

Recommendation Report for Planning Permission

REF NO: A/100/19/PL

LOCATION: Arundel Acre
Arundel Road
Angmering
BN16 4EU

PROPOSAL: Change of use of land from agriculture for 3 No. travelling showpeople plots (Sui Generis) with associated storage barn, maintenance area, landscaping & infrastructure and creations of new access with associated visibility splays.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission for three plots for 3 caravans for travelling showpersons.in addition a barn measuring 12m by 10m is proposed along with an area for the storage of fairground rides. The application was modified and readvertised to reflect changes which involved a proposed new access with associated visibility splays
TOPOGRAPHY	The site has a modest slope running downhill from east to west.
TREES	The site is enclosed by trees to the south and east. There are also some reasonably mature trees within the site, particularly separating the area for the storage of rides from the three caravan pitches. The main tree to be impacted is a semi-mature tree in the roadside hedge which it is proposed to remove and replace as it is sited in the visibility splay.
BOUNDARY TREATMENT	The northern & western boundary is a hedge/fence with the occasional tree separating the site from the A27 trunk road verge and the adjoining county road. On the other sides the site is essentially enclosed by woodland.
SITE CHARACTERISTICS	Rural location to the north of Angmering. It takes the form of a series of small paddocks. There are some existing stable buildings. Whilst, immediately adjacent to the A27 it is not very visible when travelling westwards. However views are more prolonged when travelling in the opposite direction. The area for the fairground rides is at the more prominent and open western end. This area has also been partly hard surfaced.

RELEVANT SITE HISTORY

A/3/18/PL	Change of use of land to storage (B8 Storage or Distribution), erection of barn & hardstanding (resubmission following A/111/17/PL).	Refused 27-07-18
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A/111/17/PL	Retrospective change of use land to storage (B8 Storage or Distribution), erection of barn & hardstanding.	Withdrawn 17-11-17
A/106/96	Wooden agricultural building	ApproveConditionally 18-11-96
A/49/92	Erection of animal shelter and feed store	ApproveConditionally 15-07-92

The 2019 appeal decision is most relevant to this application and is discussed in more detail in the conclusions section.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Angmering Parish Council

No objection - Parish have concerns regarding road usage in this area.

Representations have been received from 4 separate parties. The main points raised are as follows.

- Poor road safety - increased traffic generation and increase in vehicular movements.
- Inadequate visibility.
- Reasons previous appeal was dismissed remain valid.
- Lack of vegetation.
- Lack of safe crossing.

COMMENTS ON REPRESENTATIONS RECEIVED:

The points raised are discussed in the conclusions section.

CONSULTATIONS

WSCC Strategic Planning

Highways England

Environmental Health

South Downs National Park

South Downs National Park

CONSULTATION RESPONSES RECEIVED:

Highways England:

(comments on revised submission)

With regard to comparison with the previous application, the proposed access has been moved closer to the A27, and therefore the distance between the A27 junction and the access has been shortened and is not equivalent. The revised access is now on the apex of the bend's radius with associated limited visibility for vehicles manoeuvring in or out of the access.

We have been advised that no further information will be provided at this stage, and therefore, based on the information provided, Highways England will require conditions to be placed on any permission that require a further plan to be provided that shows the visibility splay all the way around the bend (not just from the site access), in order that a Safe Stopping Distance can be achieved around the corner in relation to any part of the vehicle and trailer shown in the swept path plan (Drawing No. JNY10317/02) manoeuvring into and out of the access. In this respect, please note that Manual for Streets is not appropriate for use associated with trunk roads or where speed limits are above 40mph. As such, the visibility splay will need to be provided in accordance with the results of the speed survey and DMRB calculations.

All vegetation within the visibility splay, including the oak tree, will need to be cleared and maintained in perpetuity so that the sightline can be achieved and maintained for the proposal to be acceptable. Such a plan will need to be provided to Arun District Council as the Local Planning Authority, who shall consult Highways England accordingly. As this is a retrospective application, the plan will need to be provided and agreed within 1 month of any permission, with the vegetation cleared before the bird breeding season and within 2 months of any permission.

If such action is taken, we are satisfied the proposals can be achieved, subject to certain necessary conditions, without detriment to the safe and efficient operation of the Strategic Road Network (the tests set out in DfT Circular 2/2013 para 10 and DCLG NPPF para 32).

