

Parish: Southbourne	Ward: Southbourne
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**SB/18/00048/FUL**

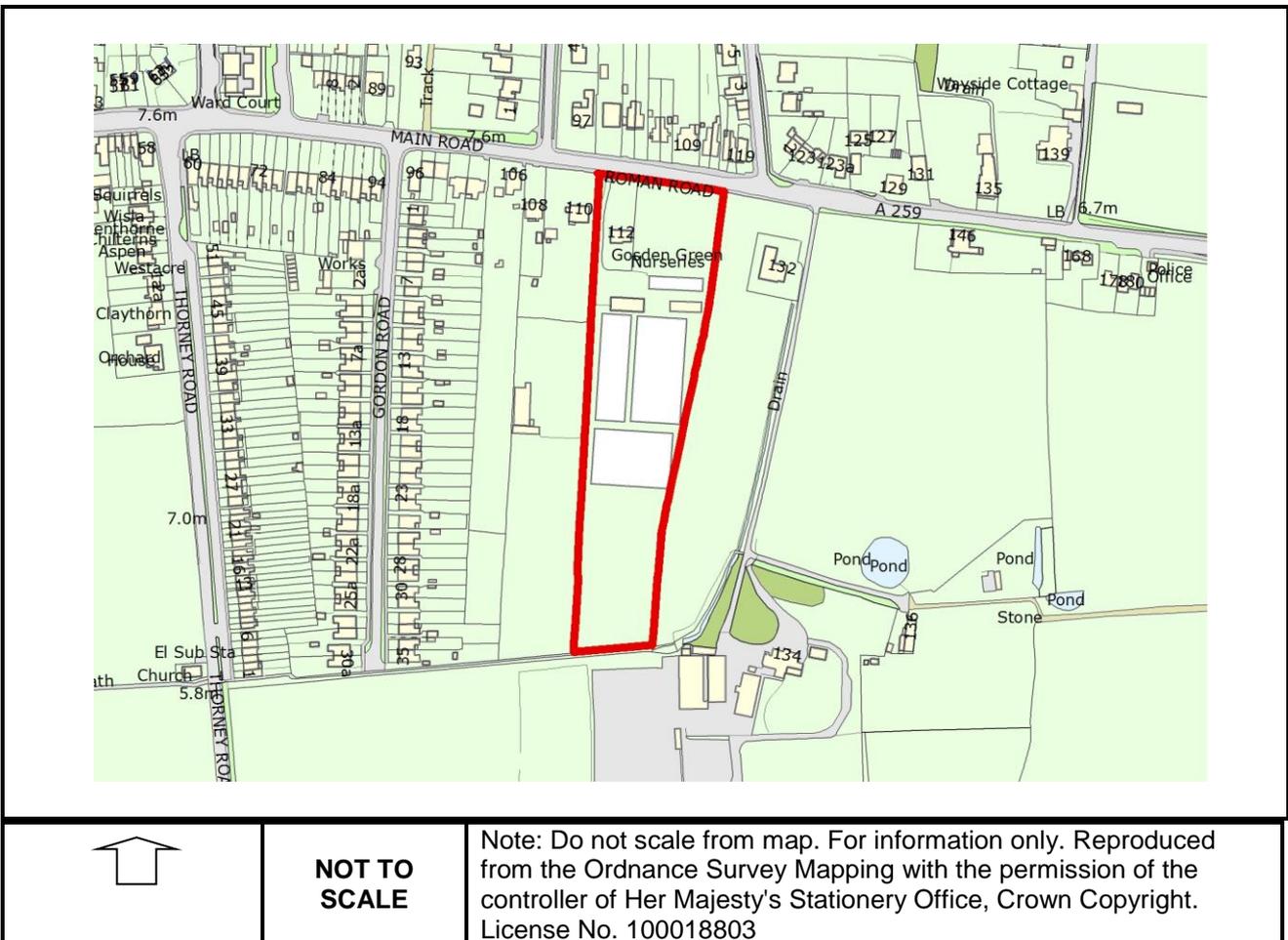
**Proposal** Creation of new access onto A259 to serve lawful B8 uses.

