



TO: Planning Committee South

BY: Head of Development

DATE: 21st November 2017

DEVELOPMENT: Realignment of southern kerb line, resurfacing of existing road and footpaths together with introduction of areas of soft landscaping.

SITE: Robell Way Storrington West Sussex RH20 3DW

WARD: Chantry

APPLICATION: DC/17/2111

APPLICANT: **Name:** Mr Glenn Pendry **Address:** BDW House Walnut Tree Close Guildford, Surrey, GU1 4SW

REASON FOR INCLUSION ON THE AGENDA: More than 8 letters contrary to Officers recommendation have been received.

RECOMMENDATION: To grant permission, subject to conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

This is a full planning application which seeks permission for the following works along Robell Way:

- The installation of a new table top to slow vehicles entering and exiting Robell Way
- The re-alignment of the existing kerb and the widening of the southern footpath by 1m, part of which will incorporate a new landscaped verge
- The installation of 2 streetlights
- The installation of 5 bell bollards at corners vulnerable to wheel encroachment
- The installation of 18 bollards along the proposed southern grass verge to prevent vehicle encroachment
- The introduction of double yellow lines along the length of Robell Way to restrict parking
- All roads and footpaths to be planed off and resurfaced with new kerbs and drainage grilles as required
- 6mm kerbs are proposed at pedestrian crossing points and along the length of the existing vehicle crossover outside unit 6 for car parking. The remainder of the kerbs are proposed as 125mm

DESCRIPTION OF THE SITE

- 1.1 The site comprises an area of approximately 0.9 hectares of land following the existing layout of Robell Way which is located to the south west of Water Lane in Storrington. Robell Way is an existing private roadway owned by the Applicant which runs roughly from east to south west and slopes upwards towards a high point to the western end of the road.
- 1.2 The roadway is the existing access point to the Water Lane Trading Estate and the recently approved Barratt Homes development site for 98 new dwellings. There are commercial units on both the north and south of the road. The new Barratts residential development site is located at the western end of Robell Way.
- 1.3 Robell Way is a private roadway measuring approximately 7m in width with pedestrian footways provided to either side. There are currently no parking restrictions and site visits indicate that cars park on either side of Robell Way partially straddling the pavements. An existing vehicle crossover provides access for approximately 8 car parking spaces outside of Unit 6 Robell Way. The area has an industrial / commercial character with limited landscaping and street furniture.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

National Planning Policy Framework:

Chapter 1 – Building a strong, competitive economy
Chapter 4 – Promoting Sustainable Transport
Chapter 7 – Requiring Good Design

Horsham District Planning Framework (HDPF 2015)

Policy 7 – Economic Growth
Policy 9- Employment Development
Policy 32 – The Quality of New Development
Policy 33 – Development Principles
Policy 40 – Sustainable Transport

RELEVANT NEIGHBOURHOOD PLAN

Storrington, Sullington and Washington Neighbourhood Plan has progressed to Regulation 18 which relates to the Publication of the Examiner's Report and Plan Proposal Decisions. Unfortunately the examiner found that the Neighbourhood Plan could not be progressed to Referendum. As such, an adopted Neighbourhood Plan is not currently in place for this area and therefore the Horsham District Planning Framework (2015) remains the current and up to date plan for the area at this time.

PLANNING HISTORY AND RELEVANT APPLICATIONS

| | | |
|------------|---|-------------------------|
| DC/15/2788 | The demolition of the existing buildings on site and the erection of 98 new dwellings, with associated amenity space and parking. The retention of the existing access from Robell Way, and the creation of a new pedestrian and cycle access from Sullington Copse | Permitted on 16.12.2015 |
|------------|---|-------------------------|

3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

INTERNAL CONSULTATIONS

- 3.2 There are no relevant internal consultees.

OUTSIDE AGENCIES

- 3.3 **West Sussex County Council Highways Officer:** Only a small section of the works proposed are within the adopted public highway; this being a section of the junction onto Water Lane. The majority of the works are proposed along that length of Robell Way that does not form part of the maintainable highway network. Comments made in regards of the works along the un-adopted Robell Way are for advice only. As part of this response, the Local Highway Authority are considering only the acceptability of the works from a planning perspective. There are no overriding concerns with the details as shown. The carriageway is to be narrowed slightly although the retained width is adequate to enable two large vehicles to pass. The applicant may wish to consider installing further measures to protect the proposed verge and planting from vehicle over-running. Waiting restrictions are also proposed. It's presumed that the applicant will pursue a traffic regulation order to enable these restrictions to then be made enforceable.

PUBLIC CONSULTATIONS

- 3.4 **Storrington and Sullington Parish Council:** No objections raised.
- 3.5 11 letters of objection have been received. The concerns raised can be summarised as follows:
- Units 7-11, 18A-C and 19A-D have been omitted for consideration with regard to access by flatbed and articulated lorries. This is a busy industrial estate with constant deliveries to all units. With the reduced width of the road it will not be possible to have essential deliveries made to these businesses.
 - The suggested changes will result in no access for large lorries (16.5m) to the rear of units 8, 9, 10 and 11 Water Lane and 18 and 19 Robell Way which will have an economic impact on the businesses operating out of these units.
 - The narrowing and addition of bollards on both sides of the road will prevent access to our premises for articulated lorries that deliver and collect from us. This will mean we are no longer able to trade from the premises.
 - It is impossible to accommodate the proposed redevelopment of this roadway due to the already seriously congested nature of this road with lorries and commercial traffic constantly needing access and turning space which already causes major problems.

