

Parish: Oving	Ward: North Mundham
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**O/16/01785/FUL**

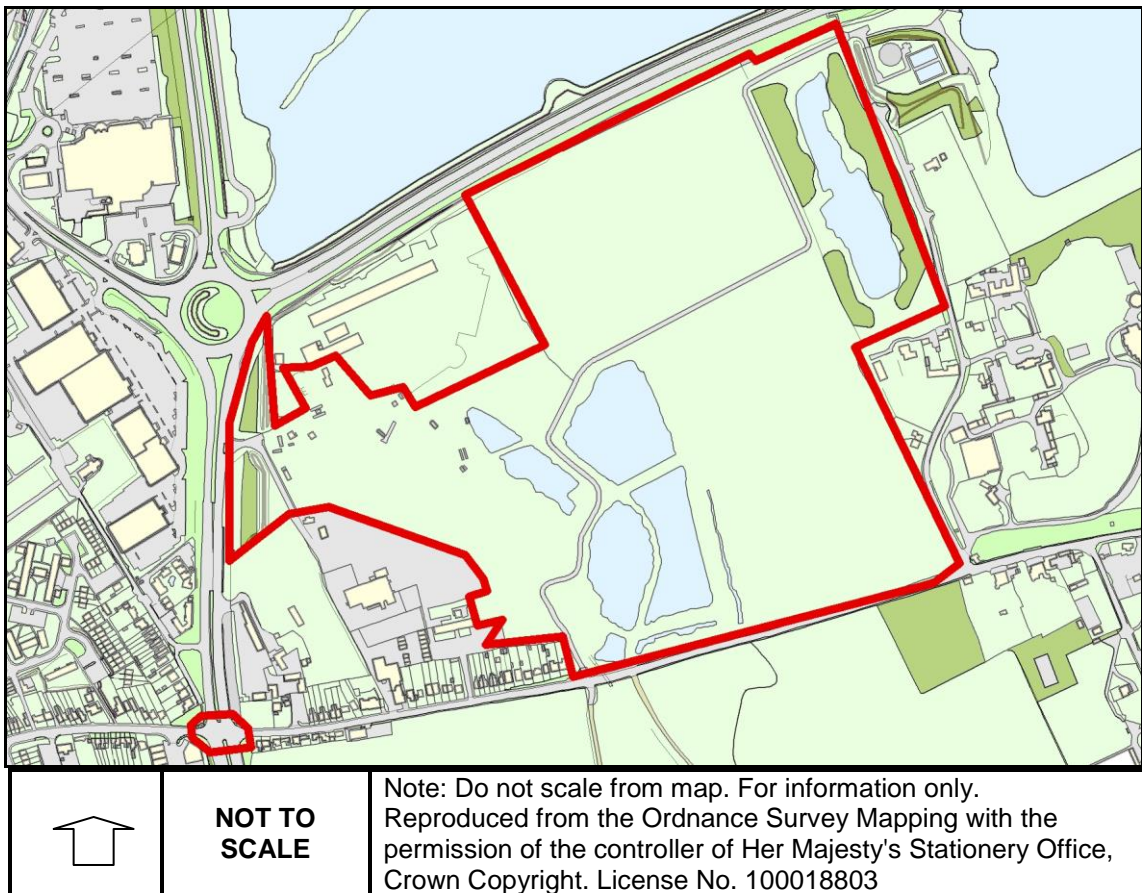
**Proposal** Removal of conditions 9 and 11 from planning permission O/11/05283/OUT which require the closure of the Oving Traffic Lights and to retain the junction as it currently functions.

**Site** Land On The North Side Of Shopwhyke Road Shopwhyke West Sussex

**Map Ref** (E) 488000 (N) 105000

**Applicant** Sjoerd Schuyleman

**RECOMMENDATION TO REFUSE**



**1.0 Reason for Committee Referral**

Red Card: Cllr Jarvis. Exceptional level of public interest

## **2.0 The Site and Surroundings**

2.1 This application relates specifically to the existing traffic lights east and west of the junction of the A27 with Oving Road B2145. The traffic lights regulate the number and flow of vehicles entering, crossing and leaving the A27. A separate toucan crossing to the north of the lights provides safe passage for pedestrians wishing to cross the A27.

## **3.0 The Proposal**

3.1 The proposal is to delete the requirements imposed by planning conditions 9 and 11 on the outline planning permission for the Shopwyke Lakes development reference O/11/05283/OUT. That application, permitted on 09.08.2013, was for: 'Urban extension comprising a residential development of 500 dwellings within a parkland setting together with employment redevelopment and associated vehicular, cycle and pedestrian access, drainage and landscape, community facilities, elderly care village, localised retail units, major new public open spaces.'

3.2 Condition 9 on O/11/05283/OUT states:

*No more than 297 dwellings in the development hereby permitted shall be occupied until the completion and opening to public use of the works to the A27 / Oving Road / Shopwhyke Road signalised junction, comprising a left in and left out operation restricting right turns and cross carriageway movements, as shown on drawing number 2010/1227/030 - rev A (or such other scheme of works substantially to the same effect, as may be approved in writing by the local planning authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport)).*

*Reason: To satisfy the reasonable requirements of road safety and to ensure that the A27 trunk road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980.*

3.3 Condition 11 on O/11/05283/OUT states:

*No more than 399 dwellings in the development hereby permitted shall be occupied until the completion and implementation of the works to the A27/Oving Road/Shopwhyke Road signalised junction as shown on drawing number 2010/1227/014 - rev E (or such other scheme of works substantially to the same effect, as may be approved in writing by the local planning authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport)).*

*Reason: To satisfy the reasonable requirements of road safety and to ensure that the A27 trunk road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980.*

3.4 The result of both the above conditions is to achieve a staged but eventual closure of the existing traffic lights to all traffic with the exception of limited movements for buses, entering, leaving or crossing the A27 carriageway. Removing these two conditions from the Shopwyke Lakes outline planning permission would mean that the traffic lights are retained and continue to function as they currently do.

