



Planning Committee (North)

Tuesday, 3rd October, 2017 at 5.30 pm

Conference Room, Parkside, Chart Way, Horsham

Councillors:

Liz Kitchen (Chairman)	
Karen Burgess (Vice-Chairman)	
John Bailey	Tony Hogben
Andrew Baldwin	Adrian Lee
Toni Bradnum	Christian Mitchell
Alan Britten	Josh Murphy
Peter Burgess	Godfrey Newman
John Chidlow	Brian O'Connell
Roy Cornell	Connor Relleen
Christine Costin	Stuart Ritchie
Leonard Crosbie	David Skipp
Jonathan Dancer	Simon Torn
Matthew French	Claire Vickers
Billy Greening	Tricia Youtan

You are summoned to the meeting to transact the following business

Tom Crowley
Chief Executive

Agenda

	Page No.
GUIDANCE ON PLANNING COMMITTEE PROCEDURE	
1. Apologies for absence	
2. Minutes	5 - 14
To approve as correct the minutes of the meeting held on 5 September 2017 (Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to committeeservices@horsham.gov.uk at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)	
3. Declarations of Members' Interests	
To receive any declarations of interest from Members of the Committee	
4. Announcements	
To receive any announcements from the Chairman of the Committee or the Chief Executive	

To consider the following reports of the Head of Development and to take such action thereon as may be necessary:

5. **Appeals** 15 - 16

Applications for determination by Committee:

6. **DC/17/1512 - 11 Weald Close, Horsham (Ward: Forest)** 17 - 24
Applicant: Mr Steven Mitchell

7. **S106/17/0010 - Rapkyns Estate, Guildford Road, Broadbridge Heath** 25 - 32
(Ward: Itchingfield, Slinfold & Warnham)
Applicant: SHC Rapkyns Group Ltd

8. **Urgent Business**

Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances

Agenda Annex

GUIDANCE ON PLANNING COMMITTEE PROCEDURE

(Full details in Part 4a of the Council's Constitution)

Addressing the Committee	Members must address the meeting through the Chair. When the Chairman wishes to speak during a debate, any Member speaking at the time must stop.
Minutes	Any comments or questions should be limited to the accuracy of the minutes only.
Quorum	Quorum is one quarter of the total number of Committee Members. If there is not a quorum present, the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If a date is not fixed, the remaining business will be considered at the next committee meeting.
Declarations of Interest	Members should state clearly in which item they have an interest and the nature of the interest (i.e. personal; personal & prejudicial; or pecuniary). If in doubt, seek advice from the Monitoring Officer in advance of the meeting.
Announcements	These should be brief and to the point and are for information only – no debate/decisions .
Appeals	The Chairman will draw the Committee's attention to the appeals listed in the agenda.
Agenda Items	The Planning Officer will give a presentation of the application, referring to any addendum/amended report as appropriate outlining what is proposed and finishing with the recommendation.
Public Speaking on Agenda Items (Speakers must give notice by not later than noon two working days before the date of the meeting)	Parish and neighbourhood councils in the District are allowed 2 minutes each to make representations; members of the public who object to the planning application are allowed 2 minutes each, subject to an overall limit of 6 minutes; applicants and members of the public who support the planning application are allowed 2 minutes each, subject to an overall limit of 6 minutes. Any time limits may be changed at the discretion of the Chairman.
Rules of Debate	<p>The Chairman controls the debate and normally follows these rules but the Chairman's interpretation, application or waiver is final.</p> <ul style="list-style-type: none"> - No speeches until a proposal has been moved (mover may explain purpose) and seconded - Chairman may require motion to be written down and handed to him/her before it is discussed - Secunder may speak immediately after mover or later in the debate - Speeches must relate to the planning application under discussion or a personal explanation or a point of order (max 5 minutes or longer at the discretion of the Chairman) - A Member may not speak again except: <ul style="list-style-type: none"> o On an amendment to a motion o To move a further amendment if the motion has been amended since he/she last spoke o If the first speech was on an amendment, to speak on the main issue (whether or not the amendment was carried) o In exercise of a right of reply. Mover of original motion

	<p>has a right to reply at end of debate on original motion and any amendments (but may not otherwise speak on amendment). Mover of amendment has no right of reply.</p> <ul style="list-style-type: none"> ○ On a point of order – must relate to an alleged breach of Council Procedure Rules or law. Chairman must hear the point of order immediately. The ruling of the Chairman on the matter will be final. ○ Personal explanation – relating to part of an earlier speech by the Member which may appear to have been misunderstood. The Chairman’s ruling on the admissibility of the personal explanation will be final. <ul style="list-style-type: none"> - Amendments to motions must be to: <ul style="list-style-type: none"> ○ Refer the matter to an appropriate body/individual for (re)consideration ○ Leave out and/or insert words or add others (as long as this does not negate the motion) - One amendment at a time to be moved, discussed and decided upon. - Any amended motion becomes the substantive motion to which further amendments may be moved. - A Member may alter a motion that he/she has moved with the consent of the meeting and seconder (such consent to be signified without discussion). - A Member may withdraw a motion that he/she has moved with the consent of the meeting and seconder (such consent to be signified without discussion). - The mover of a motion has the right of reply at the end of the debate on the motion (unamended or amended).
Alternative Motion to Approve	<p>If a Member moves an alternative motion to approve the application contrary to the Planning Officer’s recommendation (to refuse), and it is seconded, Members will vote on the alternative motion after debate. If a majority vote against the alternative motion, it is not carried and Members will then vote on the original recommendation.</p>
Alternative Motion to Refuse	<p>If a Member moves an alternative motion to refuse the application contrary to the Planning Officer’s recommendation (to approve), the Mover and the Secunder must give their reasons for the alternative motion. The Director of Planning, Economic Development and Property or the Development Manager will consider the proposed reasons for refusal and advise Members on the reasons proposed. Members will then vote on the alternative motion and if not carried will then vote on the original recommendation.</p>
Voting	<p>Any matter will be decided by a simple majority of those voting, by show of hands or if no dissent, by the affirmation of the meeting unless:</p> <ul style="list-style-type: none"> - Two Members request a recorded vote - A recorded vote is required by law. <p>Any Member may request their vote for, against or abstaining to be recorded in the minutes.</p> <p>In the case of equality of votes, the Chairman will have a second or casting vote (whether or not he or she has already voted on the issue).</p>
Vice-Chairman	<p>In the Chairman’s absence (including in the event the Chairman is required to leave the Chamber for the debate and vote), the Vice-Chairman controls the debate and follows the rules of debate as above.</p>

