



TO: Planning Committee North

BY: Head of Development

DATE: 10 April 2018

DEVELOPMENT: Change of use from Public House (Class A4) to Children's Day Nursery (Class D1); Single storey and first floor rear extensions; changes to elevations including addition of 2x front and 1x rear dormer windows; car and cycle parking; siting of external plant on rear elevation; and surfacing of garden area

SITE: 41 Pondtail Road Horsham West Sussex RH12 5HP

WARD: Holbrook West

APPLICATION: DC/17/1704

APPLICANT: **Name:** Mr Paul Clarke **Address:** Oakridge House Wellington Road High Wycombe HP12 3PR

REASON FOR INCLUSION ON THE AGENDA: To update Members following the resolution of the Committee at its meeting on 6 February 2018

RECOMMENDATION: That the application be approved subject to the conditions set out in the Officer's report of 6 February 2018

1. INTRODUCTION

1.1 To summarise the history of the application to date:

- Application originally reported to Committee on 5 December 2017 with a recommendation that the application be delegated for approval to the Head of Development to consider whether the requirement of WSCC highways to provide a parking survey if there is a problem with on street parking can be the subject of a condition or is required to be the subject of a legal agreement, and subject to appropriate conditions;
- Members deferred consideration of the application to allow for further consultation/consideration of highway impacts with the Local Highway Authority ;
- Site meeting took place with HDC Officers, a representative of WSCC Highways, Councillor Burgess and the applicant, agent and their transport consultant (11.01.2018);
- Application referred back to Committee on 6 February 2018 with a recommendation for approval subject to conditions which would require the submission of revised plans and details incorporating the recommendations given in the Stage 1 Road Safety Audit which would include the provision of a widened access, double yellow lines, school signage and potentially speed signage subject to it being demonstrated that it is required;

- Members resolved that the application be determined by the Head of Development with a view to approval in consultation with the Local Members, Chairman and Vice-Chairman and Cabinet Member for Planning & Development in order to address outstanding road safety concerns;
- Meeting held with Members as detailed above, the Case Officer and the Principal Planner to discuss highway safety concerns (15.02.2018);
- Meeting held with Members (as detailed above), the Head of Planning and the Director of Planning, Economic Development & Property (08.03.2018);
- Meeting between a number of local residents, the Head of Development and the Case Officer (20.03.2018);
- Comments sought and received from the County Highways (Development Management) Team Manager in respect of concerns raised by local residents.

2. PLANNING ASSESSMENTS

- 2.1 At Planning Committee North on 6 February 2018 Members resolved that the application should be 'determined by the Head of Development with a view to approval in consultation with the Local Members, Chairman and Vice-Chairman and Cabinet Member for Planning & Development in order to address outstanding road safety concerns.' A copy of the previous committee reports are attached at Appendix 1 and Appendix 2.
- 2.2 A meeting took place on 15 February 2018 with Officers, Councillor Peter Burgess, Councillor Mitchel, Councillor Kitchen, Councillor Karen Burgess and Councillor Vickers. At this meeting various highway related issues were discussed and possible resolutions to the concerns raised considered. A further meeting between Members, the Head of Development and the Director of Planning, Economic Development and Property took place on 8 March 2018.
- 2.3 Members were advised at the meetings that WSCC Highways have verbally discussed with both the Applicant and the Case Officer their position in terms of signage. Whilst the Applicant has indicated that they would agree to the installation of both school and speed activated signs as the District Council have requested, WSCC Highways have advised that they need to be satisfied that both types of signs are necessary, as school signs are normally only installed where there may be unaccompanied children walking to the school and the speed activated signs would only usually be installed where there is a proven speed problem. As advised at the meeting of the Planning Committee (North) on 6 February 2018, WSCC Highways advised that it would need to be demonstrated that the proposed signage is needed and, for the speed activated sign, a 7 days speed survey would need to be undertaken first to assess average speed before they would agree to this.
- 2.4 A speed survey was undertaken on behalf of the Applicant on 22 February 2018, with a report providing the results submitted to the Council on 26 February 2018. The report sets out that the speed survey was undertaken along a stretch of Pondtail Road close to the site (opposite no. 44 Pondtail Road and close to the existing car park entrance) between 12.35pm and 2.20pm. A total of 100 free flow traffic movements each way were recorded, which WSCC Highways have advised conforms to the required methodology. The report details that of the 100 vehicles recorded travelling southbound, some 96 were travelling between 0-37mph and 4 were travelling over 37mph. Of the 100 travelling northbound, some 95 were travelling between 0-37mph and 5 were travelling over 37mph. The results show that the mean speed of Pondtail Road between 29.9mph (southbound) and 30.5mph (northbound), whilst the 85th percentile speed of 33mph (southbound) and 35mph (northbound) were recorded, throughout the survey period.
- 2.5 WSCC Highways, having considered the results of the speed survey, have advised that *"The speeds recorded for the mean (average) speed along Pondtail Road are under the requirements for the LHA to insist on any signage. As you were aware previously we had*

