



AGENDA ITEM 6 DC/17/1704
41 Pondtail Road, Horsham, RH12 5HP

Revised recommendation:

That the application be delegated for approval to the Head of Development subject to the completion of a legal agreement and appropriate conditions as suggested at paragraph 3 of this report.

1. WSCC HIGHWAYS COMMENTS

- 1.1 As set out at paragraph 3.5 of the previous committee report, verbal advice has been received from WSCC Highways advising that, following the submission of additional information, the change of use is acceptable subject to an additional condition/obligation relating to parking capacity monitoring. The report advised that an update would be provided to Members following the receipt of WSCC highway's comments.
- 1.2 Policies 40 and 41 of the HDPF relate to sustainable transport and parking. Policy 40 seeks to manage the anticipated demand for travel by requiring development proposal to promote an improved and integrated transport network, with a re-balancing in favour of non-car modes as a means of access to jobs, homes, services and facilities. The policy requires development to, amongst other criteria, be located in areas where there are, or will be a choice in the modes of transport available and provide safe and suitable access for all vehicles, pedestrians, cyclists, horse riders, public transport and the delivery of goods. Policy 41 requires adequate parking and facilities to be provided within developments to meet the needs of anticipated users.
- 1.3 The Local Highway Authority's (LHA) response from the 26 August 2017 requested that a Stage 1 Road Safety Audit (RSA) was submitted in support of the proposed change of use of the Rising Sun to a children's nursery. The RSA has been completed in accordance with HD19/15 and has identified two problems with the access arrangements. A 'Designers Response' has been provided on the two problems and following on from the LHA's response from the 13 October 2017, the applicant has provided additional information in relation to these two points.
- 1.4 The first of these problems relates to there being concern that the pedestrian access does not show any proposed measures to deter children from running out onto the footway or carriageway. WSCC's Audit Team consider that as it is proposed to change the property to a children's nursery/pre-school there is the likelihood that a number of users may walk to the property generating an increase in the pedestrian movement, including a younger element, to the location via this entrance. It is recommended that a pedestrian barrier i.e. a gate or guardrail be provided on the inside of the entrance off the footway. The self-closing gate proposed is considered by WSCC to be sufficient to overcome the RSA comment. Many sites seek to lock the perimeter gates at night for security however this is a matter for the applicant to consider as children will have access to this area and the degree of supervision they can be expected to have. The clear opening width has been labelled and

there is a 1m minimum to allow dismounted cyclists and bike trailers through which WSCC consider to be acceptable.

- 1.5 The second of the concerns raised relates to there being no 'No Waiting' parking restrictions on Pondtail Road, especially in the vicinity of proposed nursery. With the change of use from public house to nursery it is possible that there may be an increase in vehicle movement and usage of the existing car park and its 17 parking spaces. WSCC's Audit Team note the contents of Section 5 of the Transport Statement in relation to the traffic generation however, if the parking spaces are full then road users may park on the carriageway increasing the risk to all road users of obstructing the carriageway and leading to conflict. This is a concern that has been raised by local residents, Councillor Burgess and Horsham Denne Neighbourhood Council. WSCC have asked that the Applicant's Design Team liaise with the LHA with a view to assessing the need for implementing parking restrictions; assessments could include before and after parking surveys or assessments during nursery drop off and collection times following site occupation. Full details of any proposed parking measures should be provided at the detailed design stage of the proposals for the Stage 2 Road Safety Audit. The Applicant's design team has suggested that a condition could be attached to any permission granted requiring surveys (in accordance with the Road Safety Officer's suggestions) to be undertaken prior to opening and 3 months after opening. Should it be deemed necessary the developer will pay for the implementation of appropriate lining. The LHA are satisfied with this response as it is line with the Auditors comments.
- 1.6 Whilst WSCC has suggested that the above could be the subject of a condition, upon discussion, it is considered that as the LHA could potentially require a sum of money to be used to implement a TRO to implement parking restrictions, that this will be required to be secured through a s106 agreement. The sum would most likely be held for 5 years after the last occupied dwelling on the development. If there are no concerns then this sum would be returned to the developer after this period. This approach has been agreed by WSCC highways.
- 1.7 In respect of the access onto Pondtail Road, WSCC has advised that this is an existing access that serves the public house and has previously been used to serve traffic associated with the A4 usage to a comparable level. Evidence has been sought by the LHA to determine whether the junction has been cited as a causation factor in any accidents at this location. The LHA have reviewed data supplied to WSCC by Sussex Police over a period of the last 3 years. There have been no recorded injury accidents at either the junction with the public highway. There is no evidence to suggest that the junction is operating unsafely, or that the proposed change of use would exacerbate an existing safety concern. Therefore no concerns have been raised by WSCC in respect of the access on to the highway.
- 1.8 In relation to trip generation and its impact, a trip analysis has been undertaken for the nursery use. A copy of this report is found within the submitted Transport Statement. This establishes that there would be two defined peak hours, one at 0800-0900 and another at 1700-1800 with 21 and 18 movements respectively. The LHA have advised that they would anticipate that there would also be in excess of 10 movements between the hours of 0900-1000, 1600-1700 and 1800-1900, giving an overall vehicular trip rate of 178 daily movements. It is likely that some of these trips will already be on the wider network, i.e. as part of a diverted commuting trip where a child is dropped off at the care provision and an onward journey is made to a place of employment and given the sites location in close proximity to higher order roads, the LHA has advised that the chances of this occurring are greater. Information supplied by the Applicant from the previous operators of the site indicated that the public house was open for business from approximately midday onwards. Typically outside the peak network time the A4 usage operation was most intensive between 1800 and 2100. It has been set out that the number of trips generated by the A4 usage was approximately 252 vehicle movements per day depending on the day of the

week, this is obviously more intense than the proposed usage. It is accepted that not all of these trips would have been by car and that some visitors would have walked to the site. WSCC has advised that although it is acknowledged there will be an increase in traffic movements during the peak hours, the proposals will see a reduction in overall vehicular movements over the existing A4 usage. On that basis the LHA have not raised an objection to the proposals from a capacity perspective.