#### 4.0 History

11/05283/OUT	PER106	Urban extension comprising a residential development of 500 dwellings within a parkland setting together with employment redevelopment and associated vehicular, cycle and pedestrian access, drainage and landscape, community facilities, elderly care village, localised retail units, major new public open spaces.
14/01777/OUT	WDN	Removal/variation of those conditions on planning permission O/11/05283/OUT which require the closure of the Oving Traffic Lights and to retain the junction as it currently functions.
14/02826/REM	PER	Construction of spine road and associated site levelling and re-profiling works
14/03560/OUT	PER106	Urban extension comprising a residential development of 500 dwellings within a parkland setting together with employment redevelopment and associated vehicular, cycle and pedestrian access, drainage and landscape, community facilities, elderly care village, localised retail units, major new public open spaces - Variation of condition 17 regarding Shopwhyke Road access.
15/03720/OUT	PDE	Additional 85 dwellings on land with outline approval for 500 dwellings under reference O/11/05283/OUT.
15/03964/REM	PER	Proposed 398 dwellings together with commercial and community use floorspace. Application for approval of reserved matters following outline planning permission O/11/05283/OUT in respect of appearance, layout, landscaping (phase 1A and spine road) and scale.

#### 5.0 Constraints

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Tree Preservation Order	NO
- Flood Zone 2	YES
- Flood Zone 3	YES
Historic Parks and Gardens	NO

## **6.0 Representations and Consultations**

### **6.1 Oving Parish Council**

The Parish Council is the applicant.

### **6.2 Chichester City Council**

RESOLVED that Chichester City Council strongly supports the application to retain the Oving Road/A27 Traffic Lights Controlled Junction by removing the relevant conditions attached to the Shopwyke Lakes planning permission.

Reason: It is considered that the inconvenience to the large number of road users following the closure of the junction cannot be justified on safety grounds based on the latest evidence and the existing junction arrangement is therefore safer than diverting the traffic to roundabouts which are already heavily congested.

### **6.3 North Mundham Parish Council**

North Mundham Parish Council wishes to record its whole-hearted support for this application. The Council regards the prospect of the closure of the Oving cross-roads traffic light controlled crossing as a severely retrograde step. Our reasons are set out below.

If the Oving Road is closed to traffic at its junction with the A27, all the traffic that uses the road for access either side of the A27 will be forced to find an alternative route. This will lead to greater pressure on the other junctions, most significantly the Bognor roundabout which is already congested and difficult to negotiate when entering it from any of the roads except the A27. Because of this difficulty it is inevitable that there will be an increase in rat-running through the new development at Shopwyke lakes and additional traffic on other minor roads in the area such as Marsh Lane, as traffic diverts to the B2166 and B2145 to use the Hunston roundabout.

While we appreciate that residents and businesses situated on the Oving Road close to the A27 may regard the proposed closure of the junction as a desirable benefit, we do not believe this should have any weight in the argument. If the junction is left as it is there will be no reduction in their existing conditions which they have accepted for many years.

The relatively recent upgrading of the traffic lights has been notably successful. It has provided a controlled and safe environment free of the stress attached to negotiating a busy roundabout with its ever-present risk of minor collisions. Pedestrians are able to cross the A27 in safety without the expense of providing another footbridge. Although the lights impose an interruption in the flow of traffic, the effect of this is negligible and in some cases actively beneficial:

For west-bound traffic, heading towards Portsmouth, any queue at the lights only serves to control the rate at which traffic joins a much more significant queue at the Bognor roundabout there is no reduction in overall journey time. There might be some benefit in providing a dedicated left-turn lane between the Portfield roundabout and the lights for traffic wanting to turn left towards Oving and Tangmere, and it would appear there is space to widen the road to achieve this.

For east-bound traffic, the lights impose a short but useful interruption in the traffic flow which provides a valuable benefit to traffic using the Portfield roundabout. Without an occasional break in the traffic it would be near-impossible for vehicles coming from the retail park or from the Goodwood and Westgate approach road to join the roundabout.

In summary, it is our perception that the Oving Traffic Lights offer the most efficient junction on the A27, and the one that is easiest to negotiate coming from any direction. Removal of the lights and closure of the junction would be a severely retrograde step, and we would urge the District Council to approve this application.

#### 6.4 Tangmere Parish Council

Tangmere Parish Council would like to support the application by Oving Parish Council to retain the traffic lights in their current form on the A27.

The proposal to prohibit traffic from crossing the A27 at Oving Road, is not just a matter of minor inconvenience to a few locals. Its repercussions to all those who have to migrate north/south each day across this strategic artery will be felt by everyone across the district, particularly those who live south of the A27.

Far from speeding up traffic on our under-invested Trunk Road, this will just ensure that the traffic gets to the clogged-up roundabouts at Portfield and Bognor Bridge even faster, meaning not only will they have to wait longer there, but will make it even more difficult and frustrating for those trying to enter the Portfield Roundabout from Chichester, or those from Bognor trying to leave the A259. As our colleagues rightly say, the lights in their current form acts as a de facto throttle on speeding traffic, managing its flow, allowing others a small window to join the main carriageway. Of course the other effect of the move will be to force motorists to travel further along our country roads, to cross the A27 at junctions elsewhere that are already operating at over capacity.

