
Appeal Decision

Site visit made on 24 June 2019

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 9 September 2019

Appeal Ref: APP/C3810/W/18/3210144

Land west of Brook Lane and South of A259

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for the consent, agreement or approval of details required by a condition of a planning permission.
 - The appeal is made by Store Property Investments Ltd against Arun District Council.
 - The application Ref A/46/18/RES, is dated 27 March 2018.
 - The details for which approval is sought is access.
-

Decision

1. The appeal is allowed and the reserved matter is approved, namely access details submitted in pursuance of condition No 1 attached to planning permission Ref A/169/17/OUT dated 15 January 2018, subject to the conditions in the attached schedule.

Background and Main Issues

2. Outline planning permission was granted for the demolition of existing buildings on site and erection of a mixed use development comprising up to 90 No. residential units, a care home (Use Class C2 and C3) and ancillary facilities including railway crossing, together with associated access, car parking and landscaping in 2018. This was a resubmission of application reference A/44/17/OUT.
3. The main issue in this case is the effect of the development on adjoining sites and the highway network.

Reasons

4. The appeal site is situated to the south of the A259 and to the west of Brook Lane, it is accessed directly from the A259. The proposed access for the development would be via Brook Lane and would link directly to the A259, comprising a left-in-left-out access and an internal mini-roundabout.
5. The access arrangements for the proposal would operate within capacity for predicted traffic flows within the area. The proposed access arrangement would allow vehicles to enter and exit the roundabout from all directions and would avoid vehicles waiting to enter the site from the A259. Provided the visibility splays were retained in compliance with the Stage 1 Road Safety Audit - Road Safety Audit Response Report, the access and egress of vehicles would not have an adverse impact on the safe functioning of the highway network.

6. The Stage 1 Road Safety Audit, Road Safety Audit Response Report and plan show a proposed linkage with the adjacent site. This reflects the plan submitted with the application (SPURST (BROOK LANE).1/10 Rev B) however plan SPURST (BROOK LANE).1/10 Rev D more accurately identifies the roundabout and the specific link to the adjacent site. In this respect it provides a greater degree of certainty but does not materially change the scheme. The proposed vehicular access for the scheme would serve the residential development and would provide access to the mixed-use retail scheme on the adjacent site through the incorporation of the mini-roundabout. As such I am satisfied that the proposed access would not preclude the adjacent site from being developed, should such development be found to be appropriate.
7. Accordingly, I find that the proposed access arrangements would not materially affect the safety or operation of the strategic road network, nor would they preclude the development of the adjacent site. It would therefore comply with Policy T SP1 of the Arun District Local Plan (2011 – 2031) with regards to the location of development. It would comply with Policy TM1 of the Angmering Neighbourhood Plan as it would direct traffic onto the A259 and would not exacerbate traffic within surrounding village roads. The proposal would not have an unacceptable impact on highway safety and would therefore comply with the aims of the National Planning Policy Framework.

Other Matters

8. The access would replace the existing access point onto the A259, the design would be in keeping with the character of this section of the A259 and would reflect highway arrangements in the area. The design and siting of the access would not adversely affect the residential amenity of existing or future occupiers of the site. Whilst concerns have been raised in relation to the development of the site in general, I am mindful that the site has an existing outline permission in place, the matter for my consideration relates only to the proposed access to the site.

Conditions

9. I have imposed a condition specifying the permission to which this decision relates and the relevant drawings as this provides certainty. I have included a condition relating to the discharge of water in the interest of ensuring the proper drainage of the site. This is a pre-commencement condition, the details of which must be agreed prior to commencement as they may affect the implementation of the scheme.

Conclusion

10. For the reasons given above I conclude that the appeal should be allowed and consent granted for the reserved matter.

J Ayres

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the approved plan; SPRUST (BROOK LANE) 1/10 Rev D.
- 2) No dwelling shall be occupied until the access has been provided in accordance with the details specified on drawing no. SPRUST (BROOK LANE) 1/10 Rev D.
- 3) No dwelling shall be occupied until the visibility splays have been provided in accordance with the details specified on drawing no SPRUST (BROOK LANE) 1/11.
- 4) The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses on the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values.

END OF SCHEDULE