

PLANNING APPLICATION REPORT

**REF NO:** AL/107/18/PL

**LOCATION:** Nyton Stables  
Nyton Stables  
Nyton Road  
PO20 3TU

**PROPOSAL:** Application for continued use for 3 No. approved permanent showpersons plots (temporary permission granted under AL/119/10/ & permanent permission granted under AL/10/14/PL), planning permission for a further 8 No. plots consisting of 4 No. existing & 4 No. new plots (to a maximum of 11 plots) with associated hard & soft landscaping, boundary treatment, lighting & associated works.

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	<p>The application proposes the continued use of the 3 approved permanent show persons plots. In addition, it is proposed to intensify the use of the site with 8 new permanent plots consisting of 4 already present on the site but without planning permission and 4 brand new plots. The effect of this permission would be to have 11 permanent plots albeit within the same land area as previously approved. Each of the 11 plots has either a mobile home or a touring caravan, or both. Some of the plots have more than one mobile home (there are 13 mobile homes in total) and some also include trailers, sheds, huts and in one case a Marquee.</p> <p>The application also includes details of new tree planting to the western and part south eastern boundaries. A lighting scheme is also included and this is based on the lighting scheme approved in respect of the adjacent site (Aldingbourne Farm Shop - AL/23/17/DOC).</p>
SITE AREA	2.2 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat. The site is approximately 1 metre below the level of Nyton Road.
TREES	None of any significance affected by the development.
BOUNDARY TREATMENT	Predominantly formed with 1.8m high close boarded fencing but there is a small section on the west boundary which has 1.2m high barbed wire. There is existing planting to the south and west boundaries. The boundary onto Nyton Road includes a hedge with close boarded fencing behind. Boundaries within the site are a mix of 1.8m high close boarded fencing and 1.2m high post & rail fencing.

SITE CHARACTERISTICS	7 existing show persons plots each comprising of various mobile homes, touring caravans, trailers and small timber buildings. In some cases, some of the touring caravans are being occupied residentially by extended family members. The plots include garden areas, parking, storage/maintenance areas and storage for refuse/recycling.
CHARACTER OF LOCALITY	Rural and surrounded on most sides by fields used for grazing. To the east and south east, beyond a pony paddock lies a further travelling show persons site comprising of 4 permanent plots. Beyond this to the east and south lies a horticultural nursery and a church building. The closest residential dwellings are considered to be: <p data-bbox="662 629 1489 884">(a) Aldingbourne Barn (former Farm Shop converted into two dwellings under AL/35/16/PD) (to the east) - 150m to the building/curtilage;  (b) 4 Aldingbourne Nurseries Cottages (to south east) - 225m to dwelling, 217m to the edge of their curtilage; and  (c) Oldbury Farm (148 Marsh Lane) (to north west) - 330m to dwelling, 170m to the edge of their land.</p>

<b>RELEVANT SITE HISTORY</b>
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AL/23/17/DOC	Application for approval of matters reserved by condition imposed under AL/47/14/PL relating to condition No. 6 (Landscaping scheme), 7 (Plot boundary fences), 8 (Surface water drainage), 9 (Scheme to improve current site access) & 10 (Lighting)	DOC Part Approved 08-03-18
AL/10/14/	Application for Removal of Condition 7 imposed under AL/119/10 relating to period of occupation on the land. Departure from the Development Plan.	ApproveConditionally 21-05-14
AL/78/12/	Permission to retain earth bund.	ApproveConditionally 12-10-12
AL/52/12/	Application for variation of condition 6 following grant of planning permission AL/119/10/ relating to landscaping/tree planting	ApproveConditionally 13-09-12
AL/119/10/	Change of use of land from agricultural land to provide 3 permanent plots for travelling showpeople & pony paddock - to include the landscaping of part of the frontage to the neighbouring site known as Aldingbourne	ApproveConditionally 27-04-11

Farm Shop (This is a departure from the development plan) - Resubmission of AL/92/10

Temporary permission was given in April 2011 (AL/119/10) for the change of use of the land from agricultural to provide 3 plots for travelling show people and a pony paddock. Also included was the landscaping of part of the frontage to the neighbouring site known as Aldingbourne Farm Shop. This permission included conditions to restrict the number of residential mobile homes and to prevent the 9 approved touring caravans from being occupied residentially.