Whilst removing these lights will speed up traffic, the Toucan crossing that will replace it to assist pedestrians, and the possible lights at Stockbridge and Whyke Road (for Selsey) planned to replace existing roundabouts, will not speed up traffic. This clearly is contradictory. We all agree that the A27 needs upgrading and we look forward to the forthcoming consultation on possible improvements. This is a time to comprehensively resolve the A27 issues, not cherry-pick certain locations for dubious returns.

#### 6.5 Aldwick Parish Council

We support the application because the relatively recent upgrading of the traffic lights is an intelligent system which has been successful and has addressed the issues. Existing lights do not contribute to queues on the A27, if anything, they somewhat regulate the flow toward the very congested roundabout at the junction with the A259 (Bognor Roundabout). If closed, alternative routes will need to be found through the new residential estate at Shopwyke Lakes, a winding route fraught with dangers and risk to residents - especially during rush hour periods, school, work etc. This will add to pollution in a residential area. Closing the Oving lights will exacerbate congestion problems at Bognor Roundabout, which is almost impossible to navigate at all times throughout the day with the convergence of the A259 and Pagham Road. It will greatly hinder control of traffic, both East and West and will contribute to a constant flow in both directions, further limiting access to both Portfield and Bognor Roundabouts making them both more dangerous than they are at present. The development of some 585 homes already in progress and the proposed blocks to house 521 students on another site; 99 homes on the South side of Oving Road, plus developments in Tangmere will cause further build-up of traffic. A great deal of traffic from these future developments will almost certainly pass through the Shopwyke residential estate. The safety and environmental issues make the closing of the Oving Lights impractical and unsustainable.

## 6.6 Bognor Regis Town Council

Bognor Regis Town Council wish to offer their full support to Oving Parish Council and their planning application to retain the traffic lights and the A27 junction with Oving Road. It is a well used local route and closure of the traffic lights will lead to a dramatic increase in traffic on the Bognor roundabout and the A27, leading to more congestion around Chichester. In view of the implications of the possible closure, Bognor Regis Town Council would like the lights at this junction to remain.

## 6.7 Highways England

Formal recommendation - that the application be refused.

The conditions which Oving Parish Council wishes to have removed relate to closing the Shopwhyke Road arm of the A27 / B2144 Shopwhyke Road junction (the 'Oving traffic lights') to vehicular traffic except for buses. This alteration forms part of the highway mitigation scheme which was proposed by the developer of Shopwhyke Lakes as mitigation for introducing a new access onto the A27 in order to 'unlock' the development site.

The Shopwhyke Lakes highway scheme effectively re-routes the B2144 Shopwhyke Road through the development site to the A27 trunk road. The highway scheme, including A27 junction capacity improvements, new pedestrian footbridges across the A27, new local roads through the site, a new access onto the A27 and alterations to the A27/Shopwhyke Road junction was accepted by both the Highways Agency and the local highway authority, West Sussex County Council, after many months of consultation with the developer.

### Conditions 9 and 11 of planning permission O/11/05283/OUT "Shopwhyke Lakes"

The conditions that Oving Parish Council objects to (which are the subject of this planning application) are attached to a planning permission to develop 500 dwellings, employment redevelopment, community facilities, elderly care village and localised retail units on a site known as Shopwhyke Lakes. The conditions were directed by the Highways Agency having been agreed with the developer.

From the outset of pre-application discussions with the Highways Agency, the Shopwhyke Lakes developer explained that a new access onto A27 Arundel Road was necessary to 'unlock' the site and make it viable for the development. The developer proposed to close the Shopwhyke Road arm of the junction in order to mitigate the additional danger that the new northern access onto the A27 Arundel Road creates. Any junction or access is inherently less safe than no junction or access. As such, the additional risk posed by the additional access onto the A27 Arundel Road required mitigation in order to gain the Agency's acceptance in line with Department for Transport's Circular 02/2007 which was in place at the time. The Shopwhyke Lakes highway scheme provides this mitigation in the form of accident risk reduction by the alterations to the A27 / Shopwhyke Road junction.

The developer proposed a transport scheme which included capacity enhancements to Portfield roundabout and Bognor Road roundabout and demonstrated that with this scheme the development would not have a material impact upon the operation of the A27 trunk road.

The evidence provided was based upon area wide traffic modelling using the Chichester Area Traffic Model approved by both the Agency and local highway authority West Sussex County Council. The modelling included the re-distribution effects of the revised highway layout and the impacts of the traffic generated by the development. With the developer's proposed highway scheme including junction improvements, the modelling results showed that the future year scenario would be no worse along the A27 trunk road as a result of the development than it would be without the development and associated mitigation.

The planning application for Shopwyke Lakes was submitted in December 2011 and granted by planning committee with the approval notice issued on 9 August 2013.

Condition 9 requires movements from the Shopwhyke Road arm to be restricted to a left in, left out arrangement, in combination with providing the north-south spine road through the Shopwyke Lakes site between Shopwhyke Road and the A27 Arundel Road. The toucan crossing facility for pedestrians and cyclists is retained. This is an interim phase which allows the developer to raise the funds to provide the full scheme in condition 11. The scheme is shown in Drawing 2010-1227-030 Rev A (attached).

Condition 11 requires alterations to restrict all movements in and out of the Shopwhyke Road arm, in combination with provision of the north-south spine road between Shopwhyke Road and A27 Arundel Road, and the east-west link through the Shopwyke Lakes site between the A27 Chichester bypass and Shopwhyke Road. The toucan crossing facility for pedestrians and cyclists, whilst retained within the junction layout, is reconfigured to maintain east-west connections. This is shown on Drawing number 2010-1227-014 Rev E (attached).

