

Parish: Tangmere	Ward: Tangmere
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### TG/17/01348/FUL

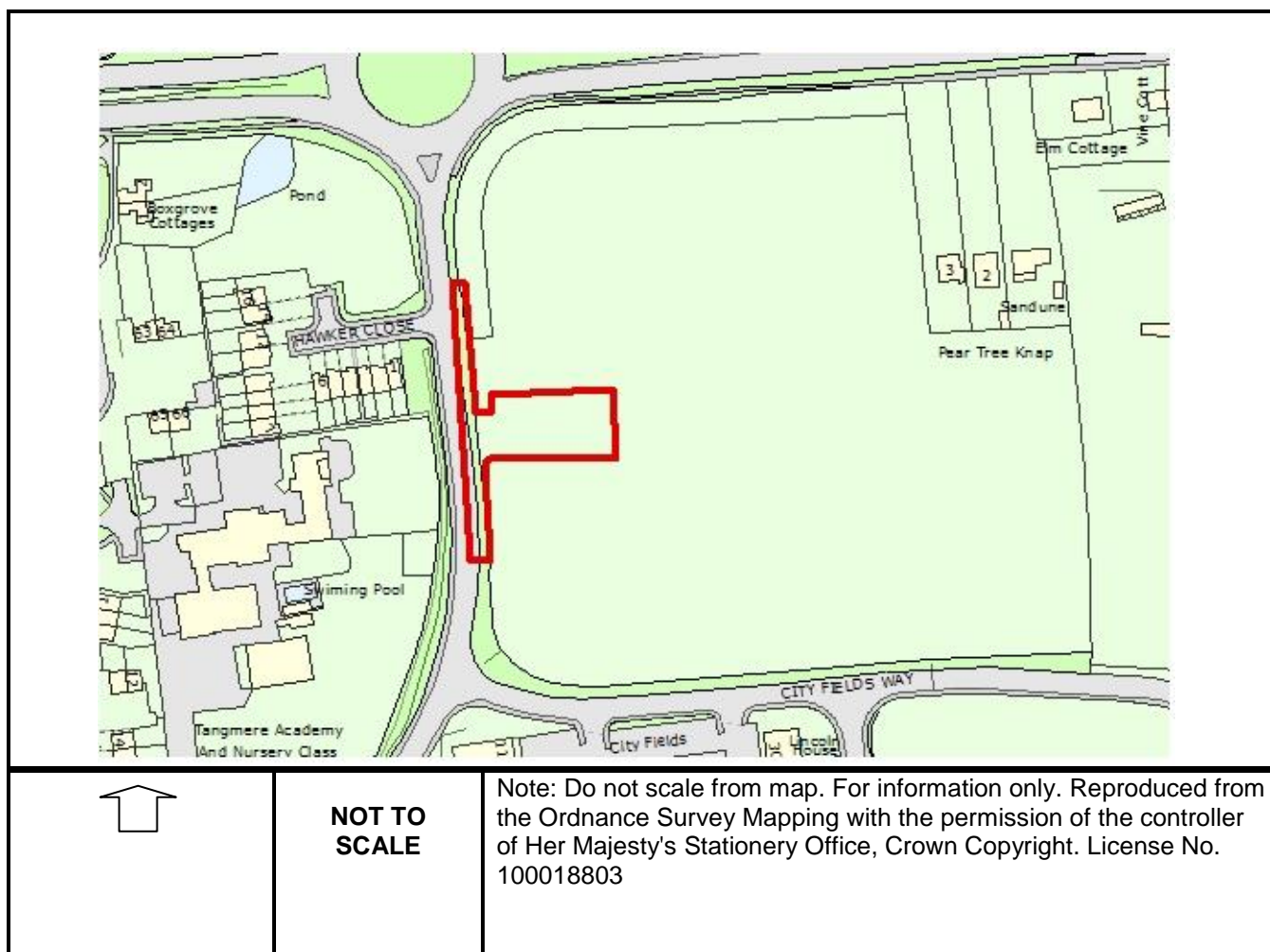
**Proposal** Creation of new vehicular access, realignment of internal estate road, minor reconfiguration of public open space, landscaping amendments and provision of hardstanding in front of plots 57-59.

**Site** Land On The East Side Of Meadow Way Tangmere West Sussex

**Map Ref** (E) 490847 (N) 106859

**Applicant** Mr Dave Buczynskyj

**RECOMMENDATION TO Approved**



**NOT TO  
SCALE**

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## **1.0 Reason for Committee Referral**

1.1 Parish Objection - Officer recommends Permit

## **2.0 The Site and Surroundings**

- 2.1 The application site comprises a small parcel of a larger site that abuts the northern side of Tangmere village and which is currently undergoing a development of 59 dwellings (TG/12/01739/OUT and TG/15/00918/REM refer).
- 2.2 The development is well advanced, with a number of dwellings and internal estate roads already constructed and a large area of open space laid out. However, it is understood that none of the dwellings are currently occupied.