There have been three applications since the temporary approval of AL/119/10/ in April 2011. The first, AL/52/12/ sought a variation to the landscaping condition to allow the planting to be completed after occupation of the site. The second, AL/78/12 sought permission to retain an earth bund that had been erected at the rear of the site. Both of these were approved.

AL/10/14/ made AL/119/10 permanent. This was granted together with conditions to require additional planting (including the extension of the planted landscape bund inward into the site to close the visual gap afforded from Nyton Road across the site in the vicinity of the Aldingbourne Farm Shop toward the Travelling Show persons site) and the approval of a lighting scheme.

Application AL/23/17/DOC approved the details of lighting in respect of the Aldingbourne Farm Shop site to the south east. The approved details are as follows:

- 3m high metal pole mounted yard lighting - maximum 10,000 lumens (equivalent to 100 watt LED), downward facing at an angle of 30 degrees from the horizontal with a beam angle of 90 degrees and to be turned off at 10pm (thereafter operating on a Passive Infrared Sensor (PIR) basis with a 10 minute delay or until movement has ceased);
- Gate mounted lantern lighting - max 750 lumens and to operate on a PIR basis between dusk & dawn; and
- Lighting mounted under the eaves of each chalet - neutral coloured max 750 lumens bulb and to operate on a PIR basis solely between dusk and dawn;

<b>REPRESENTATIONS</b>
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**REPRESENTATIONS RECEIVED:**

Aldingbourne Parish Council

Aldingbourne Parish Council

Initially objected on 19th December 2018: "In determining this application the development on the whole site needs to be clarified. Activity on this site is not consistent with NP policies and is outside the settlement area"

A further objection was received 7th January 2019: "The Parish Council requires adequate landscaping and screening of this site to comply with the NP". Further explanation was received on 23rd January to say that the applicant must comply with ADC's conditions and screen the site, until then the Parish Council objects to the application.

Two letters of objection from residents of Marsh Lane (to the north west of the site):

(1) Harm to the rural and historical character of the landscape;

- (2) Harm to views from Marsh Lane dwellings particularly during the winter months;
- (3) Landscaping should have been implemented in 2011;
- (4) Need for extensive screening for the Marsh Lane residents;
- (5) Need for a 10 foot high fence to replace the existing 6 foot one (particularly at the southern end of the western boundary);
- (6) Need for a landscaped bund to the boundary;
- (7) Need a condition to ensure long term management of the landscaping;
- (8) Lighting is harmful to living conditions of Marsh Lane residents;
- (9) Lighting attached to mobile homes should be removed; and
- (10) The directional lighting plans need to take into consideration the effect on nearby residents.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

**OFFICER COMMENTS:**

In response to the Parish Council comments:

- This application seeks to both clarify/regularise the existing situation and also add further plots; and
- Additional landscaping/screening is being proposed and will be secured by conditions.

In response to the local resident comments:

- (1) This is considered in the conclusions, however regard should be this is an existing site with permanent permission for show persons plots, the boundaries of which do not change;
- (2) This is considered in the conclusions section, however there is no right in planning law to a view and the only consideration is whether the proposed development will have a harmful impact on the living conditions of these properties;
- (3) Noted;
- (4) The applicant has proposed additional tree planting;
- (5) Noted however it is not considered that such a fence would be appropriate to the rural landscape;
- (6) Noted however it is not considered that there is space to provide this;
- (7) Noted. The applicant has also agreed to this; and
- (8) - (10) This will be discussed in the conclusions section.

**APPLICANT COMMENTS:**

The applicant has made the following comments in response to the objections:

- The applicant has spoken to the Parish and has indicated his desire to resolve past transgressions and ensure that all future conditions are complied with;
- The applicant will ensure that landscape and boundary screening are maintained over a period of time for it to take root and become effective;
- It would not be appropriate to consider this application together with any concerns over landscaping or lighting at the adjacent "Aldingbourne Farm Shop" site;
- The applicant would be willing to discuss further enhancements to the adjacent site if permission is forthcoming on the application site;
- The application is not contrary to any of the ANDP policies;
- The photomontages are informed by professional opinion, appropriate guidance and industrial standards. They are reasonably and accurately representative of the views from Marsh Lane;
- The landscape assessment was undertaken during summer. In the main equipment is not stored along the west boundary and additional tree planting will provide good screening over a period of years;
- There is only one 'significant' gap in existing planting along the west boundary but there are other

smaller gaps;