Planning Committee (North)
5 SEPTEMBER 2017

Present: Councillors: Liz Kitchen (Chairman), Karen Burgess (Vice-Chairman), Andrew Baldwin, Toni Bradnum, Alan Britten, Peter Burgess, Roy Cornell, Leonard Crosbie, Billy Greening, Tony Hogben, Adrian Lee, Godfrey Newman, Brian O'Connell, Connor Relleen, David Skipp, Simon Torn, Claire Vickers and Tricia Youtan

Apologies: Councillors: John Bailey, John Chidlow, Christine Costin, Jonathan Dancer, Matthew French, Christian Mitchell, Josh Murphy and Stuart Ritchie

PCN/34 **MINUTES**

The minutes of the meeting of the Committee held on 1 August were approved as a correct record and signed by the Chairman.

PCN/35 **DECLARATIONS OF MEMBERS' INTERESTS**

DC/17/1528 – Councillor Adrian Lee declared a personal interest because he lived on the Highwood estate.

DC/17/1528 – Councillor Godfrey Newman declared a personal interest because he lived on the Highwood estate. He was also a member of Denne Neighbourhood Council.

PCN/36 **ANNOUNCEMENTS**

There were no announcements.

PCN/37 **APPEALS**

The list of appeals lodged, appeals in progress and appeal decisions, as circulated, was noted. In particular Members' disappointment at the decision to allow DC/16/1016 (Park North and North Point, North Street, Horsham) was noted.

PCN/38 **DC/17/1689 - HORSHAM PARK, NORTH STREET, HORSHAM**
(WARD: HORSHAM PARK) APPLICANT: MR RICHARD BRADLEY

The Head of Development reported that this application sought temporary planning permission for the change of use of a section of the park, including the volleyball court, with the erection of a temporary marquee to house an ice rink, cafe and reception.

The application site was located in the south west section of Horsham Park and included a volleyball court. The area was close to a wooded area near the car park for Park House. The site was north of North Street and south of The Pavilions in the Park leisure centre.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee.

The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee. An addendum to the report had been circulated to Members advising that Historic England had clarified the wording of their consultation response at 3.8 of the report to say that 'any material impact on the setting and character of the listed building **could** be transient'. The addendum included the Highway Agency's comments that raised no objection to the application. The addendum also corrected a minor error at paragraph 6.6 of the report, which should have referred to a 'recreation' area, rather than 'retail' area.

Denne Neighbourhood Council supported the application and Trafalgar Neighbourhood Council objected to it. A total of 156 letters of objection and four of support had been received. Since publication of the report a further 36 objections had been received, which raised no new issues, and one letter of objection had been withdrawn. A letter had been received from the Manager of Swan Walk Shopping Centre outlining their support for the application because of the positive economic benefits it would bring to the town.

Three members of the public spoke in objection to the application, including a representative of New Friends of Horsham Park and the Chairman of the Horsham Society. The applicant spoke in support of the proposal, and a representative of Denne Neighbourhood Council also spoke in its support. The Cabinet Member for Leisure & Culture addressed the Committee in support of the application.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; visual impact; impact on the neighbouring listed building and wall; neighbouring amenity; and highways.

Officers acknowledged that the Arboricultural Officer had raised some concern. However Members were assured that permission would have to be sought should any minor pruning be required and, whilst the proposal may result in some minor works to a tree, it would not result in its loss and this minor harm was weighed against the significant benefits of the scheme.

Members noted the concerns that had been raised, in particular regarding the need to protect the character and setting of Horsham Park. Members discussed the temporary nature of the proposal and its location within the park, and concluded that it would not cause material harm to neighbouring amenity or the park setting and would make a positive contribution to the local economy and the vitality of the town.

RESOLVED

That planning application DC/17/1689 be granted subject to the conditions and reasons as reported.

PCN/39 **DC/17/0815 - LAND AT CHURCH ROAD, MANNINGS HEATH**
(WARD: NUTHURST) APPLICANT: MR ALEXANDER EALEY

The Head of Development reported that this application sought permission for the erection of three two-storey detached dwellings with associated garages, access and landscaping. The dwellings would be along a staggered build line and use the existing access with a shared drive running along the north of the site.

