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

REF NO: **WA/5/14/**

LOCATION: Southwood Lodge
West Walberton Lane
Walberton Arundel

PROPOSAL: Formation of vehicular access to paddocks

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The new access is to be formed south of the property and will join on to West Walberton Lane. The access measures approximately 11m in width and approximately 9m in depth. The access will be laid with shingle.
SITE AREA	Approximately 2.25 hectares.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Hedging and trees of heights commonly exceeding 2m fronting West Walberton Lane.
SITE CHARACTERISTICS	A two storey detached property with brick elevations painted white and a pitched roof with a front gable end. There are stables and barns to the north of the site with an annexe close to the property. To the south, there is garden land beyond which there are extensive sized paddocks.
CHARACTER OF LOCALITY	Rural in character, the surrounding properties are dispersed in pattern and set back from the road. Front boundaries along West Walberton Lane comprise mainly of hedging and trees to provide a verdent appearance.

RELEVANT SITE HISTORY

WA/36/00/	Access from highway to field	ApproveConditionally 20-07-2000
WA/19/08/	Continuance of use without compliance with condition no. 2 imposed under planning reference WA/34/05 - use of annexe as holiday accommodation	ApproveConditionally 19-05-2008

REPRESENTATIONS

Representations received:

Walberton Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

WSCC Strategic Planning

Consultations responses received:

West Sussex County Council Highways department.
No objection.
West Sussex County Council was consulted previously on Highways matters for this location under planning application WA/19/08 to which no objections were raised.

From an inspection of the plans alone, there is no apparent visibility issue at the point of access onto West Walberton Lane. The most recently 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. It is advised that suitable conditions be placed on any permission to secure visibility splays, surface water drainage and set back distances for gates.

Comments on Consultation responses:

Comments noted. Appropriate conditions will be recommended on any permission in line with advice received.

POLICY CONTEXT

Designation applicable to site:
Outside the Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections (February 2014):	D DM1	Aspects of Form and Quality

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

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. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

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 once the remaining chapters / policies have been published.

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.

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 located outside the built up area boundary where the principle of new development is unacceptable unless it complies with relevant policies which in this case is considered to be GEN3 (ii) for quiet, informal recreation.

DESIGN AND VISUAL AMENITY
The proposed vehicular access will be situated to the south of the property and laid with shingle which will be appropriate to its rural setting. There is an existing access close to the property which serves the property, its annexe and stables to the north. This vehicular access is required for access to the paddocks to the south due to the substantial size of the plot. A similar access in this location was approved under planning permission WA/36/00 to allow access for horse boxes into the field. Since this is a rural activity and there are numerous properties with access onto the road, this was found to not cause any detrimental harm.

This situation

The access will be approximately 11m in width and a section of hedging will be removed in consequence. However, the loss of this section of hedging and the formation of an access will not cause any harm to visual amenity and will join a number of similar accesses along this section of West Walberton Lane.

West Sussex County Council Highways department has raised no objection to the scheme, subject to appropriate conditions regarding visibility splays, surface water drainage and set back distances which are recommended to be applied.

It is therefore recommended that the application be approved, 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 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.

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: drawing number 1646/SK-010 (Site and location plans) dated January 2014.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with GEN7 of the Arun District Local Plan.

3 No part of the development shall be first occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority to prevent surface water draining onto the public highway.

Reason: In the interests of road safety.

4 No part of the development shall be first occupied until visibility splays of 2.4m x 60m have been provided at the proposed site vehicular access onto West Walberton Lane in accordance with the approved drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6m above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

5 Any gates provided at the new site vehicular access shall open away from the highway and be set back a minimum of 8m from the nearside carriageway edge of the adjoining highway.

Reason: To ensure that vehicles can be driven off the highway before the gates are opened, in the interests of road safety.

6 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.

7 INFORMATIVE: The applicant is advised to contact the WSCC 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.