

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

REF NO: P/108/14/HH

LOCATION: Springfield Cottage
Nyetimber Lane
Pagham

PROPOSAL: Widening of existing vehicular access & dropping kerb.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Application for the widening of the existing vehicular access and dropped kerb.
SITE AREA	Approximately 662 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front boundary consists of a 1.5 metre high brick wall with the side boundaries forward of the primary elevation consisting of 1.5 metre high close boarded fencing.
SITE CHARACTERISTICS	The site is a detached bungalow set back from the road with white uPVC windows and a slate roof.
CHARACTER OF LOCALITY	Primarily residential in nature with a mixture of designs and style of dwelling.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Pagham Parish Council

No Objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

WSCC Strategic Planning

Consultations responses received:

WSCC Highways:-

The 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.

I refer to your consultation in respect of the above planning application and would provide the following comments.

West Sussex County Council was consulted previously on Highway Matters for this location under planning application no. P/21/11 to which no objections were raised.

As with the previous application a new vehicular crossover is proposed at the site. There would be no highway concerns with this latest application. I believe the LPA have attached a condition on the planning decision for pedestrian and vehicular visibility splays at the site access. This should be attached to this latest application as with the informative stated below.

INFORMATIVE

The applicant is advised to contact the Community Highways Officer covering the respective area (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.

Comments on Consultation responses:

Comments noted - condition and informative included

POLICY CONTEXT

Designation applicable to site:
Adopted Local Plan

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [GEN7](#) The Form of New Development

PLANNING POLICY GUIDANCE

NPPF National Planning Policy Framework

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.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry 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.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

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

statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. 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: Arundel; Barnham & Eastergate; Bersted; Felpham; Littlehampton; Yapton

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.

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

PRINCIPLE

The site is situated within the built-up area boundary where the principle of development is acceptable, subject to accordance with relevant planning policies. The main criteria against which this application will be assessed is contained within the Arun District Local Plan which in this case is policy GEN7. GEN7 seeks to prevent development where it would have an adverse impact upon the visual and residential amenity of the area.

VISUAL AMENITY

This application seeks planning permission increase in width of the vehicular access forward of the primary elevation and the dropping of additional kerbstones to facilitate this.

There is deemed to be no adverse effects upon the amenity or character of the area as the

proposal is for the increase in width of the existing driveway by approximately 0.9 metres. As such the proposal is deemed to be in accordance with GEN7 of the Arun District Local Plan.

HIGHWAY SAFETY

West Sussex County Council have been consulted in relation to the proposal and raise no objection in relation to highway safety in relation to the proposed increase in width of the driveway. Although they did specify the inclusion of a condition regarding provision of adequate visibility splays to the Council for approval.

CONCLUSION

Therefore, it is recommended that this application is approved subject to the following conditions as it is deemed to be in accordance with policy GEN7 and causes no adverse impacts upon highway safety.

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 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 a neutral impact has 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.

As a neutral impact has been identified no mitigation measures are proposed.

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

report

amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:- Block Plan; and Plan - Increased width of dropped kerbstones by 900mm.

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 The proposed access shall be laid out to provide visibility splays on each side of the access in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

These splays shall be:-

(1) 2 metres by 2.4 metres on each side of the proposed access based on the existing highway boundary, together with sight lines defined by:-

(2) (a) A line 43.00 metres long measured along the centre line of the proposed access from the line of the nearer edge of the carriageway of Nyetimber Lane.

No other work shall be carried out on the site until the above-mentioned sight lines and splay lines have been provided and thereafter the said sight lines and splay areas shall 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.

- 4 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.
- 5 INFORMATIVE: The applicant is advised to contact the Community Highways Officer covering the respective area (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.