

Recommendation Report for Planning Permission

REF NO: F/23/19/PL

LOCATION: Wicks Farm
Ford Lane
Ford
BN18 0DF

PROPOSAL: Variation of condition 2 (plans condition) to show new site access & red edge & removal of conditions 13 & 14 following the grant of F/30/18/PL dealing with the use of an existing access instead of creation of new access.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

Condition 13 of planning permission F/30/18/PL which granted planning permission for 2 multispans tunnels, 2 ancillary outbuildings, drainage pond, associated drainage works, external hardstanding for vehicle parking, access and turning states:

No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled 'Proposed Access Arrangements with Autotrack Vehicle Tracking of a 16.5m HGV' and numbered 6352.001 Rev A.

Reason: In the interests of road safety in accordance with policy TSP1 of Arun Local Plan.

Condition 14 states:

No part of the development shall be first occupied until visibility splays of 4.5 metres by 125m to the west and 4.5m by 120m to the east have been provided at the proposed site vehicular access onto Ford Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety in accordance with policy D DM1 and T SP1 of the Arun Local Plan.

This application seeks to remove these conditions by utilising the existing access as an alternative means of access to the proposed development. The red edge to the application site is different from the original approval to incorporate the existing

access.

The determination of the application is limited to consideration of the removal of conditions 13 and 14 only and subsequent amendment to the wording of the plans condition 2 to reflect these changes. The principle of the development and other conditions are not part of this proposal.

The previous permission F/30/18/PL proposed utilisation of an existing farm track junction onto Ford Lane, which needed to be improved to facilitate HGV movements for the development. Following submission of the application planning permission has been granted for Biogas Ltd which included an improved access. The applicant now wishes to utilise this newly created access point to serve the proposed development of commercial glasshouses. The application is supported by a Transport Note.

The utilisation of one access point moves the access closer to the 40mpgh speed limit and reduces the amount of land given over to hard surfacing benefitting flora and fauna. The widening and improvement of the main farm access has negated the need for the upgrading of the existing farm track to the west of the site.

TOPOGRAPHY

Predominantly flat.

TREES

Sporadic trees to the boundary of the site.

BOUNDARY TREATMENT

The field has the following boundaries:

North - Hedgerows/scrub /sporadic tress adjacent to the railway line

West - A footpath and woodland beyond.

South - A hedgerow and line of poplars along the boundary with large agricultural buildings

East - An agricultural fence with sporadic trees and an existing greenhouse

SITE CHARACTERISTICS

A rural area to the north of Ford Lane in Ford on an intensively farmed agricultural unit.

CHARACTER OF LOCALITY

A rural area with sporadic commercial uses interspersed on farms and in agricultural buildings.

RELEVANT SITE HISTORY

F/30/18/PL	2 multispan tunnels, 2 ancillary outbuildings, drainage pond, associated drainage works, external hardstanding for vehicle parking, access and turning.	ApproveConditionally 27-09-19
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

None

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection

This proposal would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore it is not contrary to the National Planning Policy Framework (paragraph 109), and there are no transport grounds to resist the proposal.

COMMENTS ON CONSULTATION RESPONSES:

None

POLICY CONTEXT

Designation applicable to site:

Class C road

Outside Built Up Area Boundary

Overhead Electricity Line

Right of Way

No Public Sewer

Biodiversity Opportunity Area

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
CSP1	C SP1 Countryside
LANDM1	LAN DM1 Protection of landscape character
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
TSP1	T SP1 Transport and Development

[Ford Neighbourhood Plan 2019 Policy EH1](#) Protection of trees and hedgerows

Ford Neighbourhood Plan 2019 Policy BUA1 Built Up Area (BUA) boundary

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
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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 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.

Ford Neighbourhood Plan (FNP) has been adopted. There are no policies specifically relating to highway safety. The site lies within the area designated as a Biodiversity Opportunity Area and policy EH6 applies.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would not result in materially adverse impact on highway safety.

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 principle of development was established with the granting of planning permission F/30/19/PL..

CONDITIONS 13 AND 14

Both conditions were imposed at the request of County Highways.

This application has been submitted to amend the access route to the site by utilising the existing improved access rather than the farm access to the west originally proposed which would have required widening and improvement. The proposal would involve less development and surfacing and this would accord with policy ENV DM3 of the Local Plan and policy ENH6 of Ford Neighbourhood Plan and would retain more of the rural character of the area in accordance with policies DDM1 and CSP1 of Arun Local Plan.

