

Recommendation Report for Planning Permission

REF NO: FP/170/21/PL

LOCATION: Land North of Felpam
Bognor Regis

PROPOSAL: Retention of guard rails (chicane) in place of bollards, and the retention of the 1.2 metre high post and rail fencing adjacent to the emergency access gate.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application is for the retention of the guard rails (i.e. chicane) which have been installed alongside the northern emergency access gate and the retention of the 1.2 metre high post and rail fence which has been erected alongside the footway connection, so as to prevent unauthorised access by motorcycles around the emergency access gates.
SITE AREA	0.4 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	The residential development at Blake's Mead (Site 6, Felpham) has resulted in the retention of many trees in this part of the development and along the boundaries of the site. Detailed landscape plans have been submitted, approved and implemented in relation to conditions which were imposed on the outline planning permission (FP/92/04) at Blake's Mead.
BOUNDARY TREATMENT	A mixture of tree coverage, hedges and close boarded fencing occurs in this part of Blake's Mead (i.e. Phase 2). Two sets of emergency vehicular access gates together with chicanes (to slow down cyclists and deter access for motorcyclists) are currently situated on the boundary of Broomfield Way on Blake's Mead and Westmorland Drive to the south.
SITE CHARACTERISTICS	The application site is located on Broomfield Way which is situated within Phase 2 (also known as Phase B) at Blake's Mead (Site 6, Felpham). There are 5 phases in all at Blake's Mead. Blake's Mead is a modern housing estate, located on the northern outskirts of Felpham, bound to the north by the Bognor Regis Northern Relief Road (i.e. the Charles Purley Way); to the south by existing housing estates including Westmorland Drive; to the east by a recreation ground and beyond by Flansham Lane and Flansham Park; and to the west by farmland and beyond by the Rolls Royce Factory, which is located on the Oldlands Farm site.
CHARACTER OF LOCALITY	The area that immediately surrounds the application site at Broomfield Way and the wider surrounding area is residential in character. Westmorland Drive, immediately south of the

application site is predominately characterised by two storey, semi-detached houses. The land to the north of the Bognor Regis Northern Relief Road (the Charles Purley Way) is agricultural in nature, and includes Chessels Farm.

RELEVANT SITE HISTORY

FP/92/04/	Outline Application for residential development and associated uses forming part of policy site 6. Construction of the Bognor Regis Northern Relief Road from A259 at Felpham to A29 (This application is accompanied by an environmental statement and affects a public right of way)	Called In by DCLG/SD 30-11-04
		Appeal: Allowed+Conditions 22-11-06
FP/12/21/PL	Addition of 4 No. car parking spaces, to total 32 No. parking spaces, to serve the Community Centre building in lieu of the spaces in the layby.	ApproveConditionally 20-05-21
FP/239/19/PL	Variation of condition 1(k) and condition 15 imposed under FP/92/04/ for bus gate (approved Phase 2) to be replaced with an emergency services vehicles access gate and a bicycle link.	ApproveConditionally 03-02-20

Outline planning permission (FP/92/04) was granted in August 2005 for residential development and associated uses forming part of Site 6, Felpham and the construction of the Bognor Regis Northern Relief Road from A259 at Felpham to A29 following a call-in inquiry. During the inquiry the inspector requested the provision of a bus route from the south along Westmorland Drive and running through Blake's Mead, utilising the route along Broomfield Way, which was accessible via removable bollards. By 2019 it was clear that a public bus service would not be following this route into Blake's Mead. The residential development at Blake's Mead is virtually completed.

REPRESENTATIONS

FELPHAM PARISH COUNCIL:
No objection.

2 letters of objection on the following grounds:

- The design of the emergency access gates is unfit for purpose.
- The emergency access gates rattle in light winds and keep the residents awake at night.
- The Ambulance Service and the Fire Service have failed to gain access through the emergency access gates.
- Why is a retrospective application continuing to be made for these unsightly gates.

3 letters of support on the following grounds:

- Since the gates have been installed, Westmorland Drive has been much safer and noise levels have dropped.

