

Recommendation Report for Planning Permission for Works or Extension to a Dwelling

REF NO: BE/26/26/HH

LOCATION: 35 North Bersted Street
Bersted
PO22 9AA

PROPOSAL: Ramped access across grass verge to create new driveway to front of property.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above.

REPRESENTATIONS

Bersted Parish Council - No response received.

No representations received from nearby occupiers.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WEST SUSSEX COUNTY COUNCIL (WSCC) (LHA)

This application is for ramped access across a grass verge to create a new driveway to front of the property, including boundary treatments. The site is located on 35 North Bersted Street, a C-classified road subject to a speed restriction of 30 mph.

The applicant proposes a new vehicular crossover (VCO) on to North Bersted Street. The proposed access works will be subject to a licence obtained through the local Highway Area Office and constructed to a specification agreed with the local Highway Area Engineer.

The current WSCC Area Office policy does not permit the construction of vehicle accesses in parking laybys. This is to ensure that existing designated residents and visitor parking is maintained for all on a first come, first serve basis.

In addition to the above, the Area Office do not permit access that cross an expanse of grass verge, which may be considered an amenity area. The Area Office may consider any grassed area to be an amenity area; however, they are more likely to consider the length of grass/verge from the kerb to the private residence of 3.0m of grassed area to be an amenity area. The Area Office has been consulted regarding a VCO in this location and confirmed that it is unlikely that a license will be granted.

Notwithstanding the above, from inspection of local mapping, there are no apparent visibility concerns with the proposed access point. The proposed driveway is of suitable size to accommodate one car parking space. On-site turning does not appear achievable, so cars may have to exit the site in a reverse gear. However, this is not anticipated to give rise to any adverse highway safety impacts in this location.

Therefore, whilst no highway safety concerns would be raised for the proposals, the applicant should be made aware that they are unlikely to be granted a licence for the proposed access works, as the proposals are contrary to current WSCC Area Office policy.

OFFICER COMMENT - West Sussex County Council LHA have advised that an informative pertaining to the works should be applied to any granted consent. The requested informative has been attached to this planning permission.

POLICY CONTEXT

Built Up Boundary Area.
Pagham Harbour Zone B.

DEVELOPMENT PLAN POLICIES

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

DDM1	D DM1 Aspects of form and design quality
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

CONCLUSIONS

DESIGN AND VISUAL AMENITY

The proposal seeks ramped access across the grass verge to create a new driveway to the front of 35 North Bersted Street to provide a new vehicular access to the front of the property. The proposed works would cross over an existing layby, grass verge, and public footpath connecting to a proposed permeable parking area that would have a width of 6.7m and depth of 8m. The proposal would result in the creation of two on-site parking spaces.

The property is located in a residential area with an existing pathway that dissects the grass verge leading up to the front of the dwelling. The plans demonstrate a sufficient visibility splay of 3.8m at the proposed point of access. There are existing dropped kerbs that cross the same layby at neighbouring properties (No.29, No.31, No.37, and No.39 North Bersted Street), and a similar access arrangements across a layby at No.53 North Bersted Street. These dropped kerbed arrangements provide vehicular access to parking created to the front and side of the properties and all cross a layby.

Given the existing variation within the street scene with regards to dropped kerbs and access arrangements, the proposed dropped kerb and new access would not result any harm to visual amenity or character, and the proposal is in accordance with Arun Local Plan policy D DM1.

RESIDENTIAL AMENITY

Due to the nature of the proposed development, the application would not result in harm to residential amenity by way of overbearing, overshadowing, or overlooking impacts. The proposed development is therefore in accordance with Arun Local Plan policy D DM1.

WEST SUSSEX COUNTY COUNCIL (WSCC) (LHA)

WSCC Highways have been consulted and have raised no highway safety concerns, stating that there would be no unacceptable impact on highway safety or a severe cumulative impact on the operation of the highway network. However, they have stated that a licence would be unlikely to be granted as the proposal is contrary to current WSCC Area Office policy which does not permit the construction of vehicle accesses in parking laybys.

The applicant must obtain formal approval from the highway authority to conduct the site access works on the public highway. This will be the subject of a suitably worded informative.

The proposed development would not have an unacceptable impact on highway safety and would be in accordance with Arun Local Plan policy T SP1.

PARKING

The proposed development would result in an increase in on-site parking provision, thereby reducing reliance on on-street parking. The proposal does not raise concerns in relation to highway safety and is therefore acceptable in accordance with Arun Local Plan policy T SP1 and the Arun Parking Standards SPD.

SUMMARY

The proposed development is in accordance with relevant development plan policies and as such is recommended for approval subject to the following conditions and informatives. It is acknowledged that the submitted plans indicate new boundary treatment and a retaining wall, however these do not form part of the current application and no details of these elements have been submitted.

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

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.

CIL DETAILS

This application is not CIL liable.

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:

- Location Plan.
- Block Plan.
- Site Plan.
- Visibility Splay.
- Crossover Plan.

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

- 3 Based on the information available, this permission is exempt from the requirement to provide a biodiversity gain plan under Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990. The following exemption applies:

This planning permission is for development which is a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reason: In accordance with Schedule 7A of the Town and Country Planning Act 1990 (as amended).

- 4 INFORMATIVE: The applicant is advised that the vertically slatted screen with planting and retaining wall does not form part of this application as no details of these elements have been submitted.

- 5 INFORMATIVE: The applicant is advised that whilst no highway safety concerns would be raised for the proposals, it is unlikely that a licence would be granted for the proposed access works, as the proposals are contrary to current WSCC Area Office policy.

- 6 INFORMATIVE: The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted because the highway license process considers wider factors than are considered by the Highway Authority at planning stage.

Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-network-permits-and-licences/highway-licences/west-sussex-county-council-licences/dropped-kerbs-or-vehicle-crossovers-for-driveways/>

- 7 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning

(Development Management Procedure) (England) Order 2015 (as amended). 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 NPPF.