The application site was located in the built-up area of Mannings Heath to the south-east of Church Road and north of the A281. It was a triangular plot of woodland, although a number of trees had been cleared from the site. There was residential development of varying scale and design to the north and west, and open countryside to the south and east.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee. The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee. Since publication of the report the Council's Drainage Officer had advised that the applicant had submitted insufficient information regarding flooding and surface water and recommended that Condition 11 regarding drainage be replaced with the Council's standard drainage condition. In response to a letter of concern regarding the presence of great crested newts, the Council's Ecologist had confirmed that there was a small population of them on the site and a condition should be included to ensure that development is carried out in line with the Phase II Protected Species Report.

The Parish Council objected to the application. A total of 135 letters of objection, from 68 households, had been received. Two members of the public spoke in objection to the application, one of whom spoke on behalf of the Mannings Heath Action Group. A representative of the Parish Council also spoke in objection to the application.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; character of the dwellings and visual amenities of the street scene; the amenity of neighbouring occupiers; parking and traffic conditions.

Members noted the objections raised by the Parish Council, which did not consider the scale and massing of the development to be in accord with Policy 10 (Housing Design) of the Nuthurst Parish Neighbourhood Plan. Members

were also concerned that the proposed housing mix did not reflect the local housing demand for smaller units.

Members concluded that the number, scale and massing of the proposal would have a detrimental impact on the character of the area and wider landscape.

RESOLVED

That planning application DC/17/0815 be refused for the following reason:

The proposal is out of keeping with the character of the area due to the number, scale and massing of the development.

PCN/40 **DC/17/1158 - FORMER SWALLOWFIELDS NURSERY, CHURCH ROAD, MANNINGS HEATH (WARD: NUTHURST)**
APPLICANT: BAYLEAF HOMES LTD

The Head of Development reported that this application sought permission for a residential development of four dwellings. Matters for consideration under this outline application were the principle of the development and vehicular access, with all other matters reserved for future determination. Improvements to the existing private drive, which served three dwellings, would include widening it at the junction with Church Road and providing a footway. The applicant had indicated that each plot would have either a detached or attached double garage.

The application site was located within the built-up area of Mannings Heath west of Church Lane and was an overgrown open space with hedges and mature trees (some subject to Tree Preservation Orders) on its boundaries, close to open countryside and woodland. The main residential development of Mannings Heath was to the north. The High Weald Area of Outstanding Natural Beauty was about 150 metres to the west. There were agricultural buildings directly to the north-east, and dwellings with large gardens north and south of the site.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee.

The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee. An addendum to the report had been circulated to Members advising that the Highway Authority raised no objection, subject to additional conditions in the interest of highway safety. Environmental Health & Licensing raised no objection subject to an additional condition regarding contamination. Recommended additional conditions in response to these comments were included in the addendum. It was also reported that Natural England and the Council's Ecology Officer raised no objection.

It was reported at the meeting that the Landscape Officer had raised concerns regarding the removal of vegetation within the site but acknowledged that vegetation on the site boundaries remained.

The Parish Council had originally objected to the application, but following receipt of additional comments no objection was raised. 35 letters of objection, from 23 households, and five of support, from four households, had been received. Since publication of the report an additional three letters, from two households, had been received objecting to the proposal, as reported in the addendum. It was reported at the meeting that a further 24 letters of objection, many of which were from addresses outside the district, had been received. Three members of the public spoke in objection to the application, including a representative of CPRE Sussex. The applicant and a representative of the Parish Council both spoke in support of the proposal.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; the character of the site and visual amenities of the street scene; amenity of neighbouring occupiers; access and traffic conditions; ecology and trees; and the impact on Swallowfield House and its parkland setting.

In response to Members' concern that the indicative layout proposed relatively large detached dwellings, it was agreed that a condition could be added to make it clear that the illustrative site plan was not permitted and encourage smaller scale units in compliance with Policy 2 of the Nuthurst Parish Neighbourhood Plan at the detailed stage.

RESOLVED

That planning application DC/17/1158 be granted subject to the conditions as reported, including the additional conditions reported in the addendum, with an additional condition to make it clear that the illustrative site plan is not permitted.

PCN/41 **DC/17/1528 - LAND EAST OF A24, WORTHING ROAD, HORSHAM**
(WARD: DENNE) APPLICANT: MISS LISA PARCHMENT

The Head of Development reported that this application sought permission for a variation to Condition 1 of previously approved application DC/11/1100 for the use of a dwelling as a sales and marketing suite with parking for a period of three years. The period had already been extended by two years to 29 December 2018, with permission DC/14/2306.

The application site was located west of Worthing Road. The marketing suite was associated with Phase 1 of the larger development site approved under outline permission DC/09/2138 for 1044 dwellings.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee.

The consultation response from the Highway Authority, as contained within the report, was considered by the Committee. The Neighbourhood Council raised no objection to the application. The Local Member, Councillor Adrian Lee, considered there to be significant road safety issues associated with the continued use of the marketing suite now that more dwellings were occupied. One letter of objection, signed by three households, had been received.

Members considered the officer's planning assessment and the impact of the proposed variation, taking into account the required downgrading of the bridge to pedestrian, cycle and emergency vehicle use only within six months of occupation of the 470th dwelling. A schedule of works had been agreed with the Highway Authority and it was noted that, should there be delays, enforcement action could be taken.

Concerns regarding drivers flouting the advisory speed limit and parking restrictions were discussed and it was recognised that enforcement action could not be taken by the County or District Councils because the estate roads had not yet been adopted.

RESOLVED

That planning application DC/17/1528 be granted subject to the conditions and reasons as reported.

