DELEGATED APPLICATIONS

ASSESSMENT SHEET

APPLICATION NO/ADDRESS: 11/0136 – Land to the north of 18 Mulberry Lane.

DATE OF SITE VISIT: 26/4

NEIGHBOURS CHECKED: Y

ADDITIONAL NEIGHBOUR NOTIFICATIONS (LIST ADDRESSES): None.

SITE AND SURROUNDINGS:

This application relates to a plot of land on the east side of Mulberry Lane close to the junction with Goring Road. The land in question is visually part of St Mary's Goring C of E School but has been fenced off from the school playground for many years (since 1997). Last year planning permission was granted to erect a single storey building on this land for use as a day nursery. The nursery has been built.

Mulberry Lane is part of the busy A259 and the site is located close to the bend in the road round to Goring Road and the junctions with Goring Road to the south and Mersham Gardens to the north. There is no parking on the street outside the site and immediately north of the site are zig zag lines up to a set traffic lights. Pedestrian access from Mulberry Lane to Palmerston Avenue and Goring school is also just to the north.

To the south of the site is a pair of two storey flat roofed buildings with retail at ground floor and what appear to be flats over. Vehicular access to the rear of the nearest retail unit exists closest to the site. To the north is a secondary pedestrian access to the school, rarely used, beyond which is a gable fronted two storey building built in the 50's and used now as a Solicitor's office. This property too has a vehicle access to car parking closest to the site.

The site itself sits higher than the road and pavement and the front boundary is defined by a low brick wall and high hedge. A wooden gate approximately 1300mm in height has been erected across the pedestrian entrance between an original pier of a similar height and new post.

The property is not in a conservation area and nor is it a listed building. There are no protected trees on the site.

PROPOSAL

Permission is sought for a new crossover off Mulberry Lane for staff use/emergency vehicle use only and the plans have been revised to include a turning space within the site.

RELEVANT PLANNING HISTORY:

10/0785 – Erection of new single storey detached Nursery School building and associated works including canopy. Granted 1.12.10

RELEVANT PLANNING POLICIES:

TR9 and H18 of the saved Local Plan.
Core Strategy Policy 16 + 15
T4, BE1, CC1 and CC6 of the South East Plan NRM 4

REPRESENTATIONS AND RELEVANT CONSULTATION RESPONSES:

One letter of objection received from the Solicitor's office to the north summarised as follows:

i) The crossover which will serve pedestrian and vehicular access to the nursery is dangerous.
ii) There have been a number of fatal accidents outside our offices since we opened.
iii) The site has poor visibility splays because of the high bank and hedge. Change of use to offices at No. 20 was only allowed with improved visibility.
iv) The site is very near to a zebra crossing and only just outside the zig zags of that zebra crossing and opposite a bus stop. Buses stop here for minutes at a time and it will be utilised by young nursery children.
v) All access to this nursery should be via the existing school premises Goring First School, as at present. There should be no access whatsoever on to Mulberry Lane to prevent accidents to young children.

Highways: Subject to the use of the new access and turning area only being permitted outside of nursery hours – no objection.

HUMAN RIGHTS:

First Protocol (Protection of Property) of the Human Rights Act 1998 is relevant to this application. It is accepted that the proposal, if approved, would have some impact on the neighbouring properties. However, it is considered that the level of development proposed would not cause undue harm in terms of additional noise, disturbance and loss of privacy and that, on balance, existing residential quality of life would not be adversely affected as a result of the proposal. Accordingly it is considered that it is acceptable with regard to Article 8 and Article 1.

PLANNING ASSESSMENT:

The proposed vehicular access will cross the grass verge and pavement into the site. The revised plan shows a turning area within the site. It is not proposed to alter the front boundary to improve pedestrian visibility splays. The applicant has argued that this would be very complicated and costly given the height of the front boundary bank and hedge.

The A259 is a busy road and this particular site is positioned close to a pedestrian crossing, a school access, a bus stop, two junctions and a bend in the

road. There is real concern that a vehicular crossover at this point could cause highway safety problems unless its use is heavily conditioned. As this site is used as a day nursery and that the access will be the combined pedestrian and vehicular access it is not considered appropriate to allow it to be used for vehicular purposes during nursery opening hours. This also has the benefit of preventing potential conflict with school children passing the site during normal school hours. The applicant has agreed to a time restriction.

In addition in a revised proposal a turning area is being shown within the site to allow all vehicles to exit and leave the site in a forward gear.

On the basis that the access may only be used outside of nursery hours and not before the turning area is provided within the site the Highway Authority is not objecting to the proposal and no longer insisting upon improved visibility sightlines on the front boundary.

RECOMMENDATION

Grant subject to conditions.

1. 3 years
2. Approved Plans
3. No use before turning provided and afterwards between 8am and 6pm Mon-Fri (except by emergency services vehicles).
4. Details of surface treatment/surface water drainage for turning area.

REASONS FOR RECOMMENDATION:

It is considered that by restricting the use of the access to those outside nursery opening times, i.e. evenings and weekends only, and by providing a turning space within the site that the proposed development would not detract from highway safety or the existing local urban environment and can take place without resulting in unacceptable detriment to the amenities of neighbouring properties.. It would consequently not conflict with the relevant 'saved' policies of the Worthing Local Plan (H18, TR9) and the South East Plan (BE1, T4).

IS RECOMMENDATION CONTRARY TO LETTER (S) OF REPRESENTATION?
Yes.

DELEGATED

Case Officer sign..... Date..7-9-11.....

Authorising Officer sign..... Date..13/9/11.....