## **3.0 The Proposal**

- 3.1 The extant planning permission for the 59 unit scheme involves the creation of a singular point of vehicular access onto City Fields Way; this access has already been constructed. The current application seeks to create a second vehicular access onto Meadow Way, at a point about halfway down the site's western boundary. The proposal would result in a minor amendment to the layout of the permitted scheme, essentially involving the realignment and extension of an internal estate road alongside attendant changes to the adjacent area of public open space.
- 3.2 The proposed access would measure 5.5m wide with entry radii of 8m. A 2m wide footway would be formed along the northern side of the access, linking to an existing pedestrian crossing point on Meadow Way. In order to provide the highway visibility splay required to the north of the access, three trees would be removed from a tree belt that runs along the development site's western boundary.
- 3.3 A planning application which seeks to amend the number and mix of dwellings on a different parcel of the development site is currently under separate consideration (TG/17/00540/FUL refers).

## **4.0 History**

12/01739/OUT	REF	Outline planning permission for development of the site comprising 59 residential units, associated public open space, landscaping, access and car parking.
14/01739/NMA	PER	Non material amendment for planning permission TG/12/01739/OUT To allow sufficient flexibility with regard to the proposed vehicular access from City

Fields Way.

15/00918/REM

PER

Development of the site comprising 59 residential units, associated public open space, landscaping, access and car parking. Application for approval of reserved matters following outline planning permission TG/12/01739/OUT in respect of appearance, landscaping layout and scale.

17/00540/FUL

PCO

Erection of 12 no. semi detached dwellings to replace 8 no. dwellings approved under outline consent TG/12/01739/OUT and reserved matters consent TG/15/00918/REM.

## **5.0 Constraints**

Listed Building	NO
Conservation Area	NO
Rural Area	NO
AONB	NO
Tree Preservation Order	NO
South Downs National Park	NO
EA Flood Zone	
- Flood Zone 2	NO
- Flood Zone 3	NO
Historic Parks and Gardens	NO

## **6.0 Representations and Consultations**

### **6.1 Parish Council**

Tangmere Parish Council does not consider access directly onto Meadow Way is sufficiently safe due to both speed of traffic exiting the A27 and standing traffic at peak times. Eliminating access in City Fields way will compromise community access to the public open space would be compromised (sic). The felling of trees will have a big impact on the street scene.

### **6.2 Highways England**

No objections

### 6.3 WSCC Local Highway Authority

#### Initial comments

The Applicant has engaged the LHA for pre-application advice prior to the submission, to establish the scope of the assessment and the design parameters of the junction.

No objection is raised subject to conditions.

#### Access

Manual for Streets (MfS) parameters for visibility splays have been applied, utilising recorded 85th percentile speeds. Splays of 2.4m x 52m and 50m to the north and south respectively have been demonstrated. The splays will require the loss of vegetation adjacent to the access. The LHA are satisfied for the splays to be offset by up to 1m from the kerb line, in accordance with MfS guidance, to minimise the impact on vegetation.

The geometry of the junction replicates that of the consented access off City Fields Way, and vehicular tracking establishes that a refuse vehicle can access the site without detriment to the safety of Meadow Way.

A 'Stage 1: Road Safety Audit' has been undertaken in accordance with the WSCC Road Safety Audit Policy. Problems raised by the Auditor have been addressed in accordance with the Auditor recommendations. It will be necessary to condition the visibility splays to ensure that they are maintained in perpetuity to satisfy matter A.1.1. The splays should be kept clear between of obstruction above a height of 600mm and below 2000mm.

It is unclear as to whether the consented access from City Fields Way will be utilised. The introduction of both accesses would create a possible 'rat-run' through the site. However, the associated journey time (as a result of multiple junctions and a residential type road) would be in excess of a journey via the Meadow Way/City Fields Way junction, and therefore the route would not present an attractive or viable alternative route.

#### Further comments

There would be no objection to the proposal comprising the sole point of access to the development or it being used in conjunction with the permitted City Fields Way access.

### 6.4 CDC Tree Officer

The trees are young Field Maple mixed in with Hawthorn, which would indicate that they form part of a mixed hedge, now outgrown. The trees are 6m (est.) in height and appear healthy. Multi stemmed form with tight forks. They are categorised as C grade in the survey accompanying the planning application, in accordance with the recommendations and guidance in the current BS5837:2012 for trees in relation to development.

I would agree with this categorisation, which would indicate that these trees should not be considered as a constraint to development. While the whole feature is visible in the public domain the three trees to be removed are considered not to be of such public amenity value as to warrant the imposition of a Tree Preservation Order. I note the remaining

feature is to be retained, this being the case, steps should be taken to protect the remaining hedge feature from damage in the build process.

