



PLANNING COMMITTEE REPORT

TO: Planning Committee South

BY: Head of Development and Building Control

DATE: 21 June 2022

DEVELOPMENT: Erection of a replacement boundary wall to front of the property providing an access to the highway as a variation from previous permission DC/17/1245.

SITE: Field View Clays Hill Bramber Steyning West Sussex BN44 3WD

WARD: Bramber, Upper Beeding and Woodmancote

APPLICATION: DC/22/0135

APPLICANT: **Name:** Mr Jason Doe **Address:** Field View Clays Hill Bramber Steyning BN44 3WD

REASON FOR INCLUSION ON THE AGENDA: By request of Councillors Croker and Noel

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 This application seeks planning permission for the erection of a replacement brick boundary wall to the front of the two storey dwelling, namely Field View, with a vehicle access to the highway slightly west of its location permitted under DC/17/1245.
- 1.2 Previous permission DC/17/1245 approved the construction of a new dwelling and associated new vehicular access, located opposite the approved garage and with visibility splays of 2.4 x 61 metres westbound and 2.4 x 56 metres eastbound.
- 1.3 This application was revised and resubmitted on 21 March 2022 and proposes a front boundary brick wall reduced to a height of 0.6m either side of the vehicle access. The width of the vehicle access 4.5m width approx. The gradient of the land slopes upwards east to west. The proposed height of the wall to the west doesn't exceed 0.6m in height. The height of the wall to the east maintains a height of 0.6m to a distance of 7.3m east of the vehicle access, and then rising to a maximum of 1.5m further east due to the gradient of the land. Visibility splay 2.4 x 56 metres westbound and 2.4 x 61 metres eastbound. Vehicle access is positioned west of the garage.

DESCRIPTION OF THE SITE

- 1.4 The application site is set to the southern side of Clays Hill within the built-up area boundary of Steyning. Field View is a detached brick faced two storey 4 bed dwelling with attached garage which gained planning permission as a rear garden area infill development in 2017, associated with the adjacent property to the west which fronts Maudlin Lane. Field View fronts Clays Hill which forms the main road into Steyning from the south and which rises up to the west as it approaches the village centre. Clays Hill is served by a single footpath that runs alongside the site frontage.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 40 - Sustainable Transport

Policy 41 - Parking

RELEVANT NEIGHBOURHOOD PLAN

Bramber Neighbourhood Plan:

Policy B1: Location of Development

Policy B2: Character of Development

Policy B3: Design of Development.

PLANNING HISTORY AND RELEVANT APPLICATIONS

- | | |
|--------------|--|
| DC/21/2433 | Erection of a replacement boundary wall and railings to front the property.
Withdrawn Application on 30.11.2021 |
| DISC/20/0076 | Approval of details reserved by Condition 6 (re: bricks and window frames) to approved application DC/17/1245
Application Permitted 12.05.2020 |
| DC/17/1245 | Proposed erection of a single two storey dwelling (Amendments to previously approved application DC/16/1088). Land To The Rear of Crimond Maudlin Lane Bramber
Application Permitted 21-09-2017 |
| DC/16/1088 | Erection of 1 x dwelling. Land To The Rear of Crimond Maudlin Lane Bramber
Application Permitted 26-04-2017 |

3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

3.2 **WSCC Highways: No Objection**

Initial comments:

The applicant has now submitted for a retrospective application siting the access to the west of the previously proposed. The applicant states they wish to intent to expand this access point to 7.4 metres. The applicant should be made aware that Vehicle Crossovers (VCO's) under 4.5 metres or over 6.4 metres are generally not accepted at the licensing stage. Though in this instance, such a provision is not considered a highway safety concern. The applicant should be mindful that this may result in, if successful, a planning permission that cannot be implemented. Therefore, the applicant is recommended amending the plans to show a kerbside VCO of between 4.5 – 6.4 metres.

The applicant has provided visibility splays of 2 x 43 metres westbound & 2 x 24 metres eastbound. The speed survey data conducted would strictly speaking, require 2.4 x 62.3 metres westbound (MfS) and 2.4 x 103.2 eastbound (DMRB).

The applicant also has provided a setback X distance of 2 metres. The LHA advises the applicant that 2 metre set back distances can only be utilised in areas where the roads a very lightly trafficked with low speeds. The LHA do not believe this location meets either criterion.

