

Recommendation Report for Planning Permission

REF NO: AB/1/26/PL

LOCATION: Land At Junction With Ford Road
and Torton Hill Road
Arundel
BN18 9JQ

PROPOSAL: Erection of a sculpture. This application is in CIL Zone 3 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks the erection of a sculpture.
SITE CHARACTERISTICS	The site is an area of grass situated adjacent to the A27 roundabout to the southwest of the historic centre of Arundel. The site is close to the junction of Torton Hill Road and Ford Road.
CHARACTER OF LOCALITY	The site is bordered by roads and junctions to the north, south and east. The area to the west of the site is largely residential.

REPRESENTATIONS

Arundel Town Council - No response received.

4 No. letters of support were received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Arundel Town Council are the applicants for this proposal.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ECOLOGY - No objection.

WSCC HIGHWAYS - No objection.

- The sculpture has been positioned outside of junction visibility splays on land to the south of the roundabout and north of Torton Hill Road.
- The applicant will need to establish if the land is Public Highway. In the event it is, permission will be required from WSCC for the erection of the sculpture.

SOUTH DOWNS NATIONAL PARK - No objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary
 2km from a Site of Special Scientific Interest (SSSI)
 Arun Valley Impact Risk Zone
 Flood Zones 2/3.
 Area at risk of surface water flooding.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
LANDM2	LAN DM2 The Setting of Arundel
HERDM3	HER DM3 Conservation Areas
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal complies with relevant Development Plan policies in that the proposals would not harm the character or visual amenity of the area, and would not harm highways safety.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) 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,
- (aza) 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.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

PRINCIPLE

The site is located outside of the built up area boundary, and is in the countryside for the purposes of Arun Local Plan (ALP) policy C SP1. However, the proposal relates to the erection of a wooden sculpture on a roadside verge. The site is located adjacent to the built up area boundary and the site does not have a rural character. The principle of the development is acceptable in this instance.

DESIGN AND VISUAL AMENITY

The proposal is for the erection of a wooden sculpture which measures approx. 4m in height. The sculpture has a base which is roughly circular, with a diameter of approx. 0.6-0.7m. The sculpture would be fixed into the ground. The sculpture is made from timber, and would be situated on the area of grass which separates the roundabout from Torton Hill Rd. It is noted that there is an existing metal sculpture on this verge, which is located on the side of the grass area closest to the A27. The proposed sculpture is modest in size and made from timber. The sculpture would not appear incongruous and would not harm the character or visual amenity of the area in accordance with ALP policy D DM1. There would also be no harm to the setting of the Arundel Conservation Area or Arundel itself to the east of the site and therefore no conflict with policies HER DM3 or LAN DM2.

NEIGHBOURING RESIDENTIAL AMENITY

The sculpture would be located away from residential properties and would not impact neighbouring occupiers.

TRANSPORT AND HIGHWAYS

WSCC highways have been consulted on the application, and have indicated that the sculpture is positioned outside of junction visibility splays. Correspondence with National Highways which has been submitted also indicates that the sculpture would not impact highways safety. The sculpture would not be so distracting as to cause highways safety concerns, and is in accordance with ALP T SP1.

OTHER MATTERS:

The site lies within the Impact Risk Zone of the Arun Valley Special Protection Area. However, the siting of the sculpture will have no adverse impact upon the ability of Bewick Swans to forage/rest as the verge area is too small to allow these birds to land and take off. The Council's ecologist raises no objection.

The site is affected by flood risk but the sculpture is water compatible development which will not result in harm to human safety and does not conflict with planning policy on flood risk.

SUMMARY

The proposal is in accordance with the relevant development plan policies and is recommended for approval subject to the following conditions and informatives.

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

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.

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

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

- Location and Block Plan (received 16/03/26).
- Elevation of Sculpture (received 26/01/26).

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

- 3 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is de-minimis as the development does not impact an onsite priority habitat and the development impacts less than 25 square metres of onsite habitat that has a biodiversity value greater than zero and less than then 5 metres in length of onsite linear habitat.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.
- 5 INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the works within the highway. The applicant is requested to contact the Area Highway Manager (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within highway land prior to the agreement being in place.