



Emma Parkes

Horsham District Council  
Park North  
North Street  
Horsham  
West Sussex  
RH12 1RL

13 February 2015  
Ref: SHAD/14/2355

Dear Ms Parkes,

**RE: LAND WEST OF SMOCK ALLEY, WEST CHILTINGTON COMMON.**

I am writing to you because West Sussex County Council as Highway Authority is not willing to communicate with RGP over its recommendations to your council in respect of the proposed 21 unit residential development in West Chilmington Common. It is our firm view that the County Council's highways comments on the scheme are misguided and inconsistent with the usual planning requirements as informed by local, regional and national design guidance and policy. I respectfully urge you and your committee to place greater weight on RGP's report attached hereto, and the content of this letter in arriving at its decision as to whether to allow the proposal and grant planning consent.

I am instructed to write to you by Mr and Mrs Davis following our report in respect to the planning application DC/14/2248. Our report was prompted by local residents' concern (represented by Mr and Mrs Davis) at the impact that the proposed development would have on the condition of safety and amenity on local roads and the precedent it would set for similar developments in the area, including a likely proposal to extend the proposed development to the north. RGP have taken particular interest in this matter as WSCC as statutory highways consultees have displayed a significant inconsistency in their advice between this site and other comparable sites which has potential far reaching implications for highways assessment in the region.

The site is inaccessible by means other than the private car and therefore contrary to central government policy. If a community is to be developed and encouraged to use non-car means to travel, particularly locally, then the infrastructure needs to be safe and convenient and facilities and amenities must be readily available for day-to-day needs. The existing road infrastructure local to the site is neither safe nor convenient for local trips on foot and cycle due to the lack of footways, street lighting, poor drainage infrastructure and extremely narrow carriageways, which puts pedestrians at risk of conflict with vehicles. The application does not propose any improvement to the local pedestrian and cycle infrastructure as would be necessary. The site also has very limited services and amenity which are over

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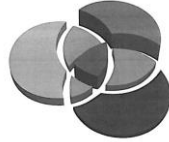
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1km from the site. In terms of public transport, there is a limited range of local bus services the majority of services are only available outside of the AM and PM peak commuting hours and therefore not available for most commuters, and there is no train station in West Chiltington Common. To cycle to local employment centres outside of West Chiltington Common is unrealistic for the majority of cyclists due to the distance to other settlements and the linking roads speed, quality and class.

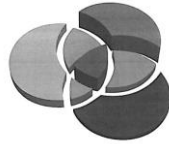
On the one hand accessibility credentials of the site are very poor, which goes against the proposal since government policy supports development in accessible locations; on the other hand, even if there were a greater presence of facilities and amenities locally, residents of the development would be most likely to drive short distances rather than walk or cycle because of the hazardous nature of local roads. The conditions on local roads and on key desire lines are documented in RGP's report (attached).

WSSC has dismissed our view that the Highway Authority should oppose this proposal for the reasons stated in this letter and our report. In response to our assertion that the proposal flies in the face of government policy and the technical guidance that surrounds it, Mr Jamie Brown of WSSC says that each site is considered on its merits and so by not objecting to this proposal his authority would not be setting a precedent. This is a completely nonsensical position, as the consideration of the site on its own merits does not satisfy guidance criterion on a number of levels (as identified in the attached report), and in respect of setting a precedent, the planning system is no exception to the fact that examples are key to a persuasive argument and are regularly referred to and relied on in planning appeals.

If the Local Planning Authority allows this proposal by accepting WSSC's recommendation, the LPA's credibility would be severely damaged if it chose to oppose further development in the area on accessibility/safety and amenity grounds.

In further support of this view, the impact of the relative increases in vehicular traffic, pedestrians and cyclists using roads such as Smock Alley, Haglands Lane and Southlands Lane would, in the light of the guidance in National Planning Policy Framework result in severe harm in terms of safety for vulnerable road users and so should be refused on that ground and in the context of the accessibility/sustainability policy objective without the provision of necessary pedestrian infrastructure.

The National Planning Policy Framework states that development should only be resisted or refused on highway grounds where the residual impacts are severe. What amounts to a severe impact will vary depending on the location of the development and nature of the scheme. I suggest that young parents walking with small children, with or without a pram, elderly residents and unaccompanied children would be extremely vulnerable on the locality and that this would be further and substantively heightened if further land in this locality is developed.



I would like take this opportunity to address specific points raised by Mr Jamie Brown's highway comments - highlighting the error and inconsistency evident in the decision notice with specific regard to his comments on RGP's report which is set out below:-

*"this proposal is not anticipated to result in any highway capacity concerns that could be considered severe"*

- The severe impact of the development is not related to capacity on the road network, but the inadequacy of the local roads to support safe pedestrian movements due to the absence of footways, street lighting, narrow carriageways and poor drainage. The footways would not be navigable by vulnerable pedestrians, particularly after dark or in inclement weather conditions and presents a significant highway safety issue. In terms of vehicular impact many of the carriageways do not support two-way vehicle movements, which would be a particular issue on the width restricted Southlands Lane, which is the most direct route to the A272 and West Chiltington.

