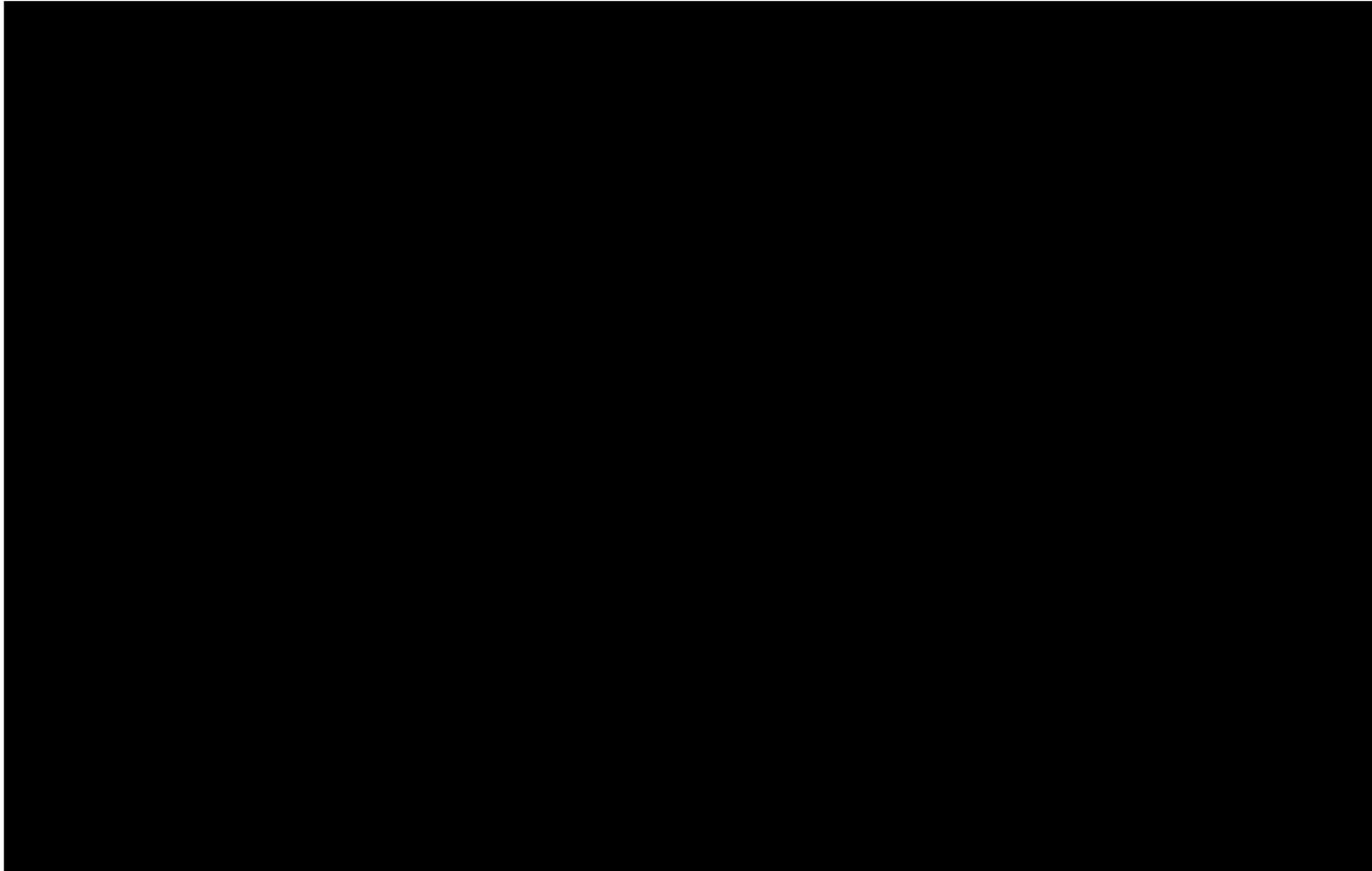




From: Hebe Smith <Hebe.Smith@arun.gov.uk> **On Behalf Of** Planning

Sent: 12 September 2022 11:09

To: Planning.Responses <Planning.Responses@arun.gov.uk>

Subject: FW: FP/274/21/OUT - Bognor Regis Golf Club Proposals - Substantiation of Highway Objections

