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# Planning Committee (North)

Tuesday, 4th April, 2017 at 6.00 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

## Agenda

	Page No.
1. <b>Apologies for absence</b>	
2. <b>Minutes</b>	3 - 10
To approve as correct the minutes of the meeting held on 7 <sup>th</sup> March 2017	
3. <b>Declarations of Members' Interests</b>	
To receive any declarations of interest from Members of the Committee	
4. <b>Announcements</b>	
To receive any announcements from the Chairman of the Committee or the Chief Executive	
<b>To consider the following reports of the Development Manager and to take such action thereon as may be necessary:</b>	
5. <b>Appeals</b>	11 - 14

Applications for determination by Committee:

- |     |   |         |
|-----|---|---------|
| 6.  | <b>DC/16/2936 - Land at Pelham and Waverley Courts, Bishopric, Horsham<br/>(Ward: Denne) Applicant: Saxon Weald</b>                 | 15 - 36 |
| 7.  | <b>DC/16/2935 - Garage Block, Swann Way, Broadbridge Heath<br/>(Ward: Broadbridge Heath) Applicant: Saxon Weald</b>                 | 37 - 50 |
| 8.  | <b>DC/16/2934 - Garage Block, Sleets Road, Broadbridge Heath<br/>(Ward: Broadbridge Heath) Applicant: Saxon Weald</b>               | 51 - 64 |
| 9.  | <b>DC/16/2568 - Twigs, Bashurst Hill, Itchingfield<br/>(Ward: Itchingfield, Slinfold &amp; Warnham) Applicant: Mr Duncan Jagger</b> | 65 - 72 |
| 10. | <b>DC/16/2567 - Twigs, Bashurst Hill, Itchingfield<br/>(Ward: Itchingfield, Slinfold &amp; Warnham) Applicant: Mr Duncan Jagger</b> | 73 - 80 |
| 11. | <b>DC/16/2618 - Land East of Woodlands Walk, Mannings Heath<br/>(Ward: Nuthurst) Applicant: Horsham District Council</b>            | 81 - 86 |
| 12. | <b>Urgent Business</b>  |         |

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

**Planning Committee (North)**  
**7 MARCH 2017**

Present: Councillors: Karen Burgess (Vice-Chairman), Andrew Baldwin, Toni Bradnum, Alan Britten, Peter Burgess, John Chidlow, Christine Costin, Leonard Crosbie, Matthew French, Billy Greening, Tony Hogben, Josh Murphy, Godfrey Newman, Stuart Ritchie, Simon Torn, Claire Vickers and Tricia Youtan

Apologies: Councillors: Liz Kitchen, John Bailey, Roy Cornell, Jonathan Dancer, Adrian Lee, Christian Mitchell, Brian O'Connell, Connor Relleen and David Skipp

PCN/94 **MINUTES**

The minutes of the meeting of the Committee held on 7<sup>th</sup> February were approved as a correct record and signed by the Chairman.

PCN/95 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

PCN/96 **ANNOUNCEMENTS**

There were no announcements.

PCN/97 **APPEALS**

The list of appeals lodged, appeals in progress and appeal decisions, as circulated, was noted.

PCN/98 **DC/16/2937 - WINTERTON COURT, HORSHAM (WARD: HORSHAM PARK)**  
**APPLICANT: SAXON WEALD HOMES LIMITED**

The Development Manager reported that this application sought permission for the demolition of buildings and the erection of 65 dwellings with parking and external works. The application followed the refusal of DC/15/0154 for 69 dwellings, and also the refusal of DC/16/1320 for 66 dwellings.

Since publication of the report the appeal of DC/16/1320 had been determined and permission granted.

The 42 private market units would comprise: 15 1-bedroom flats; 24 2-bedroom flats; and three 2-bedroom houses. There would be 20 affordable rented units comprising 12 1-bedroom and eight 2-bedroom flats, and three shared

ownership 2-bedroom houses. Bicycle storage and a total of 68 un-allocated parking spaces, distributed throughout the site, were proposed.

Five blocks of buildings with garden areas around a central public open space were proposed, with a vehicular access route running around the central square. There would be one 4-storey block, three 3-storey blocks and one single-storey block

The application site was located within the built-up area of Horsham and was currently occupied by 27 sheltered housing dwellings, which had been vacated and the site was surrounded by hoarding. There was a public footpath to the north, opposite which was a new 2-storey development and a block of flats at Standings Court. The rear gardens of New Street were to the east, the railway station car park to the west and Victoria Street car park to the south.

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.

The Neighbourhood Council objected to the application. Twenty letters of objection from 17 households had been received. Three members of the public spoke in objection to the application, two of whom requested that the item be deferred in the light of the appeal decision that had recently been announced. A representative of the Forest Neighbourhood Council also spoke in objection. Two representatives of the applicant addressed the Committee in support of the proposal.

Members noted the officer's planning assessment, which considered whether the reasons for refusing application DC/16/1320 for 66 dwellings had been overcome. Whilst some concerns regarding overdevelopment of the site and the amenity of occupiers were expressed, Members were mindful of the appeal decision and concluded that the proposal was acceptable.

Members discussed the importance of a robust construction management plan, as required under the recommended Condition 3 in the report, and it was agreed that Local Members would be consulted during the determination of the application.

#### RESOLVED

- (i) That a legal agreement be entered into to secure on-site affordable housing provision.
- (ii) That on completion of (i) above, planning application DC/16/2937 be determined by the Development Manager, in consultation with Local Members. The view of the Committee was that the application should be granted.

PCN/99 **DC/16/1919 - LAND WEST OF WORTHING ROAD, SOUTHWATER**  
**(WARD: SOUTHWATER)**  
**APPLICANT: BERKELEY HOMES (SOUTHERN) LTD**

The Development Manager reported that this reserved matters application related to outline permission DC/14/0590 for the development of up to 540 dwellings and 54 retirement apartments, which had been granted permission in February 2015, subject to a legal agreement which had been secured. The application sought provision of a community building, two football pitches, a cricket pitch, two tennis courts, a multi-use games area (MUGA), a skate park, an equipped play area (LEAP-NEAP), with parking and landscaping. There would be two main areas for parking: 20 spaces adjacent to the access onto Church Lane; and 86 spaces adjacent to the proposed sports pavilion. Details of facility transfer arrangements, and trigger points for delivery, of the various facilities were set out in the legal agreement attached to DC/14/0590.

The application site was the Southwater Strategic Site, the subject of Policy SD10 of the Horsham District Planning Framework (HDPF). It was located west of Worthing Road, and north east of Church Lane, opposite Southwater Church. Part of the development site granted under DC/14/0590 included Southwater Sports Club and the Parish Council building. Construction of Phase 1 of the development had commenced.

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. It was noted that the sports pavilion had been reserved for later consideration in response to comments from Sports England.

Since publication of the report the Parish Council had raised no objection and confirmed support for Sussex Police's comments regarding lighting, landscaping and security. Eight letters of objection had been received.

Members considered the officer's planning assessment and whether the proposal adhered to the terms of the legal agreement and included acceptable replacement facilities as set out in Policy SD10 of the HDPF.

RESOLVED

That planning application DC/16/1919 be granted subject to the conditions and reasons as reported.

PCN/100 **DC/16/2917 - RUDGWICK METALS LTD, CHURCH STREET, RUDGWICK**  
**(WARD: RUDGWICK) APPLICANT: BERKELEY HOMES (SOUTHERN)**  
**LTD**

The Development Manager reported that this application sought permission for the demolition of two dilapidated dwellings and industrial and agricultural outbuildings, and the erection of 55 dwellings, new access from Church Street, drainage and landscape works. Two of the dwellings would be replacement dwellings adjacent to Church Street. The application also included three commercial offices, and a two storey extension to the existing business. A total of 125 residential and 18 commercial parking spaces were proposed.

