

Recommendation Report for Planning Permission

REF NO:	A/169/21/PL
LOCATION:	Land South Of Littlehampton Road and East of Worthing Road Angmering BN12 6PN
PROPOSAL:	Construction of a new access to serve existing agricultural use and proposed residential development. This site is in CIL Zone 5 and is Zero rated as other development. This application is a Departure from the Development Plan.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for a new point of access to serve a total of 76 residential dwellings to the south of the A259 Angmering and to improve the existing access for existing users. The application is submitted alongside a proposal for a detailed planning application to develop the site. The proposed access arrangement comprises: - A new Left In / Left Out type arrangement onto the A259 Littlehampton Road to the west of the roundabout. - Retention of the existing access from the roundabout as an 'Entry Only' to the site. The Left In / Left Out site access is located within a 50mph limit and as such, the site access has been designed in accordance with design guidance laid out in the Design Manual for Roads and Bridges (DMRB). Whilst details regarding a new point of access to serve 76 residential dwellings have been proposed under a separate application, the purpose of this submission is secure a stand alone permission for the access to ensure its early delivery and aim to deliver the housing proposed at the earliest possible date.
TOPOGRAPHY	Predominantly flat.
TREES	Some mature hedging adjacent to the A259 will be removed to facilitate the new access slip road and acceleration lane to the east of the site.
BOUNDARY TREATMENT	The sites boundaries comprise mature conifer hedging to the north, largely screening the site from the A259, metal chain-link fencing and hedgerow to the railway line to the south and domestic fencing enclosing the adjoining residential properties to the west. The eastern boundary is undefined as it is open to the wider field.

SITE CHARACTERISTICS

The site is an arable field, which has been cropped recently and is relatively flat and open. At the roundabout at the junction of Old Worthing Road with the A259 Littlehampton Road at the north-western corner of the site is an existing access to the site. This is a single access track which also serves the industrial units to the east.

CHARACTER OF LOCALITY

Predominantly rural. The site is part of a working farm with agricultural uses surrounding the site to the south, east, and on the opposite side of the A259 to the north. There are residential properties to the west, but are clearly delineated from the rural character of the application site by a clear boundary.

The main views of the site are from the A259 from passing road users; from the Public Right of Way which lies approximately 150m to the east of the site, and from Highdown Hill to the north east of the site.

RELEVANT SITE HISTORY

A/168/21/PL	Erection of 76 No. dwellings, means of access, public open space, play areas, associated infrastructure & landscaping. This application is a Departure from the Development plan, is in CIL Zone 5 and is CIL Liable as new dwellings & affects a Public Right of Way.	
A/164/21/AG	Notification under the Town & Country Planning (General Permitted Development)(England) Order 2015 under Schedule 2, Part 6, Class B(d) to upgrade existing agricultural track, providing access to Roundstone Farm.	No Objection 01-09-21
A/130/12/	New Chandlers BMW/Mini Dealership facility including workshop/MOT facility, car valeting and car storage with new access from A259 and comprehensive hard and soft landscaping scheme. (This application is a departure from the development plan).	Refused 10-04-13

This application was submitted in conjunction with planning application A/168/21/PL, but there is no current planning permission for the area included in this application for residential development.

REPRESENTATIONS

Angmering Parish Council - Objection.

- Concerns over the possible dangers and disruption to vehicular and pedestrian traffic caused

by this proposal and particularly note the comments of the West Sussex County Council - Highways Authority and the Ramblers Association.

- An additional access of this scale and design cannot be justified by the existing permitted use of the land for agriculture. It would have an urbanising impact on the countryside and the Local Gap between East Preston and Ferring which would therefore be contrary to Policies C SP1 and SD SP3. Any attempt to justify this access on the basis of the proposed housing development would prejudice the outcome of A/168/21/PL leading to loss of public confidence in the planning process and a potentially unlawful decision.

East Preston Parish Council - Objection.

- This proposed new access is outside the Built-Up Area Boundary in the Arun Local Plan and, if allowed, will start to eat into what has always been understood as a Gap Between Settlements between East Preston and Kingston on the western side and Ferring on the eastern side. This is a relatively small Gap and therefore perhaps worthy of additional protection. Local residents feel strongly such gaps should be maintained and fear once development has been started there will be a domino effect and the whole gap will disappear very quickly, and once it has gone it will never come back.
- This proposal seems unnecessary if permission for this site to be redeveloped is not granted.

Ferring Parish Council - Objection.