- It is for the local authority to assess whether the proposed landscaping will be sufficient;
- There are other white rendered buildings within Norton and elsewhere in the local area such that white buildings are not inappropriate in the landscape;
- It is not accepted that the site has the appearance of an industrial estate;
- The Guidelines for Landscape and Visual assessment require that assessment is made of the views from residential properties and not the edge of any land within their ownership;
- Lights attached on mobile homes would face away from the western boundary and if on the eastern side of the site for the new plots are even further away from Marsh Lane;
- The illumination proposed is for safety purposes and is an absolute minimal requirement. The lights provided (side mobile lights, gate lights and minimal yard lights) are all comparatively low height or low level lighting arrangements;
- The mobile homes are no more than a single storey and that single storey is only ever elevated by approximately no more than 15cm;
- A landscaped bund could be provided to the western boundary but due to space constraints could be no more than 1m wide and so could only be around 0.5m high; and
- The visual impact of a 10 foot panel fence would not be in keeping with the local character of the area and would further 'industrialise' the landscape character.

## CONSULTATIONS

Environmental Health

Parks and Landscapes

Engineering Services Manager

Engineers (Drainage)

WSCC Strategic Planning

## CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - no objection subject to a condition to secure cycle storage. Comment that:

- There are presently 9 mobile homes with 2 cars each, generating a capacity for 18 cars on site, with a potential trip rate of 5 cars in the morning peak and 5 in the evening;
- During the summer months this will be lower due to attendance at fairs which can last over a few months, and for weeks at a time during the winter;
- The proposal will see a net increase in 8 plots, creating a total of 11 plots on the site. This will result in a maximum of 13 mobile homes with 2 car parking spaces each;
- The number of cars on site will rise from 18 to 26, increasing the overall trip rate to 7 trips in the morning and evening peak hours. (This is based on a rule of thumb trip rate of 6 trips per mobile home per day);
- Car parking spaces appear to provide ample space within each plot;
- There will also continue to be periodic movements of large 16.5m lorries although these will be tidal in nature; usually all departing at the same time and returning at the same time;
- The likelihood of cars or lorries travelling in and out of the access simultaneously would be unusual, unless it was during a period of time when no fairs were on and the site was fully occupied;
- The existing access is wide enough to accommodate the largest vehicle using the site;
- Swept path diagram 1032-02 Rev A, provides clarity over how a 16.5m articulated lorry can manoeuvre through the existing access road from Nyton Lane;
- There is space at the end of the access road for the parking and turning of HGVS allowing for exit in forward gear;
- Walking to and from the site is not supported by any pedestrian infrastructure given its rural location,

although bus stops are within walking distance providing some alternative travel choices.

- Refuse collection will continue as it currently does; however the swept path diagrams confirm a refuse vehicle would be able to enter and exit in forward gear if required.

ADC LANDSCAPE - no objection subject to condition to secure a more detailed planting plan. Comment that:

- The proposed development site benefits from previously implemented landscape treatment which helps to screen views from Nyton Road;
- The northern boundary of the site has some existing semi-mature vegetation but currently does not provide a full screening solution, resulting in some views into the site;
- This boundary has been recently planted with a band of trees and hedging, with particular focus to filling the gaps, which will increase the screening properties;
- The additional trees which have been proposed under the current application will further enhance the screen to ultimately provide a double row of trees and a hedge;
- The pine trees will assist in screening views all year round particularly if planted in groups in the most sensitive locations;
- The crowns of the tree strip will filter views of the development site in the early years and the hedging will mature to provide additional cover above the boundary fencing as the trees increase in height;
- The new trees should be planted at staggered intervals with the existing trees to be most effective;
- Further planting is required along the boundary closest to the public footpath due to the sparse nature of the boundary vegetation in the north-west corner of the site; and
- Careful attention to maintenance will be required to ensure the successful establishment of this planting, replacing failed species as necessary.

ADC ENVIRONMENTAL HEALTH - no objection subject to conditions to restrict the occupation to travelling show persons and to impose an hours restriction on the repair of motor vehicles.

ADC DRAINAGE - no objection subject to the imposition of standard drainage conditions.

COUNCILS ECOLOGIST - no objection subject to conditions on lighting and vegetation clearance.

