

Our ref: PPS1372

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Date: 22 March 2021

Arun Civic Centre
Planning Department
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

Dear Sir/Madam,

Full planning permission for the use of the site for the storage of up to 4 fairground rides, associated infrastructure (including MOT base) and erection of a storage shed at Arundel Acre, Land at Arundel Road/A27, Angmering, BN16 4EU.

On behalf of our client, Nic & Ben's Entertainments (the Applicant) please find enclosed an application for full planning permission under The Town and Country Planning Act 1900 (the 1990 Act) for the use of the site for the storage of up to 4 fairground rides, associated infrastructure (including MOT base) and erection of an storage shed at Arundel Acre, Land at Arundel Road/A27, Angmering, BN16 4EU.

In line with national and local validation requirements, the application comprises:

- Cover letter;
- Application Form;
- Site Location Plan (Figure 1);
- Proposed Block Plan (Figure 2);
- Proposed floor plans and elevations – storage shed;
- Biodiversity checklist;
- Flooding and Foul water basic information;
- Pre-application response from West Sussex County Council – Appendix A;
- Officer's report and Decision notice for planning application ref. A/3/18/PL – Appendix B;
- Planning application fee of £462.00 (to follow).

The site

The application site is located at the south junction of the A27 and Arundel Road, with access from Arundel Road. To the east is land covered by mature trees whilst to the south is a camp site ('Acorns Camp Site'), screened from the application site by mature trees. Further to the south is the built-up area of the village of Angmering.

To the west is Arundel Road with two detached residential dwellings on the opposite side of the road, and further beyond is a two-storey detached building (Hammerpot Garage) which is a used car sales business. To the north is the A27 with South Downs National Park boundary beyond. The site is currently used for the storage of fair rides although its lawful use is as agricultural land.

Services such as schools, recreational spaces and retail areas can be accessed within Angmering village to the south, with the closest school to the site being less than 500m. Public bus services serve the village with bus stops along Arundel Road, less than 10 minutes' walk from the application site. There is a footpath alongside Arundel Road, which connects the site to the village and bus stops.

The site is to the south of the boundary of South Downs National Park, however is not within the National Park. No other relevant planning and environmental constraints apply to the site.

The village of Angmering is located to the south and is covered by a 'made' Neighbourhood Development Plan, the boundary of which includes the application site.

Planning History

A review of the planning history of the site is included below:

- In 1992 (ref. A/49/92), planning permission was approved for the erection of animal shelter and feed store. No documents other than the decision notice can be identified online and therefore it is only possible to assume the animal shelter approved under this application related to the use of the land for agricultural purposes.
- In 1996, a wooden agricultural building was approved under permission ref. A/106/96.
- The land was acquired by the applicant in 2016 and in 2017 a retrospective application was made to change the use of land to storage (B8 Storage or Distribution); erection of barn and hardstanding (ref. A/111/17/PL). Due to highway visibility concerns, the application was withdrawn on November 2017.
- A further planning application followed on July 2018 (ref. A/3/18/PL) for the change of use of land to storage (Use Class B8), erection of barn and hardstanding. The application was refused on highway safety grounds as a result of inadequate visibility splays to the south. A subsequent appeal (ref. APP/C3810/W/3209225) was dismissed on the same ground.
- Finally, on 23rd December 2019, planning application ref. A/100/19/PL was refused by the Council. The proposal sought the use of the site for travelling showpeople including the provision of 3 caravans associated storage barn, maintenance area, landscaping & infrastructure and creations of new access with associated visibility splays. The proposal was refused on the inadequacy of the access road, in particular regarding visibility splays, and the increase on activity to/from the site. Additional reasons for refusal included the lack of information regarding air quality and noise and the potential impact on future occupiers.
- It is worth noting that the Applicant has engaged in pre-application discussions with West Sussex County Council (WSCC) in its capacity as Local Highway Authority and a copy of the pre-application response is included as **Appendix A**.

