

Date: 23 March 2018
Your Ref: A/11/OUT and A/23/15/OUT
Our Ref: 9349



6 New Bridge Street
London EC4V 6AB

Ms. Claire Potts
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Dear Claire

OBJECTION TO APPLICATIONS A/11/17/OUT AND A/23/15/OUT RELATING TO LAND SOUTH OF NEW ROAD (A259) AND EAST OF BROOK LANE ANGMERING

As discussed on the telephone, we have made a series of representations in respect of both of the applications above, but we would be keen to discuss these with you in more detail to assist you in understanding our concerns. For the avoidance of doubt we maintain our objection to both applications on retail grounds. We understand that you intend to instruct Counsel to advise in this regard having received advice from your own retail consultant DPDS. We understand that you haven't yet instructed this opinion; however, we would be keen to have sight of the advice once received.

The purpose of this letter is to outline the outstanding concerns that we have in respect of transport and highway matters on both of the applications. We would be very keen to discuss these in detail with you; however, we hope that this letter will provide you with a helpful summary of our outstanding concerns.

Closure of Brook Lane Access (pertinent to A/11/17/OUT only)

We have made numerous comments objecting to the proposals which include the closure of Brook Lane. My client is opposed to the closure of Brook Lane, as this is the intended access point for the committed scheme for residential and care-home development. My client, who is the owner of Brook Lane, does not wish or intend to close the access. However, in planning terms, given the highways concerns arising from having the two junctions so close together it is clear that in order for the access proposed by A/11/17/OUT to be acceptable in highway safety terms, it would be necessary to stop the access up. The latest SDB access plan (REDW-3167-131B) retains a reference to Brook Lane being closed (albeit no explicit commitment has been made) and therefore we maintain our objection on this ground. We have seen correspondence from WSCC which states that they would defer to the LPA's judgement as to whether the closure should be conditioned.

It is clear from the analysis of West Sussex, that in order for the proposed SDB access to be acceptable, it will be necessary for the existing Brook Lane access to be stopped up. In this respect it would seem imperative that development cannot commence on site until this stopping up has taken place. It is important to note that the draft NPPF2 (5th March 2018) includes reference to highway safety in the reasons for refusal on transport grounds, which represents a change from the existing NPPF. Paragraph 109 of the draft states "Development should only be prevented or refused on highways grounds if the residual cumulative impacts on the road network or road safety would be

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severe.” Allowing the access proposed on application A/11/17/OUT prior to the closure of Brook Lane would result in a severe highway safety issue.

However, although it is necessary to make the permission acceptable it is difficult to see how this could be secured by the planning permission on the basis that it neither forms part of the application red line, and a Grampian condition is unlikely to be appropriate in this instance on the basis that there doesn’t appear to be a realistic probability of the stopping up taking place.

It is also important to note that the closure of Brook Lane is merely noted on a planning drawing, and therefore there has been limited analysis of this within the application submission. In any event the wording suggested by WSCC would not be acceptable as it refers to an approved plan, yet Brook Lane is located outside of the application site boundary, and furthermore does not deal with timing.

Adoption of Internal Roads (pertinent to A/11/17/OUT only)

The advice from WSCC is that they would not adopt the internal roads. SDB’s access plan (REDW-3167-131B) therefore needs to be updated as it currently states that the routes would be ‘offered for adoption’. Either the scheme needs to change prior to determination to ensure that adoption is a realistic probability, or the applicants should ensure that the implications of their design are properly understood. In particular, we consider that the access proposed would not be suitable for the residential scheme which is a committed development. A residential scheme of the size proposed on my client’s site would need a road built to the boundary which was at the very least built to adoptable standards. If the road is not going to be adopted, this is likely to reduce the attractiveness of the site to residential developers and therefore threaten the delivery of new homes which would make a valuable contribution to the Council’s housing land supply.

