

Recommendation Report for Planning Permission

REF NO: A/3/18/PL

LOCATION: Land at Arundel Road/A27
Angmering
BN164EU

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

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The two sheds described as 'Permitted Sheds' are covered by permission reference A/106/96.
SITE AREA	0.67 hectares.
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	Fence and hedge fronting A27. 94m frontage to A27, 40m to Arundel Road. Scattered trees along other boundaries but not sufficient to screen site from main viewpoints to north and west.
CHARACTER OF LOCALITY	The surrounding area is predominantly rural in character with mature woodland to the south and east, bounded by the A27 to the north. There is a car sales business operating from the former petrol filling station to the west and a public house (Woodmans Arms) to the north of the A27.

RELEVANT SITE HISTORY

A/106/96	Wooden agricultural building	ApproveConditionally 18-11-96
A/49/92	Erection of animal shelter and feed store	ApproveConditionally 15-07-92

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Angmering Parish Council

Objection on highway safety grounds. This resubmission does not make clear how vehicular access to the site can safely be arranged without causing a hazard to vehicles turning into Arundel Road from the

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westbound A27 in particular.

2 letters of objection:

There is insufficient visibility.

The proposal cannot be accommodated without danger to the highway.

The applicant's technical note is incorrect to suggest there is sufficient visibility and the use of the site will not endanger the local highway.

COMMENTS ON REPRESENTATIONS RECEIVED:

Whilst visibility levels can be made acceptable it is agreed that the use cannot be carried out without having a severe impact on highway safety.

CONSULTATIONS

WSCC Strategic Planning

Highways England

South Downs National Park

South Downs National Park

CONSULTATION RESPONSES RECEIVED:

Local Highways Authority (WSCC) -

History

West Sussex County Council was consulted previously on Highway Matters for this location under planning application A/111/17/PL seeking retrospective change of use land to storage (B8 Storage or Distribution), erection of barn & hardstanding. The application was considered with the benefit of a site visit undertaken on 2nd October 2017.

In summary a highways objection was raised citing that adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of access, visibility splays and on site turning facilities and would therefore give rise to increased hazards to highway users. The application was withdrawn by the applicant.

Context

This application is essentially a re submission of that previously sought under A/111/17/PL. This latest application has been submitted with the support of a Technical Transport Note prepared by Motion.

The existing use of the land appears to be as a small holding with the presence of two sheds on the site as existing. 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. The access location is in proximity to the corner of the plot where traffic joins the 'C' classified Arundel Road from the A27 slip road. The plans provided are 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. Visibility North (Southbound - Primary). The Technical note provides evidence of a 7 day automated speed survey revealing the 85th percentile dry weather speeds to be 20.1 mph from this direction.

A reduction to account for wet weather speeds of 2.5mph / 4kmph is permissible under the Design Manual for Roads and Bridges TA 22/81. No data has been submitted detailing the weather conditions

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during the course of the survey (6th - 12th December). Using historic weather records I have been able to ascertain that light rain was recorded on three of the seven days the survey was undertaken. From inspection of the actual survey data within Appendix B, the recorded vehicle speeds do not seem to have been significantly affected by the weather conditions and therefore I would be satisfied that a reduction to ascertain wet weather speed is appropriate. As detailed within the Technical Note this would equate to a Stopping Sight distance of 21 metres as per Manual for Streets methodologies.

The Technical Note has satisfactorily demonstrated that such a splay of 2.4 x 21 metres is achievable and would be considered an improvement against the existing situation. The Local Planning Authority would be advised that the formation of such a splay is going to have a significant impact upon the vegetation boundary in this location, and may require the removal a mature tree.

Visibility South (Northbound - Trailing)

No significant additional assessment has been made with regard to visibility south of the access point. Other than overhanging vegetation clearance the opportunity for improvement is limited due to 3rd party land ownership and the lack of a wide highway verge. It has been acknowledged in paragraph 2.12 of the Technical Note that visibility to the south is substandard.

