

Parish: Selsey	Ward: Selsey North
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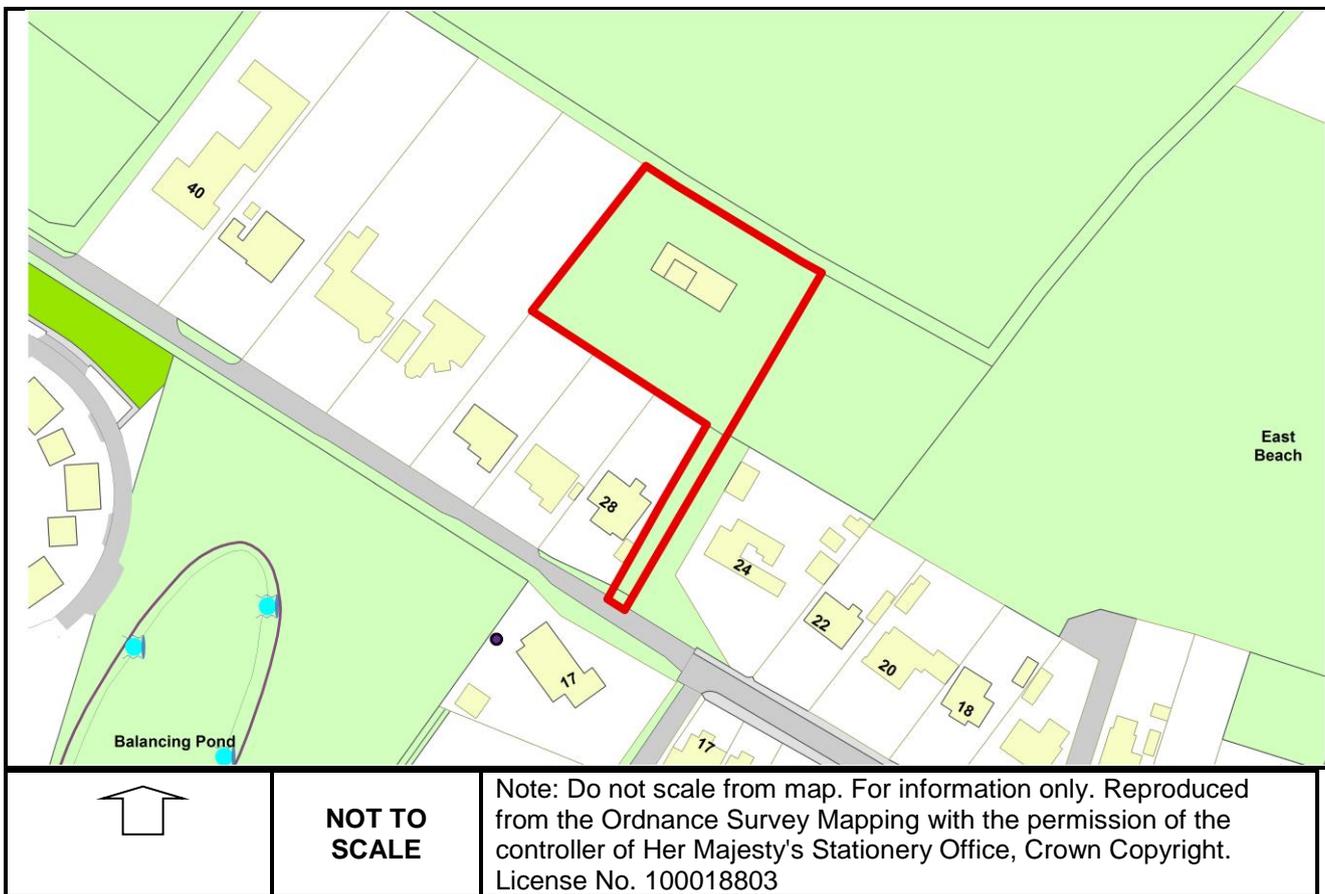
Proposal Retrospective resurfacing of existing tarmac track and concrete hardstanding.

Site Land To The Rear Of 28 Park Lane Selsey Chichester West Sussex PO20 0HE

Map Ref (E) 486802 (N) 94034

Applicant Mr Stone

RECOMMENDATION TO PERMIT



1.0 Reason for Committee Referral

1.1 Parish Council objection – Officer recommends permit

2.0 The Site and Surroundings

- 2.1 The application site is located on the north-east side of Park Lane and comprises an access track situated between 24 and 28 Park Lane and land to the rear of 28-32 Park Lane. There are two storage buildings on an area of concrete hardstanding positioned centrally on the site. The track extends from Park Lane to the storage buildings, and the remainder of the site is laid to grass or is unmade ground. There is a metal gate approximately 1m in height to the entrance of the site and the site boundaries comprise a mix of wire fencing, brick walls, fences and trellis fencing up to a maximum height of approximately 2m.
- 2.2 There are residential dwellings to each side of the existing access track and to the north west of the site, whilst to the north east there is open countryside. The settlement boundary for Selsey extends from Park Lane to midway up the track, ending in line with rear boundaries of the neighbouring dwellings. The remainder of the site, comprising the track, storage building and surrounding land fall outside of the settlement boundary within the designation rural area.

