

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

REF NO: R/172/17/HH

LOCATION: 84 Worthing Road
Rustington
BN16 3LL

PROPOSAL: New vehicular access.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
	Vehicle access will be 3m wide at the entrance point and the dropped kerb will be 4 m The hardstanding area to the rear is existing and the proposal is to create the access with a dropped kerb.
	The applicant has confirmed the 4m dropped kerb in their e mail dated 10 December 2017.
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 property has a low concrete wall to the front approximately 0.5m high
SITE CHARACTERISTICS	The application site comprises a two storey terraced property constructed of brick beneath a tile roof. The property has a small front garden
CHARACTER OF LOCALITY	Primarily residential although there some commercial uses off the side road. some properties have created vehicle access at the front.

RELEVANT SITE HISTORY

R/224/74	Erection Of Porch To Front Door Of Property	ApproveConditionally 11-12-74
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There is no relevant planning history.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

Rustington Parish Council has no objections to the proposal.

No response to the public consultation

COMMENTS ON REPRESENTATIONS RECEIVED:

None

CONSULTATIONS

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WSCC responded as follows:

Worthing Road is the B2187, a district distributor road subject to a 30 mph speed restriction in this location. From an inspection of the plans and local mapping there is no apparent visibility issue on to Worthing Road. Vehicle visibility splays are in excess of 43m, the required stopping sight distance advised for 30 mph speeds as per Manual for Streets.

The driveway is to be constructed from gravel. This may result in material being dispersed onto the public highway affecting the surface of the road. The applicant should provide a gravel trap or area of block paving, or other bound material, at the point of access onto Worthing Road (on land within the applicant's control; not within the publicly maintained highway).

The Block Plan shows the dropped kerb along frontage of the site being 4m in width but the dropped kerb plan shows this at 5m, an access condition would be advised to clarify details of proposed width and material details of the access. A licence for these works on to the public highway should be obtained from the Area Engineer.

Some form of pedestrian visibility splays have been demonstrated, whilst we would advise these are 2m by 2m local mapping indicates that a strip of highway verge is present between the site and back edge of footway which would also provide some of the envelope of visibility. Updated details of pedestrian visibility including highway land and applicant land, 2m by 2m where achievable, can be secured via condition.

It would appear that a street lighting pole will require relocation. These relocation works would need to be undertaken at the expense of the applicant. It is the responsibility of the applicant to liaise with the necessary parties to organise the moving of the street lighting pole. The pole will need to be relocated at least 1.5m from the location of the top of the ramped kerb of the proposed crossover.

No highway safety or transport grounds to resist the application subject to conditions and informative:

WSCC therefore recommend conditions and informatives to the permission.

However, following receipt of the above the following comments have been received from WSCC
The area engineer has been out to the site and provided me with the following comments:

the lamp column would need to be moved in order to facilitate the creation of the VCO. If you look at the

attached photo, the boundary line is pretty much in line with the cable running down the house and therefore the lamp column is an obvious obstruction.

In terms of the application by the neighbours at number 82, the lamp column is not an issue for the owners of 82 as it is outside 84 and not 82.

The owner of number 84 would be advised to contact SSE directly to discuss whether the lamp column could be moved (whether there is an alternative location close enough to its current position to ensure light coverage is not affected). They will also be able to advise of the costs involved.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

The 4 metre dropped kerb has been clarified by the applicant in their e mail dated 10 December 2017.

POLICY CONTEXT

Designation applicable to site:

Built up area

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN2	Built-up Area Boundary
GEN7	The Form of New Development
GEN9	Foul and Surface Water Drainage

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

D DM1	Aspects of Form and Design Quality
D SP1	Design
SD SP2	Built -Up Area Boundary
T SP1	Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	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.

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

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 site is located within the built up area boundary where the principle of development is acceptable subject to accordance with relevant development plan policies. In this case the key policies are considered to be GEN7 and GEN12 of the Arun District Council Local Plan and the National Planning Policy Framework.

The principle of such crossovers has be accepted by the Council recently in granting permission for

similar access and crossover at No.82 Worthing Road, R/156/17/HH on 15 September 2017.

The application proposes a vehicular access with dropped kerb measuring 4m at its entrance. The plans show a parking space within the site. A number of properties benefit from hardstanding and dropped kerbs onto the B road and an additional dropped kerb would not harm the amenity of the local area.

County Highways Department have been consulted and have raised concerns regarding the access and the position of an existing lamp post which they consider could be addressed by condition. They also recommend conditions with regard to access and materials and these are included as conditions to this permission.

Materials are proposed to be gravel although the block plan says gravel or brick paviors, therefore it is considered appropriate to impose a condition requiring details of materials and drainage

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 site plan & block plans (showing 4m dropped kerb)
- 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 development shall take place unless and until a schedule of materials to be used for access and hardstanding have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the access and hardstanding.
- Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity/setting of the Listed Building/ by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.
- 4 No development shall commence until plans and details of the vehicular access serving the development (including a bound material from the back edge of the Highway boundary to prevent gravel overspill) have been submitted to and approved in writing by the Local Planning Authority.
- Reason: In the interests of road safety.
- 5 No development shall commence until such time as the street lighting column has been relocated in accordance with plans and details submitted to and approved in writing by the Local Planning Authority, in consultation with the Local Highway Authority.
- Reason: In the interests of highway safety.
- 6 No part of the development shall be first occupied until pedestrian visibility splays have been provided either side of the proposed site vehicular access onto Worthing Road in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be 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
- 7 The hard surface shall be made of porous materials, or provision shall be made to direct run-off from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling.
- Reason: In order to prevent flooding through surface water run-off and pollution of the water environment in accordance with policy GEN7, GEN9 of the Arun District Local Plan, the requirements of the NPPF and Local Government 'Guidance on the permeable surfacing of front gardens'.
- 8 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.
- 9 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 identifying matters of

concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

- 10 INFORMATIVE: 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.
- 11 INFORMATIVE: The applicant is advised to contact the operator of the street lighting pole to organise the moving/relocation works.