#### **COMMENTS ON CONSULTATION RESPONSES:**

Notwithstanding the advice of the ecologist, it is not proposed to impose a condition to require approval of lighting as the application is accompanied by a scheme which proposes the same type of lighting as approved on the Aldingbourne Farm Shop site to the south east. A condition will be imposed to ensure the lighting is installed in accordance with the scheme submitted and that shielding is used to prevent unnecessary light spillage.

It is not proposed to impose a cycle storage condition as plots are large enough to provide cycle storage and there are also existing sheds/hurts within the plots that could serve the same purpose.

Environmental Health Officers have requested a condition restricting motor repairs between 09:00 & 16:00 Mondays to Fridays and 10:00 & 13:00 on Saturdays (with no such activities on Sundays or Bank Holidays). However, the applicant has stated within supporting documents that:

"The hours of operation for repairs to machinery and vehicles would occur on site up until 6.00pm to Monday to Saturday from the previously permitted 4.00pm. We believe that these hours are reasonable as the nearest residential properties are located approximately 340m away at Marsh Lane. There will be no work on vehicles or machinery permitted on Sundays or Bank Holidays. Our client will accept a planning condition to this effect as these hours are entirely reasonable."

The hours requested by the applicant reasonable given the distances to closest residential properties. The Environmental Health condition will be amended to reflect the hours requested by the applicant.

The Landscape Officer has not identified need for a bund or a higher fence to screen the west boundary.

## POLICY CONTEXT

Designations applicable to site:

Outside the Built up Area Boundary;  
Special Control of Adverts;  
WSCC Mineral Consultation Area (Sharp Sand and Gravel); and  
Class B Road.

## DEVELOPMENT PLAN POLICES

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

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
HSP5	H SP5 Traveller and Travelling Showpeople accommodation
LANDM1	LAN DM1 Protection of landscape character
QEDM1	QE DM1 Noise Pollution
QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SDSP1A	SD SP1a Strategic Approach
TSP1	T SP1 Transport and Development
WDM1	W DM1 Water supply and quality
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management
WSP1	W SP1 Water

### [Joint Minerals Local Plan 2018:](#)

<u><a href="#">Aldingbourne Neighbourhood Plan 2016 POLICY EH1</a></u>	Joint West Sussex M9 Safeguarding Minerals Resist development outside
Aldingbourne Neighbourhood Plan 2016 POLICY EH3	Best and most versatile resisted unless...  Development on Agricultural Land
Aldingbourne Neighbourhood Plan 2016 POLICY EH5	Development in Flood risk areas will not be supported unless...
Aldingbourne Neighbourhood Plan 2016 POLICY	Surface Water Management Protection of trees and hedgerows

EH6

Aldingbourne Neighbourhood Plan 2016 POLICY Unlit village status

EH10

Aldingbourne Neighbourhood Plan 2016 POLICY Promoting Sustainable movement

GA1

Aldingbourne Neighbourhood Plan 2016 POLICY Footpath and cycle network

GA2

Aldingbourne Neighbourhood Plan 2016 POLICY Parking and new development

GA3

**PLANNING POLICY GUIDANCE:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

XXX7 Planning Policy for Traveller's Sites

**POLICY COMMENTARY**

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

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.

Relevant policies of the Aldingbourne Neighbourhood Development Plan are considered in this report.

**DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**

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

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

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the safety or convenience of the highway, no harm to the existing character of the landscape and no harm to the amenity of nearby local residents.

**OTHER MATERIAL CONSIDERATIONS**

The site benefits from valid planning permission (AL/119/10 & AL/10/14) for the use of the land for the permanent occupation of travelling show people. The effect of those two permission was to allow for 3



permanent plots with each plot comprising of 2 mobile homes and 3 touring caravan pitches.

There is a permission for lighting at the adjacent site (Aldingbourne Farm Shop) granted by the discharge of condition 10 of AL/47/14/PL under ref AL/23/17/DOC. The current proposal for lighting has been based on the scheme approved on the adjacent site.

## CONCLUSIONS

### PRINCIPLE:

The Arun Local Plan -

Policy C SP1 states that development in the countryside will only be permitted where it relates to certain criteria or is in accordance with other policies in the Plan which refer to a specific use or type of development. It is therefore necessary to consider the proposal against policy H SP5 "Traveller and Travelling Showpeople accommodation" of the ALP. If the proposal complies with that policy, then it would be acceptable in principle in respect of new development within the countryside.

