from Ford Lane 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	6.7 hectares (total site area).
RESIDENTIAL DEVELOPMENT DENSITY (NET)	29 dwellings per hectare (total site area).
TOPOGRAPHY	Predominantly flat.
TREES	The Lime and Oaks make a significant impact in the landscape and are the subject of a Tree Preservation Order (TPO/Y/2/17).
BOUNDARY TREATMENT	The larger site includes hedgerows and trees around the periphery of the site. The applicant has constructed contractor fencing to secure and enclose the site.
SITE CHARACTERISTICS	A field between North End Road, Ford Lane and footpath FP358. The site is arable farmland with relatively large fields across a relatively flat landform. The southern boundary borders businesses at the Orchard Business Park and rear gardens to several houses along Church Lane. Roughly half the site perimeter adjoins existing development and the other half is next to fields. To the west is North End Road and to the north Ford Lane. To the east is open arable farmland.
CHARACTER OF LOCALITY	Essentially ribbon development along North End Road, while most of Ford Lane runs between fields. St. Mary's Church is to the south-east, is listed at Grade I. The churchyard is

surrounded by trees which provide dense cover to the rear between the church and the site. The church tower can be seen above the trees from the site and beyond. Two other listed buildings on the south of Church Lane are Church House and Park Lodge, further west on Church Lane.

RELEVANT SITE HISTORY

Y/82/20/RES	Approval of reserved matters following outline consent Y/80/16/OUT for 4.5ha of residential development comprising of 3.4ha of land for the erection of 100 No. dwellings (up to 30 (30%) affordable housing) together with 1.1ha of land set aside for public open space, strategic landscaping, 2.2ha of public open space, green corridors with vehicular access from Ford Lane & pedestrian/cycle access only from North End Road (resubmission following Y/19/20/RES). This application may affect the setting of listed buildings, affects the character & appearance of the Church Lane, Yapton Conservation Area & affects a Public Right of Way. This site falls within Strategic Site SP2 (Zero Rated).	ApproveConditionally 10-11-20
Y/19/20/RES	Approval of reserved matters following outline consent Y/80/16/OUT for 4.5ha of residential development comprising of 3.4ha of land for the erection of 100 No. dwellings (up to 30 (30%) affordable housing) together with 1.1ha of land set aside for public open space & strategic landscaping & 2.2ha of public open space & green corridors with vehicular access from Ford Lane & pedestrian/cycle access only from North End Road. This application may affect the setting of listed buildings, affects the character & appearance of the Church Lane, Yapton Conservation Area & affects a Public Right of Way.	Refused 12-05-20
Y/80/16/OUT	Outline application with some matters reserved for 4.5 hectares of residential development comprising 3.4 hectares of land for up to 100 dwellings (up to 30 (30%) affordable housing) together with 1.1 hectares of land set aside for public open space & strategic landscaping & 2.2 hectares of public open space and green corridors with vehicular access from Ford Lane & pedestrian/cycle access only from North End Road. Resubmission of Y/60/14/OUT. This application is a departure from the development plan, affects the character & appearance of the Church Lane Yapton Conservation Area & affects the setting of a listed building.	Refused 16-02-17

Y/80/20/A	Construction of 1 No. mounted stack sign advertisement board to West of North End Road.	ApproveConditionally 06-10-20
Y/76/20/A	Construction of 9 No. flags and 2 No. mounted stack advertisement boards to eastern side of North End Road.	ApproveConditionally 16-10-20
Y/107/20/A	Various non illuminated advertisements.	

Y/80/16/OUT for up to 100 dwellings was allowed on appeal on 15th January 2018. A pre-application enquiry (PAA/85/19/) was submitted relating to a reserved matters application which would be based on Y/80/16/OUT. A reserved matters application (Y/19/20/RES) was refused on 12th May 2020. A subsequent reserved matters application (Y/82/20/RES) was approved on 10th November 2020.

REPRESENTATIONS

No objection.

