

PLANNING APPLICATION REPORT

REF NO: WA/1/19/PL

LOCATION: Land East of Fontwell Avenue
Fontwell

PROPOSAL: Variation of condition 24 following the grant of WA/22/15/OUT (APP/C3810/V/16/3143095) to read 'No more than 150 units hereby permitted shall be occupied for more than two years lapse from the date of first occupation of the development (whichever is sooner) until the completion of the improvements to the A27/A29 Fontwell Roundabout shown on Drawing Number 1186-05 REV A - Proposed Roundabout Improvements'. This application also lies within the parish of Eastergate.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to vary condition 24, following the approval of planning application WA/22/15/OUT, to allow occupation of 150 dwellings prior to the completion of the improvements to the A27 / A29 (Fontwell Avenue / Arundel Road Roundabout) and the A27 / A29 roundabout to the northeast of Fontwell.
SITE AREA	Approximately 18 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	Net residential density of approximately 35 dph.

RELEVANT SITE HISTORY

WA/22/15/OUT	Outline application with some matters reserved to provide up to 400 No. new dwellings, up to 500 sqm of non-residential floorspace (A1, A2, A3, D1 and/or D2), 5000 sqm of light industrial floorspace (B1 (b)/(c)) & associated works including access, internal road network, highway works, landscaping, selected tree removal, informal & formal open space & play areas, pedestrian & cyclist infrastructure utilities, drainage infrastructure, car & cycle parking & waste storage. This application is a departure from the Development Plan & also lies within the parish of Eastergate.	Called In by DCLG/SD 20-01-16
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Appeal: Allowed+Conditions
13-07-17

Planning permission was granted under reference WA/22/15/OUT for up to 400 No. new dwellings, up to 500 sqm of non-residential floorspace (A1, A2, A3, D1 and/or D2), 5000 sqm of light industrial floorspace (B1 (b)/(c)) & associated works including access, internal road network, highway works, landscaping, selected tree removal, informal & formal open space & play areas, pedestrian & cyclist infrastructure

utilities, drainage infrastructure, car & cycle parking & waste storage.

The outline approval under reference WA/22/15/OUT was the subject of 28 conditions.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council

Eastergate Parish Council

WALBERTON PARISH COUNCIL

Although Walberton Parish Council understands the reasoning behind the request and the timing issues of Highway improvements, the Council objects to this variation of a condition of outline planning. The Council has noted several communications from residents objecting to this change and is concerned that 150 houses, along with other developments to the south of Fontwell Avenue, will impact detrimentally on existing roads if there are no improvements to mitigate the increase in traffic.

EASTERGATE PARISH COUNCIL

The Council objects to the application. The Council has long argued that the development traffic should not be allowed to enter the main A29 road given the lengthy queues, northbound, and accelerating traffic southbound. The developers should be required to mitigate this danger by complying with the present planning conditions. The Council refers to BEWAG (Barnham, Eastergate and Walberton Advisory Group) meetings where this issue has been discussed.

SLINDON PARISH COUNCIL;

· Members considered that the access arrangements for the development were such that mitigation measures stated in this condition were justified. Observing other development that was now underway further down the A29 Fontwell Avenue, Members considered this highlighted the need for this infrastructure to be implemented as originally approved.

6 No. letters of objection;

- An access onto Wandleys Lane is proposed and this needs to be removed.
- Wandleys Lane by virtue of its size cannot accommodate the level of traffic proposed by this development.
- The proposed access would require trees to be removed which would adversely impact upon wildlife.
- Variation of the condition will result in a major increase in traffic congestion along Fontwell Avenue which will intensify the use of Wandleys Lane as a short cut.
- The road network in this area is busy and often creates queues of traffic, especially at peak times or when there are events at Fontwell Park. This will only become worse with the traffic associated with this development.
- Smaller lanes locally are used by drivers seeking to avoid queues at the roundabout.
- It must be considered as to what would happen if the developer went into administration. If this were to happen there would be no money to implement the mitigation measures.
- The traffic analysis only considers residential traffic and not commercial traffic that is likely to result from the construction of the commercial unit on the site.
- There does not appear to have been consideration as to the effect of the highway works themselves on traffic flow.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted and will be considered in the conclusion to this report.