## 6.5 Third Party Representations

The applicant doesn't explain the need for the proposal; the existing approved access is preferable in highway terms to the one that is now proposed; loss of trees is unacceptable and has not been justified; maintenance of sight lines will place an unacceptable burden on the Highway Authority; loss of trees may have a detrimental impact in respect of noise experienced by existing and prospective residents; loss of trees will be detrimental to nearby residential amenity; the proposal would conflict with the Non Material Amendment application submitted by the applicant; the planning application site notice has been inappropriately sited; the right to judicially review any decision of the Council is reserved.

## 6.6 Applicant/Agent's Supporting Information

This application relates to the creation of a new access and does not seek the closure of the approved southern vehicular access. Persimmon Homes has no objection to the proposed access being used as either a single access or a secondary point of access to the scheme.

With regard to the removal of three trees, the submitted tree report is clear that the three trees are individually classed as Category C trees which are of no great age, size or condition, nor do they have such amenity value to consider them worthy of a Tree Preservation Order.

To avoid removing those trees, the proposed access would need to be relocated further to the south into the public open space of the site, to the detriment of the development. As such, and given the Category C classification of the trees and the additional planting proposed as part of the application, it is considered the submitted scheme is the most appropriate solution.

The submitted Highways and Transport Supporting Statement analyses the local road conditions, collision records, up to date traffic data - including speeds and the ability to accommodate the requisite highway geometry within the proposed design. This statement demonstrates that there is no reason in transport terms why the proposed access to serve the development cannot be permitted.

Persimmon Home has addressed the matters raised by the Local Planning Authority in respect of elements of the scheme and has made the following amendments during the lifetime of the application:

- re-siting of bollards on the footpath to ensure pedestrian safety
- amendments to the landscaping scheme to provide hedging adjacent to the highway to deter cars manoeuvring onto the public open space.
- providing signage to stop heavy goods vehicles from the A27 turning into the estate through directional signage to the nearby industrial and office estates.

## 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. The Tangmere Neighbourhood Plan 2014-2029 forms part of the Development Plan against which applications must be considered.
- 7.2 The principal planning policies relevant to the consideration of this application are as follows:

### Chichester Local Plan: Key Policies 2014-2029

Policy 1: Presumption in Favour of Sustainable Development  
Policy 6: Neighbourhood Development Plans  
Policy 8: Transport and Accessibility  
Policy 33: New Residential Development  
Policy 39: Transport, Accessibility and Parking  
Policy 48: Natural Environment  
Policy 49: Biodiversity

### Tangmere Neighbourhood Plan

Policy 9: Tangmere Sustainable Movement Network

### 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), Section 4 (Promoting sustainable transport) and Section 11 (Conserving and enhancing the natural environment).

7.5 The relevant guidance in the National Planning Practice Guidance has been taken into account.

## **8.0 Planning Comments**

8.1 The main issues arising from this proposal are:

- i) highway safety and development layout
- ii) residential amenity
- iii) other matters

### Assessment

(i) Highway safety and development layout

8.2 As referred to in the Highway Authority's consultation response the proposed access meets required standards in terms of its dimensions and achievable visibility. Whilst northbound traffic exiting the site may occasionally need to filter into queuing A27-bound traffic on Meadow Way, this should not give rise to safety issues. Similarly, visibility from the access is considered sufficient in terms of approaching southbound vehicles that are exiting the A27.

8.3 It is possible that the creation of a second access could result in Chichester Business Park traffic travelling through the development. Whilst in practice this is unlikely to occur, the Highway Authority has accepted the applicant's suggestion to erect signage on Meadow Way which should help to direct southbound traffic to the Park via the Meadow Way-City Fields Way junction. This signage would be secured by a planning condition which is set out below.

8.4 Whilst the removal of three overgrown hedgerow trees (field maple/hawthorn) is unfortunate, for the reasons set out in the Tree Officer's response these specimens are not considered worthy of TPO status, and undue harm to the character and appearance of the locality should not result from their loss. The applicant has agreed to plant three replacement trees within the site and these would be secured as part of a landscaping scheme required by condition.

8.5 Formation of the access would necessitate a small change to the open space which would serve the 59 unit development. In summary, the extended and realigned access road would cut through the very north-western corner of the permitted open space, resulting in the creation of a small (approximately 200m<sup>2</sup>) area of landscaping on its northern side; this area would link to the adjacent footpath which runs along the inside of the site's western boundary. The change would also necessitate the creation of a slightly larger area of hardstanding to the front of plots 57-59.

8.6 Given the substantial overall scale of the open space area, the minor changes proposed will not materially diminish its appearance or recreational value.

