

# Report to Council

16 October 2019

By Director of Place



## DECISION REQUIRED

### Planning Application DC/18/2687

#### Executive Summary

An outline application has been submitted for the following:

The erection of up to 300 dwellings (C3) including the conversion of existing offices buildings 3 and 36) up to 25,000sqm of employment (B1) floorspaces and provision of 618sqm of flexible commercial/community space (A1 A2 A3 D1 Crèche) use classes) within the ground floor of converted building 36. The scheme includes improvements to existing pedestrian and vehicular accesses from Parsonage Road and Wimblehurst Road, together with associated parking and landscaping.

This application was deferred from the Council meeting on the 4<sup>th</sup> September 2019 for the following reasons:

- Peter Brett Associates to comment on the Road Safety Audit.
- Confirmation on parking (including details of numbers, provision and management).
- Clarification on Sussex Police comments.

This report addresses the above and also clarifies the following comments raised at the Council meeting:

- Provision of other types of housing, such as elderly accommodation.
- Clarification of what is considered 'severe' in highway impact terms.

#### Recommendation

The Council is recommended:

- To delegate the application for approval to the Head of Development, subject to completion of a legal agreement and appropriate conditions.
- In the event that the legal agreement is not completed within three months of the decision of the Council, or other later date as agreed by the Head of Development, the Director of Place be authorised to refuse permission on the grounds of failure to secure the Obligations necessary to make the development acceptable in planning terms.

## **Reasons for Recommendation**

- i) It is recommended that the application be delegated for approval as the proposal would bring forward the development of a strategic site allocated for mixed use within the Horsham District Planning Framework. The proposal would provide much needed high quality employment space as well as an appropriate residential area. The proposal utilises a brownfield site in a central and sustainable location, resulting in the regeneration of this strategic town centre site.
- ii) It is recommended to delegate to the Head of Development in order that the detail and clauses of the necessary Legal Agreement can be finalised and all necessary conditions imposed.
- iii) It is recommended that the legal agreement is completed within three months of the decision of the Council, or other later date as agreed by the Head of Development. If not agreed, the Director of Place is authorised to refuse permission on the grounds of failure to secure the Obligations necessary to make the development acceptable in planning terms. This allows the Director of Place the ability to refuse the proposal if it is considered that there have been unreasonable and prolonged delays in the completion of the agreement. It also allows the Director of Place to extend this period if matters are progressing well, but further time is needed.

## **Background Papers**

Appendix 1 – Report to Council Meeting on 4<sup>th</sup> September 2019

Appendix 2 – Addendum to Council Meeting 4<sup>th</sup> September

Appendix 3 – Committee Report to Planning Committee (North) on 6<sup>th</sup> August 2019

Appendix 4 – Addendum to Planning Committee (North) on 6<sup>th</sup> August 2019

**Wards Affected:** The Novartis site is within the ward of Holbrook East. The site is adjacent to the wards of Roffey North, Roffey South and Holbrook West.

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## **1. Peter Brett Associates Comments on the Road Safety Audit (summarised)**

- 1.1 Peter Brett Associates (PBA) have reviewed the latest Road Safety Audit (RSA) dated July 2019 which was carried out to evaluate the highway improvement schemes proposed at the accesses into the development at Wimblehurst Road and Parsonage Way. PBA have clarified that the purpose of an RSA is to audit the road safety implications of highway improvements and new road schemes, and as such existing safety risks are not evaluated unless the proposed highway scheme impacts the existing road safety matter. PBA note that existing road conditions have been considered within the Transport Assessment and include a review of personal injury collisions.
- 1.2 PBA have identified 6 areas of the RSA that require review/amendment in order to be fully GG119 compliant. These areas do not relate to aspects of safety risk that have been missed. The most notable request is for the RSA to include the necessary responses from the Overseeing Organisation on the Designers Response to the three safety items identified in the RSA. The applicant has agreed to amend the RSA to address these matters.
- 1.3 Notwithstanding these matters, PBA have commented that: 'the fundamental advice on the problems and recommendations appear sensible and within the confines of the brief the RSA assessors were set'.
- 1.4 PBA have stated that the development will result in additional vehicles turning left from North Heath Road to Parsonage Road and a greater use of the refuse crossings at the mini-roundabout. The advice of PBA is that:  
  