The altered arrangement allows left in and left out access at Oving Road on the western side of the Chichester Bypass. A pedestrian and cyclist crossing facility are provided. The option of bus access at Shopwhyke Road is maintained including crossing the A27, which promotes sustainable transport in line with NPPF.

#### Previous submission (reference 14/01777/OUT).

Oving Parish Council's original application was supported by a Transport Assessment. The Highways Agency had serious concerns as the information provided did not demonstrate that the proposal would not have a material impact upon the safety and capacity of the A27 trunk road. The Highways Agency issued two letters setting out their comments on the transport assessment provided and what information would be required in order to allay their concerns. The Highways Agency also met with Oving Parish Council's consultant to discuss the further information the parish would need to provide.

At the request of Oving Parish Council, Chichester District Council held a meeting with the Highways Agency, West Sussex County Council and the parish. Chichester District Council advised Oving Parish Council that they would need to provide the information required by the Highways Agency and West Sussex County Council. Oving Parish Council withdrew the application in June 2015. The required information was not provided.

#### Current application

The applicant has not provided any of the information requested by the Highways Agency, but is relying upon the Transport Assessment submitted with their original planning application.

The Highways Agency has now been replaced by Highways England. Highways England's position on the Transport Assessment submitted to support this application is unchanged from the Highways Agency's as set out in the Highways Agency's letters of 22 September 2014 and 2 January 2015 (attached for ease of reference).

In response to this re-submission, Highways England's letter of 5 July 2016 to the local planning authority and copied to the applicant explains the correct reference case for assessing the impact upon the A27, reiterates the concerns raised by the Highways Agency over the original submission of this application and repeats the request for further information. In response, Oving Parish Council's letter to Highways England dated 20 July 2016 and sent 21 July 2016 states that they will not be providing the information requested.

## Comments on applicant's Transport Assessment

Highways England's concerns with the applicant's Transport Assessment are as set out in the Highways Agency's letters of 22 September 2014 and 2 January 2015 (attached). In summary, Highways England's concerns with the Transport Assessment are:

### *Reference case*

The Transport Assessment uses the incorrect reference case by revisiting the Shopwyke Lakes Transport Assessment. As the Shopwyke Lakes development is committed, and has started, the associated Shopwyke Lakes highway scheme is committed and is now the reference case. Accordingly this application effectively proposes to re-open the Shopwhyke Road arm of the junction, from closed except to buses, to allowing all movements including across the A27.

### *Chichester District Local Plan*

The Transport Assessment does not include an assessment of the impact of the applicant's proposal to allow all movements at the junction instead of the simplification committed by the Shopwyke Lakes development on the adopted Chichester District Local Plan transport mitigation strategy. The transport strategy supporting the adopted Local Plan includes the Shopwyke Lakes highway alterations to the Oving lights and Portfield roundabout. The impact of this application's proposal needs to be reviewed for the end of the Local Plan period to assess whether the Local Plan mitigation package continues to offset the impact of the development in the Local Plan.

### *Traffic diversion assumptions*

The Transport Assessment makes assumptions regarding reduction of traffic flow along A27 due to diversion into the Shopwyke Lakes western access (to the south of the A27 Portfield roundabout). This has not been tested by area wide modelling. By contrast, the redistribution effects of the Shopwyke Lakes highway schemes were tested by area wide modelling using the CATM model approved by the Highways Agency and West Sussex County Council.

### *Incorrect model inputs*

Highways England's letter of 22 September 2014 notes a number of inaccuracies with the junction modelling in the applicant's Transport Assessment. In particular the stage sequencing for the signals is incorrect. Consequently we consider that the 'With Devt' capacity improvements claimed in 3.7 and 3.8 of the Transport Assessment would not occur.

Our consultants re-ran the applicant's models with correct signal sequencing, however this is still not a fully fit for purpose model. It also uses diversions assumed in the applicant's Transport Assessment which have not been tested in CATM.

With the junction layout as it currently exists, the amended modelling indicates that with the Shopwyke Lakes development there is an overall increase in delay even with the assumed 50 per cent traffic diverting through Shopwyke Lakes. This would be detrimental to the junction operation and takes this junction further over capacity. The committed Shopwyke Lakes scheme, which is the reference case against which this proposal should be compared, achieves benefits to capacity and delays at the A27 / Shopwhyke Road junction and brings the junction within capacity.

### *Funding of alternative scheme at Oving signals*

The Transport Assessment suggests that the former 'Site 6' scheme of an additional southbound left turn bay should be implemented instead of the Shopwyke Lakes scheme. However, there is no funding for this alteration to the junction and Oving Parish Council has stated they cannot fund it. The scheme is no longer committed and no money has been collected towards a developer funded improvement at this junction. There is therefore no realistic prospect that this scheme is likely to be deliverable.



Modelling was included in the Transport Assessment for the suggested alternative scheme with an additional southbound left turn bay. The amended modelling indicates that the impact of the applicant's assumed level of reduced traffic flows due to diversion through the Shopwyke Lakes western access would reduce overall traffic delays for the AM and PM peak combined, although it would worsen delays in the AM peak, and the junction would be overcapacity. However, the correct reference case, the committed Shopwyke Lakes scheme, achieves far greater benefits to capacity and delay at the A27 / Shopwhyke Road junction and brings the junction within capacity.