**Site** Gosden Green Nursery 112 Main Road Southbourne PO10 8AY

**Map Ref** (E) 475854 (N) 105690

**Applicant** Mr J W Littler

**RECOMMENDATION TO PERMIT**



**1.0 Reason for Committee Referral**

Parish Objection - Officer recommends Permit

## 2.0 The Site and Surroundings

- 2.1 This application site is located to the western edge of the parish of Southbourne and sited to the south of Main Road (A259) within an Area of Outstanding Natural Beauty.
- 2.2 It currently shares access from the A259 with 112 Main Road; a detached residential property to the north of the application site. This section of the A259 is subject to a 30 mph speed limit. Most of the surrounding properties have a drive way access onto the Main Road.
- 2.3 The front boundary treatment is characterised by a mature hedge and grass verge set back from the highway.

## 3.0 The Proposal

- 3.1 Planning permission is sought for the creation of new access onto A259 to serve lawful B8 uses. The proposed point of access will be located circa 55 metres east of the existing point of access, which is to be retained to serve 112 Main Road.
- 3.2 The proposed access would measure 5.5m wide for the first 12m and the rest within the site would be 4m in width.
- 3.3 Following receipt of comments from WSCC Highways and the Parish Council, the agent submitted amended plans to address concerns regarding the internal layout of the site. The amended plans demonstrated that the amount of internal manoeuvring space would be same as existing arrangement and would not be constrained by the proposed fence located along the southern boundary of No. 112. Furthermore the visibility splay onto the A259 has been increased to 2.4m x 90m in both directions.

## 4.0 History

80/00168/SB	REF	Outline - house.
79/00003/SB	PER	Glasshouse.
99/02325/FUL	PER	Proposed new workshop building.
05/01350/OUT	REF	Outline permission for erection of affordable housing.
08/03919/OUT	REF	2 no. two storey dwellings.
09/02602/ELD	PER	Use of greenhouse for storage purposes.
11/00949/OUT	REF	Demolition of existing detached residential dwelling, associated outbuildings, 3 no. glasshouses. Erection of 42 no. 2 and 3 bedroom dwellings and associated outbuildings, parking and access with some matters reserved.

12/00504/OUT	REF	Demolition of existing detached residential dwelling, associated outbuildings, 3 no. glasshouses and polytunnel and erection of 42 no. 2 and 3 bedroom dwellings with associated parking and access with some matters reserved.
16/03541/ELD	PER	Existing lawful development certificate for the siting of mobile home within garden of 112 Main Road, Southbourne and its use for purposes ancillary to that dwellinghouse.
17/00125/FUL	WDN	Creation of new access onto A259 to serve lawful B8 uses.
17/01039/ELD	PER	Use of land and buildings for storage purposes [Use Class B8].

## 5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	YES
Tree Preservation Order	NO
EA Flood Zone	NO
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

## 6.0 Representations and Consultations

### 6.1 Parish Council

#### Amended Plans - 25/06/18

The proposal is an overdevelopment of the site, which is within the AONB. The Planning Committee believes the existing road could be made to be adequate without the need for a new entrance and the environmental damage caused by the removal of the hedge.

#### Original Plans – 27/02/18

Objection - on the grounds of over development of the site. The site is currently used for B8 purposes, not causing a lot of disturbance and served adequately by the existing entrance. The new road would increase disturbance and also requires breaking through the hedge on the edge of the AONB.