'the increase in pedestrians from the development could potentially increase the risk of accidents due to the intensification of use of a crossing with limited visibility, but on balance, the increase in traffic at the junction could also reduce vehicle speeds, and therefore result in drivers having greater time to see pedestrians as well as requiring them to to more regularly give way at the approach to the mini-roundabout'.
- 1.5 However, PBA advise that the refuge crossing facility exists and has been in use for many years including when the Novartis site was fully occupied, whilst their review of accident data from the last 20 years shows that there have been 'limited accidents'. The accident data shows that there have been 7 collisions at the junction in this time, 6 of which were 'slight severity' and 1 of which resulted in a serious injury. The accident data shows that one of the collisions resulted in an injury to a pedestrian in October 2003.
- 1.6 In assessing the RSA, PBA have undertaken a site visit and have considered the comments and concerns of local residents including the Wimblehurst Road Residents Group. Based on all available information PBA have advised that:  
  
'It is unlikely that the development would cause an unacceptable impact on highway safety.'

- 1.7 Notwithstanding this conclusion, PBA advise that the signal scheme to the mini-roundabout should be progressed as it would offer safety improvements for pedestrians and vehicles.
- 1.9 In respect of opportunities to improve pedestrian linkages and safety, PBA have expressed their disappointment that the applicant has not undertaken a thorough assessment of pedestrian demand as requested. They also state that given the safety concerns (ie the intervisibility issues) raised by local people, the RSAs and WSCC Highways Authority, 'it would seem justified and responsible for the applicant to undertake this assessment.'
- 1.10 In the absence of the pedestrian report, PBA advise that there appears to be an opportunity to help minimise the use of the refuge crossing on the Parsonage Way approach to the mini-roundabout where visibility is limited. This opportunity would apply in the interim period before the signal junction is delivered and would potentially comprise:
- Improvements to the crossing at Wimblehurst Road at to the south of the mini-roundabout. These would include refuse protection, greater width and resurfacing.
  - An additional crossing facility, approximately 60m to the east of roundabout junction on Parsonage Road.
  - Routes and sign posting within the development.
  - Monitoring of accidents, traffic and pedestrian flows
- 1.11 PBA point out that these additional crossing works have already been considered in the submission as being achievable in terms of highway safety, but the applicants are not currently proposing these interim improvements as part of the current proposal. PBA have identified that these improvements would also allow better pedestrian access to and from the proposed site to the existing bus stops on the east and west sides of North Heath Lane.
- 1.12 In summary, PBA have not raised any fundamental concerns or objections to the submitted RSA, albeit a number of matters have been identified with the quality of the drafting and with the absence of responses from the Overseeing Organisation. These issues will be addressed in an amended RSA.
- 1.13 Having regard to the comments of PBA, it is acknowledged that there are opportunities to improve pedestrian safety through the addition of a zebra crossing on Parsonage Road, improvements to crossing point on Wimblehurst Road and the provision of sign posting in the development. In terms of monitoring, WSCC have commented that they do monitor accident rates at junctions across the county. If a junction is showing as a particular concern then further analysis will be undertaken and appropriate intervention then undertaken.

1.14 In order to secure these betterments an additional condition is recommended as follows:

- **Pre-occupation condition:** Prior to the occupation or use of any part of the development, a scheme shall be submitted to the Local Planning Authority for pedestrian improvements which shall include the addition of a zebra crossing on Parsonage Road, improvements to crossing point at the south side of the mini-roundabout at Parsonage Road and Wimblehurst Road and the provision of sign posting within the development. The sign posting will explain potential pedestrian routes leading from the proposed site to key points in the area. The scheme shall also include details of the timing for the delivery of these improvements. The improvements shall be implemented in accordance with agreed timetable and shall be maintained thereafter or until such time as the mini-roundabout at Wimblehurst Road and Parsonage Road has been upgraded to a signalised crossing.

Reason: To secure pedestrian access improvements to the proposal in accordance with Policy 40 of the Horsham District Planning Framework (2015).

## 2 Parking details

2.1 The proposal is for up to 308 parking spaces for up to 300 dwellings proposed and up to 872 parking spaces for the commercial uses (up to 25,000sqm of employment floor space for Class B1 offices). The residential parking would be in form of garages and on / off-street spaces. The commercial parking spaces would include 2 large multi-storey car parks, to the east and south east of the site, and parking areas around the buildings.