- This proposal is a departure from the Development Plan and unjustified for any reason other than to serve the proposed housing development by Redrow Homes ref. A/168/21/PL on which it is entirely dependent.
- No case has been made for a large new highway access on agricultural land to serve agricultural requirements and therefore it is not appropriate to decide in favour of this case separately or prior to the housing proposal it is intended to serve. Even the claims made in A/164/21/AG (by Redrow Homes) for upgrading the existing farm track to apparently meet the farmer's future agricultural access requirements make no reference to the need for a new highway access. This clearly indicates that this application can only be considered in conjunction with the proposed housing development without which neither is viable.
- The current application for the new highway access can only be deemed as a precursor to A/169/21/PL and should be withdrawn or delayed until determination of A/169/21/PL.
- Should Arun District Council seek to determine this case prior to A/168/21/PL, the application should be refused. It is inappropriate and unjustified to serve the existing agricultural requirements of this sensitive farmland within the gap between settlement as specified in the Local Plan, which should be upheld as there are no exceptional reasons to the contrary.

19 Objections.

- The plan shows access to the site from Old Worthing Road. This is likely to cause traffic to back up on to the A259 which would delay the response of the emergency services for Kingston and East Preston and Rustington.
- There appears to be no understanding of the surrounding area of the proposed site nor the impact on nearby Angmering Level crossing to the west.
- Contrary to policy.
- Inappropriate position for relocation of bus stop.
- Change of priority for access to/from Roundstone Farm would be dangerous.
- This road is nothing to do with existing agricultural use, it is purely aimed at serving the proposed housing development.
- This road is not required for farming.

COMMENTS ON REPRESENTATIONS RECEIVED:

The comments will be addressed in the conclusions section of the report.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Ecology Officer - No Objection.

Extensive ecological surveys have been undertaken for the site, the results of which have influenced the production of the Ecological Enhancement Plan (July 2021). The mitigation and enhancements proposed within the plan are acceptable and should planning permission be approved, it should be conditioned that the Ecological Enhancement Plan should be implemented in its entirety.

County Highways - Objection.

The applicant has identified three departures from design standard and has sought formal approval for these departures as part of the current application. There is however no design audit submitted that identifies the design standards applied by the applicant.

No Stage One Road Safety Audit has been submitted. The applicant has confirmed that a Stage One RSA will be undertaken once the departures have been agreed. Planning permission must not be granted prior to the departures being agreed and a Stage One RSA being submitted in accordance with current WSCC Policy with all problems resolved to the satisfaction of WSCC Highways. It is requested that the bus stop is removed in light of there being suitable alternate provision being available within reasonable walking distance. The bus stop is within the live nearside lane of a 50mph dual carriageway and there is an overall safety benefit for the stop being removed.

The only other matter is the retention of the two existing accesses currently serving the land. The retention of the access directly onto the A259 Roundstone By-Pass Roundabout, which is to be downgraded to an exit only from the roundabout (i.e. allowing entry only into the existing development), would avoid the need for any lengthy detours for those vehicles approaching from the west given the site can be accessed only from the westbound A259. In practice, this access will be no more intensively used than it is at present by those existing uses. This may change if the residential use is permitted.

There is another access (a left in, left out) onto the westbound A259 located a short distance east of the proposed left in, left out. The current proposal is rendering this superfluous with there being a new internal access road connection leading to the various existing uses as indicated through notations on the submitted drawing. There is seemingly no reason for this access to be retained. The existing access onto the westbound A259 should consequently be permanently closed as part of the current proposal.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary
Within Settlement Gap
Adjacent TPO

Classified Road

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

SDSP2	SD SP2 Built-up Area Boundary
SDSP3	SD SP3 Gaps Between Settlements
CSP1	C SP1 Countryside
TSP1	T SP1 Transport and Development
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity

Angmering Neighbourhood Plan 2014 POLICY HD1 Built-up Area Boundary

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 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.

There are no specific policies in Angmering Neighbourhood Plan relating to the provision of access in this location. Policy HD1 relates to housing development outside the built up area boundary.

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 conflict with relevant Development Plan policies in that it would have an adverse effect on the visual amenities of the locality and would 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 be weighed in the balance with the Development Plan.

CONCLUSIONS

THE PROPOSAL

The application has been submitted with a description which relates to both agricultural and potential residential use of the site.

The agent's have provided clarity regarding the requirement for submission of the application. The key reasons for the submission are as follows:

1. The application provides the farmer and the tenants to the east of the site with improved access to their property. The road would tie in with the track which has been accepted as permitted development to the east (Ref: A/164/21/AG).
2. The approval of this application would allow Redrow to start the process of a Section 278 application earlier. Should the application for the residential development be written up for approval, the requirement for a S106 agreement would delay the decision being made. The approval of the access would ensure its delivery at the most appropriate time, ensuring safe access to the existing fields and the residential development, should this also be approved.
3. All the safety measures (including ANPR to stop tenants driving out of the roundabout) will be implemented. This will improve the safety of the existing roundabout.