WSCC Highways:

(2nd December response based on revised submission)

While this application has not been assessed with the support a site visit, visits were made in assessing previous applications at the site.

History:

The site has relevant planning history involving highways consideration which I have summarised below:

A/111/17/PL - Retrospective change of use land to storage (B8 Storage or Distribution), erection of barn & hardstanding.

A highways objection was raised on the basis that inadequate information was submitted to demonstrate visibility and turning and that the increased use of a substandard access would add to the hazards of the highway user to an unacceptable degree. The application was subsequently withdrawn.

A/3/18/PL - Change of use of land to storage (B8 Storage or Distribution), erection of barn & hardstanding (resubmission following A/111/17/PL)

The application was re-submitted with the support of a Transport Assessment prepared by Motion Transport Planning. After significant negotiations it was concluded that improvements in the primary

direction could be achieved and these were supported with actual 85th percentile wet weather speeds. However no additional evidence was provided to support the maximum achievable visibility in the trailing direction conformed to any recognised guidance or standards.

It was also concluded that an open B8 use would result in a material intensification of use at the access point. It was also concluded that the use of planning conditions to limit trips and types of vehicular movements to such a degree where an intensification of use would not occur would be problematic and likely unenforceable.

The decision was appealed and subsequently dismissed by the Planning Inspectorate.

Context:

This application is similar to that previously sought under A/111/17/PL & A/3/18/PL.

Comments, dated 03/09/2019, in relation to this application were previously submitted and maintained an objection on the basis that the application would still result in a material intensification of use at the existing site access point which was considered sub-standard.

Subsequently the application description has now changed and the proposal now seeks the creation of a new access with associated visibility splays. The application has now been submitted with the support of a Highways Technical Note prepared by RPS.

Existing Use & Access:

On the current application the existing use is listed as agricultural, previously it was being considered as a small holding with the presence of two sheds on the site. It is noted within the history of the site that under A/49/92 approval was granted for the erection of an animal shelter and feed store, and under A/106/96 approval was granted for a wooden agricultural building. On this basis it is accepted that the site historically has held some form of limited agricultural use. However no evidence has been submitted to demonstrate that this use has generated any significant number of vehicular trips in recent years.

The Local Highway Authority (LHA) is satisfied that historically there is evidence of a vehicle access point in this location. However, it does appear to be informal and likely only used to service the land in recent years. The proposal now seeks to relocate the access circa 9 metre so the north, in order to facilitate improved visibility.

The access location is in close proximity to the corner of the plot where traffic joins the 'C' classified Arundel Road from the A27 slip road. The block plan submitted is not representative of the road layout, as previously observed on site. The plans detail a priority junction whereas the deceleration lane that is in place would result in higher speeds approaching the access point.

Trip Generation

The current application is specifically for 3 no travelling show people plots, with associated storage of fairground rides etc. The applicant states that this change in principle of the development will not result in any material intensification of use at the site as the specified storage of fairground rides will limit the trips more than open B8 would have done due to the nature of the operation.

It is not unreasonable to make the assumption that each plot could generate similar movements to that of an independent dwelling, this is widely accepted as being between 6-8 one way movements per day, a

potential total of 18-24 one way movements per day.

In addition the associated storage use is proposed. The LHA accepts that the vehicle trips generated by the operational requirements of the associated storage will not be as frequent as open B8 use. Given the shared residential / commercial use this will, to an extent, result in shared trips than independent residential / commercial use.

By way of additional information the Technical Note details that a total area of 252 sqm B8 Self Storage use would generate in the order of 13-14 two way movements per day. This has been calculated using the TRICS database and the LHA considers this a reasonable estimation of such trip generation.

The LHA anticipates the proposed residential use will result in 18-24 one way movements being created per day. In addition there will be a small number of trips associated with the storage / show person's use. These additional storage trips are not expected to be as high as the 13-14 two way movements as calculated by the applicants TRICS analysis, however will be an additional generation over and above the residential trips. On balance given the limited evidence base for the exiting use the LHA is minded to conclude that the proposed will result in a material intensification of use at the existing site access, as such its adequacies should be assessed against appropriate guidance and standards.

Visibility Primary Direction (North)

The applicants Technical Note and plan JNY10317/01a details that the access will be relocated circa 9 metres to the north. Plan JNY10317/01a details that an existing oak tree is within this splay, it is annotated that it will be removed. The Technical Note (Paragraph 1.18) states that the oak tree will remain. This should be clarified with the applicant.