2.2 The proposal meets the parking standard requirements for new development set out in West Sussex County Council Guidance on Parking at New Developments (August 2019). The parking provision is as follows:

Type of Provision		Total Spaces
Residential (300 homes)	Private – managed/on plot	294
	On street – visitor	14
	<b>Total</b>	<b>308</b>
Employment (25,000m2)	Private – managed/on plot	300
	Private – managed/decked	512
	On street – visitor	60
	<b>Total</b>	<b>872</b>

- 2.3 Condition 10 of the recommendation requires the submission of a parking strategy prior to commencement of works. The purpose of the strategy is to agree how parking will be provided for the residential and commercial areas. This would allow some flexibility in how the parking is allocated, including opportunities to use the employment parking as overspill for the residential units in evenings and at weekends.
- 2.4 In response to comments on parking, the applicants have suggested monitoring the parking to establish if the amount of parking being provided for each commercial phase is appropriate or needs to be adjusted for subsequent phases. Should the applicant wish to seek to demonstrate at reserved matters stage that a lesser amount of parking could be acceptable then the Council could consider this at that stage. At outline stage, it is important that the application demonstrates that the development of the site is capable of providing parking in accordance with the new WSCC standards alongside the quantum of development and other open space requirements.
- 2.5 The applicants have stated that there will likely be a single parking management operator for the entire site. Management of the parking areas within the site will help to ensure that no adverse impact occurs from overspill parking in nearby residential roads. The likely over provision of visitor parking spaces (60 in total) in the employment zone allows significant opportunities for dual use parking spaces, particularly for residents outside of normal working hours.

### **3 Sussex Police Comments**

- 3.1 Sussex Police are not a statutory consultee on planning applications. Nevertheless the Council consults Sussex Police as a matter of course on all major development in respect of crime and disorder prevention. In this case, the Sussex Police Crime Prevention Officer commented that they have no objection to the proposal in relation to crime prevention. However, these same comments went on to detail concerns relating to the road system and the health and safety of pedestrians and drivers alike.
- 3.2 The applicant subsequently queried these comments with Sussex Police. The Crime Prevention Officer then clarified that the comments in respect of highway safety issues were his own personal views and did not reflect the views of Sussex Police. This was reported at the Council meeting on the 4<sup>th</sup> September.
- 3.3 At the request of Members, officers have sought the formal comments of Sussex Police in respect of highway safety, and their Traffic Management Officer has confirmed that they have no objection to the proposal. In providing this response the Traffic Management Officer also commented that the RSA should be independent undertaken. WSCC Highways Authority have advised that the RSA was undertaken independently and is acceptable in this regard.

- 3.4 WSCC Highways Authority have further clarified that they seek the views of Sussex Police on a planning application where it involves Traffic Regulation Orders, traffic management measures (traffic lights, traffic calming etc) or where specific issues are raised by a third parties that could benefit from the Police's view.

#### **4 Other Matters:**

##### **4.1 Clarification of Severity in Highway Impact Terms:**

- 4.2 Paragraph 109 of the National Planning Policy Framework 2019 states the following:

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

- 4.3 At the Council meeting in September a query was raised as to what would be classified as 'severe'. PBA have commented that there is no definitive answer to this question. Since the launch of the NPPF in 2012, what can be classed as 'severe' in highway terms has caused substantial uncertainty. The definition is open to interpretation and subject to debate. Based on appeal decisions provided by PBA on this matter, it is clear that each application and site is assessed on its own merits, with an overarching need to fundamentally understand the transport context of the development proposal.
- 4.4 What is also clear is that the term 'severe' sets a high bar for intervention via the planning system in traffic effects arising from development. It has also been argued at appeal that more congestion and inconvenience is not sufficient to trigger the 'severe' test but rather it was a question of the consequences of such congestion.
- 4.5 It could be argued that the critical element in assessing whether the impact was severe would be any increase in the number of vehicles likely to be generated by the proposed development in relation to the capacity of the road to accommodate such an increase, both in terms of free-flow of traffic and highway safety. In addition, the ability for pedestrians to cross the main road conveniently and safely and the ease of vehicles to gain access to main roads from side streets and access points. These are all important factors in assessing potential severity of impact taking into account local context. Proposed mitigation measures are also important considerations in assessing highway impacts.
- 4.6 Given the lack of clarity on this matter in both national policy and guidance, and in the limited number of appeal decisions that have addresses severity in any detail, the advice of the Highway Authority on the highway impacts of a proposal remains critical in in determining whether a proposal will have a severe impact.