- All highways and access to the site must be completed prior to commencement of construction.
- A condition is required that the buildings are converted to dwellings on completion of whole scheme.
- The illuminated bollards must be switched off out of trading hours to maintain rural feel of Ford Lane.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and issues addressed in the Conclusions section below.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

LOCAL HIGHWAY AUTHORITY:

No objection. The development should not commence until the site access shown on Drawing No. D2831 FAB 00 GL DR L 301 Rev. PL00 and any S38/S278 Agreement drawing as may be approved by the Local Highway Authority has been completed to the satisfaction of the Local Highway Authority. To date, the site access works currently submitted for S38/S278 purposes has not been approved by the Local Highway Authority. This should be conditioned.

WSCC FIRE & RESCUE SERVICE:

No objection.

ADC DRAINAGE:

No objection to the temporary commercial use. Construction must not commence until surface water drainage details have been agreed for the wider development Y/82/20/RES; drainage details submitted must reflect any plans approved under this application. This must be conditioned.

ADC ENVIRONMENTAL HEALTH:

No comments to make on this application.

ADC GREENSPACE:

No objection. The proposed 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 ARBORICULTURAL OFFICER:

No consultation response was submitted.

ADC CONSERVATION OFFICER:

The site is located in the vicinity of St Mary's Church (Grade I), Church House (Grade II), Park Lodge (Grade II) and The Old Cottage (Grade II); the following Locally Listed Buildings: 1 & 2 Church Cottages, Little Orchard and Yapton Lodge; and Church Lane Conservation Area. The proposal would not cause harm to the significance of the heritage assets or their setting.

ADC ECOLOGY:

No objection. The agreed reserved matters approval Y/82/20/RES Ecological Mitigation report is suitable for this and no further survey work is required.

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 Local Plan.

DEVELOPMENT PLAN POLICIES

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

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
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
HERDM3	HER DM3 Conservation Areas
HERDM6	HER DM6 Sites of Archaeological Interest
LANDM1	LAN DM1 Protection of landscape character
OSRDM1	Protection of open space,outdoor sport,comm& rec facilities
QEDM1	QE DM1 Noise Pollution

QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
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
WMDM1	WM DM1 Waste Management

Yapton neighbourhood plan 2014 Policy BB1	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E1	Protection of high value agricultural land
Yapton neighbourhood plan 2014 Policy E11	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy E4	Minimising the environmental impact of development
Yapton neighbourhood plan 2014 Policy E5	Enhancement of biodiversity
Yapton neighbourhood plan 2014 Policy H1	Housing requirement
Yapton neighbourhood plan 2014 Policy H2	Dwelling size
Yapton neighbourhood plan 2014 Policy PK1	Parking standards for new residential development

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 Yapton Neighbourhood Plan (NP) 2014-2029 was made on 5th November 2014. Relevant Yapton 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 located inside the built-up area boundary (BUAB) of Yapton and therefore 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 Church Lane Conservation Area and the Listed Buildings.

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 when Y/80/16/OUT was allowed on appeal on 15th January 2018 for up to 100 dwellings, including up to 30 affordable dwellings. The reserved matters (Y/82/20/RES) comprising layout, scale, appearance and landscaping were approved on 10th November 2020.

ASSESSMENT

This application seeks the temporary commercial use of 4 detached houses (Plots 4-7 inclusive) as a sales area and a sales office with 3 show homes. The temporary development includes the construction of a 13 space car park, 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 Ford Lane, 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 A frames 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 4 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 4 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.

A Design Response was submitted and approved under reserved matters (Y/82/20/RES) for the wider residential development on the site, which demonstrated how the development accorded with the 10 characteristics set out in the National Design Guide and the draft Arun Design Guide. The design rationale for the wider residential development, together with the layout - which was predicated on the indicative layout approved at the outline planning stage, the massing and the form of the development were set out in the approved Design Response.

The approved Design Response set out how the "form and massing of the development responds to the residential character of the surrounding area. The houses are closer together along the western boundary, sitting close to and fronting onto North End Road; continuing the existing streetscene along the road. In contrast to this, the houses moving out towards the eastern and northern boundary are larger and more spread out. This along with both the green corridor and the pockets of strategic landscaping running along the existing PROW 357, aid in breaking up the development". (Section 12 of the Design Response, 2020)

It was considered at the reserved matters stage that the approved Design Response set out the design rationale for the wider residential development focussing on an arts and crafts style development that is characteristic of an inter war residential development. The approved Design Response identified the layout of the wider residential development and how the form and massing of the development was predicated on the parameter plans listed in the conditions imposed by the Inspector on the outline planning permission. It is considered that the design and form of the 4 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 new 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".