PCN/42 **TPO/1500 - HILLS FARM ALLOTMENT GARDENS, GUILDFORD ROAD, HORSHAM (WARD: DENNE)**
APPLICANT: HORSHAM DISTRICT COUNCIL

The Head of Development reported that this application sought to confirm Tree Preservation Order (TPO) 1500. A provisional TPO was served on Hill Farm Allotment Gardens in March 2017 to give immediate protection to one sycamore and three lime trees.

The application site was a strip of land to the south-east of Hills Farm Cemetery and Allotments site, which had been transferred into the ownership of 66 Hillside.

Three letters objecting to the inclusion of the lime tree in the TPO had been received.

Members considered the officer's assessment of the four trees, in particular the lime tree and its impact on the amenity of the occupiers of 66 Hillside, its condition and amenity value.

RESOLVED

That TPO 1500 be confirmed, to include three lime trees (T1 – T3) and one sycamore tree (T4), for the reasons as reported.

PCN/43 **DC/17/0586 - CAR PARK, HURST ROAD, HORSHAM**
(WARD: HORSHAM PARK) APPLICANT: HORSHAM DISTRICT COUNCIL

The Head of Development reported that this application sought permission to reconfigure an existing car park to create an additional 33 spaces. The reconfiguration would take place in conjunction with the introduction of a ticketless payment system.

The proposal had been deferred by Members at the Committee in August 2017 to allow for further consultation and consideration on the safety of the reconfigured car park (Minute No. PCN/31 (01.08.17) refers). The application had subsequently been amended by: increasing width of central footway to three metres; additional planting either side of the footway and around the periphery of the site; and increasing cycle parking spaces by 28 to 56. In order to accommodate these amendments there would be four fewer car parking spaces than previously proposed.

The application site was located on the southern side of Hurst Road, closely associated with The Pavilions Leisure Centre.

Members were referred to the previous report which contained details of relevant policies, planning history, the outcome of consultations and a planning assessment of the proposal. A further six letters raising concerns had been received including from the Horsham Society and the Horsham District Cycling Forum. A representative of Horsham District Cycling Forum spoke in objection to the application. A representative of the Neighbourhood Council and the Cabinet Member for Leisure & Culture both addressed the Committee in support of the application.

Members considered the amendments that had been made to the original plan and concluded that the proposal was acceptable.

RESOLVED

That planning application DC/17/0586 be granted subject to the conditions and reasons as reported.

PCN/44 **DC/17/1458 - VIVIAN'S, NORTH HEATH LANE, HORSHAM**
(WARD: HOLBROOK EAST) APPLICANT: BROUGHTONWOOD HOMES

The Head of Development reported that this application sought permission for the demolition of a bungalow and the erection of three contemporary Sussex style dwellings comprising two detached 4-bedroom dwellings with attached garages (plots 1 and 2), and one 2-bedroom bungalow with detached bungalow (plot 3). Plot 1 would be served by a new access from North Heath Lane; the other two plots would use the existing access.

The application site was located within the built-up area on the south-east side of North Heath Lane and comprised a bungalow in a generous plot. Access was shared with two other dwellings. The site was well screened with foliage and fencing from the street. The surrounding area included detached and terraced dwellings of varying ages and styles.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee.

The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee. An addendum to the report had been circulated to Members advising that the Arboricultural Officer had withdrawn his objection to the siting of the garage and the levels and the siting of the drive following submission of revised information. The objection regarding potential pressures on the protected tree was sustained. A recommended additional condition to protect the future health and amenity of the adjoining trees was included in the addendum. An additional regulatory condition to protect the visual and neighbouring amenity was also recommended. It was reported at the meeting that the Highway Authority had revisited the sight and confirmed they had no objection and considered that no harm would be caused by the additional access.

The Parish Council objected to the application. Eleven letters of objection had been received. Two members of the public spoke in objection to the application and the applicant's agent addressed the Committee in support of the proposal.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; its visual impact and appearance; the amenity of neighbouring occupiers; and highways and parking.

Members discussed concerns regarding the tree, which was of high amenity value, and noted that no works to the tree could be carried out without consent. The different levels of the site surrounding the property were discussed and whilst the submitted plan acknowledged these levels it was agreed that a revised plan looking at the levels in more detail should be required for approval through an amended condition.

RESOLVED

That planning application DC/17/1458 be granted subject to the conditions and reasons as reported, including the re-worded conditions reported in the addendum, and subject to the submission of a revised levels plan through a condition, notwithstanding the plan submitted.

PCN/45 **DC/17/0786 - TRINITY HALL, RUSHAMS ROAD, HORSHAM**
(WARD: TRAFALGAR) APPLICANT: BRIX LTD

The Head of Development reported that this application sought permission for the demolition of a building, and the erection of two semi-detached 4-bedroom dwellings. Access would be from Rushmans Road with parking for two vehicles for each property. The applicant had demonstrated that the building, which was for B1 (Business) and B8 (Storage) use, was no longer viable for employment use without substantial improvement works.

The application site was located within the built-up area of Horsham, south of Rushmans Road, and included a single storey red brick building with a flat roof and pitched roof extension. There was a three storey dwelling to the west and a large detached bungalow east of the site. The wider street scene comprised mainly two and three storey semi-detached and terraced dwellings.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee. The responses from statutory external consultees, as contained within the report, were considered by the Committee.