Policy H SP5 covers both travellers and showpeople. The policy states that within the plan period (2011-2031), provision must be made in the district for 7 plots for travelling showpeople. It goes on to list a number of criteria to be used when determining applications. These are summarised below:

- (a) Appropriate in scale to the setting including having regard to nearby residential development;
- (b) Not be located in flood risk areas or near refuse sites, industrial sites or similar.
- (c) Be well located with respect to the highway network and enable easy and safe access to sustainable settlements - but also not be adjacent to major transport corridors;
- (d) Not be located in areas designated for nature conservation and not result in any harm to such areas;
- (e) Make effective use of previously developed or derelict land.
- (f) Be located so that there is no negative impact on the safety, amenity and privacy of the neighbouring residents/land uses. There should be adequate space for storage on site;
- (g) Incorporate appropriate landscaping and boundary treatment, including existing natural landscape features such as trees and hedging. New boundary treatments are to be in keeping with the surrounding area;
- (h) Be served by an adequate water supply and appropriate means of sewage disposal; and
- (i) Be located to ensure there is no adverse impact on the historic environment.

The proposal is appropriate in scale having regard to the characteristics of the site and the distance from nearby dwellings. The site is not affected by flood risk and is not near refuse or industrial sites. The site allows for good access onto the highway network whilst not being directly adjacent to a major transport corridor (A27). The site is not located on or near a wildlife designation. This is an existing site so it follows that the additional plots will be on previously developed land. Residential amenity and landscape character issues are discussed elsewhere but there is no harm to these aspects. The site benefits from utility connections and there are no nearby heritage assets affected. The proposal accords with policy H SP5 and by association is also acceptable in principle as per policy C SP1.

Policy H SP5 ends by stating ADC will produce a "Gypsy and Traveller and Travelling Showpeople Site Allocations document" (DPD) to identify land for permanent pitches to meet need identified. The DPD will be informed by an updated "Gypsy and Traveller and Travelling Showpeople Accommodation Assessment" (GTAA) due to be published in 2018." The Council is currently working on this DPD which is expected to be ready for consultation in Spring 2020 and adoption in Spring 2021.

The "Coastal West Sussex Gypsy and Traveller Accommodation Assessment" (GTAA) was published in

October 2018. It identifies a need for 14 additional plots in Arun over the period to 2036 for Travelling Showpeople households that meet the planning definition of a Travelling Showperson. It identifies a need for up to 1 additional plot for unknown Travelling Showpeople households that may meet the planning definition. Therefore, there is a need for 15 new plots until 2036.

To support the GTAA, the Council commissioned a "Gypsy, Traveller and Travelling Showpeople Sites Study" (2013). This study identifies a number of sites across the District with some potential to meet identified needs. The study includes Nyton Stables as a site that could provide for 4 more plots.

#### Aldingbourne Neighbourhood Development Plan -

It is necessary to consider policies of the Aldingbourne Neighbourhood Development Plan (ANDP) which was made in October 2016 on the basis of the saved policies in the 2003 Arun Local Plan and the draft policies in the 2014 publication version of the Arun Local Plan. Map E of the ANDP includes a Built Up Area Boundary (BUAB) drawn around the settlement of Westergate and the site is clearly outside of this BUAB.

ANDP Policy EH1 states development will not be allowed outside of the built up area boundary except where it is in accordance with development plan policies in respect of the countryside. In this case, the proposal is considered to be in accordance with policy H SP5 of the Arun Local Plan (see analysis elsewhere in these conclusions) and there is no conflict with the ANDP.

The benefits of the proposal (namely additional supply of plots to meet the demand) outweighs harm given this is an existing site and there are no available alternative sites to meet showpersons needs. This is acknowledged by the GTAA and Arun District Gypsy and Travellers Sites DPD. Any alternative site that may come up would separate families/extended families and generate unnecessary travel between sites.

Section 38 (5) of the Planning and Compulsory Purchase Act 2004, states: "If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document". Therefore, any conflict between the Aldingbourne Neighbourhood Development Plan and the Arun Local Plan, would be resolved in favour of the latter.

