

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

REF NO: WA/58/15/HH

LOCATION: Frogs Leap
1 Walberton Green
Walberton

PROPOSAL: Vehicular crossover within the Walberton Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks permission for the creation of a vehicular crossover.
SITE AREA	Approximately 192.4 m2.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	The front boundary of the site consists of a 0.4m high brick wall with pillars of approximately 1m in height and mature planting.
SITE CHARACTERISTICS	The property is located within the Walberton Conservation Area and is occupied by a semi-detached dwelling constructed from brick with a hipped and tiled roof.
CHARACTER OF LOCALITY	The character of the locality is predominantly residential consisting of properties of various designs and styles.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Walberton Parish Council

The Parish Council does not wish to object to this application.

1 No. Letter of Objection:-

- Out of character with the Conservation Area and harmful to the village green.
- Highway safety concerns.

Comments on Representations received:

Comments from the Parish Council noted.

In response to the 1 No. letter of Objection:-

- The crossover is not considered to unacceptably impact upon the Conservation Area. Crossovers are present within the Conservation Area and this proposal due to its location next to the bus stop and on a narrow area of grass which already features drain covers is considered to preserve the character of the Conservation Area.
- West Sussex County Council Highways have been consulted in relation to the proposal and have raised no highway safety concerns regarding the proposal.

CONSULTATIONS

Conservation Officer
WSSC Strategic Planning

Consultations responses received:

West Sussex County Council (Highways):

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSSC map information. A site visit can be arranged on request.

The proposal is for a vehicular crossover with access onto The Street.

From an inspection of the plans alone, there is no apparent visibility issue at the point of access onto The Street. The applicants have entered into a dialogue with WSSC as the licencing authority for the crossover, to which advice was given as to an appropriate access point through the bus layby. It should also be noted that the crossover does not incur into land that has been designated as village green.

The most recently available verified accident records reveal there have been no personal injury accidents in the vicinity of the existing point of access, indicating a low risk of highway safety issues with this proposal.

There should not be a detriment to the safety of Highway users from this proposal.

CONDITION

No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto The Street in accordance with the approved planning drawings. Once provided the splays shall thereafter 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.

INFORMATIVE

The applicant is advised to contact the West Sussex Area 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. Visibility splays of 43m have been provided as part of the application on drawing no FL-001-A and as such the condition proposed has been amended to specify that no obstructions over 0.6m are permitted.

POLICY CONTEXT

Designation applicable to site:
Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	<u>AREA2</u> <u>GEN3</u> <u>GEN7</u>	Conservation Areas Protection of the Countryside The Form of New Development
Publication Version of the Local Plan (October 2014):		D DM1 Aspects of Form and Design Quality HER DM3 Conservation Areas

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.

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: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

Walberton Parish Council are in the process of preparing a Neighbourhood Plan and policies VE1

and VE4 would be relevant to the determination of this application. However, the plan has not been made and as such extremely limited weight can be given to these policies.

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 application site is located outside of the built up area boundary although it will be associated with the existing residential development in this location and as such the proposal is not considered to be in conflict with policy GEN3 of the Arun District Local Plan.

The proposed vehicular crossover will therefore be acceptable subject to compliance with relevant development policies. In this case the most relevant policies to the determination of this application will be policies AREA2 and GEN7 of the Arun District Local Plan.

DESIGN AND VISUAL AMENITY

The proposed vehicular crossover will measure approximately 3.5m in width and be located forward of the primary elevation adjacent to The Street. This junction within Walberton has an open character with the village green and pond located to the west and north-west which is a key feature within the village. The proposed crossover will be located on the far north-eastern edge of a smaller grassed area adjacent to the bus stop.

This grassed area is already bisected by a road measuring approximately 4.5m in width which provides access to garages located behind New Cottages, the proposed crossover is therefore considered to be in keeping with the character of this location. It should also be considered that the proposed crossover will be located in close proximity to the bus stop where the pavement already extends up to the northern boundary of the site.

It has been considered that the proposed vehicular crossover has the potential to have some detrimental impacts upon the Conservation Area contrary to policy AREA2 of the Arun District Local Plan due to the proposed size of the crossover should inappropriate materials be used for its construction or should vehicles be parked upon the crossover. Therefore, conditions have been attached to the recommendation requiring the submission of the proposed materials prior to

construction to ensure that they will not harm the character of the conservation area and specifying that no vehicles shall be parked upon the hard-standing outside of the residential curtilage.

HIGHWAY SAFETY

West Sussex County Council have been consulted in relation to this application and have raised no objection on highway safety grounds to the proposed vehicular crossover. A condition has been included as part of the approval which requires the visibility splays to be unobstructed above 0.6m in the interests of highways safety.

SUMMARY

The proposed application subject to the conditions below is considered to preserve the character of the Conservation Area in accordance with policies AREA2 and GEN7(ii) of the Arun District Local Plan. Therefore, it is recommended that approval is granted for the proposed development subject to the below 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 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 no impacts have been identified upon any 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

report

approved plans; Location Plan - DRG NO FL04-A; Proposed Vehicle Crossover - DRG NO FL-001-A; and Proposed Plan and Elevations - DRG No FL-003.

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 be carried out unless and until a schedule of materials have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the vehicular crossover.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the character and appearance of the Conservation Area in accordance with policy AREA2 of the Arun District Local Plan.

- 4 The visibility splays shown on DRG NO FL-001-A shall be maintained and kept free of all obstructions over a height of 0.6 metres above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of highway safety.

- 5 The vehicular crossover hereby approved shall be used solely for access and no motor vehicles shall be parked, stored or kept upon it.

Reason: In the interests of visual amenity and the preservation of the character of the Conservation Area in accordance with policy AREA2 of the Arun District Local Plan.

- 6 INFORMATIVE: The applicant is advised to contact the West Sussex 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.

- 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.