The LHA therefore requests that the applicant provides maximum achievable visibility splays for both directions of travel and demonstrate the impact of the boundary treatment on these vehicle visibility splays, ideally, any boundary treatment, within the extent of the splays needs to be below 0.6 metres in height in order to provide a clear line of sight.

While the LHA is mindful of the secured visibility splays (essentially the fall-back position) the visibility details currently being presented represents a significant worsening over and above what has previously been secured by condition.

Subsequent comments following amendments: No objection

The LHA notes that the currently implemented access does not benefit from a planning application. With the above noted, the LHA will provide comments on the suitability of the boundary treatment. It should be noted that this current application will see the permitted access stated above, being built over with a boundary treatment subject to this proposal.

The LHA have reviewed the details subject to the current live planning application specifically looking at the impact the boundary treatment will have on visibility at the informal VCO. The applicant has provided vehicle visibility at the access, which from the previously permitted, would be seen to provide a marginally worse provision. That said, the LHA notes the applicant's willingness to open the vertical visibility of the access by dropping the height of the boundary treatment to no more than 0.6 metres opening up the Westbound splay, creating a vast improvement over the existing and permitted.

The applicant should also be made aware that they are required to contact their local highways area office regarding a license for the VCO. The LPA may wish to secure the access with details to be provided.

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 collisions within the vicinity of the site. Therefore, there is no evidence to suggest that the existing access is currently operating unsafely. With all the above considered, the LHA would not anticipate that the proposal would generate a highways safety concern at the existing access.

Further comments received from Highways on 13 May 2022 following consideration and impact of nearby telegraph pole sight lines: No objection

The LHA notes that the horizontal visibility is marginal worse than the approved. However, this is offset by the improvement of vertical visibility in the leading direction, where the wall height has been reduced. Also as a result, the LHA and Manual for Streets (MfS) do not anticipate that the telegraph pole would obstruct visibility at the access point detrimentally. The LHA would see the proposal as being neutral rather than an improvement.

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 collisions within the vicinity of the site. Therefore, there is no evidence to suggest that the existing access is currently working unsafely.

Conclusion

The LHA does not consider that 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 111), and that there are no transport grounds to resist the proposal.

3.3 **Natural England:** Standing Advice

It cannot be concluded that existing abstraction within the Sussex North Water Supply Zone is not having an adverse effect on the integrity of the Arun Valley SAC/SPA/Ramsar sites. Developments within Sussex North must therefore must not add to this impact and one way of achieving this is to demonstrate water neutrality. The definition of water neutrality is the use of water in the supply area before the development is the same or lower after the development is in place.

To achieve this Natural England is working in partnership with all the relevant authorities to secure water neutrality collectively through a water neutrality strategy. Whilst the strategy is evolving, Natural England advises that decisions on planning applications should await its completion. However, if there are applications which a planning authority deems critical to proceed in the absence of the strategy, then Natural England advises that any application needs to demonstrate water neutrality.

3.4 **Bramber Parish Council:**

Bramber PC objected to the original application on the grounds of highway safety and design. No comments received from Bramber PC to the amendments and reduced wall height.

3.4 PUBLIC CONSULTATIONS

1 letter of objection was received on highway safety grounds.

4. **HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE EQUALITY & HUMAN RIGHTS**

4.1 Under the Equality Act 2010, the Council has a legal duty to pay 'due regard' to the need to eliminate discrimination and promote equality, fostering good relations in respect of Race, Disability, Gender including gender reassignment, Age, Sexual Orientation, Pregnancy and maternity, Religion or belief. The Equality Act 2010 will form part of the planning assessment below.

Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application.