The agent's have advised that delivering the access prior to the main on-site construction will provide a number of benefits including, parking and turning facilities for trades and deliveries on-site to prevent large vehicles and staff parking on A259 / Old Worthing Road and disrupting traffic, location of plant associated with construction works and provision of off-road wheel washing facilities to mitigate any impact of construction upon the public highway.

PRINCIPLE

The application site lies outside the the Built-Up Area Boundary (BUAB) shown on the Policies Map of the Local Plan and described in Policy HD1 of the Angmering Neighbourhood Plan. The site is also within an area designated as a Gap Between Settlements (East Preston to Ferring).

Policy SD SP2 of the Local Plan states that development should be focused within the Built-Up Area Boundaries. Outside the Built-Up Area Boundaries, Policy C SP1 states that land will be defined as countryside and will be recognised for its intrinsic character and beauty. Development will be permitted in the countryside where it is for:

- agriculture, horticulture, forestry, the extraction of minerals or management of waste,
- quiet, informal recreation,
- green infrastructure,
- diversification of the rural economy,
- road and/or cycle schemes, or
- in accordance with other policies in the Plan which refer to a specific use or type of development.

The proposed access to assist in the implementation of the proposed residential development fits none of these categories. The upgrading and improvements of the access for existing users associated with the farm, dwellings and commercial uses does not meet these requirements either. There is an existing acceptable access and a recent prior notification application approved a widening of the road width to better facilitate farm vehicles so there is no agricultural need for this proposal. An improvement to the existing track has already been planned for and approved under A164/21/AG which related to a section of road 115m long with a width of 5.5m constructed of grey coloured tarmac. The proposal utilised the existing access onto the highway and did not alter the route of the current existing and established track.

Therefore, an upgrade to the track has already been approved and in principle, the proposal does not

accord with Policy CSP1 and is contrary to the Development Plan.

Policy SD SP3 of Arun Local Plan sets out the criteria for assessing development within the gaps and states that such proposals will only be permitted if they maintain the character of the undeveloped coastline. This proposal would result in the loss of trees along the site boundary for a length of approx. 30m and would result in an urbanising form of development in a rural area which would be prominent and readily visible and would undermine the visual separation of settlements contrary to policy SD SP3. Para 174(c) of the NPPF refers to a need for decisions to contribute and enhance the natural environment by maintaining the character of the undeveloped coastline. The proposed development would be contrary to this advise and Policy SD SP3.

DESIGN AND IMPACT ON VISUAL AMENITY

Policy D DM1 and D SP1 states that planning permission will be granted where development meets amongst other criteria, the highest standards of design, providing a high-quality living environment in keeping with the character of the surrounding area. The Arun Design Guide suggests development in rural areas respects and enhances this distinctive rural character.

The proposed access forms a key part of the wider development of the site for 76 dwellings which forms part of planning application A/168/21/PL which is yet to be determined. The proposal comprises a prominent and large area of surfacing and engineering works and forms a key part of the proposed design for the residential proposal. It is visually obtrusive in this rural setting. The proposal significantly erodes established verdant site boundaries and the character of the area in conflict with Policies D SP1 and D DM1 and Arun Design Guide which seeks to ensure development reflects the character of the site and surrounding area. The provision of a large and unnecessary access and road is not in keeping with the rural character in conflict with paragraph 174 of the NPPF which requires decisions to contribute to and enhance the natural environment by protecting and enhancing valued landscapes and soils and recognising the intrinsic character and beauty of the countryside. The addition of a large unnecessary access and increase in hard standing area would not retain this character and would result in visually harmful and obtrusive development. The main reason for the access is to ease the building out of the associated residential development, but this proposal is undecided. The access is therefore being considered as a stand alone application and being assessed on its own merits.

HIGHWAY ASPECTS

The application is supported by a detailed Transport Statement which responds to the proposed point of access. The Transport Statement considers the means of access to serve the proposed development of 76 dwellings at the site. The intention is to deliver the proposed means of access as early as possible in order to ensure minimal disruption during the construction of the wider development proposed under a separate detailed application.

The site is currently accessed via a field gate onto the B2140 Old Worthing Road roundabout junction with the A259 Littlehampton Road. This access links within the site to the existing left in / left out access from the A259 Littlehampton Road serving the Artists In Stone commercial premises. The proposal comprises a new junction on to the A259 with a left in / left out junction arrangement and retention of an existing point of access from the roundabout, but this will comprise access only and will be controlled by appropriate surfacing and signage.