Nevertheless the resultant visibility splay to the north will be 25 metres. While there is an existing mature Oak Tree within the splay it has historically been established that a splay can be provided around the tree and the overall impact to the envelope of visibility is minimal. The Technical Note satisfactorily demonstrates this would also be the case for the revised access location.

The LHA accepts that a visibility splay of 25m is in accordance with the splay that would be required using the Manual for Streets stopping sight distance calculation coefficient for the previously recorded 85th percentile approaching road speeds at this location, 20.1mph.

It is accepted that a visibility splay of 2.4 x 25 metres is achievable and would be considered an improvement against the existing situation, where visibility is extremely limited. The applicant should be aware that they would not be able to store any large items in the area where the splay crosses within the site.

The LHA is satisfied that such a condition could be imposed to secure such an improvement, however the Local Planning Authority (LPA) would be advised that the formation of such a splay is going to have a significant impact upon the vegetation boundary in this location.

Visibility Trailing Direction (South)

As previously assessed under A/111/17/PL & A/3/18/PL visibility in the trailing direction was extremely limited due to 3rd party land. The maximum available visibility was demonstrated as 2.0 x 8.2 metres, measured 1.0 metre into the carriageway. The LHA did not accept that a 2.0 metre 'X' distance should be used. Nevertheless this would only equate to the stopping sight distance of an approach speed of 7 mph as per Manual for Streets stopping sight distance calculation coefficient.

The applicants Technical Note and plan JNY10317/01a details that the access will be relocated circa 9m to the north. This results in a splay of 2.4 x 25.5 metres being provided. A splay of 30.1 metres can be achieved if a 2.0 metre 'X' distance is used. This is an improvement over the existing situation; however it does seem that these splays require the use of 3rd party land.

The applicant has undertaken a speed survey for northbound traffic in this location. The 85th percentile vehicle speeds are recorded as 33.4 mph. This would equate a stopping sight distance of 50 metres using the Manual for Streets calculation coefficient.

It should be noted that the proposal will still promote trips from slower moving larger vehicles. The demonstrated splays are significantly short of what would be expected given the approaching road speeds.

Vehicle Tracking

The application has been submitted with vehicle tracking to demonstrate the geometry of the proposed access is adequate and that a car towing a trailer can turn within the site. These plans are considered acceptable to the LHA.

Conclusion

On balance the LHA considered this application will result in a material intensification of use at the existing site access point.

While some improvements have been demonstrated the LHA is concerned that the proposed southern splay crosses 3rd party land and therefore could not be secured in perpetuity. Even if the splay is contained wholly within land under control of the applicant or that considered highway it is still 24.5m short of what would be required to equate to the Manual for Streets stopping sight distance for recorded approach speeds from this direction.

On balance the improvements do not outweigh the harm created by the proposed intensification of use and shortfall in visibility in the southern direction. As such the increase in movements from both large and small vehicles at the replacement access point will result in an unacceptable impact upon highway safety contrary to paragraph 109 of the NPPF. As such an objection would be raised.

Further detailed response received on 6th December commenting on applicants comments - WSCC maintains their objection.

SDNPA:

The Council should consider any visual impact and biodiversity considerations of the required visibility splay in terms of the existing boundary hedgerow and oak tree. The SDNPA assume that the existing boundary hedgerow is to be retained but at a reduced height. The applicant is proposing to replace the oak tree within the site.

Environmental Health:

Awaited.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

No Local Plan designations

DEVELOPMENT PLAN POLICIES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
HSP3	H SP3 Rural housing and exception sites
HSP5	H SP5 Traveller and Travelling Showpeople accommodation

[Angmering Neighbourhood Plan 2014 POLICY TM1](#) Local Highways

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 the Angmering Neighbourhood Development Plan.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

The application falls to be considered under Section 38(6) of the Planning and Compulsory Purchase Act 2004 which 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."

This proposal by reason of the substandard visibility splay to the south causes conflict with development plan policies

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 site is comprised of two adjacent paddocks adjoining the A27 trunk road to the north of Angmering. The site is located some distance from the nearest part of Angmering as defined by the Built up area

Boundary shown in the adopted Arun Local Plan (ALP). Consequently, any proposal would fall to be considered principally under policy H DM3 of the ALP. This proposal doesn't meet the criteria that would have to be satisfied to allow the granting of permission for the residential aspect of this scheme.

