

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

REF NO: BR/131/21/HH

LOCATION: 78 Orchard Way  
Bognor Regis  
PO22 9HP

PROPOSAL: Dropped kerb

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION      This application seeks to install a 5.67m dropped kerb.

RELEVANT SITE HISTORY

|           |                                   |                                  |
|-----------|-----------------------------------|----------------------------------|
| EG/49/99/ | New dormer and room in roof space | ApproveConditionally<br>26-08-99 |
|-----------|-----------------------------------|----------------------------------|

REPRESENTATIONS

Bognor Regis Town Council - No Objection.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC Highways:  
The dropped kerb will be approximately 5.6m in width. The dropped kerb would be subject to a licence from the WSCC Area Engineer and must be constructed to a specification agreed with them. The proposed plans do not demonstrate visibility at the proposed access onto Orchard Way, however from an inspection of WSCC mapping, visibility appears sufficient for the anticipated road speeds in this location and splays are maintainable wholly within the public highway. The site benefits from an existing hard-standing parking area provision parking for at least three vehicles.

Conclusion  
The LHA does 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 is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

POLICY CONTEXT

Built-Up Area Boundary

2km Buffer for Site of Special Scientific Interest  
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 |

## CONCLUSIONS

### PRINCIPLE

The key policy considerations are policy D DM1 of the Arun Local Plan. Bognor Regis does have a Neighbourhood Plan but none of the policies are relevant to this application.

### DESIGN AND VISUAL AMENITY

The application seeks to install a 5.67m in width dropped kerb to the front of the property. This would result in a minimal visual change to the street scene. There are examples in close proximity to the application site and therefore the proposal does not cause adverse harm to character of surrounding area so complies with policy D DM1 of the Arun Local Plan.

### RESIDENTIAL AMENITY

Due to the development proposed, it will not give rise to adverse impacts upon neighbouring amenity and accords with policy D DM1 of the Arun Local Plan.

### HIGHWAY SAFETY

WSCC Highways state the dropped kerb will be approximately 5.6m in width. The dropped kerb would be subject to a licence from the WSCC Area Engineer and must be constructed to a specification agreed with them. The plans do not demonstrate visibility at the access onto Orchard Way, however from an inspection of WSCC mapping, visibility appears sufficient for the anticipated road speeds in this location and splays are maintainable wholly within the public highway. The site benefits from an existing hard-standing parking area provision parking for at least three vehicles. The LHA does 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 is not contrary to the NPPF (para 109 now 111), and that there are no transport grounds to resist the proposal.

WSCC Highways have requested a condition that the use of the access shall not commence until such time as the vehicular access serving the development has been constructed in accordance with the approved plan. This is considered to be reasonable.

### SUMMARY

The proposed development is considered to accord with relevant development 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**

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.

#### **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  
Proposed Drop Kerb

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

- 3 The use of the access shall not commence until such time as the vehicular access serving the development has been constructed in accordance with the approved plan.

Reason: In the interests of road safety and policy TSP1 of the Arun Local Plan.

- 4 **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.

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

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-f-or-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>