The Neighbourhood Council objected to the application. The Horsham Society objected to the scheme, and 20 objections from 12 households, had been received.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; the character of the proposed dwellings and their impact on the street scene; the amenity of neighbouring residents; and parking and traffic conditions. With regards to neighbouring amenity, Members noted the siting and orientation of the building in relation to the adjacent bungalow and were satisfied it would not cause material harm.

It was agreed that an additional condition would be added regarding suitable pedestrian visibility splays, in response to the Highway Authority's comments.

RESOLVED

That planning application DC/17/0786 be granted subject to the conditions and reasons as reported, plus an additional condition requiring appropriate pedestrian visibility splays.

The meeting closed at 8.52 pm having commenced at 5.30 pm

CHAIRMAN

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Planning Committee North

Date: 3rd October 2017

Report on Appeals: 19/08/2017 to 20/09/2017

1. Appeals Lodged

HDC have received notice from the Department of Communities and Local Government that the following appeals have been lodged:-

Ref No.	Site	Date Lodged	Officer Recommendation	Committee Resolution
DC/16/2637	Honeywood House Horsham Road Rowhook Horsham West Sussex RH12 3QD	7 th September 2017	Refuse	
DC/17/1133	Bolters 15 Causeway Horsham West Sussex RH12 1HE	12 th September 2017	Refuse	
DC/17/1134	Bolters 15 Causeway Horsham West Sussex RH12 1HE	12 th September 2017	Refuse	

2. Live Appeals

HDC have received notice from the Department of Communities and Local Government that the following appeals are now in progress:

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
DC/17/0562	Pathfield Cottages Cross Lane Barns Green West Sussex	Written Reps	1 st September 2017	Refuse	

3. Appeal Decisions

HDC have received notice from the Department of Communities and Local Government that the following appeals have been determined:-

There were no Appeals determined for the North Area during this period.

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North
BY: Head of Development
DATE: 3 October 2017
DEVELOPMENT: Erection of a 2m boundary fence
SITE: 11 Weald Close Horsham West Sussex RH13 6HE
WARD: Forest
APPLICATION: DC/17/1512
APPLICANT: **Name:** Mr Steven Mitchell **Address:** 11 Weald Close, Horsham, West Sussex, RH13 6HE

REASON FOR INCLUSION ON THE AGENDA: At the request of Cllr Newman

RECOMMENDATION: To approve permission

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks consent for the erection of a 2 metre high wooden fence which would abut the back edge of the footpath and replace an existing wooden fence with hedge behind. The proposed fence would project from the side (northwest) elevation of the main house for a distance of 2.6metres before returning southwest for a run of 21 metres, alongside Weald Close and enclosing the side and rear garden. The fence would comprise concrete posts and gravel boards with close boarded fence panels set between with a total height including gravel boards of 2.0metres
- 1.2 The rearmost section of garden comprises a single garage which would be enclosed by new wooden gates set back from the back edge of the footpath by approximately 0.5 metres.
- 1.3 The application follows an earlier refusal of planning permission for a 2.2 metre high fence to the side and rear garden of the property, ref: DC/16/0267. This earlier application was refused for the following reason:-

The proposed fence, by reason of its height and proximity to the public highway in a prominent corner location would result in a harmful loss of openness, appearing a visually dominant and intrusive addition to the street scene which would detract from the prevailing character and appearance of the site and wider surrounding area. The proposed is therefore contrary to policy 33 of the Horsham District Planning Framework (2015).

DESCRIPTION OF THE SITE

- 1.5 The application site comprises a two-storey semi-detached house that occupies an almost rectangular plot with curved northwest boundary on a prominent bend in Weald Close, a cul-de-sac situated within the built up area of Horsham which is close to the Horsham Town Centre to the northwest. The area is characterised by an open spacious development with spacious gaps between the pairs of semis in the open plan concept. The road is further characterised by attractive planting comprising; shrubs, hedges and trees. Some front/side wooden boundary fencing to properties is also evident within the road.

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:

- 2.2 **National Planning Policy Framework:**

NPPF7 - Requiring good design

NPPF14 - Presumption in favour of sustainable development

- 2.3 **Horsham District Planning Framework (HDPF 2015)**

HDPF32 - Strategic Policy: The Quality of New Development

HDPF33 - Development Principles

HDPF40 - Sustainable Transport

RELEVANT NEIGHBOURHOOD PLAN

- 2.4 Forest Neighbourhood Council is part of the Horsham Blu-Print for which there is currently no 'made' plan.

- 2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/16/0267	Removal of a hedge and fence and erection of a new fence	Application Refused on 18.07.2016
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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 None required.

OUTSIDE AGENCIES

- 3.3 West Sussex County Council – Highways: (Previous Comments) No objection. The property in question is located on the inside of a bend that is slightly more than right angled; vehicle speeds are not likely to be high due to the road layout and not to the posted speed limit of 30 mph. The risk of vehicles meeting at the corner is low and the impact of

the fence cannot be classed as a 'Severe' impact on the highway network, which would generate an objection.

- 3.4 A pedestrian visibility splay is required to allow vehicles to see and be seen egressing from the site. A revised plan should be submitted showing a 2 metre by 2 metre splay with no items above 600mm in height to be contained within that splay.
- 3.5 Any further comments will be reported at Planning Committee.
- 3.6 Forest Neighbourhood Council: Object; the fence would be overly dominant and change the open character of the current street scene contrary to Policy 33 of the HDPF. The proposal would also seek to move the boundary line over half a metre from the current line which would further reduce the sight lines for traffic using the highway.