The Council currently doesn't have a five-year housing land supply (3.7 years) and consequently notwithstanding the policy conflict the NPPF advises that a presumption applies in favour of sustainable development should apply unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (para 11). The issue of sustainable development is considered below.

Landscape

The site sits adjacent to the National Park boundary, and when viewed from within the National Park, across the A27, the site contributes to the general undeveloped buffer between the National Park and Angmering, albeit that this land is not subject to any additional landscape designation. It is considered that it would be harmful to the protection of the countryside for its own sake, and thus contrary to policy C SP1 of the ALP to allow this development on landscape grounds unless an overriding need to see the site developed is established.

If that were to be the case then there would be a need to mitigate the visual impact of the caravans, fairground ride trailers and provide replacement hedging to the back of any new visibility splays.

Provision of sites for Travelling Showpeople

The Council is required in accordance with policy H SP5 to make provision for a number of Travelling Showpersons pitches during the plan period. The Council is currently developing a DPD to identify the required pitches. The work to date has identified the level of need and how this need can be addressed. This particular site has not been identified for consideration as part of this process.

Consultation on the issues and options report has taken place. Overall, there doesn't appear to be any issues which need to be resolved with regard to that part of the emerging DPD which relates to travelling show people. The next stage is to publish a draft DPD for consultation after resolving some issues on the provision of Gypsy and Traveller sites which are part of the same DPD. Therefore, at this stage the plan itself can be afforded limited weight. Since the granting of permission would contribute positively towards the provision of the required travelling show persons needs for Arun this factor should be afforded significant weight in the overall planning balance.

Highway Considerations

The appeal decision from 2019 identified the use of the site for storage would have an unacceptable impact upon highway safety. This current proposal is for a more intensive use of the land in terms of traffic generation.

In order to overcome previous concerns the access has been relocated further north by 9m. This is effectively on the apex of the bend. Highways England has, subject to appropriate safeguards (including the provision of visibility splays), removed its objection to the proposals. However, the County Council as the highway authority responsible for the minor road linking Angmering with the A27 has retained its objection on the basis that the southern visibility splay is inadequate in length having regard to the speed of traffic travelling north at that point.

In considering this matter it is also important to note that the fairground vehicles are slow moving, although they are more visible.

Overall, the objection of the Council remains valid and given it relates to matter of safety should be afforded considerable weight. It is noted that an objection on highway grounds would give rise to a number of specific policy conflicts.

Trees

On main tree would be lost as a direct result of creating the required visibility splays. The others could be reasonably protected. Whilst, the loss of the tree would be regrettable, its loss by itself would not be regarded as sufficient to warrant the rejection of the application on this ground alone.

Sustainability

Overall the proposal is not considered to be a sustainable form of development since it doesn't satisfy the three tenets of sustainability. Whilst there are economic benefits arising from the proposal, the location is not considered to be well located to the facilities required for everyday living and so a reliance on the car (other than for access to the school) is considered necessary. It is acknowledged that the proposal would contribute to the housing needs of a particular group. Furthermore, in environmental terms the proposal would lead to the loss of a semi-mature tree and would represent a reasonably prominent encroachment of development into the countryside

Overall conclusion

On balance the continuing absence of a safe means of egress is considered to outweigh the positive benefits the proposal would have in meeting the housing needs of the travelling show persons community in Arun. If a safe means of access could be achieved then given the early stage of the DPD (which is intended to meet the housing needs of the travelling show persons community in Arun) it is considered that this proposal could, subject to appropriate mitigation of in particular the landscape impact, be deemed acceptable in a location not considered acceptable for unfettered housing.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others.

The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 Council has had regard to the needs of those who consider themselves to be part of the Gypsy & Traveller community (including persons who are travelling show persons)

The proposal would have a negative impact on the housing needs of the applicants but that is considered acceptable because of the concerns regarding road safety.

RECOMMENDATION

REFUSE

- 1 The increase in movements from both large and small vehicles at the replacement access point will result in an unacceptable impact upon highway safety in the absence of suitable visibility splays contrary to policies H SP5 (c) of the Arun Local Plan and TM 1 of the Angmering Neighbourhood Plan and paragraph 109 of the NPPF. In addition the proposal has not demonstrated compliance with regard to policy H SP5 (c) in respect noise and air quality.
- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.