Proposal

Nic and Ben's Entertainments is a travelling fairground business that operates at fairs, carnivals, music festivals and other events across the south of England. The business was formed in 2006, is operated by Nic and Ben Burrell who are members of the Association of Independent Showmen (AIS). Although still a small business, it is now becoming well established and owns a number of small children's rides, which are transported to various locations in the south of England, between London and the south coast, and attends anything from a day to several days. The fair usually attends from 20 to 30 events per year, and each of these events can involve several days (travel, build-up, operation and pull-down). The Great Dorset Steam Fair, for example, involves a week away from base.

Previous to the Coronavirus outbreak, the business used to be 'on the road' for a significant proportion of the year and it is expected this will be the case again once the restrictions are lifted. When the fair is on the road, Nic and Ben (and normally their families) live with the fair in touring caravans. When the fair is not on the road, the rides and caravans are stored at the Arundel Acre site.

The Arundel Acre site was acquired in 2016, following a search for suitable sites. It was acquired because it was well-screened, had existing buildings that could be used for maintenance and storage and easy access to the strategic road network. It was also not in a location where it would cause residential amenity issues. Initially applications were made for storage of fairground rides, however these were refused as the Council considered that an 'open' storage use under Use Class B8 would intensify the use of the access which, alongside a shortfall on visibility splay levels, would be unacceptable.

Following extensive pre-application discussions with the Highway Authority (**see Appendix A**), the current application now seeks the use of the site for the storage of up to 4 fairground rides, imposing a limitation on the nature of the storage use as well as a limit on the number of rides that can be stored. The applicant is happy to accept a condition limiting the number of rides to be stored on the land to four. This is the basis of the Highway Authority's support.

The proposal also seeks permission to retain and extend an area for the occasional maintenance of the rides (MOT base) and the erection of one storage shed.

A proposed block plan is submitted with the application showing how 4 fairground rides can be accommodated on site.

Planning Policy context

Section 70(2) of the Town and Country Planning Act 1990 (1990 Act) and Section 38(6) of the Planning and Compulsory Purchase Act 2004 (2004 Act) require planning applications to be determined in accordance with the statutory Development Plan unless material considerations indicate otherwise.

The Development Plan relevant to the site comprises: Arun District Local Plan 2011 – 2031 (Adopted July 2018); West Sussex Waste Local Plan (Adopted April 2014); West Sussex Joint Minerals Local Plan (Adopted July 2018) and Angmering Neighbourhood Development Plan ('Made' on March 2015). Material considerations include the National Planning Policy Framework 2019 (NPPF).

This section summarises key Development Plan policies as well as other material considerations relevant for this application.

Development Plan Policy

Arun District Local Plan 2011 – 2031 (July 2018)

Arun's Local Plan was adopted in July 2018 and sets out the future pattern of development for the District over the period until 2031.

Policy SD SP1a (Strategic Approach) sets the main development strategies for the District and indicates that the plan encourages the effective use of previously developed land, provided that it is not of high environmental value.

Policy EMP DM1 (Employment Land: Development Management) seeks to protect and enhance existing employment sites and premises in order to maintain a supply of good quality commercial sites and premises to meet the needs of businesses and the local economy. Under criterion 6 (Economic growth outside the Built-up Area Boundary), planning permission will be granted provided that the proposal demonstrates that it is of an appropriate size; it would not intensify uses at the site to the detriment of existing public access routes and highways; appropriate accessibility through means other than the private car can be achieved; the proposal shows consideration of the landscape, habitat, built and historic environment contexts and a satisfactory relationship with neighbouring uses in order that the amenities of nearby residents, in particular, are protected.

Policy LAN DM1 (Protection of landscape character) indicates that development in the setting of the South Downs National Park must have special regard to its conservation, including views into and out of the Park, and will not be permitted where there would be harmful effects on these considerations.

Policy D SP1 (Design) sets criteria regarding a proposed development's layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details.

Policy T SP1 (Transport and Development) seeks proposals which reduce congestion and tackles climate change while ensuring support to the District's economic base. Development proposals must explain how the development has been designed to accommodate the efficient delivery of goods and supplies and give priority to pedestrian and cycle movements and have access to high quality public transport facilities.

Angmering Neighbourhood Development Plan (NDP) (March 2015)

Angmering NDP was adopted on March 2015 and covers the Parish boundary of Angmering, except for the areas under the authority of South Downs National Park. The NDP includes policies regarding housing, design, transport, employment and environment which provide a local scope to the policies within Arun District Local Plan.