#### National Planning Policy Guidance -

Para 4 of the National Planning Policy Framework (NPPF) states the NPPF should be read in conjunction with the Government's Planning Policy for Traveller Sites (PPTS) first published in March 2012 and revised in August 2015. Policies within the PPTS are relevant to this application:

Policy C (para 14) states "When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community"

Policy H discusses the determination of planning applications. It requires applications be assessed and determined in accordance with the presumption in favour of sustainable development, the application of specific policies in the NPPF and the PPTS.

It goes on to list at para 24 those issues (amongst other relevant matters) that local authorities should consider when determining planning applications for traveller sites. These are as follows:

(a) the existing level of local provision and need for sites;

- (b) the availability (or lack) of alternative accommodation for the applicants;
- (c) other personal circumstances of the applicant;
- (d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites; and
- (e) they should determine applications for sites from any travellers and not just those with local connections.

Para 26 then states: "When considering applications, local planning authorities should attach weight to the following matters:

- (a) effective use of previously developed (brownfield), untidy or derelict land;
- (b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
- (c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children; and
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

This site was previously greenfield, it is currently in permanent use as a travelling showpersons site and therefore developed in nature. As will be discussed below, the site has a considerable amount of landscaping to external boundaries and within the site to demarcate the plot boundaries. Additional landscaping is to be provided. The effect of landscaping is not considered to isolate the site from the surrounding area.

#### Summary of Principle -

There is a clear need identified within the ALP and the GTAA for additional show persons plots in the District. Although the ALP states that 7 new plots must be provided until 2031, the GTAA sets out a need for 15 until 2036. The proposal is for 8 new plots and this is not significantly greater than the 7 in the Local Plan and less than the 15 identified in the GTAA. Nyton Stables has been identified as a potential location for at least 4 new plots.

The proposal accords with national planning policy guidance and policy H SP5 of the Arun Local Plan. Due to policy compliance the proposal is acceptable in principle despite the countryside location. Having established the principle, it is necessary to assess the proposal in respect of other development control criteria including impact on landscape character, the impact on the highway, residential amenity issues and light pollution

#### LANDSCAPE CHARACTER:

Policy D DM1 requires development makes the best possible use of land by reflecting or improving upon the character of the site and the surrounding area, in terms of scale, siting, layout, density, building materials and landscaping. It states that development is expected to incorporate existing and new tree planting as an integral part of proposals. LAN DM1 states "Development throughout the plan area should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas".

The applicant has recognised that there are concerns from neighbouring land owners as to views of the site. A landscaping proposal has been proposed which attempts to strengthen existing tree and hedgerow planting and ensure that gaps are filled in. This proposal has been provided in concept form alongside a Landscape Report which concludes that the development will not be detrimental to the

landscape character and visual amenity of the receiving environment.

The application has been assessed by the Councils Landscape Officers who raise no objection to the landscaping and do not consider that the development will result in any adverse impact on the character of the landscape. Conditions are proposed to secure a detailed planting plan and ensure a management plan is put in place to ensure that the landscaping proposals achieve the desired result.

The proposal accords with policies D DM1 and LAN DM1 and that there will be no significant or permanent harm to the local landscape as a result of the intensification of this existing site.

#### HIGHWAY SAFETY:

Policy T SP1 seeks to ensure that development provides safe access on to the highway network, accommodate the efficient delivery of goods and supplies, gives priority to pedestrian & cycle movements and creates safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter. The policy requires appropriate levels of parking are provided in line with West Sussex County Council guidance on parking provision.

ANDP policy GA3 requires parking be provided in accordance with the standards adopted at the time.

It is necessary to have regard to para 108 of the NPPF which states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para 109 states: "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."

The advice of WSCC Highways is summarised above and it is clear that they have no objections. They consider that although there will be an increase in vehicle trips, this does not give rise to any improvements to the access and that there is sufficient car and larger vehicle parking provision within plots. They state that a 16.5m articulated lorry can manoeuvre through the access road from Nyton Lane and such larger vehicles will be able to enter and exit the site in a forward gear.

Although the site is not particularly well located to allow for walking to be a viable alternative to the use of the car, there are bus stops nearby. It would also be possible to cycle to Westergate to access shop and services.

It is considered the proposal is in accords with policy T SP1 of the Arun Local Plan, policy GA1 of the ANDP and with the National Planning Policy Framework (paras 108 & 109).