The Transport Statement considers the proposed trip generation associated with a 76 dwelling scheme. It considers the all existing junctions and that proposed will continue to operate within capacity as a result of the proposed development.

In terms of pedestrian and cycle access, this is proposed adjacent to the 'entry only' access to connect into existing pedestrian/cycle provision adjacent to the A259/B2140 roundabout. A scheme of

improvements to widen the pedestrian/cycle provision on the southern side of the A259 is also proposed for delivery as part of the site access arrangements

County Highways have objected to the scheme originally submitted on the basis of insufficient information. Although additional details have been submitted and forwarded to County Highways for comment the application is being determined on the basis of the information originally submitted which did not contain a Road Safety Audit or confirmation that the existing access onto the westbound A259 would be permanently closed as part of the current proposal. It is concluded that the proposed development does not comply with the requirements of T SP1 of Arun Local Plan and the NPPF paragraph 112 insofar that it has not been satisfactorily demonstrated that safe and suitable access can be achieved for all users.

BIODIVERSITY AND LOSS OF TREES

The Ecological Assessment recommends that the tree lines, linear scrub and grassland field margins are retained, enhanced and buffered as they are considered to provide foraging and commuting opportunities for bats as well as some sections being suitable for reptiles. Suggested enhancement measures can be conditioned. In this basis mitigation would ensure compliance with policy ENV DM5 of Arun Local Plan which seeks to achieve a net gain in biodiversity and improve habitats.

Policy ENV DM4 requires development to protect and manage existing trees wherever possible. It also requires development to take a comprehensive view of tree issues at the early stages of the design process. In this instance, the application is supported by a Tree Protection Plan, Arboricultural Impact Assessment and Method Statement, for which advice has fed into the proposals from the onset.

Tree removal is proposed in order to facilitate the access. Whilst the trees are not of a high quality and the Arboricultural Impact Assessment concludes that any loss of landscape value provided by these specimens could be acceptably mitigated by providing replacement trees as part of the wider landscaping proposals their removal would cause harm by increasing the visual prominence of the development. It is accepted that adequate mitigation is to be provided to mitigate the loss which could be controlled by condition. The proposal is therefore compliant with Policies ENV DM4 and ENV DM5 of Arun Local Plan.

LOSS OF AGRICUTURAL LAND

The application is supported by a land quality assessment which considers characteristics of the land and its agricultural quality. The assessment determines the site to be primarily Grade 2 defined as very good quality agricultural land. The loss of usable farm land to create the additional hard surfaced area, whilst not considered to be significant in terms of the overall field size and the resultant decrease in agricultural production, would be contrary to policy SO DM1 which states any form of development not associated with agriculture will not be permitted unless the development outweighs the need to protect the land in the long term.

There is no agricultural requirement for the additional farm access which is adequately served by 2 existing accesses (and benefits from a recent Agricultural Permitted Development approval to upgrade) and the application for housing has not been approved. Given the above the application is not consistent with relevant provisions in the NPPF concerning agricultural land (in particular paragraph 174(a) which are that the proposal does not protect and enhance valued landscapes, sites of biodiversity or geological value and soils. The proposal therefore conflicts with policy SO DM1 of Arun Local Plan and the NPPF.

CONCLUSION

The application is refused for the following reasons:

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 refusal 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

REFUSE

- 1 The application proposals are located outside of the defined built up areas and represent inappropriate and unnecessary encroachment into the countryside. The site is located in a rural location surrounded by open countryside within a defined settlement gap. The additional access and increase in hard surfaced road area and associated loss of trees would result in a prominent and visually obtrusive form of development which would adversely affect the visual amenities of the locality and rural character of the area contrary to policies C SP1, SD SP2, SD SP3, D SP1 and D DM1 of the Arun Local Plan and the National Planning Policy Framework.
- 2 Much of the site comprises Grade 2 Agricultural Land and it has not been satisfactorily demonstrated that there is an agricultural need for the proposed development or an alternative need which outweighs the need to protect the soil resource in the future. The proposal therefore conflicts with policy SO DM1 of Arun Local Plan and para 174 of the National Planning Policy Framework.
- 3 The proposal does not contain sufficient information to demonstrate that the access would not have an adverse effect on highway safety. The proposal therefore conflicts with policy TSP1 of Arun Local Plan and the National Planning Policy Framework.
- 4 **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 determining the application within a timely manner, clearly setting out the reasons for refusal, allowing the Applicant the opportunity to consider the harm

caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.