There would be 19 affordable units (35%) comprising: two 1-bedroom flats; six 2-bedroom flats; seven 2-bedroom houses; and four 3-bedroom houses. Market housing would comprise: four 2-bedroom; 22 3-bedroom; nine 4-bedroom, and one 5-bedroom houses. An area of open space, on either side of the access road, and an attenuation pond were proposed.

The application site was located east of Church Street, on the north side of Rudgwick, largely within the built-up area and adjacent to open countryside. The access also served three dwellings adjacent to the site. Rudgwick Metals, within a two-storey industrial building, was in the north-west part of the site.

The front of the site was adjacent to the Rudgwick Conservation Area, which included a number of listed buildings. There was residential development to the south, north and west. There were two dwellings to the east, beyond which was agricultural land.

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

An addendum to the report was circulated confirming the amounts recommended for infrastructure contributions secured through the legal agreement towards education, libraries, fire & rescue, transport, health and community facilities. The 19 affordable units would also be secured through the legal agreement.

The addendum also included revised wording of the condition regarding SuDS drainage systems, in line with discussions with the applicant.

The responses from statutory internal and external consultees, as contained within the report, were considered by the Committee.

The Parish Council objected to the application. Twelve letters of objection, including one from the Rudgwick Preservation Society, had been received. The applicant 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 impact on the character and visual amenity of the landscape and locality; its impact on the amenity of neighbouring and future occupiers; highway safety; parking; drainage and flooding; and nature conservation.

Members concluded that the proposal was acceptable and welcomed the provision of affordable housing.

RESOLVED

- (i) That a legal agreement be entered into to secure affordable housing provision and infrastructure contributions as set out in the Addendum.
- (ii) That on completion of (i) above, planning application DC/16/2917 be determined by the Development Manager. The view of the Committee was that the application should be granted, subject to the rewording of the condition regarding SuDS drainage systems as set out in the Addendum.

PCN/101 **DC/16/1760 - LANDMARK HOUSE, 75 STATION ROAD, HORSHAM**  
**(WARD: ROFFEY SOUTH) APPLICANT: MR DENNIS GUILÉ**

The Development Manager reported that this application sought permission for the change of use and two storey extension of an office building to provide four 1-bedroom flats and one studio flat. There would be three car parking spaces and some communal outdoor space.

The application site was located at the junction of Station Road and North Street within the built-up area of Horsham close to the town centre and the railway station. It included a three-storey end-terrace building with a pitched roof, a parking area, and soft landscaping around the perimeter. The building was currently empty. Station road included largely semi-detached houses, and North Street included commercial buildings that had been converted into residential units.

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.

The Neighbourhood Council objected to the application. Sixteen letters of objection, from nine 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; its impact on the character and appearance of the streetscene; highway safety and parking; the amenity of neighbouring residents and future occupiers.

RESOLVED

- (i) That a legal agreement be entered into to secure an on-site affordable housing unit or a financial contribution equivalent.

- (ii) That on completion of (i) above, planning application DC/16/1760 be determined by the Development Manager. The view of the Committee was that the application should be granted.

PCN/102 **DC/16/2492 - HOLME FARM ORCHARD, WINTERPIT LANE, MANNINGS HEATH (WARD: NUTHURST) APPLICANT: DELCRAVEN LTD**

The Development Manager reported that this application sought permission for the change of use of land for recreational camping, including two yurts and an amenity block providing kitchen, bathroom and washing facilities for the users of the yurts. An access track from an existing access, car parking for four vehicles and associated landscaping were also included. The yurts would stand on skids so that they could be moved if necessary. The parking area included a plastic grid, filled with soil and shingle seeded with grass. The layout of the proposal had been amended since submission of the application to address concerns raised by the Council's Landscape Officer regarding the landscape impact of the proposal.

The application site was located in a rural area to the south of Winterpit Lane outside the built up area of Mannings Heath. The High Weald Area of Outstanding Natural Beauty lay to the north. The site was accessed off Winterpit Lane via a track that served the applicant's property and other properties to the south, beyond which was land associated with racing stables. Brookfield Barn, which hosted functions, was to the east. The applicant owned land to the north and west, including a stable adjacent to Winterpit Lane which had permission for residential conversion, and the applicant's home.

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.

The Parish Council objected to the application, and the Ward Member raised strong objections to the proposal. Nine letters of objection, from six households, had been received in response to the original application. Six letters of objection had been received in response to the amended application. Two members of the public spoke in objection to 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 impact on the character and appearance of the locality; highway safety; and its impact on occupiers of neighbouring properties.

Members discussed concerns regarding the visual impact of the proposal and its impact on neighbouring occupiers, and noted concerns that it would not benefit the local economy. Members considered the modest scale of the proposal and concluded that it was acceptable and that concerns regarding



neighbouring amenity and use of the site could be addressed through conditions.

RESOLVED

That planning application DC/16/2492 be determined by the Development Manager, in consultation with the Local Member, to allow for the framing of two additional conditions relating to:

- (i) a management pack for future guests to include restrictions on noise and fireworks;
- (ii) the amenity block to restrict its use to be in association with those camping in the yurts.

The view of the committee was that the application should be granted.

PCN/103 **DC/16/2727 - SEDGWICK MANOR, SEDGWICK PARK, HORSHAM (WARD: NUTHURST) APPLICANT: MR AND MRS JOHN DAVISON**

The Development Manager reported that this application sought retrospective permission for subsidiary gates, to support a previously approved cattle grid, on the western end of West Drive near Broadwater Lane, and fencing and gates within the parkland. The proposal facilitated sheep grazing within the Historic Parkland in order to satisfy the Conservation Management Plan. The height of the gates and fencing was approximately 1.2 metres. Fencing extended around the perimeter of the area where sheep would be grazed. There was an electronic timber gate across West Drive near to Sedgwick Manor.

The application site was located in a rural area approximately 3.5 kilometres south of Horsham. Access was from Broadwater Lane, along West Drive, along which were a few residential properties. The land was within the registered Grade II Sedgwick Park which included Sedgwick Manor and the moated medieval site of Sedgwick Castle. The land was subject to an Article 4 Direction which removed permitted development rights across the Park for means of enclosure.

Details of relevant government and council policies, as contained within the report, were noted by the Committee. Relevant planning history was also noted and officers confirmed that the existing cattle grid had been granted as part of permission DC/14/2365.

The responses from the Council's Conservation Officer and outside agencies, as printed in the report, were considered by the Committee. It was reported at the meeting that the West Sussex Public Rights of Way Team raised no objections and had confirmed that the proposal would not affect any public rights of way.

The Parish Council objected to the application. Nine letters of objection and nine letters of support had been received. One member of the public, and a representative of the Parish Council, both 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 the proposal and its impact on the character and appearance of the area.

Members concluded that there were no planning grounds for refusing the application, and recognised that access to the private right of way was a civil matter and not a material planning consideration. It was confirmed that Horsham District Council would facilitate a mediation meeting between the applicant and users of the private right of way who had objected to the proposal to resolve issues regarding access.

RESOLVED

That planning application DC/16/2727 be granted subject to a list of the approved plans.

