

PLANNING APPLICATION REPORT

REF NO: BE/59/21/PL

LOCATION: 339 Chichester Road  
Bersted  
PO21 5AN

PROPOSAL: Replacement of blockwork boundary wall with fence and new vehicular access (resubmission of BE/149/21/PL).

<b>SITE AND SURROUNDINGS</b>
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DESCRIPTION OF APPLICATION	Access to Bedford Avenue (off Chichester Road) with gates and wooden fence (1.8m) to property.
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<b>RELEVANT SITE HISTORY</b>
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BE/149/20/PL	Replacement of blockwork boundary wall with fence & new vehicular access. This site is in CIL Zone 4 (Zero Rated) as other development.	Withdrawn 04-03-21
BE/102/19/CLP	Lawful development certificate for a proposed office & off road parking.	PP Required 09-12-19

<b>REPRESENTATIONS</b>
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Bersted Parish Council:

Objection on the grounds of highway safety - the new vehicular access is on a bend and the plan showing the visibility splay does not take into account that residents cars are parked near the bend which makes it impossible for the visibility splay of 43m to be achieved. It is a safety issue for pedestrians, children and cars if this access is allowed. Bedford Avenue, where the vehicular access is, is subject to a traffic mitigation scheme.

17 Letters of objection from nearby occupiers regarding:

- Location of the proposal
- Safety of pedestrians
- Concerns regarding the use of the land
- Viability Splays
- Fence is too high

Comments on Representations:

Highway safety is addressed below. The application is for the fence/gates and crossover only - there is

no proposal for a change of use of the land which has permission for a bed and breakfast use.

## CONSULTATIONS

### CONSULTATION RESPONSES RECEIVED:

#### WSCC Highways:

This proposal is for the replacement of boundary wall and creation of new vehicular access. The site is on Bedford Avenue, an unclassified road subject to a 30mph speed restriction. WSCC in its role as Local Highway Authority (LHA) raise no highway safety concerns, subject to the below comments and conditions.

#### Access and Visibility

As Bedford Avenue is subject to a speed restriction of 30 mph. Minimum stopping sight distance of 43m in each direction, set back 2.4m from the back edge of the carriageway is required. The applicant submitted a site plan demonstrating visibility splays to this requirement. These splays shall thereafter be kept clear of all obstructions to visibility above a height of 0.6m above the adjoining road level, and this can be secured by condition.

The LHA acknowledges written representations, highlighting that on-street parking occurs close to the proposed access. Parking in visibility splays in built up areas is quite common, yet it does not appear to create significant problems in practise. The absence of wide visibility splays at minor accesses will encourage drivers to emerge more cautiously, similarly to how vehicles emerge onto the highway when visibility along the carriageway is restricted.

An inspection of collision data provided by Sussex Police for the last 5 years reveals no recorded injury accidents attributed to road layout within the vicinity of the site. There is no evidence to suggest the nearby road network is operating unsafely or the proposal would exacerbate an existing safety concern.

#### Parking and Turning

The applicant has demonstrated the parking area, with provision for four car parking spaces. There is adequate space for on-site turning to be achievable, allowing cars to exit the site in a forward gear.

#### Conclusion

The LHA does not consider this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts 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 are minded to approve the application, condition to be added.

## POLICY CONTEXT

Designation applicable to site:

Pagham Harbour Zone B

Within the Built Up Area Boundary

### DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
TSP1	T SP1 Transport and Development

**PLANNING POLICY GUIDANCE:**

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**SUPPLEMENTARY POLICY GUIDANCE:**

SPD13	Arun District Design Guide (SPD) January 2021
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**CONCLUSIONS****PRINCIPLE**

In this case, the key policies are D DM1 and T SP1 of the Arun Local Plan.

Policy D DM1 sets out 13 design aspects of which applications should be assessed against. These include: Character, Appearance, Impact, Innovation, Adaptability, Crime Prevention, Trees, Public realm, Layout, Public Art, Density and Scale.

Policy T SP1 requires that the access does not have a negative safety impact on the local highway.

Policy ES1 of the Bersted Neighbourhood Plan seeks good design

**DESIGN AND VISUAL AMENITY**

Within the street scene, there are other examples of properties with vehicle crossovers and as such there will be little impact upon the visual amenity of the locality. It is not considered to have an unacceptable adverse impact upon the character or spatial pattern of the area and accord with D DM1 of the Arun Local Plan.

The proposal seeks to construct fencing and gates to the side of the rear garden space of 339 Chichester Road to a height of 1.8m. The fence only requires permission due to the location next to the highway and the fact it is above 1m high. The scheme is going from concrete block to wooden fencing which is considered to be an aesthetic improvement.

Although the materials used to construct this proposal do not match the existing, the fence is not out of character the suburban location with the area due to other properties having fencing which surrounds their property. As a result, this proposal will be integrated with the area and will not have an adverse impact on the street scene.

The boundary treatment is not considered to adversely impact the appearance of the area and accord with D DM1 of the Arun Local Plan. Whilst the fence is not of a particularly good design, as required by ES1, it is not of an unusual design for a sub-urban area,

**NEIGHBOURING RESIDENTIAL AMENITY**

The installation of a dropped kerb is not considered to give rise to any unacceptable adverse harm to the residential amenity and is considered to be in accordance with D DM1 of the Arun Local Plan.

**HIGHWAY SAFETY**

In the professional opinion of the Local Highway Authority the proposal does not result in any severe cumulative impacts on the operation of the highway network, therefore is not contrary to the

NPPF(paragraph 109), and that there are no transport grounds to resist the proposal.

On balance therefore there is compliance with policy T SP1 of the Arun Local Plan with regards to highway safety.

#### **SUMMARY**

The proposed development is deemed to accord with relevant development policies and as such is recommended for approval subject to the following conditions and informatives.

### **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:

- Location and Block D.1084-00A
- Visibility Splay D.1084-01 A

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 No use of the access shall take place until such time that visibility splays of 2.4 by 43m have been provided at the proposed site vehicular access onto Bedford Avenue 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 0.6m above adjoining carriageway level or as otherwise agreed.

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

- 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.

## **BACKGROUND PAPERS**

[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

**BE/59/21/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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