Policy ER2 (Local Employment) seeks to protect employment generating uses however it does not provide specific criteria to assist in the assessment for proposals for employment generating uses.

Policy HD1 (Built up area Boundary) identifies that most development should be diverted towards the built-up area boundary in order to avoid encroachment into open countryside. Proposals outside the defined built-up area must comply with other policies within the plan.

Policy EH2 aims to protect the landscape setting of the South Downs National Park and indicates that new development within land adjoining the SDNP, or that contributes to the setting of the Park, will be supported. Development proposals should not affect views into and out of the Park as a result of their location or design.

Regarding highways, Policy TM1 (Local Highways) require development proposals to demonstrate that adequate and satisfactory provision has been made to mitigate the impact of the traffic generated both during development and on completion.

Material considerations

The National Planning Policy Framework (NPPF) (2019)

The National Planning Policy Framework (NPPF) was published in February 2019 and sets out the Government's planning policies for England and how these should be applied.

A presumption in favour of sustainable development remains at the heart of the NPPF, which should be considered within both plan-making and decision-making.

Paragraph 8 recognises that, in order to achieve sustainable development, the planning system has three overarching objectives and that opportunities should be sought to secure net gains on each of the three objectives, which are:

"An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right

time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and,

An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."

A presumption in favour of sustainable development is at the heart of the NPPF and is to be seen as the golden thread running through both plan-making and decision-taking (paragraph 11).

Chapter 6 of the NPPF covers policies which seek to promote a strong and diversified economy. Paragraph 80 indicates that "*planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development*" whilst Paragraph 83(c) seeks to enable rural tourism and leisure developments which respect the character of the countryside.

Chapter 9 deals with promoting sustainable transport and covers guidelines to encourage walking and cycling, encouraging development in areas well-served by public transport and reduction in the reliance on fossil fuels.

Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (Paragraph 109).

Chapter 11 of the NPPF relates to 'Making effective use of land'. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraphs 170-172 relate to conserving and enhancing the natural environment.

Paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by:

"a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; ...

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans..."

Planning Appraisal & Justification

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission should be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. The following constitute the relevant planning issues related to the proposed development:

- Principle of development;
- Visual amenity (including trees and landscape);
- Neighbouring amenity; and
- Transport and access.

Principle of Development

The site is in a sustainable location with easy access to facilities from Angmering to the south, capable of being accessed by foot or public transport.

Paragraph 80 of the NPPF further supports business development in sustainable locations where they would support the local economy.

Policy EMP DM1 of the Local Plan indicates that outside the defined settlement boundary, planning permission will be granted for employment generating uses provided that the proposal demonstrates that it is of an appropriate size; it would not intensify uses at the site to the detriment of existing public access routes and highways; appropriate accessibility through means other than the private car can be achieved; the proposal shows consideration of the landscape, habitat, built and historic environment contexts and a satisfactory relationship with neighbouring uses in order that the amenities of nearby residents, in particular, are protected.

The proposal seeks the use of the site for the storage of up to 4 fairground rides, associated infrastructure (including MOT base) and storage shed. The area to be used for the storage of rides, MOT base and storage shed would cover an area of circa 1,206sqm. This area corresponds to the application site. The plot owned by the applicants measures circa 3,198sqm. As such, the proposal would be less than 38% of the plot area. When taking into consideration that the site is located adjoining a busy dual carriageway and near other commercial uses (i.e. Hammerpot Garage), we are of the view that the proposal is of an adequate scale and appropriate size.

As it will be demonstrated under the 'Access and Highways' section and as clearly evidenced by the Transport Note submitted with this application, the proposal would significantly reduce the number of trips generated by the lawful use of the site. Following a pre-application advice with WSCC, it has also been confirmed in writing (**Appendix A**) that the proposal would not result in an intensification of the use of the site, nor result in detrimental impacts to highway safety. Access would remain as existing, with improvements to the visibility from the A27 resulting from improved boundary treatments.