## 6.2 Highways Authority

### Amended Plans – 25/05/18

Having looked at the plan the amount of internal manoeuvring space would now be same as existing arrangement and therefore am happy that swept path tracking not required for this, subject to a suitably worded condition restricting larger HGV's. The additional following conditions should also be secured:

#### **Visibility (details approved)**

The access shall not be in use until visibility splays of 2.4 metres by 59 metres have been provided at the proposed site vehicular access onto Main Road 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 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

#### ***INFORMATIVE***

##### *Section 278 Agreement of the 1980 Highways Act - Works within the Highway*

The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

### Original Plans – 14/02/18

#### **Context**

This application seeks the implementation of a new point of access onto Main Road (A259), Southbourne to serve Gosden Green Nursery which has a lawful B8 use. Main Road (A259) is subject to a 30 mph speed limit at this point. Gosden Green Nursery is currently served via an existing shared point of access with 112 Main Road a residential dwelling. The proposed point of access will be located circa 55 metres east of the existing point of access, which is to be retained to serve 112 Main Road. The application has been submitted with the support of a Stage 1 Road Safety Audit and Designers Response. The application was subject to pre-application discussion with WSCC Planning Services.

#### **Visibility**

It has been identified at the pre application stage that visibility splays of 2.4 x 59m in both directions would be adequate. These splays have been calculated in accordance with the principles within Manual for Street guidance using actual recorded 85th percentile vehicle approach speeds (37mph).

These speeds were obtained from an automated speed survey undertaken within the vicinity of the site in support of an unrelated application. The splays demonstrated on plan 5B have been drawn correctly and are considered achievable.

## **Road Safety Audit**

The Stage 1 Road Safety Audit has identified two potential problems:

### **Problem 3.1.1 – Risk of inadequate surface water drainage**

The audit recommends that such matters be addressed at the detailed design stage. The designer has responded by agreeing such matters can be dealt with at the detailed design stage. This approach is considered acceptable to the Local Highways Authority.

### **Problem 3.5.1 – Risk of inadequate junction markings**

The audit recommends that such matters be addressed at the detailed design stage.

The designer has responded by adding junction markings to the audited plan. The applicant should provide a copy of this amended plan for comment by the audit team, the auditors response should then be submitted in support of this application.

## **Access**

The access is shown as being a bell-mouth simple priority junction with 6m kerb radii and tactile pedestrian paving.

The access will measure 5.5 metres in width for the first 12 metres, which in principle is acceptable to facilitate the passing of rigid axle large vehicle but not articulated HGV's. Given the lawful B8 use it is not unreasonable that an articulated HGV would access the site. As such I would ask the applicants to demonstrate, with appropriate tracking plans, those vehicles can pass at the access point should such a vehicle be waiting to exit the site. It is anticipated some minor internal modifications would be required to facilitate this. It is appreciated that the proposed does seem to represent an improvement over the existing situation in this regard.

## **Internal Manoeuvring**

The proposed fencing separating the residential dwelling seems to prejudice the available parking and turning provision on site. The applicant should provide a tracking plan to demonstrate that large HGV's associated with the permitted B8 use can still turn on site and leave in the forward gear.

## **Conclusion**

I would ask the matters raised above are addressed by the applicant and the Local Highways Authority be re-consulted.

### 6.3 Chichester Harbour Conservancy

**Recommendation** – No objection, although expressing concern about tree and boundary hedge loss, which does not appear to be being mitigated for by replacement tree planting.

#### COMMENTS

I made a site visit 27.2.2018, and reviewed the proposal in terms of the \*Policy Framework below. The only differences to 17/00125/FUL, appear to have been highways related to satisfy the County Council There is a current hedge boundary to the street.

There was one significant tree where it is proposed to 'snake' the new access road back to the eastern boundary, the last time I photographed the site 6.2.17. This appears to have been removed. It is not clear whether this tree is to be replaced from Drawing 5B.

The boundary hedge would also need to be trimmed to create the junction sight lines. This would open up greater views of the glasshouses, albeit these are set some distance away from the street.