### *Safety*

DfT Circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development" policy on new accesses onto the strategic road network is underpinned by the safety risk that is posed by any access onto the network. It highlights the additional risk to safety of new accesses on busy high speed strategic roads. It opposes new accesses onto motorways and routes of near motorway standard unless agreed as essential for delivery of strategic planned growth. It sets out a graduated and less restrictive approach to accesses on the remainder of the strategic road network but states preference will always be that development should make use of existing junctions.

The Transport Assessment uses the incorrect reference case of re-visiting the Shopwyke Lakes planning application. In that scenario the Shopwyke Lakes new access onto the A27 Arundel Road is a new access onto a busy high speed strategic road creating an additional risk to safety as highlighted in DfT Circular 02/2013. Adopting a graduated approach to enabling this new access requires that the additional safety risk is mitigated. The Shopwyke Lakes development achieves this by the alteration to the junction at A27 / Shopwhyke Road. There is no indication in the Transport Assessment of how this additional safety risk would be mitigated should the Shopwhyke Road arm of the junction be retained as all movements.

Using the correct reference case, then the proposal to allow all movements at the A27 / Shopwhyke Road junction is effectively opening a new access onto the A27 Chichester Bypass at Shopwhyke Road. This new access is not being proposed to enable a new development and therefore is not required to enable economic development. There is no economic development benefit to consider against the additional safety risk. There is also no indication of how the additional safety risk would be mitigated.

### *Sustainability*

The Shopwyke Lakes alterations to the Shopwhyke Road arm of the junction allows for its use by buses. In doing so it provides a priority route for buses services between the development site and Chichester city centre. This formed part of the development's provision for sustainable transport in line with NPPF paragraphs 29 and 35. Should the Shopwyke Lakes junction scheme not be implemented then this would impact upon the sustainability of the Shopwyke Lakes development.

### Comments on applicant's 'Statement on re-submitted planning application'

Highways England has the following comments on the applicant's 'Statement on re-submitted planning application' submitted with the planning application.

### *Regional Investment Strategy*

The "Statement on re-submitted planning application" refers to the A27 Chichester bypass improvement that was announced in the Regional Investment Strategy (RIS). Oving Parish Council states that, because of the development of options for improvements at the A27 junctions, any modelling work to assess the impact of their application on the A27 would be invalidated.

As Highways England's letter of 5 July 2016 explains, Oving Parish Council's understanding of the situation is incorrect. The RIS schemes for the A27 Chichester Bypass are currently under public consultation (14 July to 22 September 2016) and no preferred options have yet been announced. It should be noted that all of the five RIS scheme options subject to public consultation do not retain all movements at the A27 /Oving Road / Shopwhyke Road junction because they are obliged to take account of the Shopwhyke Lakes planning permission.

In terms of planning proposals in the Chichester area, the reference case for assessing impact upon the A27 trunk road is the schemes in the Chichester District Council's Local Plan. Therefore the applicant should assess the proposal in the context of the adopted Chichester District Local Plan as there is no committed RIS scheme for the A27 Chichester Bypass.

#### *Use of Shopwhyke Lakes roads instead of Shopwhyke Road*

The Statement submitted by Oving Parish Council comments that the use of Shopwhyke Lakes for traffic travelling between Oving and Chichester city centre is not realistic on safety or environmental grounds. There is no explanation given or evidence provided to support this statement. As stated above, the development's roads are intended to carry re-routed traffic. The Statement also claims that allowing all movements at Shopwhyke Road would reduce rat runs through the Shopwhyke Lakes development. However, traffic travelling through the Shopwhyke Lakes site to and from the A27 would not be rat running since the roads are intended to carry the re-routed traffic as well as traffic generated by the development site.

#### *Conclusions in Applicant's Transport Assessment*

The Statement claims that Oving Parish Council's Transport Assessment concludes that closure of Shopwhyke Road would not improve flow along the bypass. However the Transport Assessment does not make this conclusion. In fact, the applicant's consultant states the opposite in their letter of 12 November 2014: 'Clearly, if the junction remains open, it is almost inevitable that there will be greater delay to traffic on the A27 strategic route than if the junction is closed.'

The Transport Assessment claims that if the A27 / Shopwhyke Road junction is left open the effects of traffic from the Shopwhyke Lakes development on the junction are limited particularly when minor adjustments to the signal phasing are incorporated. As noted previously, incorrect model inputs were used including incorrect signal phasing and so the benefits of minor adjustments to the signal phasing claimed in the Transport Assessment would not be achieved. The Transport Assessment does not consider the effect of allowing all movements at the Shopwhyke Road arm of the junction compared to the correct reference case of the committed scheme to close it except to buses. As the Transport Assessment states, the junction would be over capacity if the Shopwhyke Road arm is not closed. By comparison, in the reference case scheme the junction is within capacity.

#### *Oving signals as preferred route*

The Statement says that a significant number of vehicles use Oving signals as the preferred route into and out of Chichester. The proposed changes to Oving signals are part of the Shopwhyke Lakes highway scheme which includes providing additional capacity at Portfield roundabout and Bognor Road roundabout. Evidence from the CATM modelling, which is area wide and so includes redistribution and diversion around the network, shows that in the AM peak hour of future year 2021, the journey times in the 'with Shopwhyke Lakes scenario' travelling through the development site via the northern access and around Portfield roundabout is quicker than the 'without Shopwhyke Lakes scenario' travelling via Oving lights.

### *Re-routeing impact of closing Shopwyke Road arm*

In their Statement, Oving Parish Council express concern that grid lock will result from closing the Shopwhyke Road arm of the junction and the resulting re-routeing of traffic. No evidence is provided to support this view and the evidence from the CATM area wide modelling does not concur with this view.