CONSULTATIONS

WSSC Strategic Planning
 Highways England
 Southern Water Planning
 Engineering Services Manager
 Engineers (Drainage)
 Planning and Housing Strategy
 Arboriculturist
 Environment Agency
 Arboriculturist
 Environmental Health
 Surface Water Drainage Team

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENTAL HEALTH - No comments.

WSSC HIGHWAYS - No objection is raised to the variation of the condition.

HIGHWAYS ENGLAND - No objection on the basis that the proposals will generate an acceptable, change in traffic on the strategic road network (SRN). We therefore consider that the development will not materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT C2/13, particularly paras 9 & 10, and DCLG NPPF, particularly para 109), in this location and its vicinity.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and will be considered in the conclusion to this report.

POLICY CONTEXT

Designation applicable to site:

DEVELOPMENT PLAN POLICES

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

TSP1	T SP1 Transport and Development
INFSP1	INF SP1 Infrastructure provision and implementation

[Walberton Neighbourhood Plan Policy 2017 GA5](#)

Traffic Management

Walberton Neighbourhood Plan Policy 2017 GA6

A27/A29 Junction West, and Other Strategic Junctions

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.

The application site falls within the Parishes of Walberton and Eastergate both of which benefit from made neighbourhood plans. There are no relevant policies to the determination of this application contained within the Barnham and Eastergate Neighbourhood Plan. Policies GA5 and GA6 of the Walberton Neighbourhood Plan are relevant and will be taken into consideration in the conclusion to this report.

Policy GA6 identifies that proposals for the upgrading and remodelling of this junction and others that lie outside the Parish will be supported where these works will result in an improvement to the traffic environment of the residential roads through Fontwell and Walberton.

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 proposal is considered to comply with relevant Development Plan policies in that it will not result in an unacceptably adverse impact upon the operation of the highways network.

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

The site benefits from outline planning permission with all matters reserved save for access with permission having been granted under reference WA/22/15/OUT following call in by the Secretary of State under reference APP/C3810/V/16/3143095. The decision of the Secretary of State identified 27 Conditions, this application seeks to vary Condition 24 which states;

"No part of the development hereby permitted shall be occupied until the completion of the improvements to the A27/A29 Fontwell Roundabout shown on Drawing Number 1186-05 Rev A - Proposed Roundabout Improvements."

The variation of the condition seeks to allow for occupation of up to 150 dwellings prior to the implementation and completion of the improvement works shown on 'Drawing Number 1186-05 Rev A - Proposed Roundabout Improvements'.

The application relates to development which exceeds the thresholds of Schedule 2, 10(b) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Therefore, a screening opinion was issued which concluded that there would be no significant impacts on the environment and as such no further information was required to assess the environmental implication of the proposed variation.

HIGHWAYS IMPACT

The application was accompanied by a technical note dated 20th November 2018, which considers the trip generation of an initial phase of 150 units and presents the results of a modelling exercise in order to identify the impact of the development trips on the roundabout junction.

This assessment has been undertaken using the same model as agreed as part of the outline planning application and has been assessed at the future year of 2022. It has also followed the agreed distribution (from the original Transport Assessment) with 40% of development traffic routing to the A27 and the remaining 60% of traffic routing via the A29 to the south.

It is identified in table 2.2 that an initial phase of 150 private dwellings would add between 31 and 34 vehicle movements per hour through the junction (an average of just over 1 vehicle movement every 2 minutes). Given the existing high flows at the junction these additional vehicular movements would be imperceptible, representing a change in flows of less than 1% which is well within the normally expected day to day variation in traffic flows.

