

WEST SUSSEX COUNTY COUNCIL CONSULTATION

TO:	Arun District Council FAO: Andrew Wood
FROM:	WSCC - Highways Authority
DATE:	3 November 2020
LOCATION:	Land adjacent to Church Farm Barn, Horsemere Green Lane, BN17 5QZ
SUBJECT:	CM/32/20/PL Change of use of land (B8 Storage) & erection of 1 No. detached single storey, two bedroom dwelling. This application affects the setting of a listed building & is a Departure from the Development Plan. This application is in CIL Zone 3 & is CIL Liable as new dwelling.
DATE OF SITE VISIT:	n/a
RECOMMENDATION:	Advice
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.

This application is for the change of use of land from B8 storage and erection of 1 dwelling. The site is located on Horsemere Green Lane, an unclassified road subject to a speed limit of 30mph.

The LHA was consulted on a retrospective application at this site for the retention of 1.8m high close-boarded fence. The LHA established that this fence was erected within public highway. Although the LPA approved the application prior to the LHA's consultation deadline; the applicant was advised that in order for the fence to be lawful, the land in question would need to be Stopped Up through the appropriate legal mechanism. It does not appear that this land has been Stopped Up and as such is not considered lawful and may be subject to enforcement action by WSCC as the Local Highway Authority.

Whilst the fence is not subject of this application, the red-edge site boundary appears to demonstrate that the publicly maintained highway that has been enclosed within the fenceline is subject to this application to erect a single dwelling. As such, the applicant should be reminded of the LHA's previous comments provided for CM/36/19/PL.

'In order for the land to be incorporated into the site, the highway rights would need to be formally removed by way of a Stopping Up Order. Ordinarily, this is controlled by Section 247 of Town and Country Planning Act and would be subject to a separate process administered by the Department for Transport's National Casework Team. The Highway Authority along with other statutory undertakers and interested parties would be consultees in this process.

However, given the application is retrospective, if planning consent was to be granted, the development would only become lawful (and exempt from potential enforcement action) if the applicant successfully applies to 'Stop Up' the land, i.e. extinguish the highway rights. Retrospective Stopping Up would have to be undertaken via Section 116 of the Highways Act 1980, which involves an application to the Magistrates' Court for which they will have to pay. This

is a legal process and there is no guarantee the stopping up will be successful, this can therefore not be secured via planning condition. Matters pertaining to highway safety and other highways considerations would be assessed at this stage.

The applicant should be aware that should the land in question not be stopped up, they could be liable to enforcement action from the Local Highway Authority. This would be via a separate mechanism to that of the planning process.'

Whilst the proposed fenceline does appear to obstruct visibility at the site access for the proposed dwelling; the LHA would not be able to substantiate an objection to this application on this basis as the single dwelling would not likely result in an intensification of use of the existing access over the existing B8 use. Consideration has also been given that while the previous boundary treatment was set further back than the now erected fence, the previous boundary treatment would have also had a fairly significant impact limiting visibility.

Under Arun Parking Standards (adopted January 2020), the LHA would anticipate that 2 parking spaces would be sufficient for a dwelling of this size and location. The application form indicates that the dwelling will be provided with two parking spaces, although no details have been provided on the proposed plans. Details of parking provision can be secured via condition. Each parking space must meet minimum specifications of 2.4 x 4.8m as set out in Manual for Streets.

The Design and Access statement sets out that cycle storage will be provided for the proposed dwelling. No details have been demonstrated on the plan. Details of secure and covered cycle storage can also be secured via condition.

In the interests of sustainability and as result of the Government's 'Road to Zero' strategy for at least 50% of new car sales to be ultra-low emission by 2030, electric vehicle (EV) charging points should be provided for all new homes. The applicant is advised that for dwellings with an off-street parking provision, 100% of parking spaces should be provided with active EV parking spaces in accordance with the Arun Parking Standards (adopted January 2020). Details of this can be secured via condition and a suitably worded condition is advised below.

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.

If the LPA are minded to approve the application, the following conditions should be applied:

Conditions

Car parking space (details required)

No part of the development shall be first occupied until the car parking spaces have been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use.

Cycle parking

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

Electric Vehicle Charging Spaces

No part of the development shall be first occupied until the electric vehicle charging space(s) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide sustainable travel options in accordance with current sustainable transport policies.

Nicola Fry
West Sussex County Council – Planning Services