3.0 The Proposal

3.1 The application is a retrospective application for the resurfacing of the existing tarmac track and concrete hardstanding. The access track is located on an area of land 5m in width and the tarmac track is 3m in width. The tarmac extends for 57m into the site, at which point it widens to 8.5m and curves round to the north-west to adjoin the outbuildings and the area of concrete hardstanding. The concrete base extends along the north-east and around the north-west sides of the outbuildings. The tarmac track comprises porous tarmac over a substrate of type 1 compacted rubble (non-porous).

4.0 History

None relevant

5.0 Constraints

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

6.0 Representations and Consultations

6.1 Selsey Town Council

The Committee discussed the application at length and Members agreed with the concerns raised. Selsey Town Council Objects to the application on the grounds of the photograph on the plans does not demonstrate that the surface was previously tarmac. Resurfacing does not take into account a porous surface and therefore any new surface should meet SUDS recommendation as having proper surface drainage and it is incongruous to have a path leading nowhere in a countryside location.

6.2 CDC Senior Drainage Officer

Comments received following submission of drainage scheme (5 April 2019)

When considering our response we have taken into account that this is a retrospective application (permeable surfacing would have been preferable), and that the previous arrangement was a mix of permeable/impermeable surfacing. We are satisfied that the proposal should adequately drain the development (access road), and ensure that water does not discharge onto the highway. Therefore we have no objection to the application being approved. Construction of the drainage should commence at the earliest practicable opportunity.

Comments received following further discussions with applicant (23 November 2018)

A French drain arrangement should adequately drain the driveway, they will need to demonstrate that the driveway will drain to the French drain (and not to the highway), and calculations to demonstrate that there is sufficient capacity to deal with a 1 in 10yr rainfall event. We would also like to see a sketch of the proposal including spec. of fill material and all dimensions. With regard to a condition, this is a retrospective application so a time dependant condition is not appropriate. Once they have an acceptable proposal, it should be installed at the "earliest opportunity", if we were to give them a time implemented condition we would expose ourselves to unnecessary risk if flooding occurred in the meantime. There is no reason why this work could not be delivered at anytime of year, but we will have to accept that the applicant is governed by contractor availability.

Initial comments (19 October 2018)

For the avoidance of doubt, compacted type 1 (as has been constructed) cannot be considered to be permeable. In the absence of a positive drainage system such as a gully or ACO drain, water will now shed off the surface and therefore has the potential to result in increased flood risk off-site.

6.3 Third Party Comment

No third party comments have been received.

6.4 Agent's/Applicant's supporting information

The application is accompanied by correspondence from the agent and a Design, Planning, Landscape, Noise and Access Statement which explains;

- a) the site has been owned by the applicant since 1982, and it has always been used for recreational purposes including the storage of family cars, vehicle workshop and a store for garden machinery,
- b) the site has recently been used by Portsmouth/Southern Water for the temporary storage of equipment during the sewer upgrade at Solar Park, Drift Road which resulted in unavoidable damage,
- c) it was necessary for Portsmouth/Southern Water to repair the damage, including the renewing of the tarmac and concrete area,
- d) the track was previously tarmac and the resurfaced track is marginally narrower than the original tarmac drive,
- e) the tarmac is porous with verges to each side to provide drainage from any surface water.

7.0 Planning Policy

The Development Plan

- 7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. Selsey Town Council is revising its previous draft Neighbourhood Plan (2017), but at this time policies within it have limited weight.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

Policy 1: Presumption in Favour of Sustainable Development
Policy 2: Development Strategy and Settlement Hierarchy
Policy 39: Transport, Accessibility and Parking
Policy 42: Flood Risk
Policy 45: Development in the Countryside

National Policy and Guidance

7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF) (Revised February 2019), paragraph 11 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as running through both plan-making and decision-taking:

For decision-taking, this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.4 Consideration should also be given to paragraphs 124 and 127 relating to the requirement for good design.

Other Local Policy and Guidance

7.5 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. Design and Impact upon Visual Amenity/Character of Area
- iii. Impact upon the amenity of neighbouring properties
- iv. Drainage
- v. Highway Safety

Assessment

i) Principle of Development

8.2 Policy 1 and 2 of the Chichester Local Plan (CLP) outline the presumption in favour of sustainable development and restricts new development outside of settlement boundaries unless there is a small scale local need in accordance with policies 45 or 46 of the Local Plan. The application relates to the resurfacing of an existing access track within the application site. Although part of the site lies outside of the settlement boundary the development that has taken place does not encroach outside of the site into the open countryside. Furthermore, the storage buildings and the access to these buildings have been in situ for many years and therefore form part of the lawful use of the site.

8.3 It is considered that the works relate to a small scale and local need to access the existing buildings on the site without crossing unmade ground or grass that could result in such materials being spread onto Park Lane on exit from the site. Therefore, in principle, resurfacing the access track and area of hardstanding within the application site would not conflict with the objective of the Development Plan to ensure new development is located in the most sustainable location and would be acceptable despite part of the site lying outside of the settlement boundary.

ii) Design and Impact upon Visual Amenity/Character of Area

8.4 The Local Plan and National planning policies seek to ensure that new development respects and responds the context of the site and takes the opportunities available to improve the overall quality of an area, ensuring that development is visually attractive and sympathetic to the surrounding building environment and landscape setting.