*The meeting closed at 7.45 pm having commenced at 6.00 pm*

CHAIRMAN



## Planning Committee (North)

Date: 4<sup>th</sup> April 2017

Report by the Development Manager: APPEALS  
Report run from 23/02/2017 to 22/3/2017

### 1. Appeals Lodged

I 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/16/2349	Brooke House 46 Comptons Lane Horsham West Sussex RH13 5NY	24 <sup>th</sup> February 2017	Refuse	
DC/16/2350	Brooke House 46 Comptons Lane Horsham West Sussex RH13 5NY	24 <sup>th</sup> February 2017	Refuse	
DC/16/1490	Fairlee Cottage Bucks Green Rudgwick Horsham West Sussex RH12 3JE	3 <sup>rd</sup> March 2017	Refuse	Refuse
DC/16/2687	Lane End Lyons Road Slinfold Horsham West Sussex RH13 0QS	3 <sup>rd</sup> March 2017	Refuse	
DC/16/2858	Lot 6 Ghyll House Farm Broadwater Lane Copsale West Sussex	10 <sup>th</sup> March 2017	Refuse	
DC/16/1016	Park North and North Point North Street Horsham West Sussex RH12 1RG	13 <sup>th</sup> March 2017	Refuse	Refuse
DC/16/1717	Redgates Burnthouse Lane Lower Beeding Horsham West Sussex RH13 6NN	22 <sup>nd</sup> March 2017	Refuse Prior Approval	

## 2. Live Appeals

I 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/16/2688	Corner House Brighton Road Monks Gate Horsham West Sussex RH13 6JD	Fast Track	22 <sup>nd</sup> March 2017	Refuse	
DC/15/2857	Millfield Farm Buildings Horsham Road Rusper Horsham West Sussex RH12 4PR	Informal Hearing	22 <sup>nd</sup> March 2017	Refuse	Refuse
DC/16/0992	Monks Gate Cottage Brighton Road Monks Gate Horsham West Sussex RH13 6JD	Written Reps	10 <sup>th</sup> March 2017	Refuse	
DC/16/1567	Westacre Rusper Road Ifield Crawley West Sussex RH11 0LN	Written Reps	8 <sup>th</sup> March 2017	Refuse	
DC/16/1678	The Barn Capel Road Rusper West Sussex RH12 4PY	Written Reps	3 <sup>rd</sup> March 2017	Refuse	
DC/16/2605	18 Oliver Road Horsham West Sussex RH12 1LH	Written Reps	22 <sup>nd</sup> March 2017	Refuse	

## 3. Appeal Decisions

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

Ref No.	Site	Appeal Procedure	Decision	Officer Recommendation	Committee Resolution
DC/16/1662	47 Blakes Farm Road Southwater Horsham West Sussex RH13 9GH	Written Reps	Allowed	Permit	
DC/16/1320	Winterton Court Horsham West Sussex	Written Reps	Allowed	Permit	Refuse

DC/16/1746	Amberley Chesworth Close Horsham West Sussex RH13 5AL	Fast Track	Dismissed	Refuse	
DC/16/0827	Land To The Rear of 76 - 78 Rusper Road Horsham West Sussex	Written Reps	Dismissed	Refuse	
DC/15/1944	Landfall Farm Emms Lane Barns Green Horsham West Sussex RH13 0QG	Written Reps	Withdrawn	Split Decision	

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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Development Manager

**DATE:** 4 April 2017

**DEVELOPMENT:** Proposed demolition of existing garages and erection of 21 No. dwellings and associated parking and landscaping.

**SITE:** Land at Pelham and Waverley Courts Bishopric Horsham West Sussex

**WARD:** Denne

**APPLICATION:** DC/16/2936

**APPLICANT:** Saxon Weald

**REASON FOR INCLUSION ON THE AGENDA:** Linked application with DC/16/2934 and DC/16/2935

**RECOMMENDATION:** That delegated powers be granted to the Development Manager to approve the application subject to conditions and the completion of a section 106 legal agreement to secure contributions towards infrastructure and linking this application to applications DC/16/2934 and DC/16/2935 to ensure that the appropriate affordable housing provision and mix is provided across the three sites

### **1. THE PURPOSE OF THIS REPORT**

To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

##### Residential units

- 1.1 The planning application proposals the demolition of the existing garages and parking areas currently located in the northeast corner of the site, and the construction of two three-storey residential apartment blocks linked by a one storey residential building. Within these blocks the following residential units would be created:
  - 8 x 2-bedroom apartments
  - 13 x 1 bedroom apartments
- 1.2 The internal floor space of the apartments would range between 50-51.5m<sup>2</sup> for the one bedroom apartments and between 60-70m<sup>2</sup> for the two bedroom apartments.
- 1.3 Of the dwellings proposed, 16 would be for sale on the open-market and 5 (all 1-bedroom units) would be offered for shared ownership.

## Design and Materials

- 1.4 The apartment buildings are of a contemporary style with flat roofs and are comprised of two 3-storey sections separated by a single story section which runs alongside the boundary with 53-55 Bishopric.
- 1.5 The ground floor of the 3-storey sections of the proposed apartment building would be constructed of stock red brick to match the existing Pellham and Waverley Court, with the majority of the first and second floors constructed of smooth through-coloured white render with some parts in a grey fibre-cement cladding.
- 1.6 The single storey section would be clad throughout with the grey fibre-cement cladding. This would be set up against the existing wall between the application site and 53-55 Bishopric; no windows would be set into that wall and the new building would be set below the level of the existing wall.
- 1.7 The flat roof would be capped with 60mm zinc and the window/door frames and balconies are to be dark grey UPVC.
- 1.8 Each of the first and second floor apartments would be provided with a balcony, enabling the future residents to access outside amenity space. Of the ground floor apartments, two of the 2-bedroom ground floor apartments would be provided with a patio garden; one apartment would have access to an area enclosed by railings (of similar appearance to the balconies on the floors above); one apartment would have access to a semi-private area partly enclosed by a low wall; the others would be provided with French windows from which to access an area of semi public/private space or the communal open space surrounding the new building.
- 1.9 The southern-most part of the proposed building lies directly alongside the site boundary with service yard of the John Lewis and Waitrose (southeast of the site) with an internal lobby and hall set against much of the eastern elevation, with the bedrooms facing into the application site and furthest from the John Lewis service yard.

## Bin and Cycle storage

- 1.10 A cycle storage area, with capacity for 20 bicycles, would be provided for the new units. This would be located on the ground floor and accessed directly from the car parking area via a dedicated external doorway.
- 1.11 The existing cycle storage area which currently provides storage for 20 bicycles for the existing residential units would be relocated to where the bin storage area is currently located and would be alongside the open parking area for the new residential units. An additional open cycle storage area for 32 bicycles would be provided; this would be located to the rear of the site near the southwestern site boundary.
- 1.12 The bin storage area for the existing residential units would be relocated from its existing position and would be located approximately 9m from the eastern elevation of Pelham Court and would be 9.5m in length, 3.5m width and 2.2m in height, accommodating 14 x 1100L bins and be constructed from dark grey stained timber panelling with doors at either end.
- 1.13 A second bin storage area for the existing residential units would be located close to the northern site boundary with A281 Bishopric. This would also be constructed from dark grey stained timber panelling and have the same dimensions as the other refuse storage area. It would accommodate 13 x 1100L bins and have a door at its eastern elevation only. The relocated substation would be located alongside the eastern elevation of this bin storage unit. These buildings would be located 6.2m from the northern elevation of Pellham Court.



- 1.14 The bin storage area for the new residential units would be located alongside the northern site boundary with 53-55 Bishopric and also alongside the patio garden area of Plot 1 of the new residential units. This bin storage area would be divided into 4 parts, each containing 2 bins x 1100L bins and accessed by double doors (containing 8 x 1100L bins in total). This would be constructed of timber, painted grey to match the cladding used on the remainder of the building.

#### Car parking and access

- 1.15 There are currently 99 parking spaces (including garages and car ports) within the site. The parking for the site as a whole will be revised to provide a total of 102 parking spaces located within 5 separate areas within the site. The parking spaces would be defined and would be allocated to individual units..
- 1.16 The proposal would include alterations to the access into the site from B271 Bishopric, improving the visibility splays and the kerb radii provided with an addition pedestrian footpath provided into the site separated from the vehicle access. The vehicle access would be separated from the pedestrian access by gates. The gates would be operated by fob or code and would be linked to the flats to allow access for deliveries and would be constructed with a steel frame with timber boarding stained dark grey.
- 1.17 The applicant has also advised that the internal roadway within the application site will be built to adoptable standards in order to take the weight of the refuse lorry (26 tonnes).