advised that the signs were not required, however we welcomed the data provided in the form of a speed survey to give a more technical view. The difference is around 3-4 mph where the requirement for the signs would be justified.”

- 2.6 Given that a speed survey has now been undertaken and taking into account the view of WSCC Highways, it continues to be Officer's view that the application cannot be refused on highways safety grounds. Whilst the Applicant has previously confirmed their willingness to fund the installation and maintenance of a speed sign, given the speed survey results, WSCC will not agree to its installation.
- 2.7 Since the last Committee meeting on 6 February 2018 and at the time of writing this report, a further 59 letters/emails of objection have been received by the Council (now totally 80 letters/emails from 57 properties) along with a further email of objection from Horsham Denne Neighbourhood Council. Most of these additional objections relate primarily to highway safety concerns with the proposed change of use of and the use of the surrounding residential roads for staff parking. The Applicant advises that 16 full-time and 2 part-time staff will be employed at the nursery, with 4 parking spaces being available on-site for members of staff. If every member of staff travelled to the site by car rather than walking, cycling or car-sharing, this would mean that there was a shortage of 14 parking spaces. The neighbouring residential streets have no parking restrictions. A survey undertaken by the Applicant was carried out on two separate weekdays between the hours of 6am and 11am which is likely to be when staff would be travelling to the nursery and indicated that there was sufficient on-street parking within the local area; on average 21 spaces were available on Pondtail Close and additional spaces in the wider area. WSCC Highways have advised that the methodology used was appropriate and that the proposed development would not have a significant parking impact in the local area.
- 2.8 A number of further concerns have been raised by local residents, in particular with the speed survey undertaken, vehicle movements and deliveries to/from the site, safety of children and manoeuvrability within the car park.
- 2.9 Residents are concerned that the vehicle movements associated with the existing pub use are not representative of the use that took place as the majority of people walked to The Rising Sun. WSCC Highways have advised that the applicants approach to forecast the trip generation associated with the existing pub use is a general accepted method of forecasting trip generation and whilst they appreciate the residents' concerns that the forecast may be higher than what occurred at the Rising Sun, they have advised that applications have to be assessed using standard accepted methodologies. They have concluded that irrespective of this the proposed change in impact in highway terms from a pub to a nursery would not warrant a reason for refusal purely on traffic impact.
- 2.10 Concerns have also been raised in respect of the times that the speed survey was undertaken. WSCC have re-iterated that they have no concerns with the survey being undertaken outside of the peak hours during a lunchtime and surveys should be undertaken in free flow conditions where a higher and more representative speed are far more likely outside of the AM and PM peak periods. This approach is confirmed with the Design Manual for Roads and Bridges (DMRB) TA 22/81 Vehicle speed measurement on all purpose roads.
- 2.11 In respect of concerns raised about deliveries and bin collections from the site not being properly considered, the submitted transport statement sets out that servicing will take place from within the site. WSCC have advised that it is important to remember that the existing permitted use of the public house would have had more regular deliveries and likely larger vehicles such as a beer dray when compared to the proposed use and therefore the refusal of this application for lack of information on servicing arrangements would not be supportable at appeal.