8.5 When the track was first constructed on the site the verges either side were laid bare which resulted in a rather formal appearance. The verges have recently been seeded with grass which has helped to soften the appearance of the track. However, there are parts of the verges where the seed has not taken so these parts are currently bare. It is therefore considered that in order to improve the visual amenity, a condition should be considered requiring that the verges are reseeded within the first planting season following any permission granted for the resurfacing of the track. There are examples of hardstanding and driveways serving the residential properties close to the application site, therefore although the neighbouring properties are not comparable in terms of scale, with the reseeded of the verges, it means that the track is less incongruous than it would be in a more rural setting.

8.6 The Council's aerial photography records available from 1991, 2001, 2007 and 2013 clearly show the 2 no. outbuildings on the site and an access track to the buildings. It appears that over the years the extent of hardstanding has varied, with the section closest Park Lane being overgrown in the last 5-10 years. It is considered however that the records and the information submitted demonstrate that a surfaced access track has existed historically.

8.7 On balance, it is considered that upgrading the access to the site has not caused harm to the visual amenity or character of the area which would warrant refusal of the application, however in order to ensure that the impact of the access is softened and the visual amenity of the locality is protected a condition is recommended requiring the verges adjacent to the access track to be reseeded within the next planting season. Subject to the proposed condition it is considered that the proposal would accord with the national and local planning policies that seek to ensure the quality and character of an area are not adversely affected by new development.

iii) Impact upon the amenity of neighbouring properties

8.8 The NPPF states in paragraph 127 that planning should ensure a good quality of amenity for existing and future users. The use of the application site would not change as a result of the proposed development and it is therefore considered that the proposal would not result in any adverse impacts upon the amenities of neighbouring properties.

iv) Drainage

8.9 The Parish Council has raised a concern about surface water drainage due to the use of tarmac. The application site lies within flood zone 1, an area at least risk of flooding, however there is a known issue with surface water drainage in the locality and therefore it is essential that the track is effectively drained to ensure the development does not increase the risk of flooding on the site or elsewhere. The applicant has confirmed that the track has been constructed with porous tarmac, however it has been laid over compacted rubble which would not be sufficiently porous to adequately manage the surface water. The verges to each side of the track are currently bare and although in time these will be laid to grass which would assist with the surface water drainage alongside the track, water would still shed off the surface and have the potential to result in increased flood risk off-site. Therefore a positive drainage system would need to be installed in order to prevent the track increasing the risk of flooding in the area.

8.10 In liaison with the Council's Senior Drainage Engineer a drainage scheme has been submitted. An ACO drainage gully is proposed to be installed at the entrance of the track. In addition a French drain is proposed alongside the south-east side of the track for a distance of 42.6m. There would be a 30cm gap between the track and the drain, the drain would be 50cm wide x 70cm deep and filled with 20mm rejects contained within a permeable liner. The French drain would be connected to the ACO drainage by an outlet pipe. Due to the width of the proposed French drain there would be space between the French drain and the boundary for the grass area alongside the boundary of the site to be retained.

8.11 The Council's Drainage Engineer has confirmed that they are satisfied that the proposal should adequately drain the track. It is therefore considered that subject to conditions the proposed development would adequately manage surface water without increasing the risk of flooding on the site or elsewhere. The proposal therefore accords with policy 42 in this respect.

v) Highway safety

8.12 The extension of the tarmac track beyond the entrance gate has formalised the access and as it has made it more visible to pedestrians and drivers using Park Lane has improved the safety to the highway. No alterations have been made to the access point with Park Lane and therefore the proposal would accord policy 39 of the Chichester Local Plan which requires sites to have safe and adequate means of access.

Conclusion

8.13 Based on the above assessment it is considered the proposal complies with the Chichester Local Plan Key Policies; with particular reference to Policies 39, 42 and 45 and there are no material considerations that indicate otherwise.

Human Rights

8.14 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 not be carried out other than in accordance with the approved plans: EL012, 001 and 002

Reason: To ensure the development complies with the planning permission.

2) Within 2 months of the date of this decision the submitted drainage scheme comprising ACO and French drains shall be provided fully in accordance with plans 001 and 002. Thereafter the drainage measures shall be maintained as approved in perpetuity.

Reason: To ensure adequate provision for surface water drainage and avoid discharge of water onto the public highway.

3) Within the first planting season following this decision the areas of bare ground within the site, including the verges to both sides of the access track and hardstanding hereby permitted shall be replanted with a native grass mix. Any areas of grass that die within the first 5 years following planting shall be re-seeded. Thereafter the grassed areas shall be and maintained in perpetuity.

Reason: To ensure adequate provision for surface water drainage and to avoid discharge of water onto the public highway and neighbouring properties.

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.

For further information on this application please contact Vicki Baker on 01243 534734

To view the application use the following link - <https://publicaccess.chichester.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PANVHGERN0800>