The technical note contends that:

- In this direction vehicles will be travelling on the opposing side of the carriageway. The opposing side of Arundel Road is not restricted from on street car parking and there is historic evidence available that this side of the road is used to provide an on street car parking provision. This does result in vehicles approaching on the nearside carriageway.
- A banksman can be used to assist with vehicle movements secured via a suitable worded planning condition. Any such condition would need to satisfy the 6 tests as set out by paragraph 206 of the National Planning Policy Framework. I would question if such a condition would be 'enforceable' in perpetuity and therefore fail this test.
- Minimal trip generation will be created. While it is appreciated that the proposed use would only generate a small number of vehicular movements the use of the site for B8 storage would have the potential to generate significantly more vehicular movements over and above those stipulated within the applicants Technical Note.
- Mirrors to be installed to assist with visibility

WSCC as the Local Highways Authority does not support the use of mirrors in such situations or permit mirrors to be placed within the public highway. It has been established that they reflect light and interfere with drivers vision and reduce ability to judge oncoming vehicles speed.

Internal Access

Previously on site several large trailers were observed. No evidence of ability for these to turn within the site was previously provided. The Technical Note provides swept path tracking for the turning of a car and caravan. While these plans themselves are acceptable, they do not represent the scenario of large HGV vehicles which could be associated with a B8 use class development.

Conclusion

In principle the use of the site for B8 use will result in the intensification of use of the site and access point onto Arundel Road. While it is appreciated that the applicant can improve visibility to the north in accordance with the Stopping Sight Distance requirements of the recorded road speeds it is questionable if the Planning Authority would be satisfied with other considerations involved in implementing this splay. No opportunity to significantly improve visibility to the south is available.

The LHA conclude that an increased use of this substandard access would cause a detriment to the safe operation of the public road network. The proposals are therefore contrary to paragraph 32 of the National Planning Policy Framework (NPPF) and the LHA would object on the following reasons:

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- Adequate information has not been submitted to satisfy the Local Planning. Authority that the proposal is acceptable in terms of visibility splays and on-site turning facilities and would therefore give rise to increased hazards to highway users.
- The increased use of the existing access to the public highway would add to the hazards of highway users to an unacceptable degree.

Additional Highway Comments

With regard to the tree, I would be minded to accept that the plan provided (1711056-SK01 Rev A) does demonstrate that that tree will not fully obstruct a vehicle within the envelope of visibility for a 21.1 metre visibility splay. I would ask this is accurately reflected in CAD if we get to the position where this is formally submitted for consideration.

I do still have significant concerns that an open B8 use would constitute a material intensification of use and the improvement provided in visibility north of the site would not outweigh the harm caused by increased trip rates and substandard southern visibility.

I'm comfortable that a suitably worded condition can be agreed upon restricting the size/type and number of vehicles within the site at any one time. I have seen this being used in the past. What I'm not comfortable with is a condition restricting the number of vehicle movements 'permitted' at the site, as essentially that is what is going to be required. Once again if you were to take the numbers you have stated below (29th March), I don't think we would be able to substantiate this level of movements would create a 'Severe safety issue. However my view is that such a condition would not satisfy the 6 tests namely enforceable & reasonable and thus our objection would have to remain.

Highways England - No objection subject to a condition to control surface water run off.

South Downs National Park- No comment

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. Whilst HE have not raised an objection on detrimental impact on A27 the comments of County Highways on general highway safety are agreed.

The Highway officer refers to the NPPF and reference to severe impact. The NPPF has been amended since but retains the reference to 'severe' impacts in paragraph 109.

POLICY CONTEXT

Designation applicable to site:
Outside built up area

DEVELOPMENT PLAN POLICES

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
EMPDM1	EMP DM1 Employment Land: Development Management
QEDM1	QE DM1 Noise Pollution
TDM1	T DM1 Sustainable Travel and Public Rights of Way
QESP1	QE SP1 Quality of the Environment
TSP1	T SP1 Transport and Development

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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 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

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 relevant policies in the Angmering Neighbourhood Plan have been taken into account.

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 not considered to comply with relevant Development Plan policies in that a commercial use in this location outside the built up area of Angmering would have a materially adverse effect on the safety of the local highway network in conflict with policies T SP1 and EMP DM1 of the Arun District Local Plan and policy TM1 of the Angmering Neighbourhood Plan.

