

Recommendation Report for Planning Permission

REF NO: A/41/15/PL

LOCATION: Merrivale
Station Road
Angmering

PROPOSAL: Formation of new vehicular access.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Creation of new access associated with new dwelling.
SITE AREA	0.11 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	1.8m high close boarded fence to road frontage and east boundary. Hedging to west and fencing and hedging to rear to approx 2m height
SITE CHARACTERISTICS	2 No. detached two storey dwellings are currently being constructed on the site following the approval of planning application A/136/14/PL.
CHARACTER OF LOCALITY	Predominantly residential characterised by detached dwellings of varying height, size and design generally set back from the site frontage. Many properties have garages that sit forward of the dwellings.

RELEVANT SITE HISTORY

A/136/14/PL	Demolition of existing dwelling and erection of 2 No 4 bedroom detached house with garages (resubmission of A/67/14/PL)	ApproveConditionally 11-11-2014
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Planning application A/136/14/PL was previously approved for the construction of 2 No. detached two-storey dwellings with garages forward of the primary elevation.

REPRESENTATIONS

Representations received:

Angmering Parish Council

No objection - Considered at Planning, Conservation & Development Committee Meeting 19/05/2015.

Comments on Representations received:

Comments noted.

CONSULTATIONS

WSSC Strategic Planning

Consultations responses received:

West Sussex County Council -

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals which include up to 5 residential units or extensions to single units accessed from roads that do not form part of the Strategic Road Network (SRN). As such the comments provided by Local Development should be considered to be advice only, with respect to this planning application.

West Sussex County Council was consulted previously on Highway Matters for this location under planning application no. A/67/14/PL to which no objections were raised.

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSSC map information. A site visit can be arranged on request.

The proposal is for an access serving each 2 proposed dwellings onto Station Road. From an inspection of the plans alone, there is no apparent visibility issue at the point of access onto Station Road. The most recently available verified accident records reveal there have been no personal injury accidents in the vicinity of the existing point of access, indicating a low risk of highway safety issues with this proposal.

Subject to the visibility conditions being unaltered there are no anticipated Highway safety concerns with this proposal.

CONDITIONS

No part of the development shall be first occupied until visibility splays of 2.4 metres by 90 metres have been provided at the proposed site vehicular access onto Station Road 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.

No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

INFORMATIVE

The applicant is advised to contact the Community Highways Officer covering the respective area (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.

Comments on Consultation responses:

Comments noted and conditions and informative included.

POLICY CONTEXT

Designation applicable to site:
Within Built Area Boundary
Class A Road
Adopted Local Plan

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN2
GEN7

Publication Version of the Local
Plan (October 2014):

Built-up Area Boundary
The Form of New Development
D DM1 Aspects of Form and Design
Quality
D SP1 Design
SD SP2 Built-Up Area Boundary

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton. The Angmering Neighbourhood Plan has been made but is not considered to contain any policies relevant to the determination of this application.

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 visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

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 site is situated within the built-up area boundary where the principle of development is acceptable, subject to accordance with relevant planning policies. The main criteria against which this application will be assessed is contained within the Arun District Local Plan which in this case is policy GEN7.

VISUAL AMENITY

This application seeks permission for the creation of a new vehicular access in order to provide separate vehicular access for one of the new dwellings being created on the site.

Given the position of the proposed vehicular access and the existing patterns of driveways on this section of Station Road the proposal is not considered to have an unacceptable adverse impact upon the spatial character of the area. Therefore, the proposal is not determined to have an unacceptable adverse impact upon the amenity or character of the area.

Therefore, the proposal is deemed to be in accordance with Policy GEN7 of the Arun District Local Plan.

HIGHWAY SAFETY

West Sussex County Council have been consulted in relation to the proposed secondary vehicular access and have raised no objections in relation to highway safety subject to the imposition of conditions.

SUMMARY

This application is recommended for approval subject to the following conditions as it is

considered to be in accordance with Policy GEN7 of the Arun District Local Plan.

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 (the right to respect for 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 neutral 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).

RECOMMENDATION

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: Site Plan & Location Plan - 1417/23A; and Working Drawing garage details/site plan - 1417/36A.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 No part of the development shall be first occupied until visibility splays of 2.4 metres by 90 metres have been provided at the proposed site vehicular access onto Station Road 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 the adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

- 4 No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

- 5 INFORMATIVE: The applicant is advised to contact the Community Highways Officer covering the respective area (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.
- 6 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.