- The chicanes are required to prevent motorbikes from racing through.
- In the past, residents had trouble driving off their driveways due to motorbikes and cyclists riding past at speed.

COMMENTS ON REPRESENTATIONS RECEIVED:

All planning related comments are noted and covered in the Conclusions section of this report.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

LOCAL HIGHWAY AUTHORITY:

No objection.

The installation of guard rails (chicanes) has the potential to restrict / make difficult movements by adaptive bikes / trailers / tandems but this would need to be balanced against the need to restrict motorcycles. A condition is requested regarding the painting of the gates and the fixing of reflective strips to the gates.

WEST SUSSEX FIRE AND RESCUE SERVICE:

No objection.

SUSSEX POLICE:

No objection.

AMBULANCE SERVICE:

Object.

One of the 2 emergency access gates should be removed. This application merely comprises the fitting of 2 padlocks with matching codes and rubber pads so the gates do not rattle. To refer to these as emergency gates is a misnomer; in the event of a genuine emergency, a degree of speed is required, and stopping to unlock 2 padlocks is contrary to this.

COMMENTS ON CONSULTATION RESPONSES:

All planning related comments are noted and covered in the Conclusions section of this report.

POLICY CONTEXT

Designation applicable to site:

Within the built-up area boundary (BUAB) in the Local Plan.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
SDSP2	SD SP2 Built-up Area Boundary
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development

[Felpham Neighbourhood Plan 2019-31 Policy GA1](#) Promoting Sustainable Movement

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan 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 revised Felpham Neighbourhood Plan (NP2: 2019-2031) was made on 17th March 2021 and it is referred to as Felpham Neighbourhood Development Plan 2. Relevant Felpham NP2 policies have been taken into account and are addressed in the Conclusions section of this report.

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."

Section 70(2) of TCPA provides that:-

- (2) In dealing with an application for planning permission the authority shall have regard to:
- (a) the provisions of the development plan, so far as material to the application, a post-examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

The installation of the 2 emergency access gates comply with relevant Development Plan policies in that they ensure that access is maintained into the site for use by the emergency services vehicles, and retains pedestrian and bicycle access into and out of Blake's Mead; and the retention of the additional guard rails (chicane) alongside the northern emergency access gate and the post and rail fencing deters motorcycle access into Blake's Mead from Westmorland Drive, and the as-built development complies with the transport policies in the Development Plan.

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

PRINCIPLE

Planning permission FP/239/19/PL established the principle of development of the emergency access gates. This is a retrospective application to regularise what has been implemented.

THE IMPLEMENTED LAYOUT

Planning permission (FP/239/19/PL) has been granted and implemented for the replacement of the bus link and the removal of the bollards across the carriageway at the junction of Broomfield Way and Westmorland Drive and their replacement with 2 sets of access gates which are situated approximately 19 metres apart, which are for use by emergency services vehicles only. The two emergency access gates have been fitted with a FP2 padlock, to the satisfaction of Sussex Police. The FP2 padlock is a recognised method of securing gates, bollards and access which the emergency services have a master key for. When first installed, the emergency access gates rattled in light winds and kept the residents awake at night, however, a rubber cushion has been installed to stop the noise from the gates.

The Ambulance Service has requested that one of the 2 emergency access gates should be removed to ensure a degree of speed is retained in the event of a genuine emergency, as stopping to unlock 2 padlocks on 2 sets of gates would slow down the ambulance. The principle of two gates has been established through FP/239/19/PL and this application is not seeking to amend that element of the previously approved scheme. The provision of 2 sets of gates ensures that vehicles do not park on both sides of the carriageway and block the movement of the emergency services. Before the 2 sets of gates were installed, vehicles parked along both sides of the road and blocked the 2 way movement of traffic. The Local Highway Authority, the Fire and Rescue Service and Sussex Police have not raised an objection to the provision of 2 sets of gates.

