

**Recommendation Report for Planning Permission**

**REF NO:** A/114/17/PL

**LOCATION:** Highway Outside Hangleton Nursery  
Hangleton Lane  
Ferring

**PROPOSAL:** To widen a section of Hangleton Lane adjacent to the vehicle storage compound to ease access onto the site for transporter vehicles. This application is also within the parish of Ferring.

**SITE AND SURROUNDINGS**

**DESCRIPTION OF APPLICATION**

As above. The application as originally submitted related to 1 - 1.2m widening of a 24m length of Hangleton Lane on the western side, south of the access to the compound. The edge of the carriageway would be kerbed and the ditch beyond would be culverted. The length of the section of road widening has now been reduced to 5.6m and the width to 0.6m - 0.8m.

**SITE AREA**

N/A

**RESIDENTIAL DEVELOPMENT DENSITY (NET)** N/A

**TOPOGRAPHY**

Predominantly flat.

**TREES**

None of any significance affected by the proposed development.

**BOUNDARY TREATMENT**

Undefined and overgrown edge of carriageway. Hedging to approx. 3m to western side of highway.

**SITE CHARACTERISTICS**

Area comprises highway verge.

**CHARACTER OF LOCALITY**

Predominantly rural. Hangleton Lane runs North from the A259 to Highdown Hill and is a bridleway.

**RELEVANT SITE HISTORY**

|             |                                                                                                                                     |                       |                                                                         |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-------------------------------------------------------------------------|
| FG/45/15/PL | Change of use of land from agricultural/compost production to B8 Storage. This application is a Departure from the Development Plan | Refused<br>10-06-2015 | <i>Appealed</i><br><b>Appeal:<br/>Allowed+Conditions<br/>31 12 2015</b> |
|-------------|-------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-------------------------------------------------------------------------|

FG/45/15/PL granted permission for the vehicle storage that has generated the requirement for this proposal. The application was conditioned (condition no 4) that the site would be accessed from Hangleton Lane and the cars would be delivered to the site by an 11 car transporter

## **REPRESENTATIONS**

### **Representations received:**

Ferring Parish Council

None

Ferring Parish Council - Objection

This application has been brought to the attention of Ferring Parish Council. Although it comes within the Angmering Parish the site location is Hangleton Lane.

Ferring Parish Council strongly objects to this application to widen a section of Hangleton Lane to ease the access for transporter vehicles.

It is key to note that WSCC Highways did not foresee any issues or difficulties regarding the ease of access and the width of the road for a transporter in the original approved applications FG/45/15/ & /FG/9/16.

The widening of the road would have an impact on the infrastructure of the A259 and the work involved will cause severe disruption to road users.

It is clearly stated this area as countryside and agricultural land, a planning application from this site once again clearly falls foul to this. This proposal is completely unacceptable and we urge Arun District Council to decline this application.

Two Objections -

- Why should the grass verge be destroyed in the lane to allow vehicle access to the Peugeot storage area?
- Pull in will be used for car parking.
- Even with this pull in transporters will still have to use part of Cobbins Nursery roadway.
- Transporters will be very near residential gardens.
- Flooding will be an issue with run off. Transporters are far too large.
- The rear storage area should be accessed through the wall behind the garage This has already been breached and is used by traffic including dust carts. parts lorries and oil tankers.
- The countryside should be protected.
- Transporters will damage the lane which is not suited to this type of traffic.
- It is possible for the unloading to be done on the Peugeot premises. It has been done.

### **Comments on Representations received:**

Whether problems were foreseen by County or not is not relevant to consideration of this application. The permitted use is resulting in transporter vehicles parking on the A259 while deliveries are undertaken which is considered to be a disruption and a hazard to highway users. The short term work and disruption involved in providing the proposed turning space needs to be off set against the long term benefit which would accrue from easing disruption to drivers on the A259.

Following negotiations the length and breadth of the proposal has been reduced to take into

account the small area of the mud bank that some transporter drivers scrape. it will now visually appear as an extension of the Cobbins entrance apron. Its visual impact on the rural area has therefore been reduced. The proposal would not appear as a lay by, but as part of the apron to the access to Cobbins Nursery.

Breaching the flint wall to the rear of the garage so as to allow unloading from within the Peugeot premises was previously refused under FG/46/15/PL for the following reason:

'The opening up of a sizeable section of existing flint walling along the southern boundary of the site would unacceptably provide direct views into the site and show a line of development beyond the existing linear form alongside the northern carriageway of the A259 and therefore have an unacceptable suburbanising effect on the area '

The appeal Inspector stated 'the additional proposal to breach the flint wall would represent poor design, removing an attractive vernacular feature, and would risk opening-up the site to greater view, changing the balance of harm and benefits to the point that the proposal was unacceptable in its effects.'

A breach was subsequently allowed under permission FG/103/16/PL on the basis that the opening was relocated behind the building reducing the opportunity to see through the gap created. The retention of the remaining walling was also assured by the imposition of conditions. It is not therefore considered to be appropriate to allow the remaining wall to be removed to allow transporter access.

The impact of car transporters on the residential properties in Hangleton Lane was considered and approved as part of FG/45/15/PL.