Hebe Smith (she/her)
Planner (Degree Apprentice), Planning

T: 01903 737626

E: hebe.smith@arun.gov.uk

Arun District Council, Civic Centre, Maltravers Rd
Littlehampton, West Sussex, BN17 5LF
www.arun.gov.uk





From: Geoffrey Winch [REDACTED]
Sent: 11 September 2022 10:01
To: Planning <Planning@arun.gov.uk>; Tim Townsend [REDACTED] Steven Shaw
[REDACTED] Simon Wild
[REDACTED]
Subject: FP/274/21/OUT - Bognor Regis Golf Club Proposals - Substantiation of Highway Objections

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Geoffrey Winch
Dolphin Cottage
65 Downview Road
Felpham
West Sussex
PO22 8JA

In order to further substantiate my OBJECTIONS to the proposals I submit the following:

Recap

It is a matter of record that on March 16th 2022 I submitted my Objections to the proposals principally on highway grounds, and on 31st March the County Highway Authority submitted its initial formal response outlining certain matters that it considered required further clarification. On 20th May the applicants submitted further details as requested by the CHA, but these failed to address any of my reasons for Objecting and, therefore, on July 18th 2022 I submitted a second letter of Objection. On July 29th the CHA submitted its final response in which it raised no objection to the development on highways grounds subject to conditions being imposed and agreements being secured. As a highly experienced, though now twelve-years-retired, Highways Development Control Officer, and having worked at the highest level, I considered I had no alternative but to write to the CHA's own Case Officer directly, and did so on July 31st, to express my "dismay, shock and considerable concern" regarding the fact that he had not Objected to the development of highway grounds. I requested him to examine my own two letters of Objection and reasons for these, and then to draw to my attention (and the LPA's attention) any points of mine with which he disagreed. On August 25th he responded to my request (the details are reproduced below). As I was not satisfied proper consideration had been given to the proposals by the CHA I stated my intention of making further comments to the LPA (and this I am now doing) but, before doing so, on 26th August I asked that he offer his opinion on two related scenarios (one assuming the site had been included for residential development in the Local Plan, and the other one assuming the application was submitted when the Lec Airfield Link Road was more advanced. The intention was to demonstrate that vehicular access to the site by Downview Road was inappropriate and, therefore, should have been objected to by the CHA). In his reply dated 2nd September 2022 he declined to comment on these, but now, in making this further

submission to Arun District Council, I would again invite him to respond in any way he considers appropriate, especially if he considers my approach which I now set out in detail to be erroneous in any particular way.

1 Access Strategy

The Case Officer confirms that the site has to be considered on its merits. I agree, but add that it must also be considered on an equitable basis with other similar sites especially within the same locality as this ensures best value is being demonstrated to the public which is in their interest – i.e. in planning terms there is always the presumption that development will be permitted – this is in the interests of the applicants. Local Authorities exist to represent the public's interest and, having given proper consideration to an applicant's proposals, the onus is on Case Officers to respond in the most appropriate manner.

The CHA's Case Officer states that he was involved in pre-application discussions with the applicant's highway consultants in which the potential to access the site via the Bognor Regis Relief Road (BRRR)/proposed Lec Airfield Site Link Road was considered but then dismissed because the applicants do not control the intervening land.

The Planning Portal asserts that "You don't actually need to own land to apply for planning permission for it. This means you can apply for permission before deciding whether or not to buy a piece of land. The following people must be informed about a planning application relating to land or buildings they have an interest in: the owner or all the part-owner/s (if you are not the full owner); Any leaseholders with at least seven years' lease remaining; Any agricultural tenants." In such cases the Local Planning Authority require the applicant to serve notice on all relevant parties and to certify that this has been done at the time of making their application.

All professionals working within Planning Development Control should be totally conversant with this abiding principle. Therefore, it was a fundamental mistake to dismiss the proposal because the applicants did not control the land required to access the site via the BNRR.

The Case Officer should have stressed that it was important that the applicants submitted an application showing the access within the site boundary – i.e. this is a third scenario and one which was perfectly within the capabilities of the applicants of proposing. The Case Officer then would have been able to assert that, in principle on highway grounds, the application would not have been objected to subject to any issues being highlighted in a relevant Traffic Assessment being satisfactorily resolved. This would be the case on the following basis:

In Planning terms Site 6 had the merit of being included in the Local Plan for a major residential development. It could only achieve such merit as the Inspector at the Examination in Public would have been satisfied, among other matters, that appropriate means of accessing the site was viable via the Bognor Regis Relief Road (BRRR). Without the BRRR being delivered, Site 6 would have had no Highway-related merit. Whilst, at the time, it could be demonstrated that access could have been achieved by way of two or three points connecting to the then existing local highway network in the northern part of Felpham, this could not be considered as meritorious as no access, even for a single dwelling, would have been sanctioned since it would have resulted in unnecessary additional traffic using that highway network to the detriment of safety on the publicly maintainable highway, and the operational efficiency of the network itself. This was especially the case as the potential existed to access the site by more appropriate means via the BRRR.

