

Recommendation Report for Planning Permission

REF NO: FP/239/19/PL

LOCATION: Felpham Site 6
Westmorlands Drive
Felpham

PROPOSAL: 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.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This is a Section 73 application to vary Condition 15 imposed on planning permission (FP/92/04/) at Broomfield Way on Blakes Mead (also known as Site 6, Felpham).
	Condition 15 relates to vehicular access to the site via Westmorland Drive by buses and emergency vehicles only.
SITE AREA	0.4ha.
TOPOGRAPHY	Predominantly flat.
TREES	The residential development at Blakes 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 Blakes Mead.
BOUNDARY TREATMENT	A mixture of tree coverage, hedges and close boarded fencing occurs in this part of Blakes Mead (i.e. Phase 2). Vehicular bollards are currently situated on the boundary of Broomfield Way on Blakes 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 Blakes Mead (Site 6, Felpham). There are 5 phases in all at Blakes Mead. Blakes Mead is a modern housing estate, located on the northern outskirts of Felpham, bound to the north by the Bognor Regis Northern Relief Road; 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 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

The residential development at Blakes Mead (Site 6, Felpham) is virtually completed.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Felpham Parish Council
No objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

WSCC Strategic Planning
Sussex Police-Community Safety
West Sussex Fire Brigade
Parks and Landscapes

CONSULTATION RESPONSES RECEIVED:**LOCAL HIGHWAY AUTHORITY:**

No objection.

The installation of the guard railing has the potential to restrict/make difficult movements by adaptive bikes/trailers/tandems but this would be balanced against the need to restrict motorcycles utilising the link.

SUSSEX POLICE:

No objection.

The amended layout plan confirms the opening and closing mechanisms and the locking devices for the two proposed vehicular access gates.

WEST SUSSEX FIRE AND RESCUE SERVICE:

No consultation response has been submitted.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

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:](#)

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

[Felpham Neighbourhood Plan 2014 POLICY GA1](#) Pedestrian and cycle connections

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011-2031, 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 and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan.

The Felpham Neighbourhood Plan (NP) was made on 16th July 2014. Relevant Felpham NP 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."

The development of vehicle control barriers is considered to comply with relevant Development Plan policies in that it would ensure access is maintained into the site for use by the emergency services vehicles, and also retain pedestrian and bicycle access into and out of Blakes Mead (Site 6, Felpham), in accordance 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

The principle of development was established with the granting of outline planning permission (FP/92/04) 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, in August 2005, following a call in inquiry. Condition 15 and Condition 1(k) were imposed on outline planning permission FP/92/04/ for residential development at Site 6, Felpham.

This planning application is made in response to the fact that a public bus service would not be following the route from the south along Westmorland Drive and running through Blakes Mead (Site 6, Felpham) or utilising the route along Broomfield Way, which is currently accessible via removable bollards. It is considered to be regrettable that the local bus company does not want to provide a bus service that would use this bus route link into Blakes Mead (Site 6, Felpham) from Westmorland Drive. The LPA has no control over the bus companies scheduling or bus routing to serve Blakes Mead (Site 6, Felpham).

It is proposed to replace the bus link and remove the bollards and to replace them with two sets of access gates which would be situated approximately 19 metres apart, and would be for use by emergency services vehicles only, together with a bicycle link between Broomfield Way (on Blakes Mead - Site 6, Felpham) and Westmorland Drive to the south.

CONDITION 15

Condition 15 currently says: "Vehicular access to the site via Westmorland Drive shall be only for buses and emergency vehicles such as ambulances, fire engines and police vehicles. It shall not be used by any other vehicles whatsoever, including any construction vehicles unless permission is granted on an application in that respect. Vehicular access shall at all times be controlled by means of a vehicle control barrier the subject of condition 1(k) of this notice of permission."

It is proposed that Condition 15 is varied to read:

"Vehicular access to the site via Westmorland Drive shall be only for emergency vehicles such as ambulances, fire engines and police vehicles; and a new bicycle access link shall be created via Westmorland Drive. It shall not be used by any other vehicles whatsoever, including any construction vehicles unless permission is granted on an application in that respect. Vehicular access shall at all times be controlled by means of vehicle control barriers the subject of condition 1(k) of this notice of permission."

The application has been accompanied by Drawing No. 10140/SK01 Rev. C3 - Emergency Access and Cycle Link, which includes details of the two proposed access gates for use by emergency services vehicles only at the junction of Brookfield Way on Blakes Mead and Westmorland Drive to the south.

The two proposed access gates would be 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.

The proposed layout includes the removal of the existing bollards across the carriageway at the junction of Broomfield Way and Westmorland Drive.