Vehicular linkage to Manor Retail Park (both applications)

There are obvious sustainability benefits to linking the proposals to Manor Retail Park to the east of the site. In spite of this the SDB scheme prevents this linkage, which follows a letter from the Redwood Partnership in August 2017 whereby it was made clear that there were no aspirations to provide such linkage. This would mean that any linked trips between the two sites would need to take place via re-exit and re-entry via the A259. We consider that it would be appropriate for the planning team at Arun to insist on this connectivity being delivered, this will necessitate further changes to the Planning drawings and a commitment for the linkages to be provided prior to occupation and retained thereafter.

Pedestrian linkage to the south/railway bridge (both applications)

Currently SDB’s proposals provide inadequate commitment in terms of the pedestrian connectivity to the south of the site. We note that there has been no response to the comments from West Sussex Council stating that the development should be required to obtain public footpath rights along Brook Lane to provide access to the railway crossing. Furthermore it is important that the heads of terms are updated to provide a contribution to the proposed railway bridge.

Cumulative Impact (both applications)

We were pleased to note that West Sussex Country Council has advised that my client’s proposals (A/169/17/OUT) should be treated as a committed development. We haven’t seen any update to SDB’s proposals on account of this change to the material context of their proposal. However, we would wish to provide further comment when this information has been submitted in advance of the

application being heard at planning committee. WSCC state that both applications should demonstrate that their access arrangement do not preclude the other development coming forward. This information should be provided and agreed prior to the application being determined.

Outstanding Requirements /Conditions

We hope that this letter provides you with a useful summary of our outstanding comments. As discussed in our previous letters of objection, we would urge you to refuse both applications on retail grounds. However, if the applications are to progress to an approval then it is very important that the access to the site is reviewed in detail, adequate controls put in place both to ensure highway safety, and to ensure that the development does not prejudice committed schemes that will result in substantial material planning benefits in the District including permission A/169/17/OUT.

In the event that you are minded to recommend the applications for approval we would suggest the following planning conditions/amendments to the scheme should be insisted on:

- 1) Access should be amended to an arrangement similar to that shown indicatively on committed development for residential development (application reference A/169/17/OUT). The access road that is currently being put forward by either scheme would not be suitable for residential development on the basis that housebuilders would require an adopted road or road built to adoptable standards all the way to the boundary of the residential development. The access over Brook Lane is acceptable for the residential development, and there appears no material reasons why this would not be acceptable for the retail development put forward by SDB.
- 2) In the event that the access is not amended, then a condition on A/11/17/OUT should be applied to the planning permission which states that no development (including any works of site preparation) can take place unless and until Brook Lane has been stopped up.
- 3) The applicant should be required to revisit their cumulative assessment of the proposals for both applications, and assess the compatibility of the proposed development with recently permitted schemes.
- 4) Improved linkages, both pedestrian and vehicular should be insisted upon in the interests of sustainable development. In particular, vehicular access should be provided directly to Manor Retail Park, and both schemes should be required to ensure linkages to the public rights of way to facilitate pedestrian movement to the south. These linkages should form part of the application drawings, and the linkages should be secured by an appropriately worded planning condition requiring the linkages to be completed prior to occupation and retained thereafter.

My client's proposal will deliver substantial planning benefits by contributing to the housing land supply, and also in the provision of specialist care home facilities. We are currently in the process of preparing a reserved matters application for an access over Brook Lane. It follows that we continue to object to a scheme that would necessitate its closure, but at the same time it is clear that if the access as currently proposed goes ahead without the closure, there would be severe safety concerns having the two so close together. The SDB application should not be determined until these issues have been resolved, but at the very least these issues should be dealt with before there is any material start on site.



For the avoidance of doubt the detailed technical representations from my client's Transport Planners (Mayer Brown) have not been replaced by this letter. I have simply sought to clarify and summarise the outstanding concerns, and we would welcome the opportunity to discuss these with you in more detail.

Yours sincerely

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Partner
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