The net density of the wider residential site in which the proposed commercial development is located is 29 dwellings per hectare, which accords with Condition 4 imposed on Y/80/16/OUT. The density of the development is important in the consideration of the impact on the character of Yapton and its relationship with the adjacent listed buildings, on a site on the edge of the village. The 4 buildings that are the subject of this application make up part of the net density of the site which has already been approved at the reserved matters stage.

SITE LAYOUT AND CHARACTER

Policy D DM1(1) 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 areas, 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.

Site Access Layout

The site access from Ford Lane serving this commercial development is based on and accords with the Drawing No. 065 Rev. A which was approved at the reserved matters stage, which was based on Site Access Drawing Number 130431-10 Rev. A, which is listed in Condition 3 imposed on the outline permission (Inspector's Decision letter (APP/C3810/W/17/3170059)).

The Local Highway Authority requested that a condition be imposed whereby no development should commence until the site access shown on Drawing No. D2831 FAB 00 GL DR L 301 Rev. PL00 and any S38/S278 Agreement drawing as may be approved by the Local Highway Authority has been completed to the satisfaction of the Local Highway Authority. The imposition of such a condition is considered to be necessary in the interests of highway safety.

The access road serving the detached houses on Plots 4, 5, 6 and 7 will need to be constructed once this temporary commercial use of this part of the site has ended. The access road, 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 Detailed Planting Plan 0301 Rev PL00 and Sales Arena Coloured Masterplan D2831-FAB-00-GL-DR-L-0100 Rev PL00 has proposed a sales arena planting scheme which would be fitting for the location and its function, but as of a temporary nature is largely ornamental and liable to seasonal change. The temporary landscaping of this commercial area is considered to be acceptable.

The 'Illustrative Strategic Landscape & Open Space Proposals' (Drawing No. 202 Rev B), which was listed in Condition 3 of the outline permission sets out the indicative framework for the location of the strategic landscaping on the wider residential site. A full landscape scheme was submitted and approved under Y/82/20/RES in the form of a Coloured Landscape Plan, Boundary Treatment Plans, Tree Setting Out Plans, Detailed Planting Plans and Plant Schedule and Maintenance Specification Details, detailing species choice, position, densities and size at time of planting. The planting was plotted in plan and list form showing the location of the trees and shrubs with quantities proposed, densities and size at time of planting and in relation to the trees and vegetation to be retained and enhanced. Landscaping details ensured the setting was not compromised visually and the proposed residential development was appropriate to its setting. The planting would be sufficient in height with a mix of tree and shrub species that are sufficiently fast growing to provide a year' round interest. The screening would provide a good mix of native species, which when planted would establish quickly to form a balanced and appropriate planting scheme, which was considered to be in accordance with Policy D DM1 of the Local Plan.

It is necessary to impose a condition 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 planting season.

Layout of the 4 Buildings

The 4 buildings on the site comprise the following standard Redrow house types: Henley, Leamington,

Stratford and Harrogate. The sales centre and sales office would be accommodated in the Harrogate; and the Henley, Leamington and Stratford would comprise the 3 show homes. The layout plan of the 4 buildings on Plots 4-7 inclusive complies with the layout plan (Drawing No. 065 Rev. A) approved by Y/82/20/RES and it ensures that the buildings are located in the areas identified for residential development on the 'Indicative Layout/open space proposals' (Drawing 201 Rev. C) which was listed in Condition 4 which was imposed on the outline permission.

Once the commercial uses of the 4 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, 2 and 3 would need to be constructed along with the internal estate road which would run in front of Plots 1 to 7 inclusive, in accordance with the layout plan (Drawing No. 065 Rev. A) approved under reserved matters. A condition is required to be imposed to achieve this.