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 Development Plan policies applicable to the determination of this application are, insofar as the Arun Local Plan (ALP 2011-2031) is concerned, CSP1 due to its location outside the built up area boundary (BUAB), TSP1 & TDM1 whose aim is to ensure the safety of the local highway network from development proposals and is in easy access to public transport access, LANDM1 which ensures that the landscape character of the site is respected, DDM1, DSP1, QEDM1 & QESP1 which seek that

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proposals are in keeping with the character and appearance of the area and acceptable in terms of impact on neighbouring residential amenity and EMPDM1 to assess whether a commercial use such as this one outside the BUAB is acceptable.

In so far as the Angmering Parish Council Neighbourhood Plan is concerned policy HD5 mirrors ADLP policy DSP1 to determine its acceptability in terms of impact on the areas character and appearance and policy TM1 which requires that development is acceptable in highway terms.

VISUAL AMENITY

The two sheds are approximately 2m in height for the one nearest to the barn and approximately 2.5m high for the one furthest away and nearest to Arundel Road. The collective height and footprint of the barn and two sheds is therefore significant but approximately a third of it has planning consent under A/106/96.

However, given their set back from the road (over 20m), the considerable level of tree screening and the fact that the higher barn is also largely screened by the sheds makes the development acceptable in visual terms. The hardstanding applied for is in the north west corner of the site where the appearance of the site is hardened by the fact that it is abutting a slip road onto the busy A27. On this basis the character of the area is not unacceptably harmed from the existing MOT base. The proposal is therefore in compliance with policies DM1 (1) of the ADLP and HD5 of the ANP.

Policy LAN DM1 requires that development respects the particular characteristics and natural features of the relevant landscape character. Given that the proposed barn is largely shielded from view and that the tarmacked area is in close proximity to the A27, the Arundel Road and other tarmacked access points this particular aspect of the proposal is not considered to be disrespectful. The proposal is therefore in compliance with LAN DM1.

RESIDENTIAL AMENITIES

Due to the distances involved from the neighbouring properties and the high ambient noise level from the A27 the proposal will not result in unacceptable harm to residential amenities in conflict with policy DM1 (3) of the ADLP.

In terms of noise the proposal does have the potential to generate noise levels from comings and goings associated with this storage use. However, in this location close to the A27 and accompanying high ambient noise levels and the separating distance to neighbouring dwellings any increase will not be materially unacceptable.

EMPLOYMENT

Policy EMP DM1 (6) of the ALP is applicable to proposals for economic growth in locations outside the built up area boundary. In the case of this proposal it is in conflict with 6 (b) and (d) as the vehicle movements associated with this proposal are likely to endanger the local highway network and there is no transport other than the private car that serves the site.

HIGHWAYS

With regard to highway matters the LHA has concluded that in principle the use of the site for B8 use will result in the intensification of use of the site and access point onto Arundel Road.

While it is appreciated that the applicant can improve visibility to the north, the LHA concludes that an increased use of this substandard access would cause a detriment to the safe operation of the public road network.

As explained by the advice given by the West Sussex County Council Highways officer a condition to

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limit the amount of traffic movements using the site to an acceptable level cannot be imposed on this proposal due to the fact that it is not enforceable and therefore contrary to Government guidance on the use of planning conditions. The proposal is therefore contrary to policies TSP1 of the ADLP and TM1 of the ANP.

SUMMARY

The proposal is considered to be acceptable in terms of its impact on visual and residential amenities but due to the inability to control the development so as not to endanger the local traffic network the proposal is contrary to policies TSP1 and EMPDM1 of the Arun District Local Plan, TM1 of the Angmering Neighbourhood Plan and paragraph 109 of the July 2018 National Planning Policy Framework. It is therefore recommended to refuse this application for the following reason:

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 (in this case, the rights of neighbours). 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 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 increased use of the access to the public highway would add to the hazards of highway users to an unacceptable degree in conflict with policies TSP1, TDM1 & EMPDM1 of the Arun District Local Plan, policy TM1 of the Angmering Neighbourhood Plan and paragraph 109 of the July 2018 National Planning Policy Framework.
- 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. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the

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refusal, approval has not been possible.