#### Boundary treatment and landscaping

- 1.18 The brick wall that forms the boundary between the application site and 53-55 Bishopric would remain in situ. The trees and landscaping situated around the site boundaries would remain although the proposal would result in alterations to existing landscaping within the central part of the site. The 'island' landscaped areas in the middle of the site are proposed to be removed and replaced by parking. The existing trees within these areas would be removed with a total of 11 trees throughout the site proposed for removal. A grassed area in the north western corner of the site (alongside the northwestern elevation of Pelham Court) would be replaced with an area for parking. Also two new parking spaces (Nos 18 & 19) would be created adjacent to the site access and alongside the A281 Bishopric.
- 1.19 No loss of TPO trees is proposed, with 'no dig' construction methods used in the construction of the the proposed new access road and car parking bays at the northwest part of the site.

#### DESCRIPTION OF THE SITE

- 1.20 The application site is located alongside the A281 Bishopric, one of the main routes into Horsham. Residential development lies alongside the western, southern and part of the northern site boundary (Tanfield, Cox House, Landgridge House and 53-55 Bishopric), with the service yard of the large John Lewis/Waitrose retail site lying alongside the site's eastern boundary.
- 1.21 The application site is occupied by two blocks of flats, garages, car ports, informal parking areas, landscaping and bin and cycle storage. The residential blocks are three stories high of buff brick with white UPV windows and a pitch roof and are understood to have been constructed c.1959.
- 1.22 Within the site, car parking is made up of 26 garages, 28 car ports and space for parking up to 45 vehicles (informal rather than formally delineated spaces) making a total of 99 car parking spaces. The applicant has provided information stating that of the 54 garages and

car ports, 25 are currently not used for parking of vehicles, 23 are let to residents of Pelham and Waverly Courts and 6 are let to people not resident at the application site.

- 1.23 The site's sub-station and a covered bin storage area are located to the south of the existing garages and a covered cycle storage unit is located to the southwest of the garages.
- 1.24 Other than the Pellham and Waverley Court apartment blocks, the closest residential properties to the site are those to be located at the flats to be located at 53-55 Bishopric which are currently under construction and will accommodate 17 affordable housing units. This is a three storey building rendered in white with a pitched roof and balconies. The southern elevation which faces the application site lies 1.0m from the existing boundary wall at its closest point. The closest balconies are set back from the boundary by 6.5m.
- 1.25 The flats are located in the central part of the application site with amenity grass, trees and a footpath around the outer part of the site. There are also two landscaped areas (grass, some shrubs and trees) within the central part of the site between the blocks of flats that act as traffic islands, around which vehicle parking takes place.
- 1.26 The site is subject to part of Tree Preservation Order 61/1960 which details three trees and two boundary tree groups located along the northern and western boundaries.

## 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
- NPPF6 - Delivering a wide choice of high quality homes
- NPPF7 - Requiring good design
- NPPF8 - Promoting healthy communities
- NPPF14 - Presumption in favour of sustainable development

#### **Horsham District Planning Framework (HDPF 2015)**

- HDPF1 - Strategic Policy: Sustainable Development
- HDPF2 - Strategic Policy: Strategic Development
- HDPF3 - Strategic Policy: Development Hierarchy
- HDPF5 - Strategic Policy: Horsham Town
- HDPF15 - Strategic Policy: Housing Provision
- HDPF16 - Strategic Policy: Meeting Local Housing Needs
- HDPF25 - Strategic Policy: The Natural Environment and Landscape Character
- HDPF32 - Strategic Policy: The Quality of New Development
- HDPF33 - Development Principles
- HDPF37 - Sustainable Construction
- HDPF39 - Strategic Policy: Infrastructure Provision
- HDPF40 - Sustainable Transport
- HDPF41 - Parking
- HDPF43 - Community Facilities, Leisure and Recreation

## RELEVANT NEIGHBOURHOOD PLAN

The proposed development is located within part of the unparished area(s) of Horsham Town which have joined together to form the Horsham Blueprint Neighbourhood Forum. The Neighbourhood Plan area has been designated and includes all of the urban areas of Horsham with exception of the North Horsham Parish. The Horsham Blueprint Neighbourhood Forum has yet to publish a Neighbourhood Plan for public consultation.

## PLANNING HISTORY

DC/14/2416	Construction of a waste bin enclosure, also installation of modular lockable bicycle containers	Application Permitted on 08.01.2015
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## 3. OUTCOME OF CONSULTATIONS

### INTERNAL CONSULTATIONS

- 3.1 HDC Environmental Health Officer – This consultee identified that no environmental noise survey or air quality information had been submitted to accompany the planning application and that this information was required in order that the application be properly determined. The Environmental Health Officer (EHO) has indicated that in line with HDC’s Air Quality Action Plan the application should make provision for residents to make green vehicle choices and identified that provision be made within the development for charging points for electric vehicles to facilitate the adoption of low emission and zero emission vehicles which is considered to be important for the sustainability of the development as a whole and especially important in urban areas.
- 3.2 With regard to noise the EHO advised the Council has received complaints from other nearby residents concerning late noise generated by activity at the loading bay serving the adjoining commercial premises and more generally that the Council also receives complaints concerning machinery plant and equipment used in electrical substations. Accordingly this consultee advised that whilst the applicant’s assertions that the development has been designed to minimise noise exposure is welcomed, without information of the prevailing ambient noise climate the efficacy of these proposals cannot be ascertained with any confidence. Subsequently the applicant submitted a report detailing an ambient noise survey undertaken which indicates that World Health Authority night time noise standards would be met. The Council’s EHO has accepted the conclusions of this report.
- 3.3 With regard to contaminated land this consultee has advised that the construction on and use of the land currently occupied by the garage block may pose a source of risk to future occupiers of the site. In addition, the relocation of the substation would involve the potential exposure and handling of extremely hazardous substances. It is considered however that these potential risks can be addressed by the addition to the planning permission of appropriate conditions.
- 3.4 HDC Drainage – No objection subject to conditions requiring submission of detailed information relating to foul and surface water drainage.
- 3.5 HDC Waste Management – This consultee has advised that the proposed bin provision is appropriate and requested that confirmation that the bin cupboard sited behind the A281 Bishopric must be suitable for a 26 tonne vehicle and include cast iron drains. The applicant has since confirmed that the roadway within the application site will be built to adoptable standards in order to take the weight of the refuse lorry.

- 3.6 HDC Housing Officer – This consultee has considered this application in the context of the other two linked applications (DC/16/2935 & DC/16/2934) and considers that the overall affordable housing provision of 14 affordable housing units of the total of 39 dwellings proposed between the three applications would equate to 36% affordable housing provision which is policy compliant. This consultee also advises that the 14 affordable units would be comprised of 11 x 1-bedroom units and 3 x 2-bedroom units and that smaller units are currently in great demand for those in housing need.
- 3.7 The proposed tenure split is 64% in favour of affordable rented accommodation which whilst slightly below the required 70/30 split detailed within the supporting statement to Policy 16 of the HDPF, the proposed tenure split is considered to be acceptable.
- 3.8 The consultee also advises that housing officers anticipate that the affordable rented units within application DC/16/2935 would be delivered prior to the units within this application and also those proposed within DC/16/2934.
- 3.9 HDC Landscape Officer – This consultee has advised that that much of the landscape concept ideas included within the pre-application proposals discussed with the Council and which were proposed to mitigate the loss of some of the open space within the site have not been included within this application. Pre-application comments relating to landscape included a number of suggestions relating to improvements to internal circulation routes/pathways; opportunities for gathering in the central open spaces and the creation of different ‘rooms’ within the remaining open areas; including informal playful elements. These have not been included within this application, nor has any information been provided as to how the existing underused public spaces will be improved and better used.
- 3.10 This consultee considers that it is important that landscape mitigation proposals are pursued to improve the amenity of existing and new residents and has suggested that the residents are engaged to identify whether there is any interest to create a community garden that they would be happy to look after and care for.
- 3.11 Further comments on the particulars of the application:
- No details have been provided for the type of planting and tree planting proposed within the Site Plan
  - The location of the proposed metal estate fence is not clear
  - DWG E6606 - impermeable areas drawing suggests that the parking bays are impermeable areas, however 4.07 and 4.14 Sustainability section of the DAS, refers to these being permeable block paving?
  - No reference is made to the green roof shown at pre-app stage, this should be considered in the interest of ecology and overall amenity of the area as discussed above
- 3.12 HDC Tree Officer – This consultee raises no objection to the proposed development. The concerns raised by the Horsham Society regarding the loss of trees on the site are noted however the consultee advises that the trees to be felled are small and/or poor and that they are to be replaced with 26 trees. The ground measures to be undertaken to ensure no harm to rooting areas of TPO trees is considered to be sufficient.
- 3.13 HDC Communities and Leisure – The Council’s contributions calculator has been applied and the following contributions would be required:
- Open Space Sport and recreation – there is no provision of amenity green space, natural green space or allotments within the development. Nor is there any provision of equipped play facilities, youth facilities, tennis courts, multi courts, park/recreation grounds or outdoor sports facilities within the development. A financial contribution of £17,888 would be required. There is a requirement for adult fitness equipment in nearby

Horsham Park and the recommendation is that all of the £17,888 of OSR money is directed towards that.

