

REPORT UPDATE

Application No: FG/129/18/PL

Reason for the Update / Changes

Reason for Update :

- 3 additional letters of representation
- County Highways updated comment
- Additional supporting information for agent

Additional Reps :

- Ferring Conservation Group,
- Why are new traffic control system, and new drawings for the access way being examined?
 - It is quite clear that the applicant cannot provide the 4 metre width access required by the LHA and the Inspector. The application should therefore be refused.

Neighbouring occupants:

- concern from neighbouring no.46 that the traffic measures would make for an unsafe access of adjacent properties. Details are required.

Officers Comment:

Further detailed information has been submitted by the applicant to support the traffic light measures of mitigation.

County Highway comments.;

- Traffic light system is acceptable in principle. This system would provide pedestrians unopposed passage along the private access driveway onto Ferringham Lane.
- It is considered that the chance of pedestrian and vehicle conflict along the access way to be very low.
- Advise balancing the benefit of providing unopposed pedestrian movement against the impact of potentially holding a vehicle on Ferringham Lane for a period of time while a pedestrian navigates the 60 metre long access.
- The waiting time needs to be in excess of 42 seconds based on an average walking speed of 1.4 metres per second to navigate 60 metre long access.

Officers Comment:

- None.

Additional information from agent comprises further plans & details of revised traffic light system & access to the site.

Officers Comment:

- The details & plans are being treated as supplementary information and would form the basis for discharging proposed condition 4.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: FG/129/18/PL

LOCATION: 44 Ferringham Lane
Ferring
Worthing
BN12 5LU

PROPOSAL: Application for variation of condition imposed on planning reference FG/115/17/PL relating to condition no. 4 - access width.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks planning permission to vary condition 4 of planning permission FG/115/19/PL. Condition 4: No development shall commence until the 4 metre wide vehicular access serving the development has been constructed in accordance with the approved planning drawing.
TOPOGRAPHY	Predominantly flat.
BOUNDARY TREATMENT	The site access is boarded by a brick wall at the entrance into the site with close boarded fencing and hedging further along the access. The site itself is boarded by a mixture of close boarded fencing, trees and hedges of various heights and densities.
SITE CHARACTERISTICS	The site is currently occupied by a detached two storey dwelling with rendered elevations and a tiled hip roof with a single storey projection to the north, rear dormer window on the eastern elevation, a detached garage and small outbuilding located to the north of the original dwellinghouse.
CHARACTER OF LOCALITY	The character of the locality is predominantly residential with Ferringham Lane consisting primarily of detached and semi-detached two storey dwellings set in larger plots.

RELEVANT SITE HISTORY

FG/115/17/PL	4 No. bungalows	ApproveConditionally 15-03-18
FG/69/16/OUT	Outline application with some matters reserved for 4 No. 3 bed bungalows (resubmission of FG/196/15/OUT).	Refused 13-07-16 Appeal: Allowed+Conditions 11-05-17
FG/196/15/OUT	Outline Application with some matters reserved for 4 No. 3 bed bungalows & 1 No. 2 bed bungalow.	Withdrawn 14-03-16

The site has a history of planning applications for residential development with permission having been refused but granted on appeal under reference FG/69/16/OUT. A subsequent scheme FG/115/17/PL for 4 No. chalet style bungalows was approved September 2018. A condition to restrict the access to 4m was attached to both the above scheme approvals.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Ferring Parish Council

Ferring Parish Council strongly objects to the requested variation of the condition imposed on planning ref. FG/115/17/PL. The condition is based on safety grounds and is supported by sound evidence. The proposed narrow roadway for use by the residents of the proposed family homes is bordered by high walls/fences. This joins a private road with no street lighting or pavements which is a bus route with a bus stop adjacent to the entrance and is the main route from north to south Ferring.

This extract from the WSCC Highways report August 2018 applies:

At its maximum width of 3.74 metres the access would only be suitable for passing of a vehicle and a single pedestrian or wheelchair user. It would not be wide enough for the passing of a vehicle and pedestrian accompanying a small child. At 4.0 metres the access width would have been wide enough to facilitate the passing of a vehicle and pedestrian, wheelchair user or pedestrian accompanying a small child.

It is essential that adequate provision is made for the safety of all users and particularly a wheelchair user or pedestrian accompanying a small child. This should be a minimum of 4.0 metres merely 'to facilitate' these movements. The conditions previously imposed should therefore remain in force.

Much has been made of the proposed traffic light system by the developer but there remains real concerns that should the required 4 metre access ever become available and such a scheme go-ahead, there would then need to be conditions to ensure that the traffic light system is maintained indefinitely. This will not be under the local authority so there needs to be an enforceable responsibility (which is likely to be difficult to ensure) for maintenance, prompt repairs and eventual replacement of the system.

11 letters of support stating:

- The traffic light system would prevent congestion.
- 3.5m is considered to keep access at a safe width.
- Photos showing safe and wide access support no objection.