### 6.4 Third Party Representations

Four letters of objection has been received concerning;

- Additional access onto the A259 at a point where there are already multiple accesses on both sides of the road would create increased risk to all road users.
- Loss of 4m strip of grassed area used by wildlife
- Lack of adequate turning space of HGVs would mean such large vehicles would either reverse into or out of the proposed driveway creating a hazard to all road users
- Sitting of new access would cause problems to residents on opposite side exiting their driveways

### 7.0 Planning Policy

The principal policies and neighbourhood plans relevant to the consideration of this application are as follows:

#### **Chichester Local Plan 2014-2029:**

Policy 1 Presumption in Favour of Sustainable Dev  
Policy 2 Dev Strategy and Settlement Hierarchy  
Policy 8 Transport and Accessibility  
Policy 39 Transport, Accessibility and Parking  
Policy 48 Natural Environment

## The Southbourne Parish Neighbourhood Plan September 2014 -2029

Policy 1: Development within the Settlement Boundaries

Policy 7: Environment

National Policy and Guidance

The Core Planning Principles and relevant paragraphs of the NPPF have been considered, in particular, paragraphs 14, 17, 56 and 64.

Other Local Policy and Guidance

The aims and objectives of the Chichester in Partnership Community Strategy 2016-2029 which are relevant and material to the determination of this planning application are:

- Influence local policies in order to conserve and enhance the qualities and distinctiveness of our area

### **8.0 Planning Comments**

8.1 The main considerations are:

- i. Principle of development
- ii. Impact upon visual amenity and character of the surrounding area
- iii. Impact on Highways safety
- iv. Ecological considerations

#### Principle of Development

8.2 The site lies within the settlement boundary of Southbourne, a sustainable location where new development is considered acceptable in accordance with policy 2 of the Chichester Local Plan (CLP) and Policy 1 of the Southbourne Neighbourhood Plan (SNP), subject to relevant material considerations as set out below. The proposals would create new access onto the A259; therefore the key considerations are the impact of the development on the character and appearance of the area and highway safety. In addition the proposals would result in the loss of a section of hedgerow therefore the impact on biodiversity falls for consideration.

#### Impact upon Visual Amenity / AONB

8.3 The site lies to the south of the A259 with the site and its surroundings comprising of a semi-rural appearance despite being located within the settlement policy boundary. Policy 7 of the Neighbourhood Plan seeks to ensure all development takes account of the natural environment.

8.4 The proposals would result in the loss of a section of hedgerow along the A259 with the access meandering from left to right within the site along the eastern boundary of the site. The access would create a 6m bellmouth and tactile paving with the highway edge. Whilst the proposals would result in an additional access along the site frontage, there are a number of existing accesses along this side of the road including the access to No. 112 the existing dwelling for the nursery and the residential property of No. 132 to the east. Therefore the addition of a new access in this location is not unprecedented or out of character. The width of access would allow vehicles to pass and without being excessive and out of character. A landscaping condition is proposed to ensure that the appearance of the hard landscaping associated with a new access and tactile paving would be softened. Subject to compliance with this condition, it is considered that the proposals would conserve the environmental and landscape assets of the area and would not be detrimental to its visual amenity. On this basis the proposals are considered to be acceptable would comply with Policy 7 of the Neighbourhood Plan.

#### Impact on highway safety

8.5 Policy 39 of the Local Plan seeks to ensure that new development has acceptable parking levels, and safe access and egress to the highway. The proposed development would create a new access onto the A259, which would measure 6.0m and sweep from west to east within the site to align with the eastern boundary. The access will measure 5.5 metres in width for the first 12 metres, which facilitates the physical passing of commercial vehicles associated with the established B8 use. WSCC Highways have considered the application and conclude that the development would represent a highway safety improvement as it would remove the requirement for a shared access with No. 112. Furthermore the development would provide visibility splays of 2.4m x 90m east and west, which would be acceptable and safe for this part of the A259 which has a 30mph speed limit. On this basis the proposed access is considered to acceptable in terms of highway safety. A condition will be imposed, as suggested by WSCC Highways to secure an acceptable access.

8.6 In terms of internal movement, the plans have been amended to show that the proposed fence that would separate No. 112 from the application site would still provide adequate internal movement and turning within the site. On this basis there would be no internal conflict in terms of vehicle manoeuvrability.