- Community Centres and Halls – There are no such facilities provided within the development and a financial contribution of £4,324 would be required. A suitable project for the community centres/halls contribution would be improvements to the Royal British Legion’s Edwyn Hall in order to extend its community use.

#### OUTSIDE AGENCIES

- 3.14 WSSC Local Highways Authority – This consultee considers that the modified vehicular access onto Bishopric appears to be designed to meet current standards, also that the car parking provision is anticipated to satisfy the likely parking demands.
- 3.15 Whilst no initial concerns were raised to the application, the Local Highways Authority requested some further information from the applicant in relation to a Stage 1 Road Safety Audit (RSA). Since the initial consultation response the LHA has undertaken discussions with the applicants Transport Consultant on the way forward with an RSA.
- 3.16 The LHA has advised that it will accept a RSA1/2 submitted post planning consent, however the applicant has been made aware that if there are issues with the design this could hold up the application post consent (if granted). We will on that basis agree to the RSA1/2 for this application as the works are of a minor nature, but on the understanding of the points raised above. The RSA can be conditioned as part of any planning consent.
- 3.17 The consultee has advised that the access has been designed to meet current standards with kerb radii of 6 metres provided and visibility splays of 2.4 by 43 metres available. Also given the site’s location within the centre of Horsham with passenger transport facilities within short walking distance, parking provision is stated as meeting the requirements of the WSCC Parking Demand Calculator (PDC). Based on the proposed mix and tenure of the dwellings, the car parking provision is anticipated to satisfy the likely demands.
- 3.18 The LHA has advised that it does not consider that the proposed development would have a ‘severe’ impact on the operation of the highway network, therefore it is not contrary to paragraph 32 of the NPPF and there are no transport grounds to resist the proposal subject to conditions relating to access, car parking and road safety audit.
- 3.19 WSSC S106 Consultation – This consultee has stated that the following contributions would be required for the provision of necessary infrastructure associated with this proposed development:

<b>S106 Type</b>	<b>Monies Due</b>	<b>Purpose of contribution</b>
Education Primary	£8,277	Additional equipment at Arunside Primary School
Education Secondary	£8,908	Supporting the National Curriculum at Tanbridge House School
Libraries	£4,104	Providing flexible shelving to enable increased community use at Horsham Library
Fire and Rescue	£1,500	
No. of Hydrants	Secured under Condition	
TAD (Total Access Demand)	£19,776	

- 3.20 This consultee has also advised the where the developer intends to keep some of the estate roads private WSCC will require provisions in any s106 agreement to ensure that they are properly built, never offered for adoption and that a certificate from a suitably qualified professional is provided confirming their construction standard.

- 3.21 Southern Water – This consultee has advised that following initial investigations it can provide a water supply to the site and provide foul sewage disposal to service the proposed development and that formal applications for connection to the water supply and also the public sewer would be required.
- 3.22 The consultee has also advised that the proposal to divert the existing public surface water sewer would require a formal application under S185 of the Water Industry Act 1991 and that no development or new tree planting should be located within 3.5m either side of the centreline of the public sewer and that no new soakaways should be located within 5m of a public sewer or water main.
- 3.23 However Southern Water also advises that initial assessment indicates that it cannot accommodate the surface water discharge needs of the proposed development without providing additional local infrastructure. The proposed development would increase flows into the surface water system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the NPPF. Discharge of surface water may occur however if it is ensure that there is no overall increase in flows into the surface water system and that no surface water flows no greater than existing levels are discharged. Detailed information would be required to confirm this.
- 3.24 With regards to Sustainable Drainage Systems (SuDS), Southern Water advises that arrangements for the long term maintenance of these facilities will need to be made as it is critical that the effectiveness of these systems is maintain in perpetuity.
- 3.25 The consultee has requested that should the application receive planning approval that a number of planning conditions and informatives relating to formal applications for connection to the sewerage and water supply systems; drainage strategy and surface water disposal; are attached to the consent.
- 3.26 Horsham and Mid Sussex Clinical Commissioning Group (CCG) – This consultee has advised that given the increased number of patients resulting from the application and also the current pressure on NHS capital budgets, a developer contribution towards Healthcare capital infrastructure improvements is appropriate. The level of contribution has been assessed as being £8,044, calculated using West Sussex average occupancy figures and using the Senior District Valuer’s approved formula.
- 3.27 Denne Neighbourhood Council – This consultee raised a number of issues directly with the applicant regarding proposed materials, refuse collection and landscaping. In addition, the consultee has queried whether any provision is required for storing electric buggies; whether there is a legal requirement for a minimum number of disabled & visitor spaces; and whether there is any provision for charging electric vehicles.
- 3.28 UK Power Networks – No objection

#### PUBLIC CONSULTATIONS

- 3.29 Seven letters of objection have been received from members of the public including the Horsham Society. The concerns raised by the letters of representation include the following points:
- Removal of trees and other landscaping and impact on biodiversity
  - Quality of materials proposed for new buildings
  - Lack of survey for bats and the potential impact on that species
  - Impacts of construction process including disturbance to residents also access into the site and parking of contractor’s vehicles and plant
  - Over development of the site

- Existing lack of parking of the site which will be made worse particularly if garages are removed before remainder of parking provision on site is provided/reorganised.
- Road safety – pedestrian crossing open access
- No allocated visitor or disabled car parking spaces or parking provision for mobility scooters currently parked within garages
- Garages currently used to house valuable vehicles that should not be parked outside
- Risk assessment of asbestos removal

#### **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**

##### The Principle of the Development

- 6.1 Policy 1 of the HDPF states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF (paragraph 14). Paragraph 49 of the NPPF goes on to state that housing applications should be considered in the context of the presumption in favour of sustainable development, also that if the LPA is able to demonstrate a five year supply of deliverable housing sites, then the relevant policies within the Local Plan can be considered to be up-to-date. The Council's Authority Monitoring Report for the period 1<sup>st</sup> April 2015 – 31<sup>st</sup> March 2016 (published December 2016) demonstrates that the Council has a 109% Five Year Housing Land Supply (5YHLS) against the HDPF requirement so that its HDPF housing policies remain up-to-date and relevant to this application.
- 6.2 The application site lies within the Built Up Area Boundary of Horsham which is identified within Policy 3 of the HDPF as the 'Main Town' within the District. HDPF Policy 2 sets out that the Council's spatial strategy is (*inter alia*) to focus development in and around Horsham; encourage the effective use of land that has been previously developed and provide for the varied housing needs of the community. Policy 5 of the HDPF specifically relates to development within Horsham Town, stating that development within the built-up area of Horsham will be allowed where it (*inter alia*) "*Delivers a mix of residential properties which meet the needs of the population and contributes to quality modern living that is compatible with a town centre setting*".
- 6.3 As such, provided there is no conflict with other policies within the HDPF, the principle of the development in this location is considered to be acceptable.

