

WEST SUSSEX COUNTY COUNCIL CONSULTATION

TO:	Arun District Council FAO: Mr S Davis
FROM:	WSCC - Highways Authority
DATE:	9 June 2020
LOCATION:	The Cottage Piggeries Church Lane Barnham PO22 0DB
SUBJECT:	BN/49/20/PL Continuance of use without compliance with condition 2 imposed under BN/6/20/PL relating to occupation of mobile home, new dwelling & 1 bedroom annexe above garage.
DATE OF SITE VISIT:	n/a
RECOMMENDATION:	More Information
S106 CONTRIBUTION TOTAL:	n/a

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 Planning Services should be considered to be advice only, with respect to this planning application.

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 WSCC map information. A site visit can be arranged on request.

I refer to your consultation in respect of the above planning application and would provide the following comments.

History & Context

The application site has a complex planning history which I have summarised below.

BN/59/04 - 2 x 5 Bed Houses - Highways objection citing inadequacies of the access point were eventually overcome by a proposed change to the alignment of Church Lane which would have been the subject to a Legal Agreement or Grampian type condition. A subsequent appeal was dismissed as the proposal was contrary to the local planning policy at the time that precluded development in the countryside.

BN/22/11 - Proposed siting of a static caravan for residential occupation. No highways concerns were raised on the basis that the site historically held a residential use and that there would be no intensification of use at the site access point. The application was permitted.

BN/19/18 - Proposed the erection of 1 x dwelling at the south eastern part of the plot. This was in addition to the mobile home approved under BN/22/11. No highways concerns were raised after evidence was submitted demonstrating that the access point had previously legally served 2 dwellings. The application was permitted.

BN/9/19 - Proposed the replacement of an existing residential mobile home (as approved under (BN/22/11) with new dwelling & detached garage. No highways concerns were raised. The application was withdrawn by the applicant.

BN/47/19 – Proposed the partial demolition of existing structures and erection of a new 1.5 storey dwelling with separate single storey double garage. The proposal included the replacement of an existing mobile home. No highways concerns were raised and consent was granted by the Local Highways Authority.

BN/105/19 – Subsequently sought the removal of Condition 2 of BN/47/19/PL which has restricted the occupancy of the replacement mobile home. No overriding highways concerns were raised, the application was subsequently withdrawn.

BN/6/20 – Sought the partial demolition of existing structures and the erection of 1 new dwelling (1.5 storey) with separate 1.5-storey double garage (which included a 1-bedroom annex accommodation), the existing mobile home is to be replaced with new, smaller 1 bed mobile home. This was a resubmission following BN/47/19/PL. No overriding highways concerns were raised, consent was granted by the Local Planning Authority.

Principle

The proposal seeks the removal of condition 2 of planning approval BN/6/20. BN/6/20 sought the partial demolition of existing structures, and erection of 1 x new dwelling (1.5 storey) with separate 1.5-storey double garage, existing mobile home to be replaced with new, smaller mobile home.

Condition 2 States:

- 2 The mobile home, new dwelling and 1 bedroom annexe above the garage shall be occupied together by a single gypsy or traveller family unit (as defined by Annex 1 to the Government's Planning Policy for Traveller's sites) and there shall be no subdivision of the site or occupation of either the mobile home, annexe or dwelling by persons unrelated to each other.

Reason: To maintain an adequate provision of Gypsy and Traveller sites in the District and to prevent a material intensification of the use of the existing substandard access onto Church Lane in accordance with Arun Local Plan policies T SP1 & H SP5, the National Planning Policy Framework and the Planning Policy for Traveller's sites.

The applicant now wishes to remove the existing mobile home from onsite without replacement and remove condition 2 of planning approval BN/6/20. This will allow the proposed dwelling and one-bedroom annex accommodation to be occupied by independent family units.

The primary reason for removing this condition seem to relate to the inability for the replacement caravan to be moved on site without craning it over an adjacent cottage which the freeholders will not agree to.

Historically the Local Highways Authority has supported the site be used to provide two independent dwelling units, one of which consisted of a dwelling house, a one bed mobile home and above garage annex accommodation.

BN/47/19 & BN/105/19

The Local Highways Authority is mindful of comments provided in relation to application BN/105/19 which sought a similar removal of an occupancy condition at the site of a permitted scheme BN/47/19. It should be noted that this permitted scheme, BN/47/19, did not include the above garage annex accommodation. It effectively would have allowed three independent units of accommodation on site without any occupancy

restriction. No overriding highway safety concerns were raised but the application was later withdrawn by the applicant.

The Local Highways Authority was concerned that the removal of such a condition would effectively constitute that the site provide three independent units of accommodation. This could have been considered a material intensification of use of the access point and thus require the applicant to demonstrate the access is 'safe and suitable' in terms of geometry and visibility. The applicant has not historically provided any plans demonstrating this.

However, the Local Highways Authority was minded to take into consideration the actual trip rate increase that would have resulted after the removal of the condition.

BN/49/20/PL

In this application it has been indicated that the replacement caravan will no longer be implemented. The one bed above garage annex accommodation, as permitted with the occupancy restriction, is likely to result in some trips being shared between the parent dwelling and annex. However, it's also not unreasonable to conclude that even without the occupancy condition the actual trip rate of this annex accommodation would not be significantly different to that if the occupancy condition remained.

The Local Highways Authority is however concerned that this application will not specifically prohibit the approved replacement caravan being implemented. While it is accepted that there are practical problem bringing the caravan on site, its not unreasonable to conclude that a solution could be found in the future once the occupancy restriction is released. This will result in 4 independent dwelling units being permitted on site and it would be considered that such an intensification of use should be supported with demonstration that the site access point is safe and suitable.

On balance the Local Highways Authority is minded to conclude that while it would be difficult to substantiate that the proposal will result in a material intensification of use at the access point onto Church Lane, this would be conditional on the replacement caravan no longer being implemented. The Local Highways Authority would seek some clarification over how it will be secured that the replacement caravan will no longer be implemented.

Parking

If both the dwelling and above annex garage will be occupied by independent family units, they should be afforded their own independent vehicle and cycle parking provisions. The site has sufficient space to provide suitable parking provision for both the dwelling and above garage unit on an independent basis.

Ideally these independent parking provisions should be demonstrated prior to determination but they could be secured via a suitably worded planning condition if that is possible as part of a removal of condition application?

Conclusion

On the basis that the proposal results in the occupation of the site by three independent family units no highway safety or capacity concerns would be raised. The Local Highways Authority does question if/how this application will secure that the replacement caravan as permitted will no longer take place. Without such the site could be occupied by up to 4 independent units of accommodation whereby the Local Highways Authority would have to give further consideration to the suitability of the access point.

Please raise these matters with the applicant and reconsult.

Ian Hayward
West Sussex County Council – Planning Services