County Highways have been consulted and raise no objection to the proposal. This application seeks variation of condition 2 relating to approved plans, demonstrating a new site access and red edge, and removal of conditions 13 and 14 following the grant of F/30/18/PL dealing with the use of an existing access instead of creation of new access. This application now seeks to utilise the access approved

under WSCC/026/16 which was granted for use of extension of glasshouses and development of a digestate lagoon. The applicant has confirmed that the access approved under WSCC/026/16 has now been constructed to WSCC standards.

The application has been supported by a Technical Note (TN) by Stuart Michael Associates. The TN sets out that visibility splays of 2.4m x 274m to the west and 2.4m x 288m to the east are achievable at the newly constructed access. These splays exceed those required in accordance with vehicle speeds observed during a 7-day speed survey which revealed 85 percentile speeds of 44.5mph to the west and 45.5mph to the east (adjusted for wet weather speeds). The proposed revised access will retain the 'no right turn' routing arrangement as approved under F/30/18/PL ensuring that all HGVs will be routed east towards Ford Road and the A27 and A259 upon exiting the site. HGVs entering the site will also be routed from the A27 and A259 from Ford Road, i.e. entering from the east of the site. A 'HGVs no right turn ahead' sign will be erected to remind drivers of the routing. The proposed sign should be erected within private land, and not within the public highway. Smaller vehicles such as minibuses and cars will be able to enter and exit the site from any direction and will not be subject to the routing restrictions. The Technical Note confirms that only one HGV will utilise the access at any one time, to ensure that exiting HGV drivers can position the vehicle within the access to safely undertake a left turn manoeuvre.

It was previously established under WSCC/026/16 that the glasshouse extensions and digestate facility would generate approximately 24 two-way HGV movements per day at the site access. Under F/30/18, a maximum of 6 two-way HGV movements per day would be anticipated, plus staff minibus and private vehicle trips. The proposal to utilise the access approved under WSCC/026/16 would result in a total of 30 two-way HGV movements at the access.

Whilst swept path tracking demonstrates that two HGVs can pass within the access of the site, the narrow nature and geometry of the access-way within the site prevents two HGVs from passing. It is acknowledged that there appears to be a passing place to the north of the access. To avoid conflict issues, the applicant has confirmed that HGVs will be scheduled to ensure that only one HGV is on site at any one time. The swept path tracking also indicates that a HGV can exit the site to the east while a smaller vehicle waits to enter off of the highway. The swept path tracking does indicate that HGVs would cross the centre line in this location when conducting a left-turn to exit the site. However, given the vehicular visibility along Ford Lane, it is anticipated that drivers will have sufficient visibility to determine whether it is safe to emerge. Furthermore, as discussed above, this proposal is anticipated to result in an increase of 6 two-way HGV movements per day, and as such, this is not anticipated to result in a material intensification of use of the access, nor result in a severe highway safety concern in this location.

An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury accidents within the vicinity of the site. Therefore there is no evidence to suggest that the existing access is operating unsafely or that this proposal would exacerbate an existing safety concern.

SUMMARY

The request that the conditions relating to the new proposed existing access be removed is approved on the basis that the existing access will be utilised to serve the development instead.

This would be acceptable and would accord with the provisions of policies of Ford Neighbourhood Plan and TSP1 and D DM1 of Arun Local Plan and the National Planning Policy Framework.

However the removal of the conditions necessitated the submission of substitute site plans and access details which have been substituted for the plans which were approved as part of condition 2 of planning

permission F/30/18PL. The Plans condition has been varied accordingly to refer to the revised plan numbers. It is considered that Condition 2 should be varied in conjunction with removal of conditions 13 and 14..

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 Condition 2 of F/30/18/PL to be varied to include substitute access and red edge plan to read:

The development hereby approved shall be carried out in accordance with the following approved plans;

Site Location Plan PA01 revP06

Site Block Plan PA02 revP07

Ancillary Building Elevations revP01

Views of tunnels 1.02 rev01

Greenhouse Plan 1.01 rev00

Location of Granted Access and Proposed Relocation to Existing Access 6352.005

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy DDM1 of the Arun Local Plan.

Conditions 13 & 14 to be removed.

- 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 assessing the proposal

against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 3 INFORMATIVE: This permission relates to the variation of condition 2 and removal of conditions 13 and 14 of planning permission F/30/18/PL only. The applicant is advised and reminded that the planning conditions attached to the original planning permission number FP/30/18/PL remain in force and must be complied with. This decision only relates to the variation of Condition 2 of that planning permission and removal of conditions 13 & 14.