38 letters of objection:

- No information on who is going to maintain traffic lights.
- Traffic light system will not prevent vehicles pulling out into the road with little or no visibility.
- 4m access route imposed when scheme was approved for retirement bungalows, now 3 bed family homes. Family pedestrian traffic requires a minimum width for safety of pass and repass.
- There is no change to local circumstances therefore no change to the need for width minimum of 4m.
- The egress from the site is dangerous due to limited vision of the road.
- The access is inadequate as it stands.
- Proposed access will have an unacceptable impact on highway safety.
- Visibility splays cannot be maintained as land is not under the ownership of the applicant.
- Construction traffic will damage the private roads.
- Lack of privacy for the surrounding properties due to all the shrubs and trees being cut down.
- The area is far too busy to have additional properties built.

Ferring Conservation Group - Objection. Evidence supplied by the applicant does not demonstrate again the 4m width requirement.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and will be considered in the conclusion to this report. Comments considering construction traffic & the rejection of additional properties are not material planning considerations as residential development on the site is already approved.

CONSULTATIONS

WSCC Strategic Planning

Engineering Services Manager

Engineers (Drainage)

Parks and Landscapes

Southern Water Planning

CONSULTATION RESPONSES RECEIVED:

SOUTHERN WATER - Raise no objection.

DRAINAGE ENGINEER - No observations to make.

WSCC STRATEGIC PLANNING

1st Response

The application details that the access width is 4.0 metres wide as per the Land Registry plan and OS Mapping. However on site the applicant states the access way is between 3.53 and 3.74 metres in width. The condition requesting the access measure 4.0 metres in length was originally included as part of the Planning Inspectors Appeal Decision of a previous application at the site, FG/69/16/OUT.

A width of 4.1 metres would be considered adequate to allow two private motor cars to pass at slow speed. Vehicular access movements at the site onto Ferringham Lane will be controlled by a traffic light system. This system has been secured via planning condition. This system limits the access to a single flow of traffic. As such the access does not need to be wide enough to allow the opposing vehicles to pass.

Building regulation fire access require an access to measure 3.7m carriageway (kerb to kerb) for operating space at the scene of a fire. Simply to reach a fire, the access route could be reduced to 2.75m over short distances, provided the pump appliance can get to within 45m of dwelling entrances. Manual for Streets advises that widths between 2.75m and 3.25m should be avoided in most cases, since they could result in drivers trying to squeeze past cyclists. The access will operate as a shared space for both pedestrians and vehicles.

The Local Planning Authority would be advised that at a minimum width of 3.53 metres the access would only be suitable for passing of a vehicle and a single pedestrian. It would not be wide enough for the passing of a vehicle and wheelchair user, or pedestrian accompanying a small child. At its maximum width of 3.74 metres the access would only be suitable for passing of a vehicle and a single pedestrian or wheelchair user. It would not be wide enough for the passing of a vehicle and pedestrian accompanying

a small child.

At 4.0 metres the access width would have been wide enough to facilitate the passing of a vehicle and pedestrian, wheelchair user or pedestrian accompanying a small child.

The figures above are based on the minimum carriageway width of 2.75 metres and not the width of a typical family vehicle, which would be 2.0 metres. The previously submitted refuse vehicles tracking plans showed some flexibility in the manoeuvring for large vehicles.

2nd Response (commenting on suggested amended traffic light system)

I would accept that in principle this system would provide pedestrians unopposed passage along the private access driveway onto Ferringham Lane.

I'm not aware of any other examples where such a system has been used to control pedestrian movements along a private access driveway. I would consider the chance of pedestrian and vehicle conflict along the access way to be very low.

In terms of determining the application I would advise balancing the benefit of providing unopposed pedestrian movement against the impact of potentially holding a vehicle on Ferringham Lane for a period of time while a pedestrian navigates the 60 metre long access. This would need to be in excess of 42 seconds based on an average walking speed of 1.4 metres per second to navigate 60 metre long access.

The only other options that may be feasible are 1 or 2 strategically placed pedestrian or vehicle waiting areas along the access way. Given my knowledge of the history on this site and land constraint's I don't think this is an option open to the applicant. Alternatively providing pedestrian access via Little Paddocks would solve this issue. I know emergency access via this route was considered at some point in the process and not considered achievable so again for pedestrians may be achievable.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. These shall be discussed in the conclusions part of the officer assessment.

POLICY CONTEXT

Designation applicable to site:
Within built area boundary

DEVELOPMENT PLAN POLICES

SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
Ferring Neighbourhood Plan 2014 Policy 1A	A Spatial Plan for the Parish

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2011-31, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans..

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering; Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

The relevant Policy in the Ferring Neighbouring Plan has been taken into account.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies and the National Planning Policy Framework in that it would have no severe adverse effect on the safe use of the access way.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

BACKGROUND

The original application, FG/69/16/OUT, for 4 x 3 bed bungalows, was approved on appeal. At that stage the Inspector addressed the issue regarding the land registry plan and even though she considered the difference of opinion regarding the width of the access point to not be subject to planning control she decided to impose a condition to say that 'No development shall take place until the 4 m wide shared surface access has been constructed in accordance with the approved plans.'

