Development Management - Delegated Officer Report

Application Number: AWDM/1036/21 Recommendation – APPROVE

Site: 166 Old Shoreham Road, Southwick, BN42 4HU

Proposal: Vehicular access

Date of site visit: Assessment has been assisted using the Applicants plans & photos; Earthlight mapping; and Google 3D of the site

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings:

The application site is located on the south side of Old Shoreham Road, (A270) which is a dual carriageway. There is a central barrier separating the 2no. east and west sections of road; further to the east is a set of pedestrian traffic lights. The highway directly to the front of the terrace and neighbouring properties are double yellow lines.

The property is a two storey middle of terrace of 4no. dwellings with a very small amenity area to the front, which has gravel on it. The property has a two storey curved bay window on the front elevation, which takes a piece of the front amenity area. There is also a path from the front door to the pavement. There is no boundary wall to the front or to the east side with no. 168, but there is a low boundary wall (approx. 700mm) to no. 164.

Proposal:

The proposal seeks to provide a vehicular crossover (VCO) to the front of the property off Old Shoreham Road, (A270) of 3m in width.

Representations: None received

Consultations: WSCC Highways (7th & 8th July)

Old Shoreham Road is an 'A' classified road subject to a 40 mph speed limit at this point. The LHA is satisfied that suitable visibility can be achieved using wholly land considered to be public highway.

It is noted that a turn on site cannot be provided. While on such a road a TOS is typically sought the LHA is mindful that the signalised junction of Old Shoreham Road and Southwick Street and separate pelican crossing point are within close proximity east of the site. As such it is anticipated that there will be natural breaks in the traffic flow to allow a driver to reverse out of the parking space.

There is no provision for ‘off street’ car parking provision. But as such there is a benefit to be had by removing a car from an ‘on street’ position within the immediate vicinity.

Any crossover works on the public highway must be implemented under licence to a specification obtained from WSCC Highways. For a licence application to be acceptable a hardstanding depth of 4.8m must be available, 6.0m if the parking space is in front of a door/means of escape.

It should be noted that the submitted plans do not show the bay window that is present. This should be demonstrated on revised plans. If this was to prejudice the 4.8m depth a subsequent licence application to implement a crossover, regardless of planning consent, would be refused.

From a site visit has been undertaken by one of our area Highway Stewards. They were able to measure the site frontage taking into consideration the front bay window.

They have detailed that the frontage has a depth of circa 4.2m - 4.3m. Thus would not meet the depth requirement of 4.8m as previously described to fully remove a vehicle from the public highway (footway and carriageway).

At the planning stage we are only able to recommend resisting planning applications on highways grounds if we can substantiate that the proposal will result an unacceptable impact on highway safety or result in ‘severe’ cumulative impacts on the operation of the highway network. In this case it could be contended that a large vehicle parked on the frontage would overhang the footway which in turn could result in a reduced footway width and force a pedestrian or vulnerable footway user to use the Old Shoreham Road carriageway in order to pass. Notwithstanding this view parking on the footway can be considered to be a wilful obstruction of the free passage of a highway, contrary to section 137 of the Highways Act 1980. There are also some links to the Highways Act 1835 (section 31), Town Police Clauses Act 1837 (section 28) and the Road Vehicle (Construction and Use) Regulations 1986 (SI 1986/1038), which have been used successfully in proceedings brought about against drivers parking on footways.

At this stage I can advise that regardless of any planning decision the LPA may make, the licence application to implement a VCO in this location will be refused by the WSCC Area Highways.

<u>Further comments following submission of photographs from Applicant</u>

The planning register have photographs which show a Kia Nero parked on the frontage in front of the bay window at an angle, with this arrangement there seems to be some encroachment onto the footway, albeit, I appreciate its minimal.

The additional photos (parking in front of the entrance door) seem to be slightly contradictory to the submitted plans where it appears the crossover will be located slightly west of centre on the frontage. Nevertheless, if the parking space is to be in

front of a means of escape our Area Office look for 6m of frontage depth to be provided to ensure the means of escape is retained.

Our area office has already confirmed to me that regardless of planning consent this is not one they feel complies with their working practice guidance for issuing vehicle crossover licences and any subsequent licence application to implement a VCO for this dwelling will be refused. However, this does not mean we can recommend or substantiate an Objection citing highway terms at the planning stage.