Table 3.3 and 3.4 identify that the maximum additional delay in the AM peak would be one second and two seconds in the PM peak, which would have a negligible impact on drivers. Four journey time routes were modelled within the technical note, in figure 3.1, from the north, south, east and west over a much wider route than just the junction. This identified that there would be a slight increase in journey times in the AM on the northbound route of approximately 26 seconds per vehicle in a congested network.

The technical note identifies that in the AM peak there would be an increase in queueing as a result of the 150 dwelling interim development scenario. However, as has already been identified above this increase in queueing will only result in small increases in junction delay and journey times on this route until such time as the junction enhancements were undertaken. In the PM peak there will only be marginal increases in queue lengths equating to a maximum of two additional vehicles in a queue.

The technical note concludes that the occupation of 150 dwellings prior to the implementation of the mitigation at the A27/A29 roundabout would not result in severe residual cumulative impacts on the road network and as such refusal on highways grounds would not be justified under paragraph 109 of the National Planning Policy Framework (NPPF).

These conclusions have been reiterated by Highways England and West Sussex County Council Highways who have raised no objection to the proposed variation of Condition 24. However, it was identified by Highways England in their consultation response that construction traffic has not been included within the Technical Note's assessment, and therefore, the Construction Management Plan (to be submitted under Condition 19) should preclude construction vehicles or workers arriving or leaving site during the network peak periods (i.e. 0800 - 0900 and 1700 - 1800 hours) as far as practicable.

Highways England have confirmed that the proposed restriction on site access during peak periods is aspirational and that they are not insisting on the restriction but simply encouraging the developer to

consider reducing impacts during construction. It was further confirmed by Highways England that the development, as proposed, is acceptable in terms of NPPF paragraph 109 and Department for Transport (DfT) Circular 02/2013 para 10.

The wording proposed by the applicant for the variation of Condition 24 has been amended. The amended wording is considered to retain the original intention for the variation but provides additional clarity to assist with interpretation and understanding of the conditions requirements.

It should be noted that objections have been received from both Eastergate Parish Council and Walberton Parish Council to the proposed variation due to detrimental impacts upon highway safety. The matter was also considered by the Barnham, Eastergate and Westergate Advisory Group on the 15th January 2109 with concerns being raised as to the impact this would have upon the highways network.

Given the above and despite the objections received from the Parish Councils it is concluded that the proposed variation of condition would accord with policy T SP1 of the Arun Local Plan; policies GA5 and GA6 of the Walberton Neighbourhood Plan; paragraph 109 of the NPPF; and DfT Circular 02/2013 para 10. Therefore, the proposed variation is considered acceptable in terms of its impact upon the operation of the Highways Network.

SUMMARY

The proposed variation of condition 24 following the approval of WA/22/15/OUT will not result in severe residual cumulative impacts on the road network and as such would not result in an unacceptable impact on highway safety in accordance with para 109 of the NPPF. The proposed variation would also accord with policy T SP1 of the Arun Local Plan and policies GA5 and GA6 of the Walberton Neighbourhood Plan; paragraph 109 of the NPPF; and DfT Circular 02/2013 para 10.

