

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

REF NO: FP/219/17/HH

LOCATION: 88 Flansham Lane
Felpham

PROPOSAL: Vehicular access

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above

Vehicle access and dropped kerb will be approximately 3.4m wide at the entrance point. The hardstanding area to the rear will be constructed of permeable paviers.

SITE AREA

N/A

RESIDENTIAL DEVELOPMENT DENSITY (NET)

N/A

TOPOGRAPHY

Predominantly flat

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

The front of the property is currently open. There is a boundary wall approximately 1m high to the north side and a hedge to the south.

SITE CHARACTERISTICS

Semi detached property constructed of render beneath a tile roof. The property has a reasonable sized front garden mainly laid to lawn.

CHARACTER OF LOCALITY

Primarily residential on a busy road. Opposite there is a children's play area.

RELEVANT SITE HISTORY

No relevant planning history.

REPRESENTATIONS

Representations received:

Felpham Parish Council

Felpham Parish Council have no objection.

Two representations have been received, from the same person objecting to the proposal as follows:

1. There are two dropped kerbs between No.94 and No.98 Flansham Lane.
2. If more are approved there will be no where for residents to park.
3. The park is opposite but there will be nowhere to park.

Comments on Representations received:

Comments are noted and addressed in the conclusions below.

CONSULTATIONS

WSSC Strategic Planning

Consultations responses received:

West Sussex County Council have commented as follows:

The proposal is for vehicle crossover (VCO) of approx. 3.4 m width at the above site to facilitate access to a single off-street car parking space for the existing dwelling. From an inspection of the plans and local mapping there is sufficient space indicated on the frontage to accommodate this.

Flansham Lane is 'B' classified and subject to a 30mph speed restriction in this location. A turn on site would be preferred, clearly though there is insufficient space to achieve this. However other properties have similar arrangements that have been operating without evidence of highway safety concern.

A license to construct the vehicular cross over would need to be obtained from the Arun Area Engineer. It should be noted that a licence at this location is unlikely to be granted; this area is subject to a policy that a licence would not be granted for an access through layby due to the existing parking pressures and the loss of on-street parking provision for neighbouring residents. It is recommended that the LPA consider the amenity impact of the proposed development should permission be granted.

Nevertheless the Local Highway Authority would not raise a highway safety concern or transport grounds to resist the proposals.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Built up area

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN2
GEN7
GEN9

[Publication Version of the Local Plan \(October 2014\):](#)

Built-up Area Boundary
The Form of New Development
Foul and Surface Water Drainage
D DM1 Aspects of Form and Design Quality
D DM4 Extensions and Alterations to Existing Buildings (residential and non-residential)
D SP1 Design
SD SP2 Built-Up Area Boundary
W DM3 Sustainable Urban Drainage Systems

PLANNING POLICY GUIDANCENPPF
NPPGNational Planning Policy Framework
National Planning Practice Guidance**POLICY COMMENTARY**

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton. The written Ministerial Statement of 13 December 2016 confirms that relevant policies for the supply of housing in Neighbourhood Plans should not be deemed to be out of date where all of the following circumstances arise;

- The NDP has been part of the development plan for 2 years or less or the ministerial statement is less than 2 years old
- The NDP allocates sites for housing
- The Council can demonstrate a three-year supply of deliverable housing sites

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND**PLANNING**

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Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The application proposes a vehicular access measuring 3.4 m at its entrance. The plans show a parking space 2.5m x 5m. The plans show a retained public parking space on the highway layby of 6m x 2.5m. The hardstanding parking area would be constructed of permeable block paviers

A number of properties on Flansham Lane benefit from hardstanding and dropped kerbs onto the B Road and an additional dropped kerb would not harm the visual amenity of the local area or pose a danger to pedestrians or road users.

The County Council as Highway Authority have been consulted and have raised no objection on highway safety grounds.

It is noted that representations have been made that more dropped kerbs will lead to a loss of on street parking. The proposal would lead to the loss of one space which would also be offset by the parking space at the property. However, the proposal will also reduce the demand for on street parking as the occupier can park of street rather on it.

The introduction of a parking space to the front due to its position and design will not result in a materially adverse impact on the amenities of the neighbouring dwellings.

It is therefore considered that the proposed development would comply with policies in the Arun Local Plan 2003.

It is therefore recommended that the application be approved, subject to the following conditions

HUMAN RIGHTS ACT

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 17/4483/1 & 17/4483/2

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 No part of the development shall be first occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority to prevent surface water draining onto the public highway.

Reason: In the interests of road safety and policy GEN7 of the Arun District 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: A license to construct the vehicular cross over would need to be obtained from the Arun Area Engineer. The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway. The response from West Sussex County Council to the application indicates that they may not approve the dropped kerb in this location.