In these situations, we try and find solution and seek amendments at planning whereby the approved scheme will be granted the required crossover licence. However with this application I don't see a solution. The area office working practice guidance is more rigid in its detailed design requirements than the more 'in principle' considerations we make at planning regarding 'unacceptable' highways safety concerns or 'severe' capacity implications.

We also appreciate that this parking practice is existing. Technically vehicles crossing the footway without using a formalised crossing point is illegal and can be enforced against by WSCC Highways if deemed to be within the public interest.

For vehicle crossover planning applications that only seek crossover / hardstanding works we normally recommend that the use of any hardstanding parking area shall not be used for parking until such time as the access has been implemented as per the approved plans. We also normally ask for a condition that the use of the access does not commence until such time as the hardstanding area is constructed.

If the Local Planning Authority is minded to grant planning approval you may wish to consider applying such access and parking / hardstanding conditions providing you consider they meet the condition tests as set out within paragraph 55 -57 of the recently revised NPPF.

My only concern with this is that it will likely to instantly result in a breach of conditions enforcement action if the homeowners continue to park as per the submitted photos.

In addition, if the Local Planning Authority is minded to grant planning approval then the following informative note would be advised so the applicant is aware that a licence agreement to implement is not a foregone conclusion. Our planning responses, including this one, will be in the public domain so the applicant will be aware of this issue.

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-crossovers-for-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-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/

Relevant History: None

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policy 1, 15
Supplementary Planning Guidance' comprising: Development Management Standard No.2 'Extensions and Alterations to Dwellings'
National Planning Policy Framework 2021

Planning Assessment

The proposal comprises upgrading a residential property located within the built up area and can be supported in principle. The relevant issues are the effects on the amenities of neighbouring residential occupiers, the effect on the character and appearance of the surrounding area and highway safety.

The proposed dropped kerb of 3m is considered to be acceptable by WSCC Highways with regard to visibility and highway safety.

However, the parking space in front of no. 166 will likely prove to be a problem. For a licence application to be acceptable a hardstanding depth of 4.8m must be available, 6.0m if the parking space is in front of a door/means of escape. WSCC have been to site and have measured up the site frontage taking into consideration the front bay window. They have detailed that the frontage has a depth of circa 4.2m - 4.3m, thus would not meet the depth requirement of 4.8m as previously described, to fully remove a vehicle from the public highway (footway and carriageway).

This depth is inadequate for the parking of vehicles on site and therefore the Area Office have confirmed that they will not be issuing a licence for the VCO.

There are limited VCO's in the close vicinity, the closest being one at the beginning and another at the end of this terrace of 4. Each of those crossovers have the opportunity for accessing the side of the end units, with the middle 2no. units not having any additional space for such opportunities.

To the west of this group of 4 there are other dwellings with even more limited frontages, and therefore no opportunities for parking either.

It is not until no.150 that additional front amenity and thereby space, is available for the parking of vehicles.

Properties further to the east have a layby to the front of them which they can take advantage of for the parking of vehicles and also there is a side road 'Roman Road', which is close enough to the dwellings to park within.

This same road is likely the nearest road in which the occupants of the application site would park also.

It is thereby understandable to endeavour to want to provide parking outside of the property at no. 166. However, in view of the Highway comments, this does not appear to be achievable on this property.

Notwithstanding the above, the submitted planning application is purely for a vehicular access, and WSCC Highways have stated within their consultation response that "*At the planning stage we are only able to recommend resisting planning applications on highways grounds if we can substantiate that the proposal will result an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network."* They have not been able to provide such substantive evidence.

The vehicular access will not be visually out of keeping with the locality nor is it considered to result in a material loss of residential amenities of the neighbouring properties, therefore there is no planning reason to substantiate a planning refusal for the access.

With regard to the matter of the acceptability of the car parking on the site frontage or not, that will be a matter for WSCC Highways and the Area Office to determine separately of this planning permission for the access, and enforce should they feel that it is necessary.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved plans
2. Standard time limit

Informatives:-

1. Approved without amendment
2. VCO Licence

Is recommendation contrary to letter(s) of representation? N

Case Officer: Eve Hearsey Date: 16.08.2021

Authorised by: Jo Morin Date: 16.06.2021