##### Housing Sizes, Types and Tenures

- 6.5 Of the 21 residential units proposed, 16 would be developed as market housing and the remaining 5 (23%) will be offered for affordable housing. This would fall below the 35% required by Policy 16 of the HDPF nor would it provide for the 70% affordable properties for rent /30% intermediate/shared ownership tenure split defined in the HDPF. However, the applicant has proposed that this application be linked, by means of legal agreements, to

applications DC/16/2934 and DC/16/2935 so that in terms of affordable housing provision and tenure split, these three applications are considered as one. This approach has been accepted by Council officers.

- 6.6 The total number of residential units provided by all three applications is 39, comprising 25 (64%) market dwellings and 14 (36%) affordable units with a tenure split of 9 affordable rent (64%) and 5 (36%) shared ownership. The provision of 14 affordable units equates to a provision of 35% which meets the requirements of Policy 16 of the HDPF. Whilst the tenure split proposed is slightly lower than that specified within the HDPF, it is considered acceptable.
- 6.7 It should be noted that if application reference DC/16/2935 is not granted planning permission, and that this application is considered purely on its own merits, the proposed provision of affordable housing would not be sufficient (17% only) and would be contrary to Policy 16 of the HDPF. As such, the acceptability of this application relies on a resolution to grant permission for DC/16/2935
- 6.8 Policy 16 also requires that development should provide a mix of housing sizes, types and tenures to meet the needs of the district's communities as evidenced in the latest Strategic Housing Market Assessments.
- Market housing<sup>1</sup> - for Horsham Town the market housing size mix for owner occupiers is recommended to be 15% 1-bedroom; 40% 2-bedroom, 30% 3-bedroom; and 15% 4+ bedroom dwellings. The market housing size mix for this application is evenly split between 1 and 2 bedroom units having a particularly high concentration of 1-bedroom units when compared with the published guidance and as such does not appear to fully support this part of Policy 16 of the HDPF. However, the units will make a contribution to meeting overall market housing need and does provide a significant proportion of two-bedroom units, for which the 2016 Market Housing Mix report identifies the highest demand for.
  - Affordable housing<sup>2</sup> - the requirement for affordable housing for Horsham District is for 20% of 1-bedroom units; 45% of 2-bedroom units; 25% 3-bedroom units; and 10% 4-bedroom units. When considered in conjunction with application DC/16/2935 the mix of affordable dwelling sizes is 11x 1-bedroom units (78%) and 3 x 2-bedroom units (22%). Whilst the proposal does not reflect the mix of sizes as set out above, Council Housing Officers have confirmed that smaller units are currently in great demand for those in housing need and as such the proposal is considered to support Policy 16 of the HDPF.
- 6.9 The legal agreement to secure the provision of affordable housing is currently under preparation. This will link this proposal to DC/16/2935 and DC/16/2934 to ensure that the total affordable housing requirement generated by the three applications is secured across the sites of this application and DC/16/2935. The legal agreement will also secure the financial contributions for the provision of infrastructure as required by Policy 39 and discussed below. As such the application complies with paragraph 50 of the National Planning Policy Framework (2012), the Horsham District Local Development Framework: Planning Obligations Supplementary Planning Document (2007) and Policy 16 of the Horsham District Planning Framework (2015).

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<sup>1</sup> Market Housing Mix: Crawley Borough Council and Horsham District Council. November 2016. Chilmark Consulting Ltd

<sup>2</sup> Northern West Sussex Housing Market Area: Affordable Housing Needs Model Update. Chilmark Consulting October 2014



### Design and Layout

- 6.10 The external materials and colours proposed for the render, windows, doors and balconies of the new residential units are similar to those used in the adjacent 53-55 Bishopric development currently under construction (DC/15/0594). The brickwork used for the ground floor part of the residential units will be selected to match the colour of the bricks used within the existing Pelham and Waverley Court buildings. As such it is considered that the materials proposed will be in keeping with the surrounding streetscene.
- 6.11 No detail has as yet been provided of the paving to be used throughout the site, however this can be controlled through condition which forms part of this recommendation.
- 6.12 The layout of the site includes modifications to the vehicular access which has been designed to meet current standards in terms of kerb radii and visibility splays. As a Stage 1 Road Safety Audit (RSA) has not been submitted with the application, the details of the site access may alter depending on the outcome of the Stage 1/2 RSA which would be required and could be conditioned to be submitted post consent (if granted). The applicant has been advised of the potential delay that this could cause to the development.
- 6.13 The site is located within a central location within Horsham, with passenger transport facilities, shops, services and leisure opportunities within short walking distance. Given this, the extent of parking has been assessed and meets the requirements of the WSCC Parking Demand Calculator (PDC). The proposed development is therefore considered to satisfy Policy 41 of the HDPF.
- 6.14 The construction of the new car park areas would result in changes to the layout of the pedestrian footpaths that run around the site which would be shortened and would run through the car park areas. There is no dedicated pedestrian footpath through the central part of the site, with pedestrians sharing the space with cars and other vehicles; this situation would not change. However, pedestrian access into the site would be improved (for pedestrians coming from the west) with a separate gate for pedestrian access to be provided which would lead to pavement into the site. Pedestrians from the east would however be likely to use the vehicle access into the site, as currently occurs.
- 6.15 One of the concerns raised by respondents was that the proposal would lead to the overdevelopment of the application site. Whilst the majority of the development would occur on land currently occupied by the car ports and garages, other parts of the site that are currently landscaped would be lost to provide car parking. Whilst the majority of this area is not considered to provide useable amenity space, there may be a visual impact of its loss. However a large part of the site would remain open and available for use for amenity. As such it is not considered that the proposed development would result in overdevelopment of the application site.
- 6.17 As such, should the proposed development be permitted, provided that appropriate conditions are applied the proposed development is considered to satisfy Policies 32 and 33.

### Amenity of current and future residents

- 6.18 The new developments will be located within the northwest corner of the application site, lying alongside the western site boundary with the John Lewis Service yard and also the apartment building at 53-55 Bishopric to the north. The internal layout of the new residential units has been arranged so that the bedrooms face into the application site, with halls and foyers lying immediately adjacent to the boundary wall with the John Lewis site. The applicant has commissioned an ambient noise survey which indicates that the noise levels experienced within the proposed apartments would remain within World Health Authority standards and this report is accepted by the Council's EHO

- 6.19 At its closest point, the proposed residential units would be located approximately 12m from the eastern elevations of Pelham Court, however this building is set at an angle, such that views from the new development would be somewhat oblique. It is not considered that the proposed development would have direct views into the windows of Pelham Court and would not result in an unacceptable loss of privacy to the residents of this building. The windows of the southern part of the proposed residential block would directly face part of Waverly Court, however these buildings would be 20m apart and as such it is not considered that any adverse effect on privacy or amenity would result.
- 6.20 A small area of green open space at the northeastern corner of the application site would be lost in order to provide additional car parking. This would be located close (approx. 1.5m) from the eastern elevation of Pelham Court and would alter the view from the apartments in that part of the building however the loss of view is not a planning consideration. Throughout the application site, car parking is currently located in close proximity to the windows of ground floor residential units, so this relationship is not considered to represent an unacceptable loss of amenity to those residents.
- 6.21 The two new refuse and recycling storage areas would be located 6.2m (located in the northeast of the site) and 9m (central part of the site) from the nearest elevation of the existing Pelham and Waverly Courts. The existing bins are currently located 6.7m from the northern elevation of Waverley Court; so that the new bin location would be only minimally closer to residential properties. As such it is considered that the relocation of the refuse storage areas would not result in an unacceptable loss of amenity to existing residents at the site.
- 6.22 Plot 1 of the proposed residential units would be located adjacent to the bin storage area for the new buildings, however, no windows are provided within the northern elevation of that residential unit, so that the passage of people to access these bins is not considered to result in an adverse effect on the privacy and amenity of the future residents of plot 1.
- 6.23 Given the proximity of the proposed residential units to the residential building at 53-55 Bishopric it is considered that there is the potential that the patio gardens provided for plots 1 and 5 may be subject to overlooking from windows, balconies and the second floor roof terrace at 53-55 Bishopric. For Plot 5 the oblique angle of view from the position of the nearest windows in 53-55 would reduce the potential for overlooking. Whilst the small size and the surrounding walls would mean that the patio garden for No. 5 could result in this space being in shade for a relatively high proportion of time, it is considered that despite this the proposed patio garden would represent useful outside amenity space for this unit.
- 6.24 It is considered that there may be some mutual overlooking from the roof garden of 53-55, however Given the location within the town centre, a degree of mutual overlooking is expected and is not considered to result in any undue harm.
- 6.25 As set out above, the proposal involves the loss of some open and landscaped areas within the existing site. Overall, it is considered that the total area of amenity space provision (including the private balconies and patios) is acceptable. However, the existing occupiers will experience a reduction in the area of amenity space as a result of the creation of new parking areas, bin/cycle storage and circulation space within the site. As such, it will be necessary to ensure that the remaining, reduced area of amenity space is enhanced to improve its appearance, flexibility and create a better quality space to compensate for the overall loss in area. This is discussed in more detail below.
- 6.26 Given the above, subject to appropriate conditions, the design of the development is considered to ensure that the amenity of future residents and neighbours would not be subject to unacceptable harm and that the proposed development is considered to be in line with Policies 32 and 33 of the HDPF.