#### Impact on Biodiversity

8.7 The proposals would result in the removal of a 6.0m stretch of hedge along the A259 to create the 6m access and tactile paving associated with the development. Whilst the application has not been supported by an ecological appraisal there is no indication that protected species would be adversely impacted upon by the proposal and further planning could be achieved by condition to mitigate the loss of existing habitat. The loss of existing habitat must be weighed against the highway safety benefits of the proposals.

The existing access to the site is shared with No, 112 which is narrower in width than the proposed access and would not allow two commercial vehicles to pass. The site has established a B8 storage use under a certificate of lawfulness application, which means that the level of commercial vehicle movements and intensification of the use cannot be controlled through planning conditions.

- 8.8 An informative is proposed to ensure that the applicant is made aware of their responsibilities under the Wildlife and Countryside Act 1981 in terms of protected species. On this basis it is considered that the loss of this section of hedgerow would be outweighed by the benefits of the proposals in terms of highway safety, which coupled with the potential for habitat enhancement through new landscaping would ensure that the development would be acceptable in this regard and compliant with Policy 48 of the Local Plan.

### **Conclusions**

- 8.9 Based on the above assessment, it is considered the proposal would be acceptable in terms of highway safety and would not result in harm to the visual amenities of the area, or biodiversity. As such the proposal complies with the Development Plan. There are no material considerations that indicate otherwise therefore, subject to conditions, permission should be granted.

### **Human Rights**

- 8.10 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to permit is justified and proportionate

### **RECOMMENDATION**

**PERMIT** subject to the following conditions and informatives:-

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 permitted shall be carried out in accordance with the approved plans: Drawing 5B – Access Design

Reason: For the avoidance of doubt and in the interests of proper planning.

3) The development hereby permitted shall not be constructed other than in accordance with the materials specified within the application form and plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a harmonious visual relationship is achieved between the new and the existing developments.

4) The access shall not be in use until visibility splays of 2.4 metres by 90 metres have been provided at the proposed site vehicular access onto Main Road 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 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

5) No development shall take place unless and until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include a planting plan and schedule of plants noting species, plant sizes and proposed numbers/densities. In addition, all existing trees and hedgerows on the land shall be indicated including details of any to be retained, together with measures for their protection in the course of development. The scheme shall include seeding with a Native British Wildflower Flora mix appropriate to the soil and climate of the site and shall make particular provision for the conservation and enhancement of biodiversity on the application site. The scheme shall be designed to achieve levels of shelter/windbreak, shade and drought resistance to accord with the expected climate changes during the design life of the development.

Reason: In the interests of amenity and of the environment of the development and to comply with the Natural Environment and Rural Communities Act 2006.

## INFORMATIVES

1. 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.
2. *Section 278 Agreement of the 1980 Highways Act - Works within the Highway* . The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
3. The developer's attention is drawn to the provisions of the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994, and to other wildlife legislation (for example Protection of Badgers Act 1992, Wild Mammals Protection Act 1996). These make it an offence to kill or injure any wild bird intentionally, damage or destroy the nest of any wild bird intentionally (when the nest is being built or is in use), disturb, damage or destroy and place which certain wild animals use for shelter (including badgers and all bats and certain moths, otters, water voles and dormice), kill or injure certain reptiles and amphibians (including adders, grass snakes, common lizards, slow-worms,

Great Crested newts, Natterjack toads, smooth snakes and sand lizards), and kill, injure or disturb a bat or damage their shelter or breeding site. Leaflets on these and other protected species are available free of charge from Natural England.

4. The onus is therefore on you to ascertain whether any such species are present on site, before works commence. If such species are found or you suspected, you must contact Natural England (at: Natural England, Sussex and Surrey Team, Phoenix House, 32-33 North Street, Lewes, East Sussex, BN7 2PH, 01273 476595, [sussex.surrey@english-nature.org.uk](mailto:sussex.surrey@english-nature.org.uk)) for advice. For nesting birds, you should delay works until after the nesting season (1 March to 31 August).

For further information on this application please contact Robert Sims on 01243 534734