Expiry Date – 11.6.19, eot sought to 9/8/19

Development Control – Delegated Officer Report

Application Number: AWDM/0242/19 Recommendation – Grant

Site: 38 Brighton Road, Shoreham

Proposal: **Extend vehicle access**

Neighbours checked: Y

Additional neighbour notifications: N

Date of Site Visit: 1.8

Site and Surroundings

This application relates to a double fronted house on the north side of Brighton Road opposite the Lighthouse. The property has two angled bay windows either side of the front door.

There is an existing crossover on the east side of the frontage in front of a wide side gate. The frontage has been fully surfaced and includes a surface water drain parallel with the back edge of the pavement.

On street parking is available on this side of the road only.

Proposal

Permission is sought to widen the existing crossover. Originally submitted as almost full width the crossover has been reduced in width to 6.4 metres at the request of the local Highway Authority.

Relevant Planning History

None.

Consultations

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.*

The LHA has been re-consulted on this application following communication with the Case Officer. The Case Officer has conducted a site visit and noted that the depth of site frontage is below the required 4.8m as set out in Manual for Streets (MfS) - measuring 4.3m between the back edge of the footway and the eastern bay

window. The Case Officer also noted that a vehicle was parked on the site frontage within the proposed parking area, parallel to the footway.

As previously stated, the LHA does not raise any highway safety concerns to the proposal and as such cannot substantiate an objection on the grounds of insufficient site frontage depth.

However, in order for the applicant to access the proposed parking space, the existing VCO requires widening and the applicant has previously demonstrated that the VCO is proposed to be extended to a maximum width of 6.4m in accordance with the Area Office policy. Following consultation with the Area Office Manager, it has been confirmed that the Area Office will not grant a licence for a VCO in this location for two reasons. Firstly, Area Office policy does not allow parking spaces parallel to the footway, and secondly the site frontage depth does not accord with minimum standards of 4.8m. The WSCC guidance and policy on dropped kerbs can be found here:
https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/#overview

The applicant is advised that it is an offence to drive on the footway, including crossing the footway without a licence, and this is enforceable by Sussex Police. Additionally, the applicant should be aware that any illegal parking, including vehicles overhanging the footway, could be dealt with as an offence under Section 22 Road Traffic Act 1988 –(leaving vehicles in a dangerous position on the road including verge) and Section 137 Highways Act 1980 (wilful obstruction of the free passage along a highway). Both of these acts are enforceable by Sussex Police.

Conclusion
As previously, 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 109), and that there are no transport grounds to resist the proposal. However, the Area Office Manager has confirmed that they will not grant a licence for widening the VCO in this location as set out above.'

Previous comments

'The LHA was consulted on this application previously and requested additional information from the applicant. The applicant was requested to modify the proposed VCO to demonstrate a maximum total width of 6.4m in order to meet WSCC licence standards. The applicant was also requested to provide revised, correctly scaling, plans demonstrating the bay windows to the front of the property, and the proposed parking layout plan in accordance with minimum WSCC specifications.

The applicant has provided a revised plan demonstrating the existing bay windows and indicating that there is 4.8m depth on the site frontage, providing two perpendicular parking spaces. The LPA should be satisfied that this is accurately represented. The plan has been revised to demonstrate that the existing 2.8m wide access will be widened to a maximum width of 6.4m in accordance with WSCC standards.

Visibility at the existing access appears sufficient and the proposed widening of the VCO is not anticipated to result in a material intensification of use of the access. 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 as result of road layout. Therefore there is no evidence to suggest that the existing junction/access is operating unsafely or that this proposal would exacerbate an existing safety concern.

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

If the LPA are minded to approve the application, the following conditions and informative should be applied. I am mindful of the use of pre-commencement conditions; as such the suggested wording below is anticipated to be acceptable.

Conditions
Access
The use of the additional car parking space shall not commence until such time as the vehicular access has been constructed in accordance with the details shown on the drawing titled Proposed Hard standing.
Reason: In the interests of road safety.

Car Parking Space
The use of the access shall not commence until such time as the parking area has been constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These spaces shall thereafter be retained at all times for their designated purpose.
Reason: To provide car-parking space for the use

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-f or-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/'

Representations

None received.

Relevant Planning Policies and Guidance

The National Planning Policy Framework 2019
Adur Local Plan 2017 Policy15

Planning Assessment

Principle

The principle of development can be supported as it upgrades a dwelling within the built up area boundary. For consideration is the impact of the proposals on the character and appearance of the area and the impacts on highway safety.

Highway safety

The Highway Authority has confirmed this proposed extended crossover will not result in highway safety issues. They conclude it is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal. This proposal will not lead to increased on-street parking. Therefore there is no reason to withhold planning permission on highways terms.

However, the Highway Authority has advised that they will not grant a licence for widening the crossover. This is under separate legislation and does not preclude planning permission being granted.

Character

Prior to submission of the application the front garden was hard surfaced in its entirety. This is not as we would prefer as we would have encouraged some soft landscaping to be retained. However, as the works includes a surface water drain these changes did not require planning permission.

Recommendation APPROVE subject to the following conditions:

1. Approved Plans
2. 3 years

Informative

1. 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.

2. The applicant is advised that in addition to obtaining planning permission 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 and in this case the highway authority has advised that they will not issue one.

   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/

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Is recommendation contrary to any representations? No.

Case Officer signed:	MOK	Date: 6.8.19
Authorised and signed by:	Jo Morin	Date: 08.08.2019