Therefore, the fact that the current applicants have demonstrated that it is possible to access the Golf Course by a single point to the same local highway network has no merit as the potential exists to provide more appropriate means of accessing to the site from the BNRR via the Lec Airfield Link Road.

In Planning terms the Golf Course has no merit as a site for a high volume residential development as it is not included in the Local Plan. However, in Highway terms it does have merit because the site has the

potential of being accessed from the BRRR via the Link Road. Had the site been accepted for inclusion in the Local Plan then I am one-hundred percent confident (having personally advised on numerous sites being considered for inclusion in Local Plans in the past) that the Inspector, at the Examination in Public, would only have been satisfied if the CHA to have advised accordingly – especially as the Link Road connecting to the BRRR is included in the Local Plan and actually passes directly through the site itself. This fact alone, in highway terms, is of significant merit.

Even in the simplest of cases – e.g. if considering a site capable of accommodating a single dwelling and the standards for access cannot be met for the reason it lies close to a bend and a required visibility splay lies across third-party land – it would be incongruous to allow such an access simply because the applicant doesn't control the land for the visibility splay. It becomes a matter for the applicant, if determined to gain approval, to take the necessary steps to overcome the objection by negotiating with the third party to acquire the land.

The applicants' offer to pay for the construction of the Link Road where it passes through their site – not to serve their own development but an adjoining one – is, as a consequence, incomprehensible.

Whilst it would appear the recommendation of ensuring access for emergency vehicles is no longer mentioned in current highway guidance documents, it remains necessary for Case Officers to be aware of the Fire Brigade's requirements to ensure their emergency vehicles can get to within forty metres of any dwelling so there remains, by implication, the need to make appropriate emergency access provision. In my submissions I contended that the proposals included in the application were inadequate because of the proximity to the main proposed access position and the Club House which could, it was being suggested, be used as a place of public assembly. In this respect the Case Officer has stated that in the unlikely event Downview Road or the development access becoming blocked, there would still be a network of roads that vehicles (emergency or otherwise) could use to reach the site in the event of an emergency – but he does not specify which routes could be reached within the site itself if a major incident was to occur at the Club House. The vast majority of dwellings, if permitted, would certainly be far more than forty metres away from the point which an emergency vehicle could access. Therefore, it makes more sense to provide a high-quality access from the BRRR/Link Road with a (knock-down barriered) emergency access only from Downview Road.

2 Suitability of Downview Road for Construction Traffic

The use of a Section 59 Agreement is not necessarily effective other than in very limited situations where actual damage to a highway can be readily identified, and where the particular vehicle or vehicles which occasioned the damage can also be readily identified. Where a road such as Downview Road which is already showing significant signs of structural failure, it becomes difficult to apportion responsibility for any accelerated deterioration. Section 59 relies on proof of the cause – which needs to be demonstrable at court – and even if it can be proved that a specific level of damage has been occasioned by particular heavy vehicles using it to access the development site, then the developer is only liable to pay to return the road to its pre-development condition. The point here is that, within the Traffic Assessment, the applicants have not addressed the issue of existing structural damage and how the road would need to be brought up to a suitable condition to enable it to be used for significant volumes of construction traffic.

In terms of highway works, a Construction Management Plan only covers matters of a temporary nature – e.g. route signing, temporary road closures or diversions. It will not cover the permanent making-good of any damage.

3 Downview Road/Felpham Way Traffic Signal Junction

The Case Officer states that, among other considerations, the high volumes of school-related pedestrian traffic using the junction was focused on. However, no statistical information has been provided relating to this in the Traffic Assessment. In the absence of such information the applicants have proposed two new

pedestrian refuges in Downview Road and Felpham Road when the actual numbers of pedestrians, mobility scooters, child buggies etc that will need to be safely accommodated at any one time are unknown. Until this information is provided the dimensions of the refuges cannot be determined and, if they need to be increased over and above those shown, there may be implications in respect of traffic turning in and out of Drygrounds Lane and accessing the parking bays in Felpham Road.

