

4th March 2020

Dear Sir/Madam

Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England) Order 2015

Approval of details reserved by condition imposed under FG/115/17/PL relating to condition 3-visibility splays.

Paddock House 44 Ferringham Lane Ferring

Thank you for your internet representation made on 3rd March 2020 which has been recorded as **'an objection'** with the comments as follows:

Ferring Parish Council objects to this application to set aside valid conditions imposed by ADC and upheld by the Appeal Inspector in the earlier decision referred to by the applicant. While that appeal was allowed, it was subject to conditions specified in schedule A of the decision.

Decision 1. The appeal is allowed and planning permission is granted for 4no. 3 bed bungalows at 44 Ferringham Lane, Ferring BN12 5LU in accordance with the terms of the application, Ref FG/69/16/OUT, dated 15 April 2016, subject to the conditions set out in Schedule A at the end of this Decision.

Decision date: 11 May 2017

Appeal Decision APP/C3810/W/17/3166634 3 Conditions 13. The Council's suggested conditions have been considered and re-worded as necessary in the light of Framework paragraph 206 and Planning Practice Guidance (PPG). The condition identifying the approved plans is necessary for certainty. The conditions to control the access, traffic light system, visibility splays, and garages, parking and turning spaces including one unallocated visitors' parking space, are reasonable and necessary in the interests of highway safety. The pre-commencement conditions for the access and traffic light system are necessary because they are of prime importance to the acceptability of the development. These conditions have been imposed.

Schedule A

7) No dwelling hereby permitted shall be first occupied until visibility splays of 2 m x 43 m to the south and 2 m x 39 m to the north have been provided at the access to Ferringham Lane and the visibility splays shall thereafter be maintained and kept free of all obstructions more than 0.6 m above the level of the adjoining carriageway.

It is clear, therefore, that the Planning Inspector recognises the reasonable and necessary need for the condition, which is the subject of this application, to be imposed for reasons of highway safety.

The applicant's argument that this is not achievable as he does not control the land to the southern side cannot be a valid reason to over-ride the Planning Inspector and disregard highway safety for the developer's convenience. There has been no sound reason put forward to support the claim that the condition was incorrectly applied and this was not contested at the time. Had the condition not been valid, the Planning Inspector would have set this aside in the appeal decision. The argument by the applicant that the condition should be considered against the six criteria for a Grampian consideration only serves to

re-enforce the fact that the access/egress route is not in an appropriate location and that reasonable and justifiable splay conditions must be provided to meet Highway Safety standards.

We therefore submit that there is no valid case for the condition to be set aside and request A.D.C. to refuse this application.

Unfortunately it is not possible for the council to respond to each representation individually but your views will be considered before the application is determined and I shall write to inform you of any decision made.

If the application is to be determined at the Development Control Committee and your letter has been received after the agenda has been published, you will not receive a separate letter notifying you of the date of the meeting and the procedures for public speaking. In such circumstances, it is recommended that you track the progress of the application on the website or telephone for further information. Please be advised that any comments received after the the Development Control Agenda has been produced will be reported to the meeting. Please also note that only a small number of all planning applications are determined at the Development Control Committee, most are determined by officers under delegated power.

All representations are published on our website so please make sure your views are clear and only include information that you are happy for the public to view. Do not include personal information or information from third parties unless you have their permission to do so. If a complaint is received that permission has not been given for comments included about a third party, the Council reserves the right to redact/remove all relevant information. Do not include information that is defamatory or breaches equality or other legislation. If you do not wish your comments to appear on the website and on the file, please confirm this in writing and I will arrange for it to be destroyed, although this does mean that its contents will be disregarded. For details of what we do with your personal information please refer to our privacy statement comments on planning applications which is available on our website www.arun.gov.uk/planning-privacy-statements.

In the event of a subsequent written representations appeal, against a refusal of planning permission on a householder application, any representations made on the application will be automatically forwarded to the Secretary of State. Unlike all other types of appeal, there will be no further opportunity to comment at the appeal stage.

Yours faithfully

Neil Crowther
Group Head of Planning