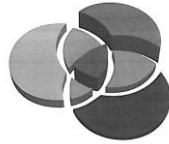
*"It is noted that the report states a precedent could be set for other similar applications of this size in the near vicinity. The Planning Authority is required to consider every application on its merits at the time the proposal is submitted. It is not appropriate to speculate regarding future further development nor is it appropriate to take this into account."*

- During appeal situations reference to examples of similar sites is regularly cited. In this particular example the proposed site's service utilities and road layout have been provided such that the adjacent parcel of land can be easily accessed and tied in with existing service utility infrastructure. The approval of this site would clearly set a precedent for the adjacent land to be developed.

*"The Technical Note reviews the accessibility of the site by sustainable modes with various walking distances quoted. These distances are only guidance. Depending on the purpose of the trip, some residents may be willing to walk in excess of those distances quoted within guidance."*

- It is recognised that some able residents could walk over the distances sited guidance in order to access the bus stops and central services in West Chiltington Common. This may be particularly in settlements with good pedestrian infrastructure. However, as previously mentioned the absence footways, street lighting on the c.1km+ links to the village centre would be unattractive route for pedestrians and would discourage walking to and from services and exclude vulnerable pedestrians.

*"The lack of footways and dedicated cycle facilities within West Chiltington Common are recognised. There already a number of dwellings within this area, which will generate some demands by pedestrians and cyclists. Based on accident data obtained from the Police, there is no evidence to suggest that the lack of foot/cycle ways is resulting in highway safety issues."*



- The low occurrence of PIA incidents is symptomatic of low pedestrian and cycle flows due to the lack of pedestrian and cycle infrastructure, and the limited services in West Chilton Common. The lack of infrastructure means the proportion of existing residents walking and cycling would be lower than a comparable suburban settlement where the necessary pedestrian and cycle infrastructure is provided, linking to closer and more extensive services. The likely change of demographic presented by the developments quota of affordable homes would require greater connectivity for the demographic of residents who may not own cars and would be reliant on safe convenient pedestrian links to bus stops. To act reactively to these residents being injured is an unacceptable means of determining the requirement for pedestrian infrastructure.

*“The location of the site inevitably would mean that residents would rely on the private car for some journey purposes. However there is choice for residents to use alternative means of transport. Whilst the TN indicates limited use of passenger transport, some existing residents clearly still use the bus.”*

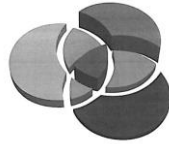
- RGP have used census data to demonstrate the proportionally low use of existing bus services in West Chilton Common. The highways officer’s comment that “residents clearly still use the bus” is contrary to our assessment and not backed up by any data.

*“The National Planning Policy Framework states that plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site. It’s therefore acknowledged that a high number of trips will be made by private car.”*

- As previously noted West Chilton Common does provide bus services but these would be unattainable to some residents due to the distance and quality of the pedestrian link. The services provided are limited in terms of the range of destinations and frequency, with many of the services arriving and departing outside of peak commuting hours rendering the bus services useless to residents who wish to commute by these means. It is therefore considered the opportunities for sustainable transport cannot be taken up.

*“With respects to visibility splays, Manual for Streets 2 advises that where speeds are over 40mph for the majority of the day that the standards within the Design Manual for Roads and Bridges (which are intended for heavily trafficked trunk roads) are applied. The recorded speed falls just below 40mph”*

- Manual for Streets 2 Visibility requirements are applied at 60kph (not 40mph) which equates to 37.5mph. The application of the Manual for Streets 2 visibility requirements is therefore applicable relative to the 39mph 85th percentile speeds recorded on Smock Alley, meaning a greater extent of visibility is required. This greater extent of visibility would cut across the adjacent parcel of land which is not identified as part of the development site’s redline boundary and is therefore uncontrolled. The adjacent parcel could be utilised by a third party in such a way



that the visibility is restricted. The greater extent of visibility would also require the clearance of oak species on the site's boundary.

*"The access arrangement has been the subject of an independent safety audit, which has raised no concerns with visibility. 47.0m"*

- The Stage 1 Road Safety Audit is carried out on the preliminary sites design, without vehicle speed data which inform the visibility requirements. The auditor would also be unaware of the public highways boundary which visibility has to be achieved within.

I am most concerned at the example that County Council gives in not objecting to this proposal on the grounds of accessibility, and because by providing a precedent for residential development in defiance of the advice in NPPF, advising my clients of similar schemes henceforth will be difficult. The advice in NPPF about objecting when the impact would be severe is contextual advice, and in my view to allow this proposal would create a severe hazard for pedestrians and cyclists and set a worrying precedent for further such risk because the NPPF policy's strength has been eroded by the County Council's misguided application of its objectives.

If you have any questions and require clarification with regards to this fee proposal, please do not hesitate to contact me on 01243 210418.

Yours sincerely,

Phillip Russell  
RGP