### Recommendation

Highways England considers that the applicant has failed to demonstrate that conditions 9 and 11 can be removed without resulting in a materially detrimental impact upon the safety and capacity of the A27 trunk road.

On the basis of the information currently provided, the proposal would worsen congestion and safety on the A27 trunk road without enabling economic development. In contrast, the committed highway scheme in conditions 9 and 11 which will be provided by the Shopwyke Lakes development, provides safety and traffic flow benefits. In the absence of information from the applicant to address our concerns, we consider that it is against the public interest of users of the strategic road network to allow this proposal.

Highways England's formal recommendation is that planning permission should be refused on the basis that the applicant has failed to demonstrate that the proposal will not have a serious impact upon the safety and capacity of the A27 Trunk Road.

### 6.8 WSSC - Highways

Objection.

West Sussex County Council (WSSC), in its capacity as the local highway authority (LHA), has previously been consulted on the proposed removal of conditions 9 and 11 on planning permission 05283/11 through application 01777/14. The LHA attended a meeting with the District Council, Parish Council and Highways England where the LHA indicated that there was insufficient information submitted in support of the application to determine whether the proposal would have a severe impact on the operation of the local network.

The closure of the Oving lights forms part of the transport strategy associated with the adopted Chichester Local Plan. Prior to its adoption, this development strategy was supported by a comprehensive transport evidence base. Whilst the current application is accompanied by a Transport Statement, this does not contain any information on the impact that the proposed retention of the Oving lights would have on the operation of the local network, and in turn the wider impact that it would have on the adopted development strategy.

The LHA objects to the proposed removal on condition, on the grounds that the proposal is contrary to paragraph 32 of the National Planning Policy Framework in that it has not been demonstrated that the proposal would not have a severe residual impact on the operation of the local highway network.

### 6.9 31 Third Party Support

- Traffic lights provide a safe direct route into Chichester from Oving.
- Recent installation of 'intelligent lights' means the junction works well, moderating the flow of traffic, there is no need to change.
- It is the only safe place to cross the A27 at busy times especially for elderly and nervous drivers.
- Building of hundreds of houses will increase the need for this crossing.

- Do not believe Highways England, they do not live here.
- Closure of lights will increase local journey times and cause great inconvenience.
- Do not believe developers analysis or statistics.
- Traffic lights are safer than roundabouts.
- Less likely to come into Chichester if the lights go.
- Will create a rat run through Shopwyke Lakes development.
- Sending all traffic to Bognor roundabout will cause gridlock creating more pollution.
- Closing lights will further congest the already overburdened access routes via the A259
- Bognor road and Sainsburys/ Portfield Area.

#### 6.10 8 Third Party Objection

- B2144 Oving/Shopwhyke Road is a B road not designed to take the extra traffic. It is already under stress especially on city side of A27.
- Road is not wide enough, parked cars along its length on the west side of the lights makes it single a single lane with non-designated passing places.
- Traffic in Oving Road has got dramatically worse with tail backs to Shopwhyke corner.
- Lights have a harmful impact on health and safety. Stationary cars pump toxic exhaust fumes into the air. Can't open windows at front of house. Noise from car radios, hands-free phones and car engines running effect quality of life and health.
- Increased traffic is causing damage to properties due to vibration and cracks appearing.
- Right of way to/from driveways impeded by cars queueing at lights. Danger reversing in or out.
- Shopwyke Lakes was permitted on basis of lights being closed, this should be upheld.
- Will result in capacity and safety concerns on the A27 and could delay the implementation of wider improvements on the A27.
- This is not the only route into Chichester.

#### 6.11 Applicant/Agent's Supporting Information

The application contains a statement from LOLA (Leave Oving Lights Alone) on the re-submitted planning application. This summarises the previous application O/14/01777/OUT which was accompanied by a transport report prepared by Bellamy Roberts and which was subsequently withdrawn following a series of holding directions issued by the Highways Agency. It documents the change in the name of the Highways Agency to Highways England and the removal of its power to issue a holding direction. It refers to the government's announcement in July 2015 regarding the Chichester by-pass scheme which may propose changes to the Oving crossroads. In view of this the Parish Council does not consider it appropriate to prepare a further traffic and transport report because all the proposed traffic modelling for the A27 will be carried out by Mott MacDonald working on behalf of HE.

### **7.0 Planning Policy**

#### The Development Plan

7.1 The Development Plan for the area comprises the Chichester Local Plan: Key Policies 2014-2029 and all made neighbourhood plans. There is no adopted neighbourhood plan for Oving at this time.

7.2 The principal planning policies relevant to the consideration of this application are as follows:

Policy 1: Presumption in Favour of Sustainable Development

Policy 8: Transport and Accessibility

Policy 9: Development and Infrastructure Provision

Policy 13: Chichester City Transport Strategy

Policy 16: Shopwyke Strategic Development Location

Policy 39: Transport, Accessibility and Parking

### National Policy and Guidance

7.3 Government planning policy now comprises the National Planning Policy Framework (NPPF), paragraph 14 of which states:

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking:

*For decision-taking this means unless material considerations indicate otherwise:*

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in (the) Framework indicate development should be restricted.*

7.4 Consideration should also be given to paragraph 17 (Core Planning Principles) and paragraph 32 (transport).

### Other Local Policy and Guidance

7.5 The aims and objectives of the Chichester in Partnership Community Strategy 2016-2021 which are relevant and material to the determination of this planning application are:

#### Transport and Access

- To ensure that residents can access work, leisure and support services in the district.
- To support and promote initiatives that encourage alternative forms of transport and encourage the use of online services.
- To work with WSCC and local transport providers to improve transport links throughout the district and influence any future plans.