The site is in a sustainable location, with public transport in the vicinity and a number of local services and amenities less than 20 minutes' walk from the site. Nonetheless, the proposal does not require a significant number of employees on site, only the applicants (which is two people), and therefore it is argued that the existing access is appropriate for the nature of the use.

It will also be demonstrated that the proposal, by reason of the nature of the use, existing boundary treatment and landscaping, as well as the subdued nature of the proposed storage shed, would not result in visual amenity or landscape impacts.

On the above basis, we are of the view that the proposal is acceptable in principle, subject to other planning considerations.

Visual amenity

Policy D SP1 of ADLP (2018) and Policy HD4 of Angmering Neighbourhood Development Plan (ANDP, 2015) relate to design and materials and indicate development proposals should provide with appropriate layout, scale, density, massing, character, materials and landscaping to preserve or enhance the character and appearance of the area.

The proposal involves the change of use of the land for the use of the site for the storage of up to 4 fairground rides, associated infrastructure (including MOT base) and erection of a storage shed.

The storage shed would measure 10m x 12m, with a pitched roof with ridge at 4.5m. It would be finished in timber cladding and felt roof, to match the existing sheds on site.

The site is gradually sloping but is screened by mature trees and vegetation on all sides with the majority of the site being covered by grass and hardstanding. Trees and a fence create two separate internal areas with the western part containing two existing sheds, access road and hard surfaced area. The eastern part of the site is currently covered in grass with some fruit trees. This section of the site is completely screened from neighbouring sites and the A27 by mature trees and greenery.

The storage shed, by reason of its size, location more than 3.5m from the north boundary of the site and materials, would not be an overbearing feature on the site and would replicate the proportions, finishes and design of two existing sheds. On this basis, this element of the proposal would not result in significant visual amenity impacts.

The proposed area where the rides would be stationed will be screened from public views as a result of existing greenery and trees and will be afforded limited and short-lived views from the A27 to the north. Since the fairground rides proposed to be stored on site will be seen in the context of existing sheds on the site along with the built form of the general area, it will not detract from the character and appearance of the area or long views from South Downs National Park.

The small hardstanding area to the front of the site is of the same design, height and siting as that applied for under planning permission ref. A/3/18/PL. In the assessment of this application regarding visual amenity the case officer concluded in the Officer's report:

"...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"

In line with the above conclusion, it is therefore put forward that the proposed retention and extension of the MOT/hardstanding area, which will be screened from the east, west and south by mature trees and greenery will not detract from the character and appearance of the area.

Based on the assessment above, the Applicant is of the view that the proposal complies with the aims of the NPPF, Policy D SP1 of Arun District Local Plan (2018) and Policy HD4 of Angmering Neighbourhood Development Plan (2015).

Landscape and trees

No trees will be removed as a result of the proposal.

Policy LAN DM1 requires development proposals to respect the particular characteristics and natural features of the landscape.

Up to 4 fairground rides are proposed to be stored on the site. These will largely sit towards the north boundary of the site behind existing trees and greenery. The existing trees and greenery will ensure the rides are largely inconspicuous in its context. As such, the proposed development will not detract from the landscape features of the site and will be wholly in line with the requirement of Policy LAN DM1 of Arun District Local Plan (2018).

Neighbouring amenity

Policies H SP5, D DM1 and D SP1 of Arun District Local Plan (2018) require development proposals to result in minimal impact upon neighbouring amenity.

The proposed change of use site for the storage of up to 4 fairground rides, associated infrastructure (including MOT base) and erection of an storage shed would result in a reduction in comings and goings to and from the site and given its location, away from residential receptors, and the presence of the A27 which results in ambient noise, the proposed development is not considered to result in detrimental impact upon neighbouring amenity, in compliance with the requirements of Policies H SP5, D DM1 and D SP1 of Arun District Local Plan (2018). This is considered a significant positive reason why this site performs well against

policy, as few alternative sites could offer this direct access onto the A27, which minimises the potential for any harm to residential amenity.

Transport and access

Accessibility

The site is less than 500m north of the built-up area of the village of Angmering which provides a range of services such as schools, shops, parks and grocers. The village is accessible via a roadside footway, meaning that these services are available for the occupiers of the site without the need to travel by private car. The nearest public bus stop is less than 10 minutes' walk to the application site with buses running every hour, which provides access to larger settlements. Therefore, the site is considered to be a sustainable location, which constitutes a positive element to the proposal.