PUBLIC CONSULTATIONS

- 3.7 7 letters of support were received on the following grounds:-
- The fencing would be an improvement on the previous hedge / fence;
 - The fence does not encroach on any public space;
 - The application site is in a unique corner position;
 - The fence would afford a degree of privacy to the application site;
 - The materials would be sympathetic.
- 3.8 4 letters of objection were received objecting to the proposal on the following grounds:-
- Land grabbing;
 - Visibility issues;
 - Road hazard;
 - Out of keeping;
 - Lack of visibility splays;
 - Loss of green space.

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 The main issues in the determination of this planning application are the principle of the development; the impact on visual and neighbouring amenity; and highways issues.

Character and appearance

- 6.2 The application site is part of an area which has a spacious feel and where garden areas have been enclosed this has primarily been achieved through hedges and trees. The application site does though contrast with the surrounding area in that the rear garden runs

parallel with the highway, whereas adjoining properties are generally set back from the highway with open front curtilages.

- 6.3 The height and siting of the proposed fence would create a harder edge to the street than previously existed. It is though accepted that in order to create a private amenity space to the rear of the property a degree of screening would be required along the boundary with Weald Close. The height of the proposed fence would not be excessive in a residential area and the proposed plans incorporate planting inside the fence line which in time would serve to soften the appearance.
- 6.4 The proposed arrangement would be comparable to that which already exists at 1 Weald Close and 1 Paget Close, properties which also feature rear gardens parallel with a highway (Athelstan Way). While these boundary treatments are to some extent at odds with surrounding properties the resulting appearance reflects the layout of the estate and is not considered to result in any demonstrable harm to the character of the area. For the same reasons it is considered that the proposed fencing, which has been reduced in height since an earlier refusal of planning permission, is acceptable and in accordance with policies 25 and 33 of the HDPF. A condition is recommended to secure further details of landscaping and its subsequent implementation; including the treatment/staining of the fence panels, posts and gravel boards.

Impact on neighbouring amenity

- 6.5 The siting and scale of the proposed fence does not raise any concerns in respect of neighbour amenity. There is no conflict with policy 33 of the HDPF in this regard.

Highway issues

- 6.6 Weald Close is a 'D' class unclassified cul-de-sac subject to a 30 mph speed limit, in practice however vehicle speeds are significantly less due to the layout of the road and obstructions created by parked vehicles; with the frequency of vehicle movements small in number. The Highway Authority has advised that no conflict between vehicles emerging from the site and on Weald Close would be expected and as such there are no concerns in respect of highway safety. A condition is recommended to secure details of pedestrian visibility splays either side of the access and this would prevent any conflict with pedestrians. The proposal would therefore accord with Policy 40 of the HDPF.

Other considerations

- 6.7 It is noted that representations have been received raising concerns that the fence line would extend beyond the application site. The proposed fence would though be sited on land within the applicant's ownership and would not encroach on the public highway. As such while the ownership of land is not a planning issue there are no concerns in this regard.

Conclusion

- 6.8 It is considered that the proposal, subject to conditions, would not result in significant harm to visual or neighbouring amenity and would not result in an adverse impact on highway safety. The proposal therefore accords with the relevant policies of the HDPF.

7. RECOMMENDATIONS

- 7.1 Approve planning permission subject to the following conditions:-

1 A list of 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-Occupation Condition:** Prior to the erection of gates to the southern vehicular access details of 2m x 2m pedestrian visibility splays to the north and south of the access shall be submitted to and approved in writing by the Local Planning Authority. The splays shall be provided in accordance with the approved details prior to the erection of the gates. 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.

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

- 4 **Pre-Occupation Condition:** Prior to the erection of the hereby approved fence to the eastern boundary of the site full details of soft landscaping 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).

- 5 **Pre-Occupation Condition:** Prior to erection of the hereby approved fencing, a scheme for the treatment/staining of the fence panels, posts and gravel boards shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented within 1 month of such written approval being given and shall be maintained in accordance with the agreed details thereafter.

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

- 6 **Regulatory Condition:** Notwithstanding the approve drawings the hereby approved gates to the rear access shall not open outwards over the public highway.

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

Background Papers: DC/17/1512
Contact Officer : Pauline Ollive

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11 Weald Close

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Comments	(green area = blanket TPO)
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MSA Number	100023865

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 03 October 2017

DEVELOPMENT: Amendment to planning obligation under S106 agreement (ref: DC/13/1886) to allow 18 non-residential day places for new school.

SITE: Rapkyns Estate Guildford Road Broadbridge Heath Horsham West Sussex RH12 3PQ

WARD: Itchingfield, Slinfold and Warnham

APPLICATION: S106/17/0010

APPLICANT: **Name:** SHC Rapkyns Group Ltd
Address: Guildford Road, Broadbridge Heath

REASON FOR INCLUSION ON THE AGENDA: Cllr Youtan has requested this proposal be considered by Planning Committee.

RECOMMENDATION: Permit the modification to Section 5.1.3 of S106 agreement (legal ref: PAG/997) attached to permission DC/13/1886 to allow no more than 18 non-residential day places offered to pupils who are not resident on the Owner's Estate at the school.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 In May 2014, permission was granted for a new school (known as New Barn School) for children with special educational needs at the Rapkyns site (ref: DC/13/1886). The school is predominantly for pupils with autism and associated difficulties. It is now built and operational and is currently establishing itself with a capacity for 34 pupils.
- 1.2 Under the Section 106 agreement for DC/13/1886, the school is limited to no more than 8 non-residential day places. The remaining spaces are for residential pupils who stay in houses next to the school during term time, within the Rapkyns site.
- 1.3 The current proposal seeks a modification to the agreement to allow up to 18 non-residential day places. Non-residential day places refers to students who travel to and from the school from their respective homes.

