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

REF NO: BN/33/25/HH

LOCATION: The Oaks
Eastergate Lane
Eastergate
PO20 3SJ

PROPOSAL: New vehicular access and installation of new fence and front gate.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above.

RELEVANT SITE HISTORY

BN/66/21/PL	1 No. dwelling (not restricted by equestrian use). This application is a Departure from the Development Plan & the site in in CIL Zone 3 (Zero Rated) as no increase in floor area.	ApproveConditionally 06-08-21
EG/102/16/PL	1No. Dwelling for permanent agricultural worker following temporary approval EG/62/15/PL	ApproveConditionally 18-04-17

REPRESENTATIONS

Barnham and Eastergate Parish Council - No objection.

No representation received from nearby occupiers.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Drainage Engineers - No response received.

West Sussex County Council Highways Authority - No objection.
This application seeks the creation of a new vehicular access to serve The Oaks along Eastergate Lane. The site is located on Eastergate Lane, a 'C' classified road subject to 40 miles per hour speed restriction. Currently, the site is accessed via a shared access road serving Eastmere Paddocks. The development proposals are for closing off the existing gated access onto the site and creation of a new gated access from Eastergate Lane. The new access is in the form of a direct access of 4.0m width with

2.0m wide chamfers on both sides served by a gate setback 6.0m from the carriageway edge. The first 6.0m in front of the gate is proposed to have a metaled surface to prevent loose surface materials transferred onto the highway.

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

Car and cycle parking will be unchanged for the proposal. Swept path analysis has been carried out for a large estate car and a light van accessing the site and exiting in forward gear. Emergency access and refuse collection will be undertaken from kerbside, in line with existing arrangements. These are well within 45m distance required for the fire appliance to access the building and 25m distance drag distance for refuse collection.

There are no changes to the vehicular trip generation for the building. The applicant will need to obtain the necessary consents from WSCC to undertake works within the highway and implement the proposed access point.

The Local Highway Authority (LHA) do not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network. Therefore, there are no transport grounds to resist this proposal.

Officer's Response
A condition relating to visibility splays has been attached to the application.

POLICY CONTEXT

Prone to Groundwater Flooding.
Lidsey Treatment Catchment Area.

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

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

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021

CONCLUSIONS

DESIGN AND VISUAL AMENITY
The site contains a two-storey dwelling with existing shared access with Eastmere Stables and 9 No. dwellings currently under construction to the rear of the site. The front boundary of The Oaks is a mix of mature hedging and some close boarded fencing. This application seeks the construction of a new vehicular access via Eastergate Lane as well as a fence behind the existing hedge and front gate serving

the new access. The proposal will be visible from the street scene.

The new access will involve the removal of a section of the existing hedge, with two brick piers and timber gates in its place, as well as the closing up of the shared access with 6ft close board fencing to match the adjacent. The gate will be similar in design to that of the existing gates in situ further along the boundary.

There are numerous examples of different boundary treatments within the vicinity, as well as the proposed appearing similar to the existing, and as such the proposed fence and gates will not appear out of place within the locality. The proposal is in keeping with the general character of the area and will have no adverse harm on visual amenity.

Although visible from the street, the development will have no adverse harm on visual amenity or the character of the area and is in accord with D DM1 of the Arun Local Plan and Arun Design Guide.

RESIDENTIAL AMENITY
The vehicular access and gate will be closer to the opposite neighbouring property, Kimberwood, but would not result in harm on their residential amenity, as a result of the nature of the proposal.

The development will result in no adverse overbearing, overlooking, or overshadowing, and is in accordance with policy D DM1 of the Arun Local Plan and the Arun Design Guide.

SUMMARY
The proposed development is in accordance with the relevant development plan policies and as such is recommended for approval subject to the following conditions and informatives.

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 and Block Plans DP01
- Proposed Site Plan DP03
- Access and Splay Plan 001
- Plans and Elevations DP04

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

3 Before first use of the new vehicular access, visibility splays must be provided at the proposed site vehicular access onto Eastergate 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 0.6m above adjoining carriageway level or as otherwise agreed.

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

4 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).

5 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 National Planning Policy Framework.