

Recommendation Report for Planning Permission

REF NO: **WA/68/17/PL**

LOCATION: Adjacent to The Meads
 Barnham Lane
 Walberton

PROPOSAL: Vehicular farm field entrance

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above. The proposed access would involve removal of hedging and would have a width of 37m on the road frontage, tapering to 10m at a distance of 16m from Barnham Lane.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

Hedging to field boundary to approx. 2m height

SITE CHARACTERISTICS

The site forms part of a field boundary and abuts Barnham Lane

CHARACTER OF LOCALITY

Predominantly rural with sporadic houses. Horticultural nursery and farm development to east

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Walberton Parish Council

Support

Comments on Representations received:

None

CONSULTATIONS

WSSC Strategic Planning

Consultations responses received:

County Highways - West Sussex County Council was consulted previously. More information was requested from the applicant to demonstrate appropriate visibility splays. Subsequently revised visibility splay plans have been provided.

After review of the revised plans the applicant has satisfactorily demonstrated that 2.4 x 120 metre visibility splays are achievable using land under their control or that considered to be

report

public highway. Such splays would be considered acceptable for the design speed of Barnham Lane. The formation of these splays will have an impact on the adjoining boundary hedging.

The applicant has demonstrated that a 'crossover' will be implemented rather than a 'bell mouth' access. The access works must be implemented under licence to a specification obtained from WSCC Highways.

An inwardly opening gate is proposed. The gate is proposed with a 16 metre setback distance from Barnham Lane which would be considered long enough to fully remove a long vehicle from the carriageway while the gate is opened.

The Local Highways Authority does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 32), and that there are no transport grounds to resist the proposal. A condition and informative are requested.

Comments on Consultation responses:

- comments noted

POLICY CONTEXT

Designation applicable to site:
Outside Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: GEN2
GEN3
GEN7

Publication Version of the Local
Plan (October 2014):

Built-up Area Boundary
Protection of the Countryside
The Form of New Development
D DM1 Aspects of Form and Design
Quality
C SP1 Countryside
D SP1 Design

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
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).

Walberton does have an adopted Neighbourhood Plan but there are no policies which directly relate to this specific type of development.

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 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 agent has advised that the only access to this large grass field is by driving across other fields which may have animals or hay crops in them and is damaging the grass.

The access from the other fields has to cross a ditch where it enters this field. At this point there is a small bridge made from sleepers with large overhanging oak trees each side. The bridge can't take the weight of the larger tractors now used on the farm and the tree branches are too low for

the larger tractor cabs and large bale trailers.

There is an existing vehicular access to the field to the west which is closer to the bend. This is no longer used because of its dangerous position. The new access on the straight part of the road would replace this more dangerous access and would address the problems identified.

Whilst it is accepted that hedging will be removed along a significant length of the field boundary and this would adversely impact on visual amenity, it is noted that, this could take place without the need for approval in any case. The application also includes additional native hedge planting along the sides of the access within the field which will assimilate the access more readily into the street scene. The access is also a replacement of an existing field entrance, rather than comprising an additional opening. It is considered that the benefit deriving from the revised position of the field access from a highway safety perspective outweighs the visual harm resulting.

The application is therefore recommended for approval 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 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 DPA-02 rev01
Site and Proposed Layout Plan DPA-01 rev02

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 use of the access point shall not commence until visibility splays of 2.4 metres by 120 metres have been provided at the proposed site vehicular access onto Barnham Lane 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 in accordance with policy GEN7 of the Arun District Local Plan.

- 4 The applicant shall during the next planting season following the use of the access, the subject of this application, plant replacement native hedging in the position hereby approved by the Local Planning Authority and in the event that any such hedging dies within five years following such planting shall replace them by similar hedging in similar positions during the next planting season.

Reason: To retain trees in the interests of the environment of the locality in accordance with policy GEN7 of the Arun District Local Plan.

- 5 **INFORMATIVE: Minor Highway Works**
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

- 6 **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.