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

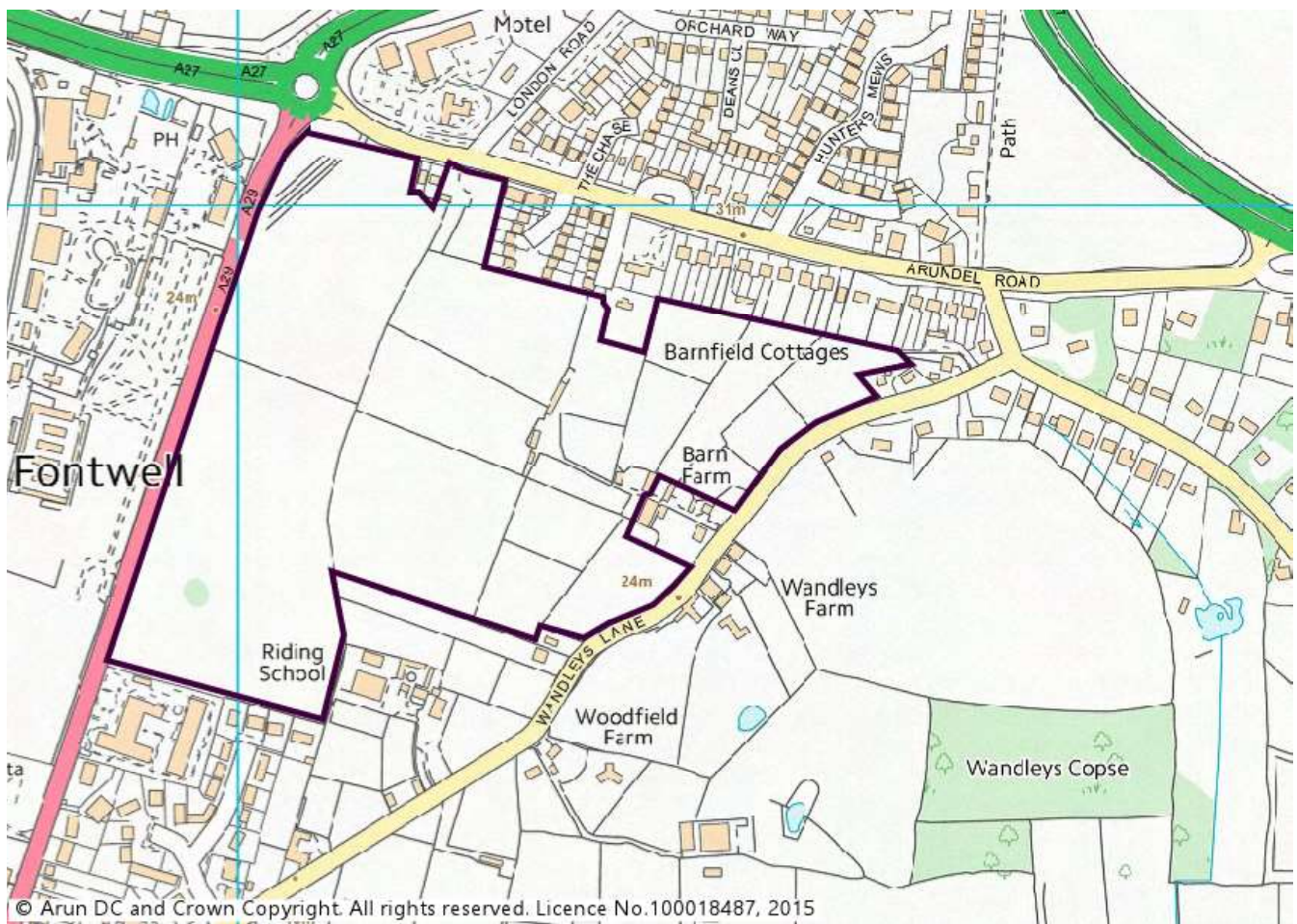
APPROVE CONDITIONALLY

- 1 Condition 24 imposed under reference WA/22/15/OUT following appeal APP/C3810/V/16/6143095 is amended to read:

Prior to the occupation of 151 dwellings or no later than two years following the occupation of the first dwelling (whichever is the sooner) the improvements to the A27/A29 Fontwell Roundabout shown on Drawing Number 1186-05 Rev A - Proposed Roundabout Improvements shall be completed.

- 2 **INFORMATIVE:** This decision only varies Condition 24 and all other conditions imposed under the original approval (WA/22/15/OUT) remain in effect unaltered.
- 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.

WA/1/19/PL - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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