Root Protection Areas of Trees

There are trees protected by a Tree Preservation Order (TPO/Y/2/17) in the wider residential development on Land South of Ford Lane and East of North End Road, but none are located within the current application site for the show homes and sales area; 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 and a large swale (a rill) for the surface water drainage, which is considered to be acceptable; as this surface water drainage would also serve the proposed commercial development comprising the sales area and a sales office with 3 show homes. A condition is required to ensure that the 4 buildings are not constructed until the surface water drainage details for the wider site are submitted and approved.

Layout of Footways / Cycleways

Three Public Rights of Way (FP357, FP358 and FP359) run through the wider residential site but are not located within the curtilage of the proposed commercial development comprising the sales centre and show homes.

The commercial development includes the provision of a footway from the customer car park to the sales centre and between the sales centre and all three 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 4 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 3 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 3 show homes on the Ford Lane 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 proposed appearance of the sales area, sales office and the show homes would enhance the built environment at the northern end of the village of Yapton and provide the design benchmark for the development on land to the west of North End Road site which is directly opposite the application site.

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 3 show homes facing outwards towards Ford Lane 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 Yapton.

Consequently, it is considered that the proposed 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 3 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 proposed development complies with Policy D DM1(3) of the Local Plan in terms of impact on neighbouring residential amenity along North End 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".

Policy E8 of the Yapton NP says: "within the Church Lane and Main Road / Church Road Conservation

Areas development proposals will be required to preserve or enhance the character of those areas. Development proposals and extensions and alterations to existing buildings and structures will be expected to be suitably designed for the context within which they are set; and ensure that the scale and massing of buildings relate sympathetically to the surrounding area; and use traditional and vernacular building materials to respect the context of the development concerned."

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"

There are 3 types of designated heritage assets which are located adjacent to the wider residential development on Land south of Ford Lane and east of North End Road:

- 1) St Mary's Church (Grade I), Church House (Grade II), Park Lodge (Grade II) and The Old Cottage (Grade II) Listed Buildings;
- 2): 1 & 2 Church Cottages, Little Orchard and Yapton Lodge Locally Listed Buildings; and
- 3) Church Lane Conservation Area.

Of specific interest to this application are St Mary's Church (Grade I) and the Conservation Area. Church Lane Conservation Area covers a small and tightly defined area around the church and contains a limited number of houses. The layout of the conservation area means that the older buildings within the conservation area are located close to some more modern houses and bungalows on the north side of Church Lane, which provide some separation between the conservation area and the site.

The current applicant relates to the temporary commercial use of 4 previously approved dwellings as a sales office and show homes as well as access, parking and landscaping. These buildings and associated landscaping are located some distance from the various heritage assets in the northern section of the site. The impact of the development has already been assessed and it is considered that developing this part of the site first as the sales area would not cause harm to the heritage assets or their setting, in accordance with paragraph 196 of the NPPF.

The development is acceptable and complies with Policy HER DM1 of the Local Plan in terms of impact on listed buildings and Policy HER DM3 of the Local Plan in terms of impact on the Conservation Area; Policy E8 of the Yapton NP, the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), in that it protects the setting of Listed Buildings and Church Lane Conservation Area.

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".

Policy E5 of the Yapton NP says: "in order to retain and encourage biodiversity, flood attenuation ponds should, where possible, be included in the design of development proposals and these should incorporate links and corridors for wildlife. If this is not possible, then other forms of Sustainable Urban

Drainage Systems (SuDS) should be provided."

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

The Sales Arena Coloured Masterplan D2831-FAB-00-GL-DR-L-0100 Rev PL00 shows all 4 buildings have sufficient space once the commercial use of the buildings has ended to accommodate rear gardens that measure at least 10.5 metres 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 3 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 3 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 3 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 4-7 inclusive 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 indicative framework which was set out in Condition 3 which was imposed on Y/80/16/OUT and comprised the 'Proposed Indicative Layout & Open Space Proposals' (Drawing No. 201 Rev. C) and

'Illustrative Strategic Landscape & Open Space Proposals' (Drawing No. 202 Rev. B). All 4 buildings are orientated north/south and therefore, on balance the layout makes all reasonable endeavours to achieve maximum solar gain.