- 2.12 Local residents have also raised concerns about children crossing the road to access the nursery. The application has been subject to an independent Stage 1 Road Safety Audit and this issue was not identified as a concern within this. WSCC have advised that the road is subject to a 30mph speed limit, is lit and whilst there are no formal pedestrian crossing points there are informal crossing points along Pondtail Road. It is also important to remember that given the nature of the nursery the trips associated with it will be supervised by parents/guardians and there will not be independent travel by children.
- 2.13 Concern has also been raised about the ability to manoeuvre within the existing carpark. WSCC have advised that as a general rule 6m clear space should be provided behind each parking space to allow vehicles to easily exit a parking space and that in this instance excess of 6m is provided. The vehicle access is approximately 6m in width which will enable two way vehicular access into the site. No concerns about vehicles being able to manoeuvre within the car park and access and leave the site in a forward gear are therefore raised by WSCC.
- 2.14 The original report to Committee in December 2017 stated that there were no highway safety concerns associated with the development, and that monitoring could ensure any mitigation was put in place if a problem occurred. The proposed amendments (as set out in the report to Committee in February 2018) have revisited this position and the application now includes a number of measures which would be put in place prior to the use commencing. The widening of the existing access would provide improved access and egress to / from the site with the double yellow lines along the frontage of the property deterring on-street parking and the resulting potential safety hazards. These are considered to be positive measures which directly respond to the concerns raised during the previous Planning Committee North meetings.

3. CONCLUSION

- 3.1 As set out in the Officer's reports of 5 December 2017 and 6 February 2018, whilst the loss of the public house is regrettable, it is not considered that its loss can be resisted. The property was marketed for approximately 6 months prior to being sold to the applicant and during this time there were no offers made by public house operators. There are a number of public houses within the vicinity and the applicant, through viability assessments, has demonstrated that the use of the property as a public house is no longer viable. The application proposes a nursery use, which is a community use in its own right, therefore whilst the proposal results in the loss of a public house it would result in the re-provision of a different type of community use. Whilst the need for a nursery does not have to be demonstrated for the proposal to be acceptable in planning terms (it is primarily about the acceptability of the use) Officers are satisfied that there is a need. Furthermore officers are mindful that a public house can change to an alternative use (A1 – retail, A2 professional services and A3 – food and drink) without the need for planning permission and this would result in the loss of a community facility.
- 3.2 In terms of highway safety, improvements have been made to the scheme since the application was first considered by Members. These improvements include:
- The provision of a widened access to the site with tactile paving either side of the access;
 - Double yellow lines being provided pre-occupation along the frontage of Pondtail Road;
 - 16 demarcated off-street parking spaces will be provided within the site;
 - The proposed car parking layout will be subject to a Stage 2 Road Safety Audit and Technical Check prior to the commencement of development.
- 3.3 It remains the view of Officers that the proposal, taking into account the advice of the Highway Authority, that the development would not have an adverse impact on the highway network and refusal on these grounds would not therefore be warranted.

Notwithstanding this position Officers acknowledge the concerns which have been raised by Members. Officers have worked with the Applicant to bring to committee an improved scheme in terms of highways related matters. Officers are of the view that these amendments address the concerns which have been raised by Members and can be controlled through conditions suggested within this report and a Section 278 Agreement of the 1980 Highways Act.

- 3.4 The proposal would not result in any significant adverse harm to visual or neighbouring amenity. The proposal is therefore considered to accord with relevant planning policies, and is acceptable in planning terms.