### Sustainable Construction

- 6.27 The refuse and recycling storage facilities that are proposed are of sufficient size and capacity for the number and size of existing and proposed residential units within the application site, and the internal roads will be designed to a standard sufficient to accommodate the size and weight of the refuse collection vehicles used by the Council.
- 6.28 The development has provided cycle storage facilities for the new residential units and retained the cycle storage for the existing development, at a level that the LHA has deemed sufficient.
- 6.29 No detail has been submitted regarding provision of access to high speed broadband or regarding limiting water use within the new residential units to 110 litres/person per day as required by Policy 37, however it is considered that these element of the design can be controlled by appropriate conditions
- 6.30 The development is therefore considered to comply with Policy 37 of the HDPF.

### Trees and Landscaping

- 6.31 The proposed development would remove a number of trees of limited value and would plant 26 trees throughout the site. No trees subject to TPO would be removed and provided that the recommendations set out within the submitted Tree Survey ensuring protection of roots of protected trees, no adverse impact on these trees would be expected. As such the proposal complies with policies 31 or 32 of the HDPF.
- 6.32 The Council's Landscape Architect has raised concerns that measures to mitigate the loss of existing amenity space and landscaped areas within the application site, and improvements to the remaining open space are limited in nature. As set out above, the reduction in the total area of amenity space results in harm to the amenity of existing occupiers of these flats and suitable measures to ensure that the remaining spaces are improved are necessary. A landscaping scheme has not been presented with this application which can be secured by condition requiring full details to be submitted.

### Parking

- 6.33 The level of parking provision has been considered and given the site's location in central Horsham is considered to be acceptable and not contrary to Policy 41 of the HDPF.
- 6.34 Concern has been raised by respondents regarding the impact and inconvenience that would be caused to residents of Pelham and Waverley Courts that currently rent the garages, in particular regarding parking provision for mobility scooters and motorcycles. No specific provision for undercover parking for these types of vehicles has been included within the development, however both of these types of vehicles are able to be stored outside. A condition requiring the provision of charging points for electric vehicles forms part of this recommendation. As such, whilst the loss of the garages and car ports and their replacement with open car parking spaces may be inconvenient to a small number of people, it is not considered that this would represent a loss of amenity to existing residents or neighbours of sufficient weight to amount to a conflict with the development plan
- 6.35 The overall level of parking has been assessed by WSCC Highways, and they confirm that the proposed provision is acceptable and would not cause any undue impact on the local highway network. As such the proposal is considered to be acceptable and complies with Policy 41 of the HDPF.

## Environmental Protection

- 6.36 There is considered to be potential risk of contamination at the site, however a condition forms part of this recommendation to address any contamination risk. .

## 7. RECOMMENDATIONS

- 7.1 To approve the application subject to the following 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 take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for, but not be limited to:
  - a. an indicative programme for carrying out of the works;
  - b. the arrangements for public consultation and liaison during the construction works;
  - c. the parking of vehicles of site operatives, contractors and visitors;
  - d. loading and unloading of vehicles, plant and materials;
  - e. storage of plant and materials and the siting of temporary buildings/structures used in and/or during constructing the development;
  - f. the erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
  - g. the provision of wheel washing facilities if necessary;
  - h. measures to control the emission of dust and dirt during construction;
  - i. a scheme for recycling/disposing of waste resulting from demolition and construction works including any hazardous waste;
  - j. details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
  - k. measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s)

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of neighbouring residents during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

4. **Pre-Commencement Condition:** No development shall commence until precise details of the existing and proposed finished floor levels of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

**5 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 within the Arboricultural Appraisal Report, 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).

**6 Pre-Commencement Condition:** No development shall commence until full details of underground services, including locations, dimensions and depths of all service facilities and required ground excavations, have been submitted to and approved by the Local Planning Authority in writing. The submitted details shall show accordance with the approved landscaping scheme and Arboricultural Method Statement. The development shall thereafter be carried out in accordance with the approved details.

Reason: As this matter is fundamental to the acceptable delivery of this permission, to ensure the underground services do not conflict with satisfactory development in the interests of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

**7 Pre-Commencement Condition:** No development shall commence until details of the proposed means of foul and surface water sewerage disposal has been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

**8 Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of surface water disposal and an implementation timetable, has been submitted to and approved in writing by, the Local Planning Authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

**9 Pre-Commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

- (a) A preliminary risk assessment which has identified:
- all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) - (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

- (b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
- (c) The intrusive site investigation results following (b) and, based on these, a detailed method statement, giving full details of the remediation measures required and how they are to be undertaken.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The development shall thereafter be carried out in accordance with the approved details. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

10. **Pre-Commencement Condition:** No development shall commence until a schedule detailing the phasing and timescales of the relocation and construction of the refuse and recycling storage areas has been submitted to and approved in writing by the Local Planning Authority. Both the relocated and new refuse and recycling stores shall thereafter be implemented in accordance with the approved timescales and thereafter be retained for use at all times.

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

11. **Pre-Commencement Condition:** No development shall commence until a schedule detailing the phasing and timescales of the relocation and construction of the cycle storage areas has been submitted to and approved in writing by the Local Planning Authority. Both the relocated and new cycle storage areas shall thereafter be implemented in accordance with the approved timescales and thereafter be retained for use at all times.

Reason: To ensure the adequate provision of cycle storage facilities in accordance with Policy 40 of the Horsham District Planning Framework (2015).

12. **Pre-Commencement Condition:** No development shall commence until such time as a Stage 1/2 Road Safety Audit and accepted in the Designers Response have been submitted to an approved in writing by the Local Planning Authority in consultation with the Highway Authority.

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

- 13 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.
- Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).
- 14 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until confirmation has been submitted, in writing, to the Local Planning Authority that the relevant Building Control body shall be requiring the optional standard for water usage across the development. The dwellings hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.
- Reason: As this matter is fundamental to limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).
- 15 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the measures to facilitate the provision of high speed broadband internet connections to the development have been submitted to and approved in writing by the local planning authority, details shall include a timetable and method of delivery for high speed broadband of each dwelling/unit. The delivery of high speed broadband infrastructure shall be implemented in accordance with the approved details.
- Reason: As this matter is fundamental to ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).
- 16 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, full details of the hard and soft landscaping works shall be submitted to and approved, in writing, by the Local Planning Authority. The approved landscape scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Any plants, which within a period of 5 years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
- Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).
- 17 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, a biodiversity and landscape management plan (including biodiversity enhancements, long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility) for all communal landscape areas shall be submitted to and approved in writing by the Local Planning Authority. The

landscape areas shall thereafter be managed and maintained in accordance with the approved details.