For this proposal, both WSCC Highways (the Highway Authority) and PBA have commented that the proposal is not unacceptable on highway safety grounds and that the impacts of the proposal are not 'severe'.

4.7 It is acknowledged that the scheme will result in additional congestion, in particular southbound on North Heath Lane in the am peak and westbound on Parsonage Road in the pm peak, however this in itself is not considered sufficient enough to warrant a 'severe' impact. Additionally, the proposal indicates that a potential scheme to improve traffic flows and highway safety (the signalisation of the Wimblehurst Road and Parsonage Road junction) can be brought forward in the future and would be safe. This would help improve traffic flows at this junction as general traffic in the area grows. As outlined in the committee report, this improvement could be brought forward and prioritised through CIL contributions generated by the development. The monitoring scheme recommended through the legal agreement would also ensure that the Council is fully aware of when this improvement needs to be brought forward.

#### **4.8 Different Types of Housing:**

4.9 At the Council meeting in September, a number of Councillors identified a need for specialist housing for the elderly that should be included in the development in place of general housing to reduce traffic impacts.

4.10 The applicants have commented that the residential element of this development is the direct enabler for the delivery of new, much needed commercial space on the site. Therefore it is important to ensure that not only the right type of housing is provided for this location, taking into account matters such as accessibility and relationship to its surroundings, but also the right type of housing for the housing market. This will help to ensure that the commercial development can be delivered.

4.11 The applicants go on to state that the inclusion of alternative housing types, such as elderly or specialist accommodation would affect the viability of the scheme, and therefore, the ability of the application site to provide the high quality commercial space that both HDC and WSCC are seeking in this location.

4.12 The applicant has commented that it was suggested at the Council meeting that such uses would reduce the number of vehicles using the site. However, the adopted car parking standards do not differentiate between the type of residential use falling within use class C3. All would result in a comparable number of parking spaces and therefore a likely comparable number of trips to and from the site at all times of the day.

4.13 It should also be noted that the inclusion of different types of housing, such as elderly accommodation, is not a policy requirement for this site. Under the HDPF, the Policy requirement for the Novartis site is for it to be developed firstly for higher education purposes, with a fallback of solely employment uses in the



event no higher education use comes forward. As outlined in the committee report, the higher education use of this site fell away early on with the University of Brighton pulling out of the site. The applicants are seeking to meet the fallback requirement for solely employment uses, however they have satisfactorily evidenced that enabling residential development is required in order to provide employment on the site.

- 4.14 In the absence of a policy requirement for a specific type of residential accommodation on the site, the Council cannot require a developer to include different types of housing to that which they are proposing. A planning application must be assessed on whether the scheme is acceptable in planning terms and not whether an alternative scheme may be better. Notwithstanding this, the Council's strategic planning team are actively working on what the District's need is for retirement and specialist housing as part of the Local Plan Review, which will inform policies in the Council's new Local Plan.

## **5 Next Steps**

- 5.1 Should the application be delegated for approval, the next steps will be to progress and complete the necessary Legal Agreement and to finalise the details of planning conditions to be imposed upon the approval. Once the Legal Agreement and conditions have been finalised, the decision would be issued.

## **6 Outcome of Consultations**

- 6.1 The responses received from all consultees and members of the public are summarised within the report at Appendix 3.
- 6.2 Since the Council meeting, the Wimblehurst Road Residents Group (WRRG) have submitted an additional letter reiterating their objections to the proposal. The letter does not raise any additional considerations which have not already been taken into consideration.
- 6.3 The objection included an assessment of the RSA submitted with the proposal. Peter Brett Associates have taken account the WRRG comments on the RSA in their assessment. They have agreed with some of the comments regarding errors which are to be corrected.

## **7 Other Considerations**

- 7.1 Consideration of crime and disorder, equality and diversity and Human Rights form part of the overall consideration of the application within the committee report. Sustainability is a fundamental consideration within the planning process and is also fully considered within report.