- Narrowing of the road will make it impossible for lorries to gain access to our unit. We have large sheets of granite that need to be forklifted off the back of flatbed lorries. This will cause delays to any vehicle trying to pass whilst we unload the lorry on Robell Way instead of outside our unit. This will also require that the road is closed for health and safety reasons. On average it takes 1 hour to unload the lorry but could be more.
- If these plans are approved there will be no option other than to force large lorries to park on double yellow lines whilst they unload. This will impact highway safety, create a significant disturbance and impact the ability for through traffic to move freely.
- It is understood that the general idea is to make the entrance to the new housing estate look more appealing however, if potential residents are unable to access the entrance road due to the loading and unloading of HGV's then they are not likely to want to live on the new estate.
- The proposal to introduce double yellow lines reduces the amount of car parking available for employees of all the businesses operating in Robell Way.
- The design of the new housing estate should be revised to find alternative access routes that will integrate the development into the local community and not force businesses to consider moving from the area.
- There is a second route to this estate via Sullington Copse that is at present only for emergency vehicles. Opening this for all traffic will satisfy most objections and allow the existing businesses in this estate to continue.

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

- 6.1 In 2016 full planning permission was granted under DC/15/2788 which permitted the removal of a number of existing industrial units located to the south west of Robell Way and allowed for their replacement with 98 dwellings. Under that permission the new dwellings are to be accessed via Robell Way. At the time of the previous application, no amendments to the existing road layout or street scene of Robell Way were proposed and were not required by the Highway Authority in order to make the development acceptable in planning terms, i.e. there were no objections to the use of the existing access for the residential development on the grounds of pedestrian and cyclists safety.
- 6.2 At present Robell Way has a commercial / industrial character, with industrial units running on either side. There are pavements on both sides of the road which are intermittently broken to accommodate the entrances to the existing industrial units. Pedestrian access is currently available to Water Lane via footpaths which are slightly set back and separated from the main vehicular entrance by triangular grass verges (although it should be noted that the northern most footpath leading to Water Lane has become overgrown and could benefit from some maintenance). There are currently no parking restrictions in place and site visits by the Officer indicate that cars park on either side of the road partially straddling

the pavement. A vehicle cross over is present on the northern side of the road outside Unit 6 (Carters Domestic Appliances) where there is parking for approximately 8 vehicles. Overall, the streetscene is functional in nature with small areas of grass constituting the main form of landscaping.

6.3 This application seeks permission for the following works:

- The installation of a new table top to slow vehicles entering and exiting Robell Way
- The re-alignment of the existing kerb and the widening of the southern footpath by 1m, part of which will incorporate a new landscaped verge
- The installation of 2 streetlights
- The installation of 5 bell bollards at corners vulnerable to wheel encroachment
- The installation of 18 bollards along the proposed southern grass verge to prevent vehicle encroachment
- The introduction of double yellow lines along the length of Robell Way to restrict parking
- All roads and footpaths to be planed off and resurfaced with new kerbs and drainage grilles as required. 6mm kerbs are proposed at pedestrian crossing points and along the length of the existing vehicle crossover outside unit 6 for car parking. The remainder of the kerbs are proposed as 125mm.

6.4 In term of hard and soft landscaping the Applicant proposes a mixture of 1m and 1.8m high instant hedging along Robell way with 4 trees, additional planting and a low level post and rail timber fence along the southern grass verge. The scheme also proposes that the existing boundary walls along Robell Way will be cleaned and repaired using matching weathered bricks.

6.5 The proposed scheme has been reviewed by Officers at West Sussex County Council Highways. The Highways Officers acknowledge that the road is not adopted by the County Council and as such have only provided comments from a planning perspective. They state that the slight narrowing of the carriageway does not present a concern as the revised width of the road still allows for two large vehicles to adequately pass one another. As such, they have no overriding concerns relating to the proposal.

6.6 Notwithstanding this, Officers note that a number of objections have been received in relation to the proposed scheme which raise concerns over the inability of existing businesses to access their units for operational purposes. In particular these concerns relate to the ability of large lorries to access the units along Robell Way due to the narrowing of the road. Objectors are generally of the opinion that the narrowing of the road would prevent access to the units and force lorries to load and unload from Robell Way where new parking restrictions would be in place. They argue that this would cause frequent blockages to the road and would create issues for those needing to access other businesses and dwellings. Furthermore they argue that this would come at a cost to the businesses located along Robell Way and that their right of access over the road would be compromised.