Vehicular access – visibility and vehicular movements

The site is located at the junction of the A27 with Arundel Road with vehicular access from Arundel Road.

A previous application on the site for the erection of a barn and change of use of the site for storage purposes (ref. A/3/18/PL – **Appendix B**) was refused on the following basis:

"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."

The application was later dismissed under appeal ref. APP/C3810/W/18/3209225 with the Planning Inspector concluding that:

"...I accept that the increase in traffic would be small based on the appellant's modus operandi. However, any planning permission would run with the land and so it is quite possible that another user might use the site more intensively than the appellant. It is also realistic that the appellant's business needs and hence use of the land might evolve over time...Accordingly, I intend to take a precautionary approach to this matter and conclude that the use of land for a B8 storage and distribution use would result in a material increase in traffic movements to/from the site." (Para. 7, underlined our own)

"Whilst I accept that it might well be possible to turn vehicles within the site, the lack of visibility would mean slow-moving commercial vehicles, exiting the site with little knowledge of cars approaching from the south. This would pose an unacceptable risk to existing highway users" (Para. 10)

As seen, the main issues with the previous proposal relate to: i) the increase of comings and goings to the site resulting from the change of use to an unrestricted B8 use and ii) the inadequate vehicular visibility from the south. Cumulatively, these were considered to amount to severe impact to the highway and therefore planning permission was refused.

Following this decision, the applicant entered pre-application discussions with WSCC in its capacity as Local Highway Authority, a copy of the response has been included as **Appendix A**. The pre-application response identified that a proposal which restricts the use to up to 4 fairground rides would indeed reduce the comings and goings to/from the site to a significant level, which would address issue (i) above. The pre-application also acknowledges that, with a significant reduction in the use of the site, the current access and visibility cannot be considered to be inappropriate, addressing issue (ii).

The submitted Transport Note provides evidence to demonstrate that the proposed use for up to 4 fairground rides would result in a significant reduction in the trip generation of the lawful use of the site and that the retention of the existing access and visibility splays cannot, on its own, constitute a reason to refuse the application. Furthermore, the proposal would introduce an area which would be clear from obstructions, improving the visibility to and from the A27.

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As the Highway Authority's support was predicated on the restriction to 4 fairground rides, so there would not be an unlimited storage use here, the applicant is willing to accept conditions that restrict the storage use to fairground rides only and to restrict it to no more than four fairground rides.

For the above reasons, the applicant is of the view that the proposal would now comply with Policies SP1, TDM1 & EMPDM1 of the Arun District Local Plan and Policy TM1 of the Angmering Neighbourhood Plan.

Conclusion

RPS has prepared this statement in support of a full planning application for:

"Use of the site for the storage of up to 4 fairground rides, associated infrastructure (including MOT base) and erection of an storage shed"

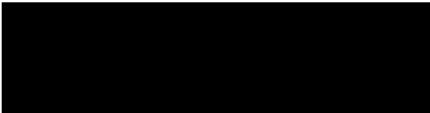
The proposed development is acceptable in principle in line with the requirements of the Development Plan, the National Planning Policy Framework and other material considerations.

The previous application for storage was refused because of highway safety concerns. By amending the application in this way, and proposing conditions to restrict the use to precisely what the applicants are seeking to achieve (i.e. 4 fairground rides), the Highway Authority no longer has an objection to this proposal. Therefore, the only technical issue has now been resolved.

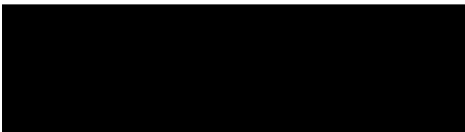
It has been demonstrated that there is a clear policy support for the provision of employment-generating uses in suitable locations, which this site is, albeit on a very small scale that is appropriate to its setting. There would be no material impact regarding visual or neighbouring amenity and the Local Highway Authority has confirmed at pre-application stage, that the use of the site for the storage of up to 4 fairground rides would not result in an intensification of the use of the access and therefore there would be no significant harm to the highway.