## **8.0 Planning Comments**

8.1 The main issue arising from this proposal is:

- Whether retention of the existing traffic lights at the Oving crossroads in conjunction with the road improvements and new accesses approved and being implemented as part of the approved Shopwyke Lakes development would result in a severe impact on the local and strategic transport network contrary to government policy in paragraph 32 of the NPPF.

## Assessment

8.2 This planning application is to remove two conditions - 9 and 11 - from the outline planning permission granted for the Shopwyke Lakes development (reference O/11/05283/OUT) in August 2013 and has been made not by the Shopwyke Lakes developer but by Oving Parish Council. It is a re-submission of Oving Parish Council's previous application in May 2014 (reference O/14/01777/OUT) which the Parish Council withdrew in June 2015. The conditions were imposed as part of the planning permission granted by the Council following agreement between the developer, Highways England and West Sussex County Council as the local highways authority as part of a carefully considered package of transport measures designed to successfully and safely integrate traffic arising from the Shopwyke Lakes development onto the existing strategic and local road networks whilst accounting for existing traffic levels and predicted future increases.

8.3 In terms of the desired outcome from this application, Oving Parish Council wishes to retain the existing access from Shopwhyke Road onto the A27 with all movements permitted including crossing the A27 between Shopwhyke Road and Oving Road.

8.4 As permitted, the Shopwyke Lakes development would result in a staged closure of the A27/Oving Road/Shopwhyke Road junction to most traffic movements. Condition 9 (paragraph 3.2 above) provides for the first stage of this closure. It is preceded by the upgrading of the existing pedestrian crossing over the A27 to a toucan crossing (a crossing suitable for bicycles as well as pedestrians) which has to be completed before first occupation of any dwelling on the Shopwyke Lakes site (condition 6). The effect of condition 9 is that before occupation of the 298<sup>th</sup> dwelling on the Shopwyke Lakes site, the existing signalised crossroads junction will be modified. This interim change will permit all left-in and left-out movements but prevent cross-A27 carriageway east-west movements and right turn movements. It is not until occupation of the 400<sup>th</sup> dwelling on the site that the final proposals for the signalised junction will require the measures set out in condition 11 (as shown on the associated approved drawing) to be carried out. After the 400<sup>th</sup> dwelling is occupied only the following movements will be permitted: left-in and left-out of Oving Road west. From Oving Road east, only buses will be able to access the A27, turning right only onto the northbound carriageway of the A27. Use of the junction of Oving Road East with the A27 will be controlled by automated bollards.

8.5 Rather than requiring the final junction proposals early on in the Shopwyke Lakes development, the staged closure of the lights has been designed by Highways England to allow road users time to gradually change and adapt their travel patterns and behaviour. No changes to the junction are required until occupation of the 298<sup>th</sup> dwelling. At the time of writing the developer at Shopwyke Lakes (Cala Homes) has secured reserved matters approval for 398 dwellings of the 500 dwellings approved and is preparing the foundations and sub-structure for 145 dwellings as the first phase of this. Based on the developers proposed build timetable it is currently estimated that the trigger point for the interim changes to the signalised junction (i.e. those required by occupation of 298<sup>th</sup> dwelling) will not occur until around 2019/20. It is estimated thereafter that the final junction proposal, removing all but bus movements at the Oving Road east junction with the A27 will not be required until 2021/22. At the time of this report therefore there is a significant period of time, anticipated to be around 5-6 years, before the proposed junction changes will take full effect. However, this is an estimation of timings and as such needs to be treated with some caution. This is because if the remaining balance of 187 dwellings at Shopwyke Lakes (585-398=187) which are consented or have a resolution to permit are commenced within this 5-6 year period and delivery rates are therefore quicker than expected then the timescale for the junction changes may be earlier.

8.6 The applicant states that because of the development of options for improvements at the A27 junctions, any modelling work to assess the impact of its application on the A27 would be invalidated. However, this understanding of the situation is incorrect. The Regional Investment Strategy (RIS) schemes for the A27 Chichester Bypass are still under development and the consultation on the five proposed different options concludes on 22<sup>nd</sup> September 2016. The government's timetable is for the preferred option to be announced by the end of 2016. It is significant to note that all of the five RIS scheme options subject to public consultation do not retain all movements at the A27 /Oving Road / Shopwhyke Road junction because they are obliged to take account of the Shopwhyke Lakes planning permission. In terms of planning proposals in the Chichester area therefore, the reference case for assessing impact upon the A27 trunk road remains the schemes in the Chichester Local Plan.

8.7 The developer at Shopwhyke lakes has a valid planning permission and is progressing that development on the basis of the carefully constructed planning conditions and highway requirements negotiated in detail with both Highways England (the then Highways Agency) and the County Council. Members will note that both Highways England and the County Council have been consulted as part of this application and their comments are reported above. The applicant has not prepared or submitted any further material or evidence to enable Highways England or WSCC to consider departing from their previous position.

8.8 Highways England maintains that its position has not changed since it provided its consultation comments (as the then Highways Agency) on the previous identical application which was subsequently withdrawn. On the previous application the Highways Agency maintained that it had serious concerns because the information provided by the applicant did not demonstrate that the proposal would not have a material impact upon the safety and capacity of the A27 trunk road. The Highways Agency issued two letters setting out their comments on the transport assessment provided by Bellamy Roberts and what information would be required in order to allay their concerns. The Highways Agency also met with Oving Parish Council's consultant to discuss the further information the parish council would need to provide. At the request of Oving Parish Council, Chichester District Council held a meeting with the Highways Agency, West Sussex County Council and the parish to discuss the information required by the Highways Agency and West Sussex County Council. Oving Parish Council withdrew the application in June 2015.