DESCRIPTION OF THE SITE

- 1.4 The application site lies in the countryside approximately 1 mile to the west of Broadbridge Heath and is one of a number of properties accessed via the Rapkyns Care Centre entrance from the A281 Guildford Road.

- 1.5 New Barn School is the first building encountered when accessing the site. This recently completed building is a modern timber clad purpose built two-storey structure. The school includes a separate sports hall, an outdoor sports court and a separate teaching and office building. The school is surrounded by open fields to the east and north.
- 1.6 The school caters for the educational needs of children with special needs. The school also helps children with their living skills. The aim of the school is to engage and challenge pupils both academically and socially with a strong emphasis on personal development.
- 1.7 This is the first term for the school and they have 10 children enrolled, aged between 7-19 years old. The school currently employs 13 staff. It is envisaged that this will increase to between 15-20 staff when the school is at capacity of 34 pupils.
- 1.8 Two students at the school currently reside at a separate house (The Clockhouse) which is south of the Rapkyns site among privately owned houses. This dwelling is registered to accommodate 4 children. Plans are also in place to use another dwelling at The Farmhouse for residential accommodation for 4 children. The school also has use of another dwelling adjacent to the school called Rapkyns Cottage, which can accommodate 6 children.
- 1.9 Resident pupils could potentially come from anywhere in the country. It is the policy of the school for these placements to be for local children, where possible. Current resident pupils are on 52 week placements. Going forward the school is also going to accept 38 week (term time) placements.
- 1.10 The majority of the rest of the site is taken up by Rapkyns Care Home which is adjacent to New Barn School to the west. The care home includes a number of modern two-storey buildings. The site also includes Rapkyns Nursing Home located to the western edge of the site.

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:

NPPF4 – Promoting Sustainable Transport

Horsham District Planning Framework (HDPF 2015)

HDPF1 – Strategic Policy: Sustainable Development

HDPF33 – Development Principles

HDPF40 – Sustainable Transport

HDPF41 – Parking

HDPF42 – Strategic Policy: Inclusive Communities

RELEVANT NEIGHBOURHOOD PLAN

The Rapkyns Site is within the parish of Slinfold. Slinfold Parish has produced a Submission Neighbourhood Plan. The plan does not include any reference to the Rapkyns site. Currently, it is anticipated that the Plan will be examined by an Inspector in October.

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/13/1886	Demolition of existing equestrian buildings. Change of use of land to provide a school (Class C2 - residential education and training centre) for children with special educational needs. Erection of school building, formation of car parking area, new access and landscaping.	Application Permitted on 02.05.2014
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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

OUTSIDE AGENCIES

- 3.2 **WSCC Highways (summarised):** No highway objection.
- 3.3 **WSCC Directorate of Children, Adults, Families, Health and Education (summarised):** Support. The school is situated within West Sussex and caters for students with high functioning autism and associated disorders and has a registered capacity of 34 students. Within this cohort group the County Council has a higher demand for day placements and would be unlikely to utilise residential accommodation. The County Council is pleased to support a change in obligation to increase the number of day placements to 18.

PUBLIC CONSULTATIONS

- 3.3 **Slinfold Parish Council:** No comment.
- 3.4 Councillor Youtan has objected to the application on the following grounds:
- Serious concern is raised regarding this application and to allowing the school to be used by pupils from other counties. Respective counties should be dealing with their own students.
 - The area is rural and there is concern that this could result in an expansion to the school.
 - Highway concerns are raised. The A281 is a busy road and additional day could result in traffic problems with the timings of pupils arriving.

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 Under DC/13/1886, permission was granted for a new school for children with special educational needs. A Section 106 agreement was drawn up in connection with this approval. The agreement limits the school to the following:
- No more than 34 pupils.
 - More than 50% of the pupils to be resident on the owner's estate.
 - No more than 8 non-residential day places offered to pupils who are not resident on the owner's estate.
- 6.2 The school is now up and running. The applicants are now seeking permission to vary the limitations of the S106 agreement to allow up to 18 non-residential places. The school advises that they need this flexibility as one of the houses they intend to use for residential pupils will not be available immediately. Permission and listed building consent have been granted for the use of a cottage nearby (called Broadview) for residential accommodation for the school. This could accommodate 10 pupils. However, this is currently a private residence and won't be available for a few years. The school currently has the use of three dwellings within the site for residential use but these houses are not sufficient to accommodate 26 residential students, as required by the s106. The school need the additional day pupils until they are able to use Broadview for residential accommodation. The school also seeks the variation so that they can have more ability to fill places where there is a need.
- 6.3 WSCC Children, Adults, Families, Health and Education team support the application on the grounds that there is a high demand for day placements for such schools as this.
- 6.4 The day pupils would have to travel daily to the school and could come from adjoining counties. The school has commented that most day students arrive in twos in taxis. The majority of day students come from West Sussex and Surrey County. The school also has students from Hampshire, Bexhill and London. It is anticipated that the additional 10 day students will also come from these areas and will come and go via taxis.
- 6.5 It should be noted that there is no requirement in the current s106 agreement for those pupils who are resident on the owner's estate to have a Local Connection, and therefore these pupils may have their family home elsewhere in the country. The school, through their own stipulations, are required to house students as locally as possible but this is not always possible as a specialist facility such as this would draw its pupils from a wider area. Additionally, it is not feasible for students to reside at the adjacent care home as this facility is for adults with more profound disabilities than the children at the school.
- 6.6 The scheme would result in more vehicle movements to the site. However, these movements would be minimal in the context of the wider Rapkyns site and would not result in any severe highway impacts. On this basis, WSCC Highways have commented that they have no objection to the scheme in terms of highway considerations. Given the Obligations in the existing S106 and the comments from WSCC Highways an objection on the grounds of unsustainable location of development is therefore not supported by Officers.
- 6.7 The proposed modification to the S106 agreement to allow up to 18 non-residential day places is therefore considered appropriate. The modification would not result in any highway safety issues.
- 6.8 The proposal would also result in the optimum use of a new bespoke facility for specialist educational purposes. This would be in accordance with a high demand for day places at schools such as this, as advised by the WSCC Children, Adults, Families, Health and Education team. The proposed variation would therefore assist in meeting the need for day places generated by pupils living locally.