Reason: To ensure a satisfactory development and in the interests of visual amenity and nature conservation in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 18 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, details of all boundary walls and/or fences shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied (or use hereby permitted commenced) until the boundary treatments associated with that dwelling (or use) have been implemented as approved. The boundary treatments shall thereafter be maintained in accordance with the approved details.

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

- 19 **Pre-Occupation Condition:** No part of the development shall be first occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

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

- 20 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the car parking spaces (including provision for charging electric vehicles) serving it have been constructed and made available for use in accordance with approved drawing number Site Plan 6357-03 Ver F . The car parking spaces and the electric vehicle charging points permitted shall thereafter be retained as such for their designated use.

Reason: To provide car-parking space for the use in accordance with Policy 40 of the Horsham District Planning Framework (2015).

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

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

#### POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

#### Note to Applicant

In preparing a scheme of hard and soft landscaping to address the requirements of the above conditions, the Applicant should take note of the comments of the Council's Landscape Architect dated 8<sup>th</sup> March 2017 and the need to improve and enhance the retained amenity spaces and landscape areas which will be reduced in size as a result of this proposal.



Note to Applicant

Please be advised that there are conditions on this notice that will require the submission of details to be submitted for approval to the Local Planning Authority. To approve these details, you will need to submit an "Application for approval of details reserved by condition" with an application form and pay the appropriate fee. Guidance and the forms can be found at [www.planningportal.gov.uk/planning/applications/paperforms](http://www.planningportal.gov.uk/planning/applications/paperforms) .

Note to Applicant

Please note that Southern Water require a formal application for connection to the water supply in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire (tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk) .

Note to Applicant

The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire (tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk) in order to progress the required infrastructure.

Note to Applicant

A Surface Water Drainage Statement is a site-specific drainage strategy that demonstrates that the drainage scheme proposed is in compliance with the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems. An Advice Note and a proforma for the statement can be found using the following link <https://www.horsham.gov.uk/planning/development-management>.

Note to Applicant

Due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire (tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk) .

Note to Applicant

If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Note to Applicant

The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

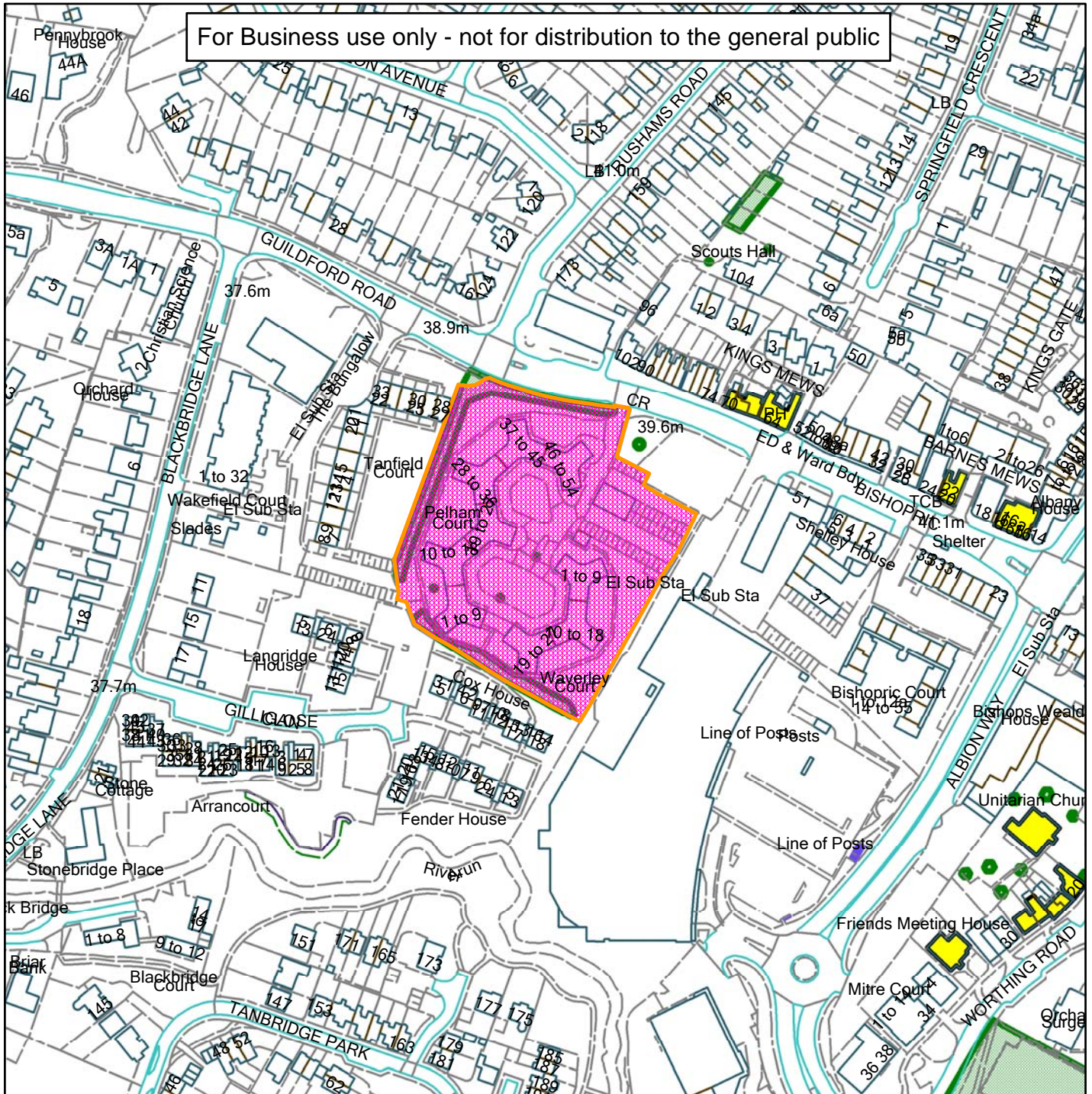
Background Papers:

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Land at Pelham and Waverley Courts

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Organisation	Horsham District Council
Department	
Comments	
Date	23/03/2017
MSA Number	100023865

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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North  
**BY:** Development Manager  
**DATE:** 4 April 2017  
**DEVELOPMENT:** Proposed demolition of existing garages, and erection of 9 No. affordable dwellings and associated parking and landscaping  
**SITE:** Garage Block Swann Way Broadbridge Heath West Sussex  
**WARD:** Broadbridge Heath  
**APPLICATION:** DC/16/2935  
**APPLICANT:** Saxon Weald

**REASON FOR INCLUSION ON THE AGENDA:** At the request of Councillor French.

**RECOMMENDATION:** That delegated powers be granted to the Development Manager to approve the application subject to no further material considerations being received, conditions and the completion of a section 106 legal agreement to secure contributions towards infrastructure and linking this application to applications DC/16/2935 and DC/16/2936 to ensure that the appropriate affordable housing provision and mix is provided across the three sites

### **1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

- 1.2 The application seeks full planning permission for the construction of 9 flats, comprising a mix of 6 one-bedroom flats and 3 two-bedroom flats, with associated parking and landscaping.
- 1.3 The proposal consists of a three storey block, each floor providing 2 one-bedroom flats and 1 two-bedroom flats. The walls of the scheme will be finished in three colours of bricks – a light coloured brick to the main building, a slightly darker brick beneath windows, and a blue grey coloured brick to a central recess. A slate tile is proposed for the roof. Grey windows and doors are proposed with black uPVC bargeboards.
- 1.4 A total of 7 car parking spaces are proposed, including a disabled bay, along with 4 spaces being made available at the neighbouring Sleets Road development under reference DC/16/2394 (considered also on this agenda). A fully enclosed, secure and lit cycle store will be provided with one space being provided per flat. Refuse stores are to be provided at the front of the building. Private garden areas are to be provided to the rear/sides of the building for the occupiers of the ground