8.9 In summary the Highway Agency's concerns were that:

- The junction modelling submitted was inaccurate and the basis of the assumed traffic distribution was not robust;
- The applicant's transport evidence should be based upon the correct reference case which is implementation of the Shopwhyke Lakes permission as it currently exists since it is classed as a committed development;
- The applicant was not offering to fund the alternative junction scheme for A27 / Shopwhyke Road proposed in the Transport Assessment which has no other funding source;
- The implications for the adopted Chichester Local Plan's transport strategy of removing the Shopwhyke Lakes alterations to the A27 / Shopwhyke Road junction had not been assessed; and
- There was no scheme to mitigate the safety risks of an additional access onto the A27.

8.10 Highways England's position is that it still requires the information above requested by the Highways Agency in response to the original planning application (O/14/01777/OUT). The applicant has been asked to provide evidence to robustly demonstrate that the proposal will not have a severe impact on traffic flows and safety on the A27 trunk road but has

advised that it is unwilling and/or unable to do this. In the absence of robust technical evidence to demonstrate that the proposal in combination with the Shopwyke Lakes access arrangements will not result in severe detriment to the A27 trunk road, Highways England has formally recommended that this Council refuses the application.

8.11 Officers recognise that whether or not the status quo at the signalised junction should be maintained was a significant and keenly debated issue when the original Shopwyke Lakes application was considered by the Planning Committee. It is also recognised that there was a significant level of opposition to closing the junction to existing vehicular movements as part of the previous and subsequently withdrawn application by the Parish Council. The current application has also generated strong opinions both for keeping the junction as it is, but also in favour of closing it as required by the two conditions on the Shopwyke Lakes planning permission. Members can see the representations for and against closure in paragraphs 6.9 and 6.10 above.

8.12 Ultimately in reaching a recommendation to place before the Committee officers have had to consider the substance and content of the application and assess whether this is sufficient to enable an accurate assessment to be made and whether the proposal accords with adopted policy. In this instance the officer's assessment relies on whether the applicant has produced sufficient technical evidence to clearly demonstrate that keeping the junction as it is, operating in conjunction with the access changes approved for the Shopwyke Lakes development would not result in a severe adverse impact on the operation of the highway network. The applicant has not produced such an assessment and the ramifications have not been modelled in accordance with the requirements. On the basis that insufficient evidence has been submitted, the conclusion of Highways England as statutory consultee and WSCC as the local highway authority is that the proposal should not therefore be permitted. Your officers concur with this recommendation.

8.13 The Committee is advised that in the event of the officer recommendation to refuse this application being overturned in favour of permitting the development, the Council must consult the Secretary of State for Transport under The Town and Country Planning (Development Affecting Trunk Road) Direction 2015. The decision of the Secretary of State will be binding on all parties, subject only to challenge on a point of law. Even if the application is subsequently approved, the developer of the Shopwyke Lakes site who has already implemented the outline planning permission cannot be required to implement a permission for alternative highway access arrangements. There can be no guarantee that a permission to remove conditions 9 and 11 from the Shopwyke Lakes permission would automatically translate into the signalised junction remaining as it currently is. That would be a separate matter outside of the planning process to be negotiated between the applicant on this application and the Shopwyke Lakes developer who may decide to progress the development on the basis of the existing outline planning permission. The developer of the Shopwyke Lakes site has made no representations in respect of this planning application.

### Conclusion

8.14 The concerns of the Parish Council as applicant on this application are noted and understood by officers as is the strength of feeling on both sides of the 'retain or not retain' debate. However, the current application is accompanied by a general statement on transport matters relating to the Oving traffic lights rather than the detailed technical highways assessment necessary to evidence the appropriateness of an alternative highway arrangement to that approved for the Shopwyke Lakes development. Whilst the previous application by the Parish Council for this proposal did have a transport statement this was not accepted by Highways England because it was either inaccurate or deficient in the areas flagged in paragraph 8.9 above. The applicant was either unwilling or unable to correct the report and produce the evidence required by Highways England and the resultant impasse



led to that application being withdrawn. In the absence of this evidence, officers concur with the conclusions of Highways England and WSCC highways that it is not possible to conclude that the deletion of conditions 9 and 11 would not result in a severe impact on transport grounds.

8.15 The application is therefore recommended for refusal for the following reason:

*In the absence of any technical highways assessment to the contrary including accurate junction modelling, robust analysis of transport distribution evidence and mitigation of the safety risks of an additional access onto the A27, the Local Planning Authority in consultation with Highways England as the strategic highway authority and WSCC as the local highway authority is not able to conclude that the proposal to remove conditions 9 and 11 from outline planning permission reference O/11/05283/OUT dated 09.08.2013 would not result in a severe adverse residual impact on the safety and performance of the A27 SRN and on the operation of the local highway network. The proposal is therefore contrary to government policy in paragraph 32 of the NPPF and to policies 13 (Chichester Transport Strategy) and 39 (Transport, Accessibility and Parking) of the Chichester Local Plan: Key Policies 2014-2029.*

### Human Rights

8.16 In reaching this conclusion the Human Rights of the applicants and nearby occupiers have been taken into account when reaching this recommendation and it is concluded that the recommendation to refuse is justified and proportionate.

## **RECOMMENDATION REFUSE**

1 U04304 - Insufficient evidence - severe impact

### INFORMATIVES

1 Plans subject of decision

For further information on this application please contact Jeremy Bushell.