Accordingly, the development is considered acceptable, and it is respectfully requested that the Council grant planning permission without delay in accordance with the National Planning Policy Framework.

Yours sincerely,
for RPS Consulting Services Ltd



Mrs Joney Ramirez MRTPI
Senior Planner



Attachment A
Pre-application advice
with WSCC

**WEST SUSSEX COUNTY COUNCIL
PRE APPLICATION CONSULTATION**

TO:	Organisation: RPS Group FAO: Joney Ramirez
FROM:	WSCC - Highways Authority
DATE:	7 October 2020
LOCATION:	Arundel Acre, Arundel Road, Angmering BN16 4EU
SUBJECT:	Internal Reference: PRE-046-20 Change of use of the land from agriculture to travelling show people site with associated storage barn, maintenance area, landscaping and infrastructure.
DATE OF SITE VISIT:	Virtual Meeting - 07/10/2020
RECOMMENDATION:	Advice
S106 CONTRIBUTION TOTAL:	n/a

The Highways Authority has been consulted for pre-application advice in regard to the proposed development at Arundel Acre, Arundel Road, Angmering.

The advice provided below has been prepared by using the information and plans submitted with this request, in conjunction with other available WSCC map information.

I refer to your consultation in respect of the above planning application and would provide the following site-specific comments.

This site has a complex planning history. Most recently application A/100/19 sought for the change of use of land from agriculture for 3 No. travelling show people plots (Sui Generis) with associated storage barn, maintenance area, landscaping & infrastructure and creations of new access with associated visibility splays.

Highways concerns were raised that while improvements were proposed to the visibility splays at the access point, the improvements were not to a point where visibility at the access would conform to current guidance and standards. In addition to this the principle of the proposal was that a material intensification use would occur at the site access point. The application was ultimately refused.

The current proposal seeks change of use to storage use but with a restriction that only 4 fairground rides can be stored on site at any one time. No residential element is proposed.

Trip Generation

At the planning stage the applicant would be advised provide details demonstrating a reasonable assessment for trip generation for the existing agricultural use.

At the pre-application meeting it was discussed that the Local Highways Authority consider it reasonable that such a use could reasonably generate up to 3 two-way (6 one way) trips per day.

Trip Generation Proposed

At the planning stage the applicant would be advised provide details demonstrating a reasonable assessment for trip generation for the proposed use (storage for up to 4 fairground rides).

The Local Highways Authority accepts that as a worst-case scenario each ride could leave and return to the site in any one day. In addition, a driver would need to arrive at the site and leave again once the ride is returned. Therefore, a worst-case scenario is established that the proposed use would generate up to 8 two-way (16 two way) trips per day.

However, the proposed use of the site is to be restricted to the storage of 4 'fairground' rides. By the very nature of this it is not unreasonable to come to a conclusion whereby the rides are moved out of the site but may not return for a number of days. This will significantly reduce the potential number of trips created and associated with the site on a weekly / monthly basis.

Intensification of use Conclusions

Given the above the Local Highways Authority is satisfied that, while as a worst case scenario the proposed use may generate an increase in trips over the existing use, it would be extremely difficult to conclude this would be the case if a planning condition is imposed whereby the site can only be used for the storage of 4 fairground rides.

Providing the Local Planning Authority are satisfied that such a restrictive condition meets the requirements of Paragraph 55 of the National Planning Policy Framework the Local Highways Authority would be minded to view that on balance it would be difficult to conclude that a material intensification of use would occur.

The Local Highways Authority is minded to conclude that such a condition would meet these requirements.

Highways objection can only be raised where the proposal would have and an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, contrary to Paragraph 109 of the National Planning Policy Framework. Taking the above into consideration the Local Highways Authority would not be minded to raise an objection to the proposed.

Visibility Primary Direction (North)

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. Even without removal a splay to the north of 2.4 x 25 metres can be provided. While the tree will be 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 LHA accepts that a visibility splay of 25 metres 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.

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 access relocation works result 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 and the existing situation.

As part of the pre app meeting RPS Group were satisfied that a red edge plan can be provided to ensure the splay is wholly contained within land under control of the applicant and that considered public highway.