Consideration of Human Rights and Equalities forms part of the planning assessment below.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

Background:

- 6.1 Planning permission was granted under DC/16/1088 for a single dwelling on the site, accessed from Clays Hill via a new vehicle crossover. The approved crossover was to be 3.2m in width and located more towards to the eastern part of the site frontage, 3.6m from the eastern side boundary. Visibility splays of 56m westbound and 61m eastbound were provided. New boundary walls either side were approved at a height of 600mm (0.6m).
- 6.2 A subsequent amendment to the development was approved under DC/17/1245. This application included the relocation of the approved crossover to sit more centrally to the site some 10m from the eastern side boundary, fronting the proposed garage at a width of 4m. As before, visibility splays of 56m westbound and 61m eastbound were provided. The new boundary walls either side remained approved at a height of 600mm (0.6m).
- 6.3 Subsequent to this permission, the vehicular crossover was constructed some 4m further west and to a reduced width of 3.8m, with the boundary walls to the east and west constructed to a height of 720mm and 1055mm respectively.
- 6.4 This application seeks to part regularise this arrangement, retaining the position of the access and crossover but at a greater width of 4.25m, and reducing the boundary walls either side to a maximum height of 600mm across the full site frontage.

Character and Appearance:

- 6.5 Policy 32 and 33 of the HDPF seeks to ensure that development promotes a high standard and quality of design in order to enhance and protect locally distinctive characters. The policies also seek to ensure that the scale, massing and appearance of development relates sympathetically with the built surroundings, landscape, open spaces and routes within and adjoining the site, including any impact on the skyline and important views.
- 6.6 The proposed boundary walls would be at a modest height and clearly a subservient feature which would not harm the character or appearance of the wider area. It is therefore considered that the visual impact of the proposal is acceptable and would accord with the above policies.

Impact on Neighbouring Amenity:

- 6.7 Policy 33 of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.
- 6.8 It is considered that the siting and layout of the proposed front boundary treatment and the resulting relationship with adjoining properties would be sufficient to prevent any unacceptable harm to neighbouring amenity.

Highways:

- 6.9 Policy 41 of the HDPF stipulates that development must provide adequate parking and facilities to meet the needs of anticipated users. Policy 40 requires that development provides safe and suitable access for all vehicles, pedestrians, cyclists and other highway users. Paragraph 111 of the NPPF states that:

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

- 6.10 As set out above, consent has previously been given with the support of the Highways Authority for a vehicle crossover central to the site providing visibility splays 2.4m by 56m westbound and 2.4m by 61m eastbound over a 600m high front boundary wall.
- 6.11 As initially submitted, the proposals provided for splays of 2 x 43 metres westbound & 2 x 24 metres eastbound, with the front boundary wall reduced only to 950mm. The Local Highways Authority were not satisfied with this arrangement, noting that given recorded 85h percentile speeds being 38.7 mph westbound & 40.5 mph eastbound, splays of 2.4 x 62.3 metres westbound and 2.4 x 103.2 eastbound would ordinarily be required.
- 6.12 The application was subsequently amended to the current plans, reducing the front wall to 600mm, and demonstrating 2.4m by 56m westbound and 2.4m by 61m eastbound as previously accepted by the Highways Authority. Given the previous consent on the site, which could still be implemented, the Highways Authority are now satisfied with this arrangement, noting that there have been no reported injury collisions within the vicinity of the site in the past five years.
- 6.13 On this basis, there are no grounds to consider the revised arrangement unsafe having regard to Paragraph 111 of the NPPF and Policy 40 of the HDPF.

Water Neutrality:

- 6.14 There is no clear or compelling evidence to suggest the nature and scale of the proposed development would result in a more intensive occupation of the dwelling necessitating an increased consumption of water that would result in a significant impact on the Arun Valley SAC, SPA and Ramsar sites, either alone or in combination with other plans and projects. The grant of planning permission would not therefore adversely affect the integrity of these sites or otherwise conflict with policy 31 of the HDPF, NPPF paragraph 180 and the Council's obligations under the Conservation of Habitats and Species Regulations 2017.

Conclusion:

- 6.15 The proposal is considered to comply with relevant local and national planning policies and is therefore recommended for approval with conditions.

7. RECOMMENDATIONS

- 7.1 It is recommended that planning permission is permitted subject to the following conditions-

- 1 A list of the approved plans

- 2 **Regulatory Condition:** The brickwork of the boundary wall(s) hereby permitted shall match in type, colour and texture to the brickwork of the existing building/dwelling on site.

Reason: In the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 3 **Regulatory Condition:** Prior to the use of any part of the development hereby permitted, the access facilities necessary to serve that dwelling shall be implemented in accordance with the approved details and shall be thereafter retained as such. 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: To ensure adequate access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

Background Papers: DC/22/0135
DC/17/1245
DC/16/1088