Also, the Case Officer, in acknowledging the volume of pedestrian movements are significant, has not required the applicants to undertake a LINSIG analysis of the junction at its busiest period, both in terms of vehicle and pedestrian movements, but has accepted what are recognised to be the national peak hour analyses. National peak hour analyses can be considered as ‘for guidance only’, but where it is known, or it is evident that there will be times when junctions are having to cope with increased capacities, then these too must be analysed. This also applies to the safety auditing of any junction. Whilst it is acceptable to audit at relative quiet times traffic-wise when vehicle speeds can be high, it is also essential to audit at any recognized busy period. This also has not been carried out by the applicants, and the Case Officer should accept nothing less.

The issue of the HGV turning movements from Felpham Way West into Downview Road whereby the applicants are proposing this left-turn movement can be executed by buses and some HGVs by entering the right-hand turn lane has still not been addressed. The Highway Code makes it perfectly clear: “Do not enter that lane unless you want to go in the direction of the arrow” – i.e. only enter the right turn lane if you want to turn right. Therefore, any driver of any vehicle attempting to execute such a manoeuvre would be violating the Highway Code. This is clearly unacceptable and irresponsible of the applicants to advance such a proposal and the CHA for considering it to be acceptable, and unwarrantable for the Safety Auditors not to comment on it.

Transport of bulk construction materials to development sites is undertaken by a range of HGVs up to the maximum sizes legally permitted. Roof trusses for example are transported usually by low-loader articulated lorries and the size of these will be determined on an economic basis – i.e. the maximum loads for the smallest number of journeys. Small element materials such as bricks, thermal blocks, pcc slabs, edgings and kerbs, and underground drainage pipes are regularly delivered by draw-bar trailer vehicles as well as articulated HGVs with on-board craning equipment. The applicants have acknowledged that the largest permitted size of articulated HGVs cannot execute the left turn even from the right turn lane. They have also not tested the swept path of a draw-bar trailer HGV.

It is inappropriate, therefore, for the Case Officer to state that “if it is found any adaptations to the junction are required due to vehicle types during the construction phase, then the developer will need to discuss and agree this with the Highway Authority as part of the CMP”. Once the proposed pedestrian refuges have been installed it will not only be impossible for all HGVs servicing the development to execute the left turn from the proper lane, but for all buses and HGVs that will continue to need to turn permanently. Therefore, a CMP which can only cover temporary traffic arrangements for the construction period is not an appropriate method of adapting the junction as a permanent solution will be required. This would need to be in the form of a Traffic Regulation Order banning the turn for HGVs and buses, which would need to be subjected to advertising in public and could result in sustainable objections being lodged.

4 Proposed Site Access Safety Audit

The Safety Audit still has not been undertaken during periods when considerable numbers of pedestrians and cyclists are passing through the area when, at the same time, the roads are occupied by saturation level car parking. The Case Officer should not therefore be ‘satisfied’ with an audit has been undertaken at a quiet time – it needs to be undertaken at the busiest time. The Case Officer is not the Safety Auditor (though he may well be capable or qualified to undertake Safety Audits) – the whole ethos of Safety Auditing is that they are undertaken independently.

5 Access by Sustainable Modes

This is not an issue I raised in a significant way. These matters are policy-driven.

6 Lec Airfield Development traffic Generation

The point is that the traffic which will be generated by the Lec Airfield development is not identified as one of the committed Local Plan developments, as others are, which will have an impact on the highway network. If it is included within the Temprow element then the Traffic Assessment should have stated this for clarification purposes.

Additionally, when the Link Road and the Lec Airfield development is completed, together with other Local Plan developments, this will result in a redistribution of traffic throughout the whole network. The effects of this whether positive or negative in terms of the operational efficiency of affected junctions needs to be understood. This should be analysed both without the Golf Course site generated traffic, and also with it being accessed via Downview Road and with it being accessed via the BNRR/Link Road so as to determine the acceptability or otherwise of 'adding-in' that particular traffic over and above that which is already committed.