GUARD RAILS (CHICANES) & POST AND RAIL FENCING

Two sets of guard rails (i.e. chicanes) have been installed measuring 1.5 metres wide located alongside the new emergency access gates whereas FP/239/19/PL included the provision of 1 set of guard rails (chicane) alongside the southern gate and a bollard alongside the northern gate. In addition, a 1.2 metre high post and rail fence has been erected alongside the footway connection, so as to prevent unauthorised access around the emergency services vehicular access gates; and this post and rail fence was not part of the approved scheme. The layout incorporates a shared access for cyclists and pedestrians which runs along the eastern side of Broomfield Drive, between the two emergency vehicular access gates.

This application has been accompanied by Drawing No. 10140/SK01 Rev. C3 - Emergency Access and Cycle Link, which includes details of the set of guard rails (chicane) alongside the northern gate which is proposed to be retained, together with the 1.2 metre high post and rail fence which is also proposed to be retained. The installation of guard rails (chicanes) has the potential to restrict, make difficult movements by adaptive bikes, trailers, tandems but this has been balanced against the need to restrict motorcycles. Prior to the installation of the 2 sets of gates, residents had trouble driving off their driveways due to motorbikes riding past at speed; the guard rails (chicanes) now prevent motorbikes from racing through. The guard rails (chicanes) slow the cyclists down and act to deter motorcycles from using the bicycle link. Warning signs identifying a shared footway / cycleway have been installed on the 2 sets of guard rails (chicanes).

COLOUR OF THE EMERGENCY ACCESS GATES

The emergency access gates are currently yellow in colour. The block plan specifies that the RAL colour of the emergency access gates needs to be agreed with the Local Planning Authority (LPA). Details of the paint system would need to be submitted for approval as the gates have been factory treated/painted. The LPA, with the support of the Local Highway Authority wish to impose a condition whereby the applicant should paint the emergency access gates 'blue grey' (RAL 7031), and fix reflective strips on the gates so that they are visible in the dark and ensure that the gates are fit for purpose and

they are visually attractive.

SUMMARY

This application seeking the retention of the guard rails (chicane) alongside the northern emergency access gate and the 1.2 metre high post and rail fence which has been erected alongside the footway connection is acceptable as the guard rails and the post and rail fencing deter motorcycle access, but enable pedestrian and bicycle access to Blake's Mead from Westmorland Drive. The as-built layout ensures the provision of safe access onto Blake's Mead and onto the local highway network by emergency services vehicles, and the provision of a bicycle link at the junction of Broomfield Way and Westmorland Drive which contributes towards the provision of a joined-up cycle network between Blake's Mead and places of work, education, leisure and retail in Felpham, Bognor Regis, Littlehampton and further afield. Consequently, subject to a condition requiring the emergency access gates to be painted 'blue grey' (RAL 7031), the as-built layout plan is in accordance with Policy D DM1, Policy T SP1(a), Policy T DM1(d) of the Local Plan, Policy GA1 of the Felpham NP2 and the National Planning Policy Framework.

RECOMMENDATION

It is recommended that this application is approved, that the guard rails (chicane) alongside the northern emergency access gate and the 1.2 metre high post and rail fencing are retained in-situ and the following conditions be imposed.

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) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval 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 approved shall be retained in accordance with the following

approved plans:

- Drawing No. 001 - Site Plan.
- Drawing No. 10140/SK01 Rev. R1 - Emergency Access and Cycle Link.

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.

- 2 Within 1 month of the date of this permission, details of the reflective strips (i.e. the number and location) to be fixed to the 2 emergency access gates should be submitted for approval in writing by the Local Planning Authority in consultation with the Local Highway Authority.

Within 2 months of the date of this permission, the 2 emergency access gates should be painted 'blue grey' (RAL 7031) and be retained in that colour thereafter; and the approved reflective strips should be fixed to the 2 emergency access gates and be retained thereafter.

Reason: In the interest of visual and residential amenity and the character/appearance of the surrounding area in accordance with Policy D DM1 and Policy QE SP1 of the Arun Local Plan.

- 3 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.