

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

REF NO: WA/38/18/HH

LOCATION: Longacres
Eastergate Lane
Walberton
BN18 0BA

PROPOSAL: New vehicular access with parking & turning.

SITE AND SURROUNDINGS	
DESCRIPTION OF APPLICATION	The application seeks to create a new vehicular access with parking and turning.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Hedging is located at all the boundaries to the property.
SITE CHARACTERISTICS	The site is occupied by a detached house on a large plot with a driveway running along the eastern boundary.
CHARACTER OF LOCALITY	The area is within a countryside location with several detached properties on spacious plots.

RELEVANT SITE HISTORY		
WA/5/04/	Removal of Condition 3(iv) (Agricultural Occupancy) on Planning Permission WA/12/67.	ApproveConditionally 15-04-04

Relevant site history noted

REPRESENTATIONS	
REPRESENTATIONS RECEIVED:	
Walberton Parish Council	
Parish Council provided no objection to the works proposed.	
No representation from nearby occupiers	
COMMENTS ON REPRESENTATIONS RECEIVED:	
Comments noted.	

CONSULTATIONS

WSSC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WSSC Highways - There are no highway safety concerns and the full report can be viewed online. The following informative should be included. The applicant is advised that in addition to obtaining planning permission that they must also obtain formal approval from the highway authority to carry out the site access works on the public highway.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and informative will be included.

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary

DEVELOPMENT PLAN POLICES

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

GEN7 The Form of New Development

GEN3 Protection of the Countryside

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

D DM1 Aspects of Form and Design Quality

D SP1 Design

[Walberton Neighbourhood Plan Policy 2017 HP13](#) Design Guidance

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 plan is subject to consultation until 23rd February 2018.

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).

Walberton has a 'made' neighbourhood plan with policy HD1 considered relevant to the determination of the application.

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 other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The proposed development falls outside of the built up area boundary however the application seeks works to an existing dwelling located within an established residential area. Therefore the principle of the development is considered acceptable and as such will be assessed against relevant development plan policies.

DESIGN AND VISUAL AMENITY

The dwelling is located around 24m from the front boundary with the proposal seeking to construct a new

vehicle access with 3 spaces in front of the principal elevation. The proposed new vehicular access would involve the removal of some trees and hedging however due to the location of the property it is not considered to adversely impact the visual amenity of the area. Surrounding properties have similar vehicle access and it is not considered to impact the surrounding spatial pattern or character of the area and accord with GEN7 of the Arun District Local Plan and HD1 of the Walberton Neighbourhood Plan.

RESIDENTIAL AMENITY

The proposal is not considered to give rise to any unacceptably adverse harm to the residential amenity of neighbouring properties and as such is deemed to accord with policy GEN7 of the Arun District Local Plan.

HIGHWAY SAFETY

There is not deemed to be any highway safety concerns.

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 and informatives.

HUMAN RIGHTS ACT

FOR APPROVAL

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

- Layout Plan - ENAJ100

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 INFORMATIVE: The applicant is advised to contact WSCC Highways (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.

- 4 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.