The proposed layout incorporates a shared access for cyclists and pedestrians which would run along the eastern side of Broomfield Drive, between the two proposed access gates for use by emergency services vehicles. There would be two guard rails measuring 1.5 metre wide which would be located alongside the proposed new access gate at the junction of Broomfield Way and Westmorland Drive. The guard rails would slow the bicyclists down and act to deter motorcycles from using the bicycle link. Warning signs identifying a shared footway / cycleway would be provided, which would be fixed to the guard rails and to bollards.

The layout plan includes the removal of an existing fence panel and kerb at the junction of Broomfield Way and Westmorland Drive. The existing fence panel needs to be removed to ensure footway connections are created between Westmorland Drive to the south and Broomfield Way. The new footway connection would measure 1.5 metres long and it would link up Broomfield Way with Westmorland Drive. A 1.2 metre high close boarded fence is proposed to be erected alongside the proposed footway connection, so as to prevent unauthorised access around the proposed vehicle access gate for use by emergency services vehicles at the junction with Westmorland Drive.

The proposed layout includes the breaking-up and removal of part of the existing highway carriageway, measuring approximately 1.5 metres wide, running along the western side of Broomfield Way, and for this area to be landscaped with pyracantha, so as to deter motorcyclists riding around the proposed access gates.

It is considered that the proposed layout would ensure the provision of safe access onto Blakes Mead and onto the local highway network by emergency services vehicles, that the provision of the bicycle link at the junction of Broomfield Way and Westmorland Drive would contribute towards the provision of a joined-up cycle network between Blakes Mead (Site 6, Felpham) and places of work, education, leisure and retail in Felpham, Bognor Regis, Littlehampton and further afield. Consequently, the proposed layout plan is considered to be in accordance with Policy D DM1, Policy T SP1(a), Policy T DM1(d) of the Local Plan and Policy GA1 of the Felpham NP.

Consequently, it is considered that the proposed variation to the wording of Condition 15 is acceptable. Condition 15 should be varied to read:

"Vehicular access to the site via Westmorland Drive shall be only for emergency vehicles such as ambulances, fire engines and police vehicles; and a new bicycle access link shall be created via Westmorland Drive. It shall not be used by any other vehicles whatsoever, including any construction vehicles unless permission is granted on an application in that respect. Vehicular access shall at all times be controlled by means of vehicle control barriers in accordance with Drawing No. 10140/SK01 Rev. C3 - Emergency Access and Cycle Link".

CONDITION 1(k)

Condition 1(k) currently requires approval of the: "design and operating mechanism of the proposed 'bus gate' at the access to Westmorland Drive." The proposal is to vary Condition 1(k) to read: "design and operating mechanism of the proposed emergency services vehicles gate and bicycle link at the access to Westmorland Drive."

It is considered that there is no need to vary Condition 1(k), but to delete it as it is no longer required.

SUMMARY

It is considered reasonable and necessary to vary Condition 15, imposed on the outline planning permission (FP/92/04/) for Blakes Mead (Site 6, Felpham), to refer to the provision of emergency vehicles access gates, together with a new bicycle access link between Broomfield Way on Blake Mead and Westmorland Drive to the south; but also to refer to the submitted layout plan (Drawing No. 10140/SK01 Rev. C3 - Emergency Access and Cycle Link). The proposed variation to Condition 15 is acceptable and it complies with Policy D DM1, Policy T SP1 and Policy T DM1 of the Local Plan, Policy GA1 of the Felpham NP and the National Planning Policy Framework.

It is considered that Condition 1(k) should be deleted as it is no longer relevant or required.

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 To be carried out in accordance with conditions imposed on outline planning permission FP/92/04/ unless amended below:
- 2 Condition 15 to be varied to read:

Vehicular access to the site via Westmorland Drive shall be only for emergency vehicles such as ambulances, fire engines and police vehicles; and a new bicycle access link shall be created via Westmorland Drive. It shall not be used by any other vehicles whatsoever, including any construction vehicles unless permission is granted on an application in that

respect. Vehicular access shall at all times be controlled by means of vehicle control barriers in accordance with Drawing No. 10140/SK01 Rev. C3 - Emergency Access and Cycle Link.

Reason: In the interests of road safety and in accordance with Policy D DM1, Policy T SP1 and Policy T DM1 of the Arun Local Plan and Policy GA1 of the Felpham Neighbourhood Plan.

3 Delete Condition 1(k) which says:

1(k) design and operating mechanism of the proposed 'bus gate' at the access to Westmorland Drive.

4 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.

5 INFORMATIVE: All of the other conditions imposed on FP/92/04/ shall remain in force and will remain unchanged.

6 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to the provision of on-site and off-site infrastructure.