Contents of CHA's Case Officer's reply dated August 25th 2022

In your representations you raise a number of points. However, reading through both attachments, your key concerns seem to focus on the following areas:

1. Suitability of access to/from the development using Downview Road (including emergency access), instead of the A259;
2. Suitability of Downview Road during the construction phase and concern about the road becoming damaged as a result of HGV traffic;
3. Suitability of the Downview traffic signals to accommodate the traffic generated by the development and some types of construction vehicles during the construction phase;
4. Suitability of the Road Safety Audit undertaken for the site access works at the northern end of Downview Road/Golf Links Lane;
5. Access by sustainable modes; and,
6. Consideration of proposals on land referred to in the current Arun Local Plan as 'Enterprise' (including LEC airfield) for commercial development including a link road.

My [the CHA's Case Officer's] responses are as follows:

1. Suitability of access to/from the development using Downview Road (including emergency access) instead of the A259.

The site was not included as part of the former Site 6 and as such has come forward independently of any allocated sites. As you know, Site 6 was taken through the Local Plan process which included the long-term commitment to provide a re-aligned A259 which has now been achieved. This site has not been considered through any Local Plan and as such, the Highway Authority has had to consider it on its own merits, including access to Downview Road.

In my discussions with the applicant's transport consultants, it was made clear by them that their client does not have control over the land between their site and the new A259, hence their application seeking access using Downview Road. There are, however, several Public Rights of Way (PROW) running through the site connecting both north and south of the site (and to the A259) and these will be improved to provide foot and cycle access – some of which being delivered 'physically' by the applicants and the rest by WSCC using contributions secured from the development via S106 Agreement. This will assist with sustainable access in and out of the

development and to the surrounding area and other transport links, goods, services, shopping and schools etc.

With regard to Downview Road and the access design, in addition to the original Road Safety Audit, a further Addendum Note was provided by the applicants given that changes to the originally submitted layout arose out of discussions with the Highway Authority. In the main, WSCC sought to achieve improved foot and cycle access at the point the new road interfaces with the existing roads. The access width has also been adjusted slightly (widened) to provide for vehicles passing one-another on the bend as it enters the site and all matters raised in the Safety Audit have, in the opinion of the Highway Authority, been adequately addressed.

Turning to your point about emergency access, there is no requirement for such a site to have a second or emergency access. Historically, DB32 did recommend one be provided where development exceeded a certain threshold but since that document was superseded, guidance in the form of Manual for Streets does not make it a specific requirement and all sites are considered on a case-by-case basis. As you know, the developer has offered one and I acknowledge (as have you) that it is close to the formal vehicular access point to the site. However, even in the unlikely event Downview Road or the development access became blocked, there is still a network of roads that vehicles (emergency or otherwise) could still use to reach the site in the event of an emergency.

2. Suitability of Downview Road during the construction phase and concern about the road becoming damaged as a result of HGV traffic.

A site such as this would require a Construction Management Plan (CMP) to be submitted and agreed with the Highway Authority prior to works commencing. This would be put in place to safeguard local highways infrastructure, other highway users, residents, businesses etc. If any deficiencies on the highway were to be identified at the outset and there was concern that these might be exacerbated as a consequence of the development, then suitable safeguards could be explored with the developer, such as a S59 Agreement. In my response to the Local Planning Authority, I have recommended that in the event the development is successful, a condition securing a CMP be attached to any planning consent.

3. Suitability of the Downview traffic signals to accommodate the traffic generated by the development and some types of construction vehicles during the construction phase.

The initial LINSIG assessment and re-design of the Downview signals undertaken by the applicants highlighted a number of issues with the workings and timings which were not acceptable to the Highway Authority. As such, they went away and re-assessed both, resulting in a junction arrangement acceptable to the Highway Authority. The initial works proposed included a 'turn with traffic' for those users wishing to turn into Downview Road and Felpham Road. However, the Highway Authority flagged this as a key concern, resulting in the operation of the signals being designed largely as it is now in terms of movements in order to maintain safe operation and flow of traffic through the junction on all the arms. Another key aspect the Highway Authority focussed on was pedestrian activity and movement through the junction, particularly as there are two schools nearby which generate (particularly with regard to the secondary school) large numbers of pupils during school peak periods. The earlier design had prolonged waiting times, whereas the later version has reduced these. And, the junction will also operate using MOVA which can react and adapt to demands placed on it, adjusting waiting times accordingly for traffic and pedestrians alike.

