

Recommendation Report for Planning Permission

REF NO: LY/7/20/PL

LOCATION: Broomhurst Barn
Lyminster Road
Lyminster
BN17 7QQ

PROPOSAL: New access, wall & gates (resubmission following LY/11/19/PL).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is for alterations to a new access to serve Broomhurst Farm and its residents by incorporating walls and gates at the entrance. 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.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Timber and wire fencing to field boundaries
SITE CHARACTERISTICS	Farm yard comprises several farm buildings mainly open sided used for animals and hay storage. The buildings are constructed of brick, flint and grey cladding
CHARACTER OF LOCALITY	Predominantly rural

RELEVANT SITE HISTORY

LY/11/19/PL	New access construction to serve as an access for Broomhurst Farm & its residents.	ApproveConditionally 25-11-19
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REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Lyminster & Crossbush Parish Council
No Objection

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

Arboriculturist
 WSCC Strategic Planning
 Ecology Advisor
 Parks and Landscapes
 Highways England

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. The proposal would not 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 there are no transport grounds to resist the proposal.

Conditions and informative suggested.

Ecology Officer - The Ecology Partnership Letter (08.04.2020) which has been submitted with the application only looks at the impact of proposed works on surrounding protected sites and does not make any reference to protected species which may be present on site and the impact the works would have on those species.

An extended phase one habitat survey should be undertaken on the site to determine if there is potential for protected species. If so further surveys would be required. These surveys and mitigation strategies will need to be submitted as part of the planning application prior to determination.

COMMENTS ON CONSULTATION RESPONSES:

- comments noted. The Ecologist's comments refer to the development as a whole. The access has been previously approved and it would not be reasonable to request the suggested reports since the majority of the development can be undertaken by implementing the extant planning permission.

POLICY CONTEXT

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

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
SDSP2	SD SP2 Built-up Area Boundary
SDSP3	SD SP3 Gaps Between Settlements

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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

The Neighbourhood Development Plan

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).

Lyminster does not have an adopted Neighbourhood Plan.

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 there would be no materially adverse effect on visual amenity or highway safety.

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**BACKGROUND**

The proposal is for a new priority junction to be constructed in place of an existing priority junction approximately 40m to the north. At present, the existing access is substandard due to the poor visibility to the south. This is especially difficult for the type of vehicles using this access, mainly large farm vehicles and deliveries. The site is a busy farmstead, with access being used by the 3 residential dwellings and associated farm traffic. The proposal will provide a safer access onto the A284 for all vehicles accessing Broomhurst Farm by providing an access with standard visibility in both directions on Lyminster Road.

It is proposed that the existing priority junction serving Broomhurst Farm will be retained to serve the residential dwelling of Brooklawn as a right of access, primarily for deliveries. This means all traffic besides the deliveries to Brooklawn will be mitigated through the proposed access onto

Broomhurst Farm. Brooklawn has a private entrance located approximately 120m south of the existing access. This will be safer than the current situation as the residential dwelling has a low number of trips and it will only generally be used by cars with very infrequent larger vehicles requiring access.

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, VISUAL AMENITY AND IMPACT ON GAP

The proposed access would be visible from the 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 modified access comprises close boarded timber fence panel above 500mm high brick plinth with brick piers and flint and brick walling at the entrance.

Kerbing and road surfacing will be completed to match the existing Lyminster Road with matching kerb types. Proposed 'Buff' coloured tactile paving will be installed and dropped kerbing and droppers to be installed along the front of the tactile paving.

Sussex flint and brick walls up to a height of 2.5-2.7m, adjusted to suit slightly sloping ground levels, will be provided alongside the proposed access of a matching style to that of neighbouring properties to the South. Further away from Lyminster Road, the walls will be close boarded timber fencing punctuated with brick piers and characterised with a 0.5m high brick plinth.

The proposed development is considered to reflect existing boundary treatment in the locality in accordance with D DM1(1) and (7) of the Arun Local Plan and it would be in keeping with the rural character of the area and would not compromise the integrity of the gap by undermining the visual separation of settlements. It also cannot reasonably be located elsewhere in accordance with policy SD SP3(c).

HIGHWAY SAFETY

The advantages of the proposed priority junction over the existing arrangement to the south are:

- Greater visibility at the access in both directions compared to existing junction
- Access for large service and delivery vehicles
- Reduced risk of collisions for traffic turning onto the A284 at the proposed development
- Increased pedestrian safety from existing cyclists utilising the footway

The 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 has previously been approved. This proposal provides walling and gates without compromising the visibility previously approved.. 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. Highways England had no objection to the principle of an access in this location when the previous application LY/11/19/PL was considered.

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 proposed development site does not lie within the SSSI or adjacent to the boundaries. There will be no direct impacts resulting from land take, fragmentation or isolation of habitats within the SSSI boundaries or habitats which would be considered functionally linked. The site is already a functioning farm, and the development will result in a small area of land loss, considered likely to be of low quality agricultural land. As such no direct impacts are considered. The field is used as grassland and the addition of hedging which is controlled by condition would improve opportunities for wildlife and increase wildlife corridor connections and mitigate for that lost to facilitate the access 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:

Location Plan 1.1

Access Plan 101

Proposed Driveway Wall, Gate, Block Plan 2.11

Land Ownership Plan 102 revA

S278 General Arrangements 202 revP1

S278 Setting Out & Details 202 revA

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 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 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 T SP1 of Arun Local Plan.

- 4 The use of the access track shall not commence until the access has been constructed in accordance 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 T SP1 of 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 additional hedgerow planting 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: 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.

- 8 INFORMATIVE: This proposal doesn't purport to grant consent for the illuminated sign which is covered by separate legislation.