8.7 It is noted that the Parish Council has made reference to 'eliminating access in City Fields Way'. Whilst these comments are acknowledged it is important to note that the application relates solely to the creation of a new vehicular access; the applicant has confirmed that there is no intention for the City Fields Way access to be closed. The application must, therefore, be considered on its own merits.

8.8 If the closure of the City Fields Way access were subsequently to be proposed then the need or otherwise for consent for such works would be considered at that point. In the meantime, however, it is noted that the Highway Authority has confirmed that the proposal is acceptable in highway terms irrespective of whether it comprises the sole access for the development or is used in conjunction with the City Fields Way access.

(ii) Residential amenity

8.9 The use of the access should not give rise to any undue noise and disturbance with respect to the living conditions of existing or prospective residential occupiers. Likewise, the removal of the three boundary trees will have no material impact in terms of noise attenuation or the outlook from nearby properties.

(iii) Other matters

8.10 The third party has made reference to the siting of the application site notice, claiming it is located in a position that is both inaccessible and unsafe. The notice was in fact positioned within the highway verge close to a recently installed pedestrian crossing point, and given that it appears to have been seen by the third party demonstrates that it has been appropriately located. It is noted that the application has also been the subject of a newspaper advertisement and, further, that a number of nearby premises and dwellings have been individually notified of the proposal in writing. Consequently, the notification and advertisement procedures relevant to the application are considered to have met the relevant statutory requirements.

(iv) Significant Conditions

8.11 A number of conditions are proposed relating to various matters including tree protection during construction work, the erection of directional signage and the provision and maintenance of highway visibility splays and landscaping (including the provision of replacement trees).

Conclusion

8.12 The proposed vehicular access is acceptable in highway safety terms, will have no material impact on the layout of the development it serves and should not detract from the living condition of existing or prospective residents. The proposal complies with the aims and objectives of the relevant local and national planning policies referred to above and, subject to the conditions set out below, it is therefore recommended that permission is granted.



## Human Rights

8.13 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 permit is justified and proportionate.

## **RECOMMENDATION**

**PERMIT** subject to the following conditions and informatives:-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall not be carried out other than in accordance with the approved plans: 010-SL; 01-LOC Rev B; PERSC19739 25B; P839/2 Rev C.

Reason: To ensure the development complies with the planning permission.

3) **No development shall commence** until plans and technical details of the vehicular access and associated hard standing areas hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter not be carried out other than in accordance with the approved details.

Reason: In the interests of ensuring the development has a safe access. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

4) **The access hereby permitted shall not be brought into use** unless and until visibility splays of (i) 2.4 metres by 52.0 metres to the north and (ii) 2.4 metres by 50.0 metres to the south of the access onto Meadow Way have been provided in accordance with the approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

5) **The access hereby permitted shall not be brought into use** unless and until details of signage designed to route commercial traffic associated with the Chichester Business Park via the Meadow Way-City Fields Way junction have been submitted to and approved by the Local Planning Authority. The approved signage shall be erected prior to first use of the access and thereafter retained in perpetuity.

Reason: In the interests of highway safety.

**6) The access hereby permitted shall not be first brought into use** until a scheme detailing hard and soft landscape works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include; details and samples of the hard surfacing materials; a planting plan including details of at least three replacement trees and a schedule of plants noting species, plant sizes and densities; the method of protecting existing trees within and adjacent to the site; the siting of bollards at the terminal points of internal pedestrian paths; and a programme for the provision of the hard and soft landscaping. Thereafter the scheme shall be carried out in accordance with the approved details and programme and once provided, the works shall be retained in perpetuity.

Reason: In the interests of amenity and of the environment of the development.

**7) The development hereby permitted shall not be first brought into use** until a landscape/open space management plan, including a maintenance schedule indicating proposals for the long-term management of landscape areas has been submitted to and approved in writing by the Local Planning Authority. The landscape/open space shall thereafter be managed in accordance with the approved details.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal, public, nature conservation, or historical significance.

## INFORMATIVES

1) The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2) The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

3) Your attention is drawn to the provisions of the Countryside and Rights of Way Act 2000, Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended).

These make it an offence to:

- Kill or injure any wild bird or bat
- Damage, destroy or take the eggs or nest of any wild bird (when the nest is being built or is in use)
- Damage or destroy the breeding sites and resting places (roost) of certain animals including those used by all bats and certain moths.

The onus is therefore on you to ascertain whether such birds, animals or insects may be nesting or using the tree(s), the subject of this consent, and to ensure you do not

contravene the legislation. This may, for example, require delaying works until after the nesting season for birds. The nesting season for birds can be considered to be March to September. You are advised to contact the local office of Natural England at Lewes for further information (tel: 01273 476595).

If the tree is being used as a breeding site or resting place (roost) by bats, then a Natural England Licence would be required before removal of the tree. You are advised to contact Natural England for more information on 0845 601 4523.

For further information on this application please contact Steve Harris on 01243 534734.