

Recommendation Report for Planning Permission

REF NO: AL/19/22/PL

LOCATION: Hales Barn Farm
Arundel Road
Norton
PO18 0JX

PROPOSAL: Removal of condition approved under ref AL/84/20/PD relating to Condition No 3 - Construction Management Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application seeks permission to remove condition 3 (Construction Management Plan) imposed on AL/84/20/PD - Prior Notification under Part 20, Class ZA for the demolition of Class B1(c) Light Industrial) building & construction of 1 No. new dwelling house in its' place (C3 Dwelling house). Condition 3 of AL/84/20/PD is worded as follows:

"No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency, types and timing of vehicles used during construction;
- a commitment that construction vehicles will avoid the network peak hours of 0800-0900 and 1700-1800 where practicable;
- swept paths demonstrating all of the types of construction vehicles can safely enter and exit the A27 at the access;
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway; and
- measures to reduce dust, dirt and any other airborne contaminants and to reduce as far as reasonably possible these passing beyond the site boundaries, which shall include sheeted loads and dampening stockpiles where necessary.

Reason: The Construction Traffic Management Plan is required to ensure that construction of the development does not result in avoidable congestion on the A27 trunk road, to ensure that the A27 continues to be an effective part of the

national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and policy T SP1 of the Arun Local Plan to satisfy the reasonable requirements of road safety. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction workers."

SITE AREA	250 square metres
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	No obvious boundaries to the existing building.
SITE CHARACTERISTICS	Single storey (with a low pitched roof) building which lies on the south side of the access track running through Hales Barn Farm and to the west of a larger barn.
CHARACTER OF LOCALITY	Hales Barn Farm is a large converted barn located a short distance to the south of the A27(T), approximately a mile west of the village of Fontwell. The land holding comprising Hales Barn Farm is some 10.52 hectares in size with the main dwelling and fields to the north of the central east-west track and a long linear parcel of land south of the track.

RELEVANT SITE HISTORY

AL/84/20/PD	Prior Notification under Part 20, Class ZA for the demolition of Class B1(c) Light Industrial) building & construction of 1 No. new dwelling house in its' place (C3 Dwelling house).	No Object'n + Conds 15-01-21
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The site history is noted.

REPRESENTATIONS

Aldingbourne Parish Council: No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

NATIONAL HIGHWAYS: Do not agree to the removal of condition 3 of AL/84/20/PD pending confirmation from the applicant regarding construction vehicle routeing. Alternatively, if the applicant can commit that construction traffic using the A27 will only use the A27 Fontwell Avenue West roundabout and the A27 Nyton Road junction to access and leave the development site, then we would agree to the removal of condition 3.

WSCC Highways: satisfied with the removal of this condition as we do not anticipate that a

safety capacity concern would occur in our maintained highway area, that would require the need for a CMP.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The applicant confirmed that they will commit that construction traffic using the A27 will only use the A27 Fontwell Avenue West roundabout and the Nyton Road junction to access and leave the development site.

POLICY CONTEXT

Designation applicable to site:

Outside the Built Up Area Boundary;

Area of Special Advert Control

No Public Sewer;

TPO/AL/1/89;

WSCC Mineral Consultation Area for Sharp Sand & Gravel; and

Within 12km of Singleton & Cocking Tunnels Special Area of Conservation.

DEVELOPMENT PLAN POLICIES

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

CSP1 C SP1 Countryside

TSP1 T SP1 Transport and Development

[Aldingbourne Neighbourhood Plan 2019-31 Policy GA1](#) Promoting sustainable movement

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The relevant policy of the Aldingbourne Neighbourhood Development Plan (2021) is referred to in this report.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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

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

The proposal is considered to comply with relevant Development Plan policies since this proposal relates to the removal of condition 3 (Construction Management Plan) required by National Highways and they agreed with removal of this condition subject to applicant's commitment. The principle of the new residential dwelling within countryside was established under PD having regard to Class ZA of the Order.

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

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

The original approval allowed the replacement of a workshop with 1no 2 storey dwelling constructed in its place was considered (AL/84/20/PD) as a permitted development having regard to Class ZA of the Order. No objections on the grounds of highways, contamination and flooding can be sustained and therefore the local authority raises no objections to the granting of permitted development subject to conditions.

Permitted Development (PD) overview

Under the current General Permitted Development Order (GPDO), it is considered that the change use from B1 use to residential (C3) is permitted development subject first to prior approval being granted. As part of the prior approval process, there are a number of matters to be considered, including those relating to highways and transport. However, the GPDO is quite clear as to what highway matters can be considered, namely whether the proposal is likely to result in a material increase or a material change in the character of traffic near the site.

The applicant submitted this application to remove condition 3 (Construction Management Plan) requested by the National Highways and imposed to the decision AL/84/20/PD.

National Highways was consulted. They are concerned with proposals and policies that have the potential to impact the safe and efficient operation of the SRN, in the case of this development site, particularly the A27.

As mentioned in their comments: 'Condition 3 requires a Construction Traffic Management Plan (CTMP). We note that the applicant states that construction traffic would not use the access onto the A27 just to the west of the development site, but would access the development site via Level Mare Lane. The A27/Level Mare Lane junction is not suited to construction traffic as it is a legacy priority junction to the dual carriageway with no acceleration or deceleration tapers. It is therefore unsuitable for regular use by slow moving construction vehicles. Accordingly, we would still want the information as set out in Condition 3. Alternatively, if the applicant can commit that construction traffic using the A27 will only use the A27 Fontwell Avenue West roundabout and the A27 Nyton Road junction to access and leave the development site, then we would agree to the removal of condition 3.

The applicant in their response to the email from National Highways (04 April 2022) confirmed that they

will commit that construction traffic using the A27 will only use the A27 Fontwell Avenue West roundabout and the Nyton Road junction to access and leave the development site.

This would satisfy the requirement of National Highways and condition 3 can be therefore removed subject to condition restricting construction traffic using the A27 will only use the A27 Fontwell Avenue West roundabout and the Nyton Road junction to access and leave the development site.

WSCC Highways are satisfied with the removal of this condition as they do not anticipate that a safety capacity concern would occur within our maintained highway area, that would require the need for a CMP.

The principle of the development of this site was previously accepted and can be implemented. This application only seeks to consider the highway implications of the removal of the condition.

CONCLUSION:

The development would satisfy the requirements of paragraphs 79 of the NPPF and policy T SP1 of the Arun Local Plan and policy GA1 of the Aldingbourne Neighbourhood Plan and section 10 of the Highways Act 1980 is recommended for approval subject to the following condition and informative.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 Any construction traffic that is required to use the A27 for the development hereby approved shall only use the A27 Fontwell Avenue West roundabout and the A27 Nyton Road junction to

access and leave the development site.

Reason: To ensure that construction of the development does not result in avoidable congestion on the A27 trunk road, to ensure that the A27 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and policy T SP1 of the Arun Local Plan to satisfy the reasonable requirements of road safety.

- 2 INFORMATIVE: The effect of this planning permission is to remove condition 3 of AL/84/20/PD in respect of Hales Barn Farm, Arundel Road only. Please note that conditions 1, 2 and 4 of that permission still apply.