#### RESIDENTIAL AMENITY:

Policy D DM1 requires the Council have regard to certain aspects when considering development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance." Policy QE SP1 states the Council will ensure that development does not have a significantly negative impact upon residential amenity.

It is necessary to have regard to para 127 (f) of the NPPF which states policies and decisions should ensure developments create places that have a high standard of amenity for existing and future users.

There is concern from residents of Marsh Lane to the west/north west that the site harms their amenity and that this will get worse with the additional plots. As noted elsewhere, the closest dwelling on Marsh

Lane is Oldbury Farm around 340m from the edge of the site. It is accepted that the edge of the land within the ownership of Oldbury Farm is closer (170m) but it is only appropriate to assess impact on a neighbouring dwelling house (i.e. its windows) or its immediate private garden. Oldbury Farm and associated land is more than a sufficient distance away so there will be no adverse impact to their living conditions. Other nearby residential dwellings are also sufficiently far enough away.

There is no right in planning law to a view and it would not be considered due to the distances that the Marsh Lane residents outlook would be harmed. The addition of the landscaping discussed above will further screen the existing site and improve its appearance to views from residents.

Therefore, there is no conflict with policies D DM1 or QE SP1 in respect of residential amenity.

#### LIGHT POLLUTION:

Arun Local Plan policy QE DM2 states that:

"Outdoor lighting schemes will be considered against the following criteria:

- a. No adverse impact on neighbouring uses or the wider landscape, particularly with regard the South Downs International Dark Sky Reserve designation;
- b. Light levels being the minimum required for security and working purposes;
- c. Minimising the potential glare and spillage; and
- d. The degree to which outdoor lighting can be powered by on-site renewable sources.

Where appropriate, the Local Planning Authority will seek to control the times of illumination."

ANDP policy EH10 states that proposals which detract from the unlit environments of the Parish will not be supported and that new lighting will be required to conform to the highest standard of light pollution restrictions in force at the time.

The proposed lighting scheme includes the following:

- (a) 3m high metal pole mounted yard lighting - maximum 10,000 lumens (equivalent to 100 watt LED), downward facing at an angle of 30 degrees from the horizontal with a beam angle of 90 degrees and to be turned off at 10pm (thereafter operating on a Passive Infrared Sensor (PIR) basis with a 10 minute delay or until movement has ceased);
- (b) Gate mounted lantern lighting (approx 1m high) - max 750 lumens and to operate on a PIR basis between dusk & dawn; and
- (c) Lighting mounted under the eaves of each mobile home - neutral coloured max 750 lumens bulb and to operate on a PIR basis solely between dusk and dawn.

The applicant has provide the following justification for the lighting scheme:

- (1) Generally, showpeople move from events at night and return home during that period. During the winter months they would be required to move their rides and equipment into their yards in the dark in the absence of lighting;
- (2) Health and Safety Guidance states that 'Places where work is done around moving vehicles during the hours of darkness should be well lit (for example, with floodlights)';
- (3) Low level bollard lighting would not provide the level of lighting to ensure the safety of the show persons community;
- (4) The yard lighting proposed, whilst limiting the amount of skyglow, by orientating the lights downward, is required to ensure that light can pass over machinery and equipment so as to not cause shadows or

blind spots. The column mounted lighting has been designed to reduce light spill away from the site. This is greatly assisted by the existing and proposed landscape boundary treatment;

(5) The position and number of lights is equally important to ensuring that there are no shadows or blind spots created by the machinery;

(6) When returning home late at night after fairs showpersons sites must be well lit;

(7) Sites must also be well lit for emergency vehicles; and

(8) The proposed lighting is modest in scale and in terms of the number of lights proposed, the nature of lighting proposed, the height of columns proposed and the level of illumination proposed.

The lighting proposed is based on the lighting arrangement approved under AL/23/17/DOC.

The nearest residents most likely to be affected are located some 340m away on Marsh Lane. Additional landscaping will assist with mitigating some of the light pollution to these houses. It should be noted there is no objection to lighting from the Environmental Health.

There is existing lighting in the area including elevated lighting on Aldingbourne Nurseries glasshouse premises and pole mounted lights in the car park of the Plymouth Brethren Church both to the southeast of the site.

The lighting is reasonable for the needs of the site users, is not excessive, will not harm the amenity of nearby residents and does not, having regard to existing nearby sites, result in the introduction of lighting into what is otherwise a completely dark location. There is no conflict with QE DM2 or EH10.