As for construction vehicles, the aforementioned CMP can be adapted to cater for throughput and types of vehicles and their direction of travel. Swept-path analysis has been undertaken with only one turn being problematic for a very large articulated vehicle but of the type that is highly unlikely to need to make that turn anyway (and in fact cannot do at the moment). However, if it is found any adaptations to the junction are required due to vehicle types during the construction phase, then the developer will need to discuss and agree this with the Highway Authority as part of the CMP.

4. Suitability of the Road Safety Audit undertaken for the site access works at the northern end of Downview Road/Golf Links Lane.

As I mentioned previously, an Addendum Note to the Road Safety Audit was provided for the site access works which were amended following the Highway Authority's first round of comments. In the Highway Authority's opinion, both the Audit and the Addendum Note are suitable. In addition to the Audit process, I have visited the site on numerous occasions including school start and finish times and have witnessed high numbers of pedestrians (mainly parents/carers with children) in the locality, a number of which I saw using the N-S foot and cycle path that runs between the new development found to the north and Shirley Drive to the south. Therefore I am well aware of the impact that such users have in the locality and on local roads. Considering all matters – design, road safety and impact on existing and proposed users, the Highway Authority is satisfied that the proposed arrangements for access are suitable.

5. Access by sustainable modes.

Improvements to local PRoW are to be secured from the development, as well as physical measures within the site should planning permission be granted. Local bus stops are also to be improved with improved waiting facilities and real-time passenger information. In addition to this, the County Council has proposals (which have reached an advanced stage) that include the upgrading of the existing signal crossing on Felpham Way to become a Toucan crossing (between the leisure centre and access and Downview lights) and an upgrading of the N-S path that runs between the leisure centre/school land up to the primary school to provide for walking and cycling. This, coupled with improvements on and around the development site (should planning permission be granted), will provide foot and cycle links between Felpham Village and the new A259.

6. Consideration of proposals on land referred to in the current Arun Local Plan as 'Enterprise' (including LEC airfield) for commercial development including a link road.

The applicant is aware of the proposals set-out in the Arun Local Plan for possible commercial development on the 'Enterprise' land, including the former LEC airfield. As such, they are happy to make available land to deliver part of any link road that might be required to deliver the Enterprise site. This will be secured by S106 Agreement. With regard to traffic impact of that development, there are no specific details of that development, including access configuration. However, TEMPRO does include future development commitments in the Arun Local Plan, including the Enterprise site.

Contents of my own response dated August 26th 2022

Before formulating my own comments, however, I need to fully understand your approach when applying strategic highway considerations to this particular application, or for that matter, any other application which might be made in similar circumstances. With this in mind I would be most obliged if you would consider the two following scenarios – the first unfortunately has to be hypothetical but is, nevertheless, relevant, whilst the second could be a distinct possibility, so again entirely relevant.

Having considered the two scenarios I would be further obliged if you would then briefly outline how you would respond in each of the circumstances, and if an Objection or a recommendation of Refusal, what your reasons would be.

A) If the site was included for residential development in the current Local Plan, and an application was made for the development using Downview Road as the sole means of access for vehicular traffic despite the fact that access could be achieved from the Lec Airfield Link Road. How would you respond bearing in mind that, 1) as the development would be in accordance with the Local Plan, and 2) as the Link Road already is in accordance – then the developers, if necessary, could request Arun DC to secure all the land needed to deliver the Link Road by initiating CPO procedures if private treaty negotiations failed.

B) If the applicants should now withdraw their application and resubmit it in due course when the Salt Box enterprise site is completed or nearly completed, and at which point the Lec Airfield site will become the primary site for accommodating new enterprise businesses. This would mean that the Link Road either will have been or probably be in the process of being delivered and would be, in part, passing through the Golf Course site itself. If the resubmitted application still proposed Downview Road as the sole means of access for vehicular traffic, would you object or recommend a refusal on highway grounds knowing that access could readily be achieved via the Link Road?

If, having considered these scenarios, and you chose not to Object or recommend a Refusal and, therefore, as a consequence you were content or would seem to be content to allow the development using Downview Road as the sole means of access for vehicular traffic – what particular policy (or policies) or guidance would you use in order to justify that decision?

Contents of CHA's Case Officer's reply dated 2nd September 2022

As you will appreciate, officers can only consider what is presented before them in the as-submitted planning application and not hypothetical scenarios. Time and resource also play a part in this. For those reasons, I am not going to respond to the two scenarios you present below.

I regret that this is not the reply you were hoping for.

I note that you intend to reply further to my previous email of 25th August (also found below) and as such, I look forward to receiving that in due course.
