



PMcL/3167.07

2nd August 2017

Mr E Ledwidge
Montagu Evans LLP
5 Bolton Street
London
W1J 8BA

Dear Ed,

Mixed use development, A259 New Road, Rustington - Ref: A/11/17/OUT

With regards the above planning application, I refer to a response submitted to Arun District Council by Store Properties. For ease of reference I have repeated their comments below in italics with our individual response directly below:

'Our company Store Property owns the land to the East and West of this application site. We would like to raise the following objections to the email submitted by Paul McLaughlin on behalf of the applicant (10.07.17):

In his point no.1 which refers to their Drawing REDW 3167 120A, Mr McLaughlin states that the cycle lane shown on Mill Lane does not form part of our works and was installed as part of the adjacent car sales showroom planning permission. It has now been installed and is therefore part of the existing road markings'.

- This is incorrect. The adjoining site has been developed and now trades as Manor Retail Park. As part of this development a footpath / cycleway was provided which falls entirely within the privately owned land of the retail park and not highway land. The Cycle lane shown on REDW 3167 120A should form part of the applicants proposed development.'*

As previously stated, there are no on-carriageway cycle routes proposed within this planning application. The advisory cycle lane on Mill Lane is as existing and was included in the Section 278 Highway Works which accompanied the Manor Retail Park development. This was a misunderstanding which has been clarified and has now been accepted by WSCC. The proposed shared footway/cycleway which accompanies this planning application is shown cross-hatched on our **Drawing No REDW-3167-120-A** and is located entirely within Adopted Public Highway. We enclose an updated **Drawing No REDW-3167-120-B** which includes some minor alterations discussed later in this correspondence.

- The applicant is still not showing the correct As Built development to the east of the site. This is misleading and incorrectly implies that the two retail schemes could be linked by pedestrians and vehicles in the future. The applicant has legal rights to access its application land through Manor Retail Park which was designed and constructed to facilitate this future link. As proposed the applicants development layout permanently precludes this, as demonstrated in the attached hybrid plan.*



In order for WSCC and others to assess this properly, REDW-3167-120A, REDW-3167-131A, and Site Layout plan 1117-P-11G should be amended to correctly reflect the adjoining As Built scheme.'

The Applicant has advised us that a footpath/cyclepath link only between the two sites may be considered in the future; however the access proposals for this application are not dependent upon any such link. I enclose amended plans **Drawing No REDW-3167-120-B** and **Drawing No REDW-3167-131-B** showing a correction to the Manor Retail Park layout to accord with their 'as-built' layout. This has no effect on the development proposals.

'Point no.4 of Mr McLaughlin's email states that 'With regards the closure of Brook Lane, this will be brought about by the current housing scheme application to the west of this site which utilises our clients safer access onto the A259'.

- It has not been demonstrated by the applicant or anyone else that the access proposed in A/11/17/OUT is safer than the access proposed in A/44/17/OUT or A/23/15/OUT. This is a subjective comment.'*

In order to avoid a ransom situation the junction improvement onto the A259 New Road included within this application A/11/17/OUT has been moved further east from that shown in previous planning applications A/23/15/OUT (by the Applicant) and A44/17/OUT (by Store Property). This new access has been designed, safety audited and has now been approved by WSCC as an acceptable access proposal for the development.

- A/44/17/OUT (our housing scheme application) utilises an improved access via the existing Brook Lane. We have not held any discussions with the applicant and do not intend to access the housing site via the applicants proposed new access onto the A259. The claim that we would do so is entirely unsubstantiated and incorrect.'*

We understand from the Applicant that the improved access for Store Properties' housing scheme (application A/44/17/OUT) requires land within the Applicant's control, in which case, the housing scheme is not viable without the approval of the Applicant. This access location has now been superseded by a new access located further east as described above.

Mr McLaughlin suggests that a condition is imposed that '[site 2- the adjacent housing site] has agreed to the closure of Brook Lanes existing access onto the A259 New Road and the diversion of their access through [site 1]'

- This suggestion cannot be fulfilled and is entirely hypothetical. There has been no correspondence or discussions with the applicant regarding the potential closure of Brook Lane which I confirm we own, and we do not agree to its closure.*

The draft conditions proposed by the applicants would be neither workable, enforceable, nor lawful.'

In our opinion, to provide a safe access from Brook Lane onto the A259 New Road for any new development an upgraded junction with appropriate acceleration and deceleration lanes will be required. As such the existing Brook Lane simple priority junction onto the A259 will need to be closed and a fully compliant junction constructed as shown on our **Drawing No REDW-3167-131-B**

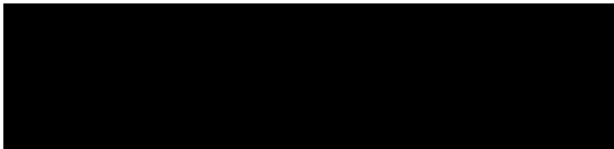


which the Applicant has confirmed can be used by the housing scheme. The relevant point is that the A/11/17/OUT access location has now been approved by WSCC as an acceptable access proposal for the development

The closure of Brook Lane will require the approval of West Sussex County Council who will ensure that users of Brook Lane still have a legal route to the A259 and access to the public highway which they currently enjoy. To this end, we are working with WSCC to agree the principle of the Highway Authority adopting the site access, mini roundabout and public house access road as far as the western boundary so that the Brook Lane access can be easily diverted through an adopted route within the A/11/17/OUT application site.

Please do not hesitate to contact the writer if you require any further clarification.

Yours Sincerely



P McLaughlin
for The Redwood Partnership
Encs.

Cc

Mr J Marshall – Commercial Development Projects Limited
Mr H Dennis – Add Architects
Mr N Crowther – Arun District Council
Mr D Smith – West Sussex County Council