#### **SUMMARY:**

It is clear from the above analysis that there is an existing demand for addition travelling show persons plots. As this is an existing site and no addition land outside of its boundaries are required it is appropriate to provide additional plots at this site. The above analysis has demonstrated the proposal accords with national planning policy guidance and development plan policies in respect of the principle of development in the countryside, landscaping, lighting, residential amenity and highway safety. It is recommended that permission is granted in accordance with the following conditions. The applicant has agreed to the two pre-commencement conditions.

#### **HUMAN RIGHTS ACT**

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

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

#### **DUTY UNDER THE EQUALITIES ACT 2010**

## Duty under the Equalities Act 2010

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

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

<b>RECOMMENDATION</b>
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## APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Location Plan ref CTP/5153/LO1 (R2);  
 Existing and Proposed Plots ref 1032-03 Rev A;  
 Proposed Site Plan ref 1032-02 Rev A;  
 Proposed Lighting Plan ref 1032-10;  
 Proposed Section A-A ref 1032-07;  
 Proposed Section B-B ref 1032-08;  
 Proposed Section C-C ref 1032-09;  
 Landscape Proposals ref 18307-2-101 Rev B;  
 Lighting Column Elevations 1; and  
 Lighting Column Elevations 2.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies C SP1, D DM1, T SP1 and H SP5 of the Arun Local Plan.

- 3 The lighting scheme shall be implemented in accordance with the approved details including the two plans showing column lighting, the "Proposed Lighting Plan" ref 1032-10 and the description of lighting contained with paragraphs 6.22 and 6.23 of the Planning, Design & Access Statement. The lighting shall also utilise shielding to prevent any unnecessary artificial light spill. The lighting approved shall be installed and then maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1, QE DM2 & ENV DM5 of the Arun Local Plan and policy EH10 of the Aldingbourne Neighbourhood Development Plan.

- 4 The occupation of the 13 mobile homes hereby approved shall be restricted to the occupation of members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling as such). This includes such persons who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily or permanently, but excludes Gypsies and Travellers as defined in "Planning policy for traveller sites" (August 2015)

Reason: To safeguard the site against inappropriate use in accordance with Arun Local Plan policies C SP1 and H SP5.

- 5 Development shall not commence in respect of the new plots, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 6 The development of the new plots shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. And to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 7 Within 3 months of the date of this planning permission, a detailed landscaping scheme (planting plan) shall be submitted for approval by the Local Planning Authority. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the approval of the scheme by the Local Planning Authority and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan.

- 8 Within 3 months of the date of this planning permission, a landscape management plan, including management and maintenance schedules for all new planting, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan.



9 Any onsite repairs to any vehicles including HGV's shall only take place between the hours of 09:00 to 18:00 Monday to Saturday. There shall be no repairs to vehicles on Sundays or Bank Holidays. Any associated waste products in whatever form shall be disposed of legally outside of the site.

Reason: To safeguard the amenities of neighbouring properties in accordance with Arun Local Plan policies D DM1, H SP5, QE SP1 and QE DM1.

10 No removal of trees, shrubs or other vegetation that may contain birds' nests shall take place between 1st March and 31st August inclusive, unless a suitably qualified ecologist/wildlife specialist has undertaken a careful, detailed, check of vegetation for active birds' nests immediately before the vegetation is cleared and confirmed that no nests will be harmed. Where nests are discovered, the vegetation shall remain in place until nesting activity has ended naturally and the ecologist has confirmed that it is safe to proceed.

Reason: To prevent interference with the breeding success of wild birds in the interests of biodiversity conservation, as well as to ensure compliance with the legal protection of birds, their nests and eggs under Section 1 of the Wildlife and Countryside Act 1981, as amended and in accordance with policy ENV DM5 of the Arun Local Plan.

11 **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.

12 **INFORMATIVE:** Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

13 **INFORMATIVE:** Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council [land.drainage@arun.gov.uk](mailto:land.drainage@arun.gov.uk)), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens. The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.

- 14 **INFORMATIVE:** The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health Department on 01903 737500.
- 15 **INFORMATIVE:** The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A 'Statutory Nuisance' may be caused by smoke and ash from fires or noise from the cutting or chipping trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused. The Environment Agency should also be contacted regarding Exemption Permits to burn on site.

**AL/107/18/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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