



# **PLANNING COMMITTEE REPORT ADDENDUM**

**TO:** Planning Committee South

**BY:** Head of Development and Building Control

**DATE:** 27 April 2021

**DEVELOPMENT:** Construction of 2No. additional settled gypsy accommodation site pitches

**SITE:** Lane Top Nutbourne Road Pulborough West Sussex RH20 2HA

**WARD:** Pulborough, Coldwaltham and Amberley

**APPLICATION:** DC/20/2497

**APPLICANT:** **Name:** Mr J Smith **Address:** Lane Top, Nutbourne Road Pulborough RH20 2HA

## **1. PURPOSE OF THE REPORT**

- 1.1 To update Committee Members following the submission of addition objection letters and representations.

## **2. REPRESENTATIONS**

- 2.1 An additional letter of representation by Richard Buxton Solicitors has been submitted in response to the Committee Report. This relates specifically to the conclusions reached within the Highways Impacts section of the Committee Report (paragraph 6.36 to 6.48) and particularly the weight Officers have given to the consultation responses provided by the Local Highways Authority.
- 2.2 Specifically, the letter rebuts the assertion that a refusal on the grounds of highway safety could not be justified. The letter refutes the weight given to the limited evidence of accidents in the vicinity of the site and the limited intensification in use of the access. Examples of case law are provided, with the letter also drawing attention to the correct paragraph within the NPPF. A copy of the letter is attached for reference.

## **3. PLANNING ASSESSMENT**

- 3.1 It has been drawn to the attention of Officers that the relevant paragraph of the NPPF has been misquoted within paragraph 6.48 of the Committee Report, with the Report incorrectly referring to paragraph 32, which has since been superseded by paragraph 109 of the updated NPPF.
- 3.2 Paragraph 109 of the NPPF states:

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

- 3.3 The recently submitted letter has raised concerns regarding the weight given to the consultation response provided by the Local Highways Authority, particularly with reference to the conclusions of Officers as found within paragraph 6.48 of the Committee Report.
- 3.4 As outlined in detail within the consultation responses provided by WSCC Highways, and as summarised within sections 3 and 6 of the Committee Report, the Local Highways Authority acknowledge that the existing and established access arrangement offers a reduced visibility to the splays usually anticipated and recommended within the Manual for Streets. However, in considering the context of the site, the Local Highways Authority has given weight to the long-established nature of the access, the limited intensification in use of the access, and the limited evidence of traffic accidents within proximity of the site. This approach is consistent with the comments received for previous applications at the site, where it has been concluded that while the existing access had limited visibility splays, it has operated for a period of time without incident. The Local Highways Authority subsequently concluded that while the proposed development would result in a cumulative increase in the number of residential units utilising the access, and would subsequently result in an increase in the number of vehicle movements to and from the site, this is not considered to be a significant intensification; with the anticipated vehicle movements not considered to result in severe cumulative impacts on the operation of the highway network.
- 3.5 The final conclusions of the Local Highways Authority are based upon a full and objective analysis of evidence held by the Authority itself (including data collected during a site visit for previous application reference DC/17/2564) and the analysis and evidence provided within the Highway Safety Report and rebuttals submitted by Bellamy Roberts on behalf of Nutbourne residents. Furthermore, as referenced within paragraph 3.17 of the accompanying Committee Report, the final comments have been based on a consideration of the guidance within the Manual for Streets (as outlined in paragraph 3.17 of the Committee Report).
- 3.6 Schedule 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 outlines that the Local Highways Authority is a consultee where development is likely to result in a material increase in the volume or a material change in the character of traffic entering or leaving a classified road. The comments of the Local Highways Authority are therefore material in the appraisal of any proposed development, and are of weight in the planning balance.
- 3.7 Section 70(2) of the Town and Country Planning Act 1990 outlines that in dealing with an application for planning permission, the authority shall have regard to the provisions of the development plan, so far as material to the application, and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 furthers that *“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”*.
- 3.8 Policy 40 of the Horsham District Planning Framework (2015) states that development will be supported if it provides safe and suitable access for, among others, all vehicles, pedestrians, and cyclists. In addition, as outlined above, paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
- 3.9 As outlined, above, the conclusions of the Local Highway Authority are material to the assessment of the development proposal and the planning balance conducted by Officers.

The Local Highways Authority as a statutory consultee have raised no concerns with the proposed development and access arrangement, and while recognising that the existing visibility splay to the west is substandard, have given weight to the long-established nature of the access and the modest intensification in use of the access arising from the proposed development.

- 3.10 In considering the consultation response of the Local Highways Authority, who are a statutory consultee with respect to development affecting an adopted road, and who themselves have reviewed and appraised the various Highway Safety Reports and rebuttals submitted on behalf of residents, Officers are of the view that the access is suitable, and the modest addition in use of the access, when considered against the posted speed limit and character of the road, would not result in unacceptable impact on highway safety or severe cumulative impact on the highway network, in accordance with Policy 40 of the HDPF and paragraph 109 of the NPPF.