SUMMARY

This application seeking the temporary commercial use of 4 detached houses on the Ford Lane 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 3 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 for Yapton including the Redrow scheme on the western side of North End Road. It is recommended that this application for the temporary use of 4 buildings on the site for commercial purposes comprising a sales area and a sales office with 3 show homes 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

There were two Unilateral Undertakings imposed at the outline planning stage.

The first Unilateral Undertaking dated 22nd December 2016 contains planning obligations regarding fire hydrants, highways contribution, a library contribution, primary education contribution, sports hall contribution, swimming pool contribution and a contribution to artificial pitches.

The second Unilateral Undertaking dated 14th December 2017 contains planning obligations regarding a fire and rescue contribution, secondary education contribution and further education contribution.

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 4 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, 2 and 3 would need to be constructed along with the internal estate road which would run in front of Plots 1 to 7 inclusive, in accordance with the layout plan (Drawing No. 065 Rev. A) approved under reserved matters.

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. D2831-FAB-00-GL-DR-L-0100 Rev. PL00 - Sales Arena Coloured Masterplan 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. RHSNC-SAL-01 Rev. D - Sales Arena Layout
- Drawing No. D2831-FAB-00-GL-DR-L-0100 Rev. PL00 - Sales Arena Coloured Masterplan
- Drawing No. RHSNC- SAL-01 Rev. D - Sales Arena Layout
- Drawing No. 401 Rev. C02 - Harrogate Sales Centre: Elevations A1
- Drawing No. 201 Rev. A - Harrogate Sales Centre: Structural Layout Ground Floor
- Drawing No. 202 - Harrogate Sales Centre: Structural Layout First Floor
- Drawing No. EF_LEAMQ_DM2 Rev. A - Leamington Lifestyle Floor Plans and Elevations
- Drawing No. EF_HENL_DM.6 Rev. A - Henley Elevations
- Drawing No. EF_HENL_DM.6 Rev. A - Henley Floor Plans
- Drawing No. EF_STRS_DM.8 Rev. B - Stratford Floor Plans & Elevations
- Drawing No. 072 Rev. B - Materials Plan
- Drawing No. REDFL-001 Rev. A - Redrow Flag
- Flag Specification: Proof No. 1 Job No. Q60769, 04/04/18.
- Advertisement Dimensions
- Landscape CDM Risk Register (Ref. D2831-FAB_00_XX_RR_L_002).
- Sales Area Soft Landscape NBS Specification, August 2020

(D2831_FAB_00_XX_SP1_L_002 Rev. PL00).

- Drawing No. 0301 Rev. PL00 - Detail Planting Plan
- Drawing No. 0302 Rev. PL00 - Plant Schedule and Maintenance Specification
- Ecology Mitigation and Enhancement Strategy, Ford Lane, Yapton, West Sussex (ECO00395) 28th October 2020, prepared by RPS Group.

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 Prior to the commencement of development, the site access shown on Drawing No. D2831 FAB 00 GL DR L 301 Rev. PL00 (and any S38/S278 Agreement drawing as may be approved by the Local Highway Authority) must be completed to the satisfaction of the Local Planning Authority in consultation with the Local Highway Authority.

Reason: In the interests of highway safety and to secure satisfactory standards of access for the proposed development, in accordance with Policy D DM1 of the Arun Local Plan.

- 6 The temporary sales area and sales office and show homes shall not be used for commercial purposes until the road(s), footways, and the 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.

- 7 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.

- 8 All planting, seeding or turfing comprised in the approved details in the Sales Area Soft Landscape NBS Specification, August 2020 (D2831_FAB_00_XX_SP1_L_002 Rev. PL00), Drawing No. 0301 Rev. PL00 - Detail Planting Plan, and Drawing No. 0302 Rev. PL00 - Plant Schedule and Maintenance Specification 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.

- 9 Prior to the commencement of development, the discharge letter for condition 11 of Y/80/16/OUT, setting out the approved surface water drainage details must be submitted to the Local Planning Authority. No building shall be used until the complete surface water drainage system serving that property has been implemented in accordance with the agreed details and the details so agreed shall be maintained throughout the use of the sales area.

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. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 10 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.