

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

REF NO: LY/11/19/PL

LOCATION: Broomhurst Lodge
Lyminster Road
Lyminster
BN17 7QQ

PROPOSAL: New access construction to serve as an access for Broomhurst Farm & its residents.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION As above. The proposal is for a new access to serve Broomhurst Farm and its residents. The site is located on and accessed via Lyminster Road (A284) which is an A classified road. The proposal involves the removal of approximately 6m of hedging and the creation of a 90m long access across a field used as grassland. The existing farm access is hard surfaced.

RELEVANT SITE HISTORY

LY/5/17/PL	Steel framed storage barn	ApproveConditionally 26-06-17
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REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

None

CONSULTATIONS

WSCC Strategic Planning
Highways England
Arboriculturist
Ecology Advisor

CONSULTATION RESPONSES RECEIVED:

County Highways - No Objection
The applicant has provided plans demonstrating the minimum requirement for visibility as per Design

Manual for Roads and bridges of 2.4 x 120 metres. However it is recognised that visibility in this area is greater than that proposed. The access works will need to be implemented via a Section 278 agreement.

Highways England - No Objection.

The development will not materially affect the safety, reliability and / or operation of the Strategic Road Network.

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary
Classified Road

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

TSP1	T SP1 Transport and Development
ENVDM5	ENV DM5 Development and biodiversity
DDM1	D DM1 Aspects of form and design quality
CSP1	C SP1 Countryside

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

CONCLUSIONS

Policy C SP1 of the Arun Local Plan states that land outside of the Built-up boundaries will be defined as countryside, and recognised for its intrinsic character of beauty. There are then six caveats which allow development to be permitted. The proposal would meet criteria (a) in that it would meet the operational needs of agriculture by improving access to the farm buildings.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Trees, Layout and Scale.

DESIGN AND VISUAL AMENITY

The proposed access would be visible from surrounding area and footpaths and would be clearly seen from Lyminster Road. However, this development is considered to be designed to reflect the characteristics of the area and would be screened by hedging reflecting field boundaries in the area.

The proposed development is considered to be in accordance with D DM1(1) and (7) of the Arun Local Plan.

HIGHWAY SAFETY

It is proposed to introduce a new access at the farm onto Lyminster Road in the form of a bell mouth priority junction, with associated pedestrian dropped kerbs and tactile paving. It is understood that the access will be mainly used by service vehicles at the farm and, as such, vehicle swept path plans for a farm tractor and hay wagon have been provided as part of the submitted Road Safety Audit. County Highways have no objection to the proposal in terms of highway safety and the proposal therefore accords with policy TSP1 of Arun Local Plan.

RESIDENTIAL AMENITY

The access would improve the relationship between farm traffic and the residential properties at Broomhurst Lodge and Brooklawns to the north by separating the uses and moving farm traffic 40-50m further from the residential properties. The proposal would therefore accord with policy D DM1 (3) of Arun Local Plan.

BIODIVERSITY

The proposal would include the provision of hedging which would achieve a net gain in biodiversity. The field is used as grassland and the addition of hedging would improve opportunities for wildlife and increase wildlife corridor connections in accordance with policy ENV DM5 of Arun Local Plan.

SUMMARY

The proposed development is deemed to accord with relevant development plan policies and as such is recommended for approval 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 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:

Land Ownership Plan 7935/102 Rev A

Location Plan 7935/103

Access Plan 7935/101 Rev A

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 track shall not commence until the access has been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety in accordance with policy TSP1 of Arun Local Plan.

- 4 The use of the access shall not commence until visibility splays of 2.4 x 120 metres have been provided at the proposed site vehicular access onto Lyminster Road in accordance with the approved site plans. The splays shall be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety in accordance with policy D DM1 and T SP1 of the Arun Local Plan.

- 5 The use of the access shall not commence until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hedgerows to be planted along the access. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the use of the access, and any plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan.

- 6 **INFORMATIVE:** Section 278 Agreement of the 1980 Highways Act - Works within the Highway
The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

- 7 **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.