The Inspector accepted the suggestion to provide a traffic light system so as to deal with the fact that the access point was insufficiently wide to provide for two passing vehicles. On consideration of the advice in Manual for Streets (MfS) she considered an access point width of 3.3m to be acceptable and in line with MfS. She was satisfied that a traffic light system would ensure that the access would be used safely, and with almost no effect on traffic flow in the lane. She felt that its details could reasonably be controlled by condition.

The subsequent approved amended scheme FG/115/17/PL carried through with the earlier conditions

imposed by the Inspector with reference to the width of the access point and details to be submitted for the traffic light system.

This application seeks to delete reference to the need to provide a 4m wide access point and seeks to vary the condition to provide an amended traffic light system to provide for a wait button to allow for pedestrians to safely use the access route. The need for an amended traffic light system is to take fuller account of the advice given by highways and MfS regarding the safe use of the access route by all types of pedestrians. This assessment had not been carried out in earlier applications.

PRINCIPLE

The key Policy consideration in the determination of this application is Policy T SP1 of the Arun Local Plan 2011-2031. This seeks to ensure that development provides safe access on to the highway network. In addition to this is the guidance of the NPPF.

The NPPF Para 108, states: when considering development proposals (b) safe and suitable access to the site can be achieved by all users and (c) any significant impact from the development on transport network in terms of highway safety can be cost effectively mitigated to an acceptable level. Para 110(a) of the NPPF, supports applications for developments that first give priority to pedestrian and cycle movements both within the scheme and with neighbouring areas, (b) addresses the needs of people with disabilities (c) creates places that are safe - minimising the conflict between pedestrians, cyclists and vehicles.

HIGHWAY ASSESSMENT

The applicant considers that a minimum access width at approx. 3.53m should be considered as acceptable when taking into consideration the site context and their proposed mitigation measures. However, according to Manual for Streets guidance provided by County Highways this width would not allow for the use of the access way by a car, and child accompanied by an adult.

Officers are mindful that the site when fully implemented would provide family accommodation and the access would serve as an internal access arrangement not part of the public highway.

As a result the applicants have sought to put forward a traffic light system that separates pedestrians from vehicles. Mitigation measures include the provision of a technical specification for pedestrian priority to be built into the traffic light system. This would allow for the safe passage of pedestrians and all other users enabling a shared access. Information has been submitted that indicates that the fitting of a pedestrian priority button is achievable. When implemented this would allow for traffic to stop for a reasonable amount of time to ensure the safe passage of all other pedestrian users.

County highways have been consulted on this amended traffic light system and their advice is that it would provide pedestrians unopposed passage along the private access driveway onto Ferringham Lane.

The principle of a traffic light system has been approved by earlier permissions including on appeal. With the adaptation suggested this system could be made safe for all users of the access way and subject to further technical and maintenance detail being submitted it would allow for a safe access point in accordance with policy T SP1 of the Arun Local Plan, Manual for Streets and the NPPF.

SUMMARY

For the reasons given above a variation to the condition is recommended subject to the following conditions.

HUMAN RIGHTS ACT

The Council in making a decision, should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (Right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for the approval of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 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 approved shall be carried out in accordance with the following approved plan: Location Plan 628-01 revA (of planning Application FG/115/17/PL)
Site Layout Block - 628-02 revG
Roof Plans 628-03 revG
House Plans 628-04 rev G
Elevations 628-05 rev C
Coloured Site Sections 06 rev B
Site Sections 07

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 3 No part of the development shall be first occupied until visibility splays of 2.0 x 43 metres to the south of the site and 2.0 x 39 metres to the north of the site have been provided at the site vehicular access onto Ferringham Lane 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 and in the interests of amenity and the environment in accordance with policy D DM1 of the Arun Local Plan.

- 4 Prior to commencement of development details of the proposed pedestrian priority system to control access in and out of the site shall be submitted to and agreed in writing by the local planning authority with the agreed details retained thereafter. This should include the:

- design and technical specification of the pedestrian priority system
- a strategy for continued maintenance and operation of the pedestrian priority system.

Reason: In the interests of road safety in accordance with policy T SP1 of the Arun Local Plan.

- 5 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed or buildings shall be erected within the curtilage unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy D DM1 of the Arun Local Plan.

- 6 No development above damp proof course (DPC) level shall take place until details of screen walls and/or fences have been submitted to and approved by the Local Planning Authority and no dwellings shall be occupied until such screen walls and/or fences associated with them have been erected.

Reason: In the interests of amenity in accordance with policy D DM1 of the Arun Local Plan.

- 7 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. 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.

- 8 INFORMATIVE: Drainage Engineers advise that Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location. Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also available on request.

- 9 INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

- 10 **INFORMATIVE:** The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.