## **CONSULTATIONS**

WSCC Strategic Planning  
WSCC Strategic Planning  
Engineering Services Manager  
Engineers (Drainage)

### **Consultations responses received:**

County Highways -

It is WSCC policy to ensure no flooding occurs at ground level on an A road. It is evident that the majority of Hangleton Lane appears to drain 'over the edge' either side and there are a few loosely define grips allowing run-off to the watercourse.

The loss of watercourse storage and increase in catchment area will need to be considered. Subject to determining the available development land, we consider it preferable to retain the ditch and install a new vertical wall and/or upstand kerb feature.

Second Highway Response - No Objection assuming no issues regarding land ownership with the new proposals. Some of the coloured 'S278' works seem to extend beyond the existing highway boundary, and therefore it seems likely that these works would need to take place under a S38 agreement with the consent of the landowner.

Drainage Engineer- Awaited and will be reported to Members as a report update.

### **Comments on Consultation responses:**

Comments noted. The requested informatives have been included in the officer recommendation.

## **POLICY CONTEXT**

Designation applicable to site:  
Outside Built Up Area Boundary

## **DEVELOPMENT PLAN POLICIES**

|                                                                       |                       |                                                                |
|-----------------------------------------------------------------------|-----------------------|----------------------------------------------------------------|
| <a href="#">Arun District Local Plan 2003:</a>                        | <a href="#">GEN3</a>  | Protection of the Countryside                                  |
|                                                                       | <a href="#">GEN7</a>  | The Form of New Development                                    |
|                                                                       | <a href="#">DEV8</a>  | Circumstances in which Additional Development may be Permitted |
|                                                                       | <a href="#">GEN12</a> | Parking in New Development                                     |
| <a href="#">Publication Version of the Local Plan (October 2014):</a> |                       | D SP1 Design                                                   |
|                                                                       |                       | C SP1 Countryside                                              |
|                                                                       |                       | D DM1 Aspects of Form and Design Quality                       |
|                                                                       |                       | SD SP3 Gaps Between Settlements                                |
|                                                                       |                       | T SP1 Transport and Development                                |

## **PLANNING POLICY GUIDANCE**

|      |                                     |
|------|-------------------------------------|
| NPPF | National Planning Policy Framework  |
| NPPG | National Planning Practice Guidance |

## **POLICY COMMENTARY**

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new Local Plan is in preparation may be a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015. The Examination into the submitted plan was commenced but is currently suspended whilst Arun District Council addresses matters raised by the Inspector.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taken place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification may also be material consideration to take into account. The examination is due to re-commence in Autumn 2017 following publication of modifications to the Plan.

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

### **The Neighbourhood Development Plan**

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards its

being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

There are no policies in Angmering Neighbourhood Plan which are considered to relate specifically to this type of development.

#### **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 in that it 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.

#### **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**

##### **BACKGROUND**

The Peugeot vehicle storage compound is located on the eastern side of Hangleton Lane and has been conditioned to be accessed from Hangleton Lane. The western side of Hangleton Lane opposite the vehicle storage compound access is ill defined as spoil from ditch clearing and has been deposited on the road edge from the adjacent drainage ditch. This causes transporters difficulty entering and leaving the site and potentially represents a highway hazard as they could easily slip into the drainage ditch whilst attempting the manoeuvre. This application has been submitted to alleviate the access problems and therefore prevent the parking of transporter vehicles on the highway which is the subject of a current enforcement complaint. The clear

definition of the edge of the carriageway would benefit all drivers.

#### **VISUAL AMENITY**

The application as originally submitted related to 1 - 1.2m widening of a 24m length of Hangleton Lane on the western side, south of the access to the compound. The edge of the carriageway would be kerbed and the ditch beyond would be culverted. The length of the section of road widening has now been reduced to 5.6m and the width to 0.6m - 0.8m. It is considered that whilst these works would have an urbanising effect on what is essentially a narrow rural lane the improvements would be limited in length and width and would be visually associated with an existing access. The visual harm resulting is therefore considered to be acceptable when viewed against the backdrop of other accesses. It is not considered that material harm would result to the rural character of the area.

#### **RESIDENTIAL AMENITY**

The impact of car transporters on the residential properties in Hangleton Lane was considered and approved as part of FG/45/15/PL. The principle of transporters using Hangleton Lane to access the parking and car storage area has been agreed on appeal and the permission has been implemented. Refusal of the application on residential amenity grounds would not be justified.

#### **HIGHWAY SAFETY**

There are no objections to the proposal from County Highways officer in terms of highway safety. The increased width and the improved manoeuvrability at the entrance to the access needs to be considered in relation to the alternative frequent parking and unloading of transporters on the A259 which currently takes place and which creates congestion and is a highway hazard, One lane of the dual carriageway lanes is obstructed.

#### **CONCLUSION**

The application is therefore recommended for approval subject to the following conditions

#### **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 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, Section 278 Layout, Construction Details and Vehicle Tracking 6841/100 revA and Longitudinal and Cross Sections 6841/101 revA.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 **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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 4 **INFORMATIVE:** Section 38 Agreement of the 1980 Highways Act - Provision of Adoptable Highway.

The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the proposed adoptable on-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that any works commenced prior to the S38 agreement being in place are undertaken at their own risk

- 5 **INFORMATIVE:** Any works to the ditch or use of the airspace above the ditch would need landowner consent and the piping of the ditch will still require consent from the district council.

The applicant does not appear to have considered/answered the drainage related concerns raised previously