The applicant has previously 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.

The splay is still sub-standard compared to the Manual for Streets stopping sight distance calculation coefficient. However, the Local Highways Authority accepts that this is still a significant improvement to visibility in the trailing direction.

Visibility Conclusion

The Local Highways Authority is satisfied that improvements to visibility can be achieved by relocation the access point 9 metres to the north.

The Local Highways Authority would not be in a position to insist on these improvements if the applicant can demonstrate that an intensification of use will not occur. Based on the comments above there is a strong probability that the applicant will be able to put case forward that no intensification of use will occur.

In such an event these improvements would still be welcomed by the Local Highway Authority.

Vehicle Tracking

Plan JNY10317/02 demonstrates vehicle tracking of a car towing a trailer at the relocated access point. This shows the geometry of the access is suitable and such a vehicle can park and turn within the site. This plan is considered acceptable to the Local Highways Authority.

This plan should be submitted as part of any formal planning application. If the applicant decides to formalise the existing access point similar tracking plans representing that access location should be prepared.

Parking

An on-site parking provision should be detailed by the applicant at the planning stage. This should clearly demonstrate the parking spaces allocated for all 4 fairground rides and any associated parking required. Given the bespoke nature of the proposal justification should be provided for the quantity of any associated parking rather than applying a standard determined by a use class.

WSCC now expects all new commercial development to provide EV parking. The applicant should consider providing this in line with current WSCC guidance. If this is not achievable justification should be provided at the planning stage.

Further guidance on WSCC's approach to parking can be found here:

https://www.westsussex.gov.uk/media/1847/guidance_parking_res_dev.pdf

Other

It would be anticipated that the access works can take the form of a heavy-duty vehicle crossover. These works once approved would need to be implemented under licence to a specification obtained from WSCC Highways.

The applicant should give thought to the surfacing within the site, particularly beyond the back edge of the highway, within land under control of the applicant where a bound surface should be provided.

The Highway Authority would require the following documents to be submitted as part of any future application:

- A site location plan scale (1:1250) with site boundary indicated
- Schedule of existing uses including planning history with reference numbers
- Description, including site layout plans, of the proposed development and schedule of uses
- Summary of reasons supporting the site access/highways works proposals, including plan (scale 1:250 or similar) with achievable visibility splays indicated
- Reference to supporting national, regional, and local planning documents and policies
- Parking strategy, including provision of parking for all modes of transport
- Relevant data collected to date
- An assessment of existing and proposed trip rates (first principles approach seems the most appropriate)

I trust you appreciate that any advice given by council officers for pre-application enquiries does not constitute a formal response or decision of the council with regard to the granting of planning permission in the future. Any views or opinions expressed are given in good faith, and to the best of ability, without prejudice to the formal consideration of any application, which will be the subject of public consultation and ultimately decided by the Local Planning Authority.

Ian Hayward
Planning Services

Attachment B
Officer's report and
Decision notice for
planning application ref.
A/3/18/PL



Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management
Procedure) (England) Order 2015
Application for Planning Permission
DECISION NOTICE

Application Ref: A/3/18/PL

1 To Addressee

Mr Burrell
 Arundel Acre
 Arundel Road
 Angmering
 West Sussex

2 Site Address

Land at Arundel Road/A27
 Angmering
 BN164EU

3 Description of Development

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

In pursuance of their powers under this Act and related Orders and Regulations the Council **REFUSE** to approve the development as described in the application and plans for the reasons stated.

- 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.

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 refusal, approval has not been possible.



Neil Crowther
Group Head of Planning

Case Officer: Tim Bloomfield

Date of Decision:

27 July 2018

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against this planning application decision, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against this planning application decision, then you must do so within 28 days of the date of service of the enforcement notice, or within 12 weeks of the date of this notice, whichever period expires earlier.

Otherwise, if you want to appeal against this decision then you must do so within 6 months of the date of this notice.

Appeals must be using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <http://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

PURCHASE NOTICES

If either the local planning authority or the Secretary of State refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for the Park, or in any other case the district council in whose area the land is situated).

This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town & Country Planning Act 1990.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on highway land).

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.