

WEST SUSSEX COUNTY COUNCIL CONSULTATION

TO:	Arun District Council FAO: Mrs A Gardner
FROM:	WSCC - Highways Authority
DATE:	2 March 2020
LOCATION:	Paddock House 44 Ferringham Lane Worthing BN12 5LU
SUBJECT:	FG/20/20/DOC Approval of details reserved by condition imposed under FG/115/17/PL relating to condition 3-visibility splays.
DATE OF SITE VISIT:	n/a
RECOMMENDATION:	Advice
S106 CONTRIBUTION TOTAL:	n/a

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals which include up to 5 residential units or extensions to single units accessed from roads that do not form part of the Strategic Road Network (SRN). As such the comments provided by Planning Services should be considered to be advice only, with respect to this planning application.

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

I refer to your consultation in respect of the above planning application and would provide the following comments.

The proposal seeks to remove condition 3 (visibility splays) of FG/115/17/PL (4 x dwellings using an existing point of access).

- 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 GEN7 of the Arun District Local Plan.

The site has a complex planning history. Within which FG/69/16 (Outline app for 4 x 3 bed dwellings) was refused and subsequently granted at Appeal.

A speed survey was undertaken at the site and it was the results of this speed survey which informed the 2.0 x 43 & 39 metre splays that were subsequently conditioned. At

the time visibility splays of the above dimensions were not demonstrated but it was determined that splays of these dimensions would require the use of 3rd party land. It was advised that the Local Planning Authority consider the use of a Grampian type conditions and if this was considered appropriate in this case.

Visibility was not used as a reason for refusal at the time. Visibility or the lack of demonstrating the advised splays was not discussed within the Inspectors Appeal Decision of FG/69/16. The condition subject of that application was secured as part of that Appeal Decision.

Subsequently FG/115/17/PL (4 x dwellings) came forward and was approved by the Local Planning Authority. The same visibility condition was secured.

The applicant now seeks to remove this condition from the planning approval. The applicant points to paragraph 55 of the NPPF which details the tests for which planning conditions need to apply. It is not the role of the Local Highways Authority to advise the LPA if the condition applied meets these tests. Furthermore, Ferringham Lane is a private lane not within the control of the Local Highways Authority.

The LPA would be advised to consider if the condition applied meets the tests as stated by Paragraphs 55 of the NPPF and determine accordingly.

Ian Hayward
West Sussex County Council – Planning Services