- 1.9 With regards to the way in which parents travel, WSCC has advised that the applicant would be required to enter into a full Travel Plan should consent be granted. This is a package of actions designed by the organisation to encourage safe, healthy and sustainable travel options. By reducing car travel, travel plans can improve health and wellbeing, free up car parking space, and make a positive contribution to the community and the environment. The LHA will advise a condition to secure this and should planning consent be obtained the TP will need to be agreed with the LHA prior to any use commencing.
- 1.10 In conclusion, WSCC has advised that they do not consider that the proposed change of use would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 32), and that there are no transport grounds to resist the proposal.

2. OTHER UPDATES

- 2.1 It is also brought to Members attention that since the drafting of the Committee report, North Horsham Parish Council has provided additional comments stating *"No objection in principle however, request that the applicant address the objections from WSCC Highways and local residents."*
- 2.2 The applicant, Perfect Start Children's Day Nursery & Pre-School, contacted Members directly by email of 1 December 2017 setting out *"...key points regarding the planning application"*.
- 2.3 A further letter/email of objection has been received from a local resident. This however does not raise any issues not considered within the previous committee report.

3. RECOMMENDATIONS

- 3.1 It is recommended that the application be delegated for approval to the Head of Development subject to the completion of a legal agreement and appropriate conditions as suggested below:

1 List of plans

- 2 **Standard Time Condition:** 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.

- 3 **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for, but not be limited to:

- a. working hours
- b. the parking of vehicles of site operatives and visitors
- c. the method of access and routing of vehicles during construction

- d. the anticipated number, frequency and types of vehicles used during construction
- e. loading and unloading of plant, materials and waste
- f. storage of plant and materials used in constructing the development
- g. the erection and maintenance of security hoarding, where appropriate
- h. the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders)
- i. details of public engagement both prior to and during construction works.
- j. measures to control the emission of dust and dirt during construction
- k. a scheme for recycling/disposing of waste resulting from demolition and construction works
- l. assessment to identify any asbestos contained within the building and controls put in place to ensure safe removal and disposal

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of occupiers of neighbouring residential properties during construction and in the interests of highway safety in accordance with policies 33 and 40 of the Horsham District Planning Framework (2015).

- 4 **Pre-Commencement Condition:** No development shall commence, including demolition pursuant to the permission granted, ground clearance, or bringing equipment, machinery or materials onto the site, until the following preliminaries have been completed in the sequence set out below:

- All trees on the site shown for retention, as well as those off-site whose root protection areas ingress into the site, shall be fully protected by tree protective fencing affixed to the ground in full accordance with section 6 of BS 5837 'Trees in Relation to Design, Demolition and Construction - Recommendations' (2012).
- Once installed, the fencing shall be maintained during the course of the development works and until all machinery and surplus materials have been removed from the site.
- Areas so fenced off shall be treated as zones of prohibited access, and shall not be used for the storage of materials, equipment or machinery in any circumstances. No mixing of cement, concrete, or use of other materials or substances shall take place within any tree protective zone, or close enough to such a zone that seepage or displacement of those materials and substances could cause them to enter a zone.

Reason: As this matter is fundamental to ensure the successful and satisfactory retention of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **Pre-Commencement Condition:** No development shall commence until such time as revised plans and details incorporating the recommendations given in the Stage 1 Road Safety Audit and accepted in the Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of road safety in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 6 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local

Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 7 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, full details of the hard and soft landscaping works shall be submitted to and approved, in writing, by the Local Planning Authority. The approved landscape scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Any plants, which within a period of 5 years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 8 **Pre-Occupation Condition:** The use of the building as a children's nursery permitted shall not commence unless and until provision for the storage of refuse/recycling has been made for the use in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 9 **Pre-Occupation Condition:** No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 10 **Pre-Occupation Condition:** No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular access onto Pondtail Road in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. 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 in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 11 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than that shown on the approved plans. Any external lighting that is installed with the permission of the Local Planning Authority shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 12 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), the premises hereby permitted shall be used as a children's day nursery only and for no other purposes whatsoever, (including those falling within Class D1 as defined in the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without express planning consent from the Local Planning Authority first being obtained.

Reason: Changes of use as permitted by the Town and Country Planning (General Permitted Development) Order or Use Classes Order 1987 are not considered appropriate in this case due to (insert with reasons) under Policy 33 of the Horsham District Planning Framework (2015).

- 13 **Regulatory Condition:** The premises shall not be open for trade or business except between the hours of 0730 and 1830.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/17/1704
WSCC Highways response dated 28 November 2017