6.7 Throughout the duration of this application, Officers have been mindful of the need to protect the employment/economic function of Key Employment sites such as the Water Lane Trading Estate in accordance with Policies 7 and 9, whilst also balancing the visual amenity of the area in accordance with Policies 32 and 33 which require development to be of a high quality of design and to provide an attractive, functional, accessible, safe and adaptable environment. . Policy 40 is also relevant, and requires all development (whether commercial or residential) to provide safe and suitable access for all vehicles, pedestrians, cyclists, horse riders, public transport and the delivery of goods.

- 6.8 To address particular concerns raised in relation to this application, the Applicant has provided additional tracking plans which demonstrate how 16.5m lorries are able to access the units along Robell Way. In addition, Officers understand that the Applicant has met with local businesses to discuss the proposal. At the time of drafting this report, Officers understand that the Applicant is arranging a meeting with the remainder of the businesses affected by the scheme.
- 6.9 Notwithstanding this, the impact of the proposed scheme on local businesses has been carefully considered by Planning Officers and the WSCC Highways department. Whilst Officers acknowledge that the submitted tracking plans demonstrate that lorries would have to overrun the pavement to access some of the units, the existing tracking plans show this to already be the case. Furthermore, whilst the submitted plans propose bollards along the grass verge and on pavement corners to prevent overrunning by vehicles, site visits by the Officer indicate that cars frequently park along Robell Way which would already restrict the ability of lorries not only to overrun the verges, but also their ability to access the business units in the ways demonstrated on the submitted tracking plans. In light of this, the Applicant has proposed parking restrictions (double yellow lines) which will ensure that the resulting environment will be no worse than the existing. Officers consider that the proposed parking restrictions are therefore key to the acceptability of the scheme and as such these are proposed to be controlled by way of condition. Whilst Robell Way is a privately owned road, WSCC Highways have advised that a Traffic Regulation Order can be made for a private street if its deemed that the public have a right of way over it. If this is not considered to be the case, then the landowner can still privately enforce waiting restrictions. Therefore, a condition requiring the implementation of parking restrictions is considered appropriate in this instance. For clarity, this Council would have the ability to enforce the delivery of the parking restrictions through a condition, but the on-going enforcement of the restrictions would be the responsibility of either the police (as per other Traffic Regulation Orders on adopted roads) in the event that WSCC determine this to be a private street over which the public have a right of way, or otherwise the landowner would have the responsibility of managing parking on this private road and enforcing any parking restrictions. Notwithstanding this, the Applicant has confirmed that it is their intention to submit an amended plan prior to the committee date which looks to remove the proposed bollards to ensure that access to the existing business units is no worse than the current situation.
- 6.10 As such, whilst Officers acknowledge the concerns of businesses in relation to the proposed works, the Applicant has demonstrated that ability of large lorries to access the units on either side of Robell Way would be no worse than the existing situation and therefore that the proposed works will not prevent businesses from continuing to operate from this location in accordance with Policies 7 and 9 of the HDPF. In supporting this, Officers at West Sussex County Council Highways have not raised any concerns which would warrant a reason for refusal on highways grounds. As such, Officers consider that on balance the proposed works would be in accordance with Policies 32 and 33 of the HDPF as the scheme provides a positive visual enhancement to the streetscene of Robell Way, whilst maintaining safe access for pedestrians in conformity with Policy 40. In light of this, Officers consider the proposed scheme to be in accordance with the policies set out within the HDPF and would therefore recommend this application for approval.

7. RECOMMENDATIONS

7.1 To grant planning permission, subject to conditions.

Conditions:

1. A condition listing the approved 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 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 on approved drawing number PHL 313-7 Rev B 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).

4. **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:

- i. loading and unloading of plant and materials
- ii. storage of plant and materials used in constructing the development
- iii. measures to control the emission of dust and dirt during construction
- vi. a scheme for recycling/disposing of waste resulting from demolition and construction works
- vii. Details of how access to Units 1-6, 7-11 and 18-19 located on Robell Way and numbers 10-12 Barker Road, including access for large lorries, shall be maintained throughout the construction of the development hereby approved.
- viii. Details of how safe pedestrian access to the dwellings and commercial units accessed from Robell Way will be provided during the development.

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of the businesses which benefit from access via Robell Way during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

5. **Pre-Occupation Condition:** The hard and soft landscaping works shall be implemented in full accordance with drawing no. PHL 313-7 Rev B, unless an alternative hard and soft landscaping scheme has been 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 completion of the realignment of the existing kerbs and verges as shown on drawing number 16-052-704 revision F received by the Local Planning Authority on 20 September 2017. 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).

6. **Regulatory Condition:** Prior to the installation of the bollards detailed on drawing PHL 313-7 Rev B double yellow lines shall have been implemented in accordance with drawing 16-052-709 Rev A, unless an alternative scheme for preventing the parking of vehicles along Robell Way has been submitted to and approved in writing by the Local Planning Authority. The double yellow lines, or any alternative scheme as approved in writing by the Local Planning Authority, shall be implemented and retained in accordance with the approved scheme.

Reason: to protect the amenity of businesses operating from Robell Way who require unrestricted access for large vehicles to their properties, in accordance with Policies 9 and 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/17/2111