6.9 This proposal does not raise any other material planning considerations.

7. RECOMMENDATIONS

7.1 Permit the modification to Section 5.1.3 of S106 agreement (legal ref: PAG/997) attached to permission DC/13/1886 to allow no more than 18 non-residential day places offered to pupils who are not resident on the Owner's Estate at the school.

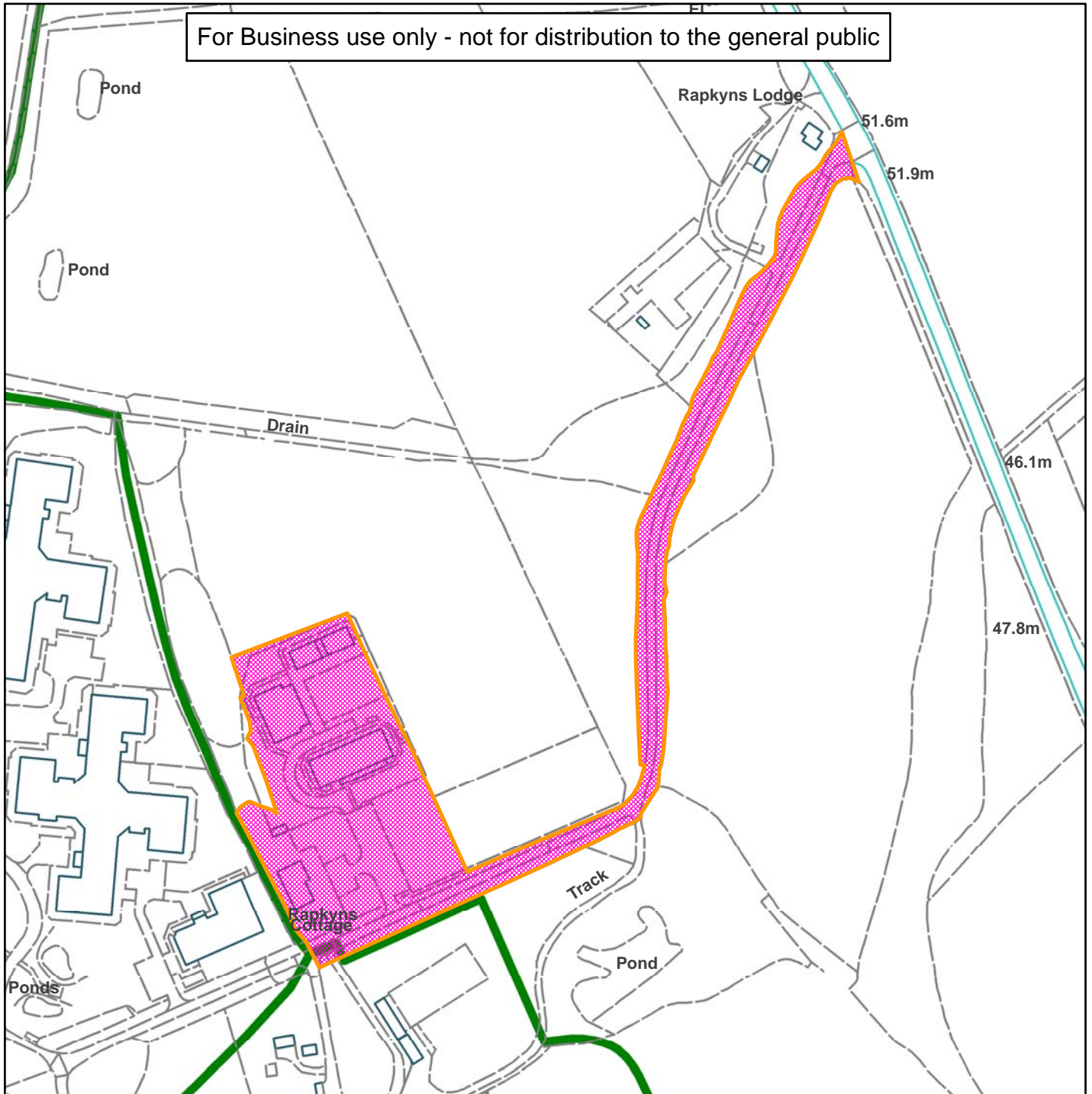
Background Papers: DC/13/1886

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Rapkyns Estate

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