

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

REF NO: Y/69/18/HH

LOCATION: 8 East Bank
North End Road
Yapton
BN18 0DJ

PROPOSAL: Driveway to front of property & new vehicular access.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TOPOGRAPHY	Slight fall downwards from the house to the road in a westerly direction
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	There is a fence to the south. The shared entrance path lies to the north and a bank extends down on the western boundary to the back of the footpath.
SITE CHARACTERISTICS	The application site is part of the front garden of a semi-detached property. immediately in front of the property is the southern end of a layby which it is intended to cross over to give access.
CHARACTER OF LOCALITY	See above
None	

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Yapton Parish Council
Parish: No objection

COMMENTS ON REPRESENTATIONS RECEIVED:

N/A

CONSULTATIONS

WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

County 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 WSCC map information. A site visit can be arranged on request.

Summary

This proposal is for the construction of a driveway to the front of the property and new vehicular access. The site is located on North End Road, a B-classified road subject to a speed limit of 30mph.

Access and visibility

The proposed vehicular crossover (VCO) will be approximately 4.2m wide. A licence will be required for the VCO and should be constructed to a specification agreed with the Local Highways Engineer. The applicant should be aware that this area is subject to a policy that a licence may not be granted for a through-layby crossover to any property, due to the existing parking pressures and the loss of on-street parking provision for neighbouring residents. It is recommended that the LPA consider the amenity impact of the proposed development should permission be granted.

The applicant has not provided vehicular visibility splays for the proposed access; however, WSCC mapping indicates that visibility is sufficient for the anticipated road speeds. An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury accidents within the vicinity of the site and therefore there is no evidence to suggest that the addition of a VCO in this location would exacerbate an existing safety concern.

Parking and turning

The proposed new driveway appears to provide sufficient perpendicular parking for three vehicles. The construction of the driveway has not yet been determined by the applicant. Ideally a hardbound surface would be provided. If 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 North End Road (on land within the applicant's control; not within the publicly maintained highway). A turn on site would be preferred, clearly though there is insufficient space to achieve this. However other properties have similar arrangements and balanced against this is the benefit of providing an opportunity to remove up to three vehicles that would otherwise be parked on the highway in a location where the existing practice is on-street parking by residents of adjoining properties which results in a noticeable narrowing of the existing available carriageway space.

Conclusion

The LHA does not consider that this proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

If the LPA is minded to approve the application, the following conditions and informative should be applied:

Conditions

Access

No development shall be first occupied until the vehicular access serving the development has been constructed (including a bound material from the back edge of the Highway boundary to prevent gravel overspill) in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety.

Car parking space

No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:None

DEVELOPMENT PLAN POLICES

DSP1 D SP1 Design

TSP1 T SP1 Transport and Development

[Yapton neighbourhood plan 2014 Policy PK1](#)

Parking standards for new residential development

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

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.

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

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 or adversely affect highway safety.

CONCLUSIONS

The three main issues are:-

- a) impact upon residential amenity
- b) visual appearance
- c) highway considerations

In terms of (a) the parking area is directly in front of the host property and whilst close to the shared access path is not considered to cause any harm to the residential amenity of the nearest neighbour.

In terms of (b) the works will require the front garden to be excavated, probably to a maximum depth of 0.5 metres. Visually the proposals are not considered to have any significantly harmful impact upon the appearance of the property or street scene.

In terms of (c) the comments of County highways cover the key issues correctly. The conditions have however been modified slightly.

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 no impact 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).

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 No development shall be first used until the vehicular access serving the development has been constructed (including a bound material from the back edge of the Highway boundary to prevent gravel overspill).

Reason: In the interests of road safety and in accordance with policy TSP1 of the Arun Local Plan and the NPPF.

- 3 No part of the development shall be first used until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with the aims and intentions of Policy PK1 of the Yapton Neighbourhood Plan

- 4 INFORMATIVE: Vehicle Crossover - Minor Highway Works

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. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page: <https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossoversfor-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105.

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossoversfor-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>

- 5 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.