

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

REF NO: LU/94/13/

LOCATION: 40 Wick Street
Littlehampton

PROPOSAL: Create a dropped kerb & vehicle cross over

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The dropped kerb section will be a length of 5.654 metres and will serve an off-street parking area.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	There is a low brick wall along the front boundary of the property.
SITE CHARACTERISTICS	The site is occupied by an end of terrace two-storey dwelling.
CHARACTER OF LOCALITY	The site is located alongside a main road that is bordered by high density residential development, interspersed with occasional retail/commercial use buildings. Buildings are generally positioned close to the road. A number of residential plots have full width dropped kerb access to the front.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

WSCC Strategic Planning

Consultations responses received:

A turn on site would be preferred, clearly though there is insufficient space to achieve this. Other properties have similar arrangements and balanced against this is the benefit of providing an opportunity to remove a vehicle that would otherwise be parked on the highway in a location

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where the existing practice is on-street parking by residents of adjoining properties which results in a narrowing of the existing available carriageway space.

The works on the highway must be agreed with the WSCC Community Highway Officer and carried out under licence. Driveway area and car parking spaces should be constructed in a bound material and suitable drainage methods be installed to prevent surface water running onto the public highway.

A condition securing the new access and vehicular visibility splays should be included.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Within Built-Up Area
Class A Road

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
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POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to potential impact upon the character and appearance of the surrounding area and the amenities of any neighbouring residents.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

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.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 214 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight but, because it predates 2004, a reduced weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

The emerging local plan has recently been approved by the Council and is therefore a material

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consideration in the determination of this planning application. Whilst it has not been formally adopted due weight has been given to its policies in terms of the decision making process at this stage.

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 proposed works will have no significant impact upon the appearance of the site, save for the removal of a section of low walling on the front boundary. It is noted that a number of nearby properties, including the adjoining property to the south, have similar access arrangements to that proposed. It is therefore considered that the dropped kerb would be in keeping with the character and appearance of the surrounding area.

County Highways have been consulted and have provided observations in relation to potential impacts on highway safety. They have raised no objections to the proposed works and have recognised the benefit that the provision of off-street parking would have with regards to traffic flow and highway safety.

Conditions will be attached to secure the provision of a drainage scheme of a sufficient capacity to prevent surface water discharge onto the public highway and also to require the visibility splays shown on the accompanying plans to remain unobstructed, both of these conditions are in the interest of highway safety.

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

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 (right to respect for 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 it has been determined that it would have a neutral impact 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).

As such, no specific mitigation measures are required.

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:-

1428;
1428/01/01;

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

- 3 The access hereby permitted shall not be used until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority to prevent surface water discharging onto the public highway.

Reason: In the interests of road safety and to accord with approved policy in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The use of any land for car parking shall not be commenced until it has been laid out, surfaced and drained and such land shall not be used thereafter for any purpose other than the parking of vehicles.

Reason: To ensure a satisfactory standard of development in accordance with policy GEN7 of the Arun District Local Plan.

- 5 The access from the site to the public highway shall be designed, laid out and constructed with visibility splays as shown on the accompanying plan 1428/01/01. These splays shall thereafter be kept free from any obstruction to visibility in excess of 0.6 metres above the level of the adjoining carriageway.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan.

- 6 **INFORMATIVE:** Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY

This planning permission is granted because it complies with the policies listed below in that the development would not cause any material adverse effect on visual or residential amenity on the surrounding area and its character or upon road safety and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN7

NATIONAL POLICIES: National Planning Policy Framework

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

- 7 INFORMATIVE: The applicant is advised to contact the Coastal Team, Community and Economic Development, Communities and Infrastructure Directorate, Centenary House, Durrington Lane, Durrington, Worthing, West Sussex, BN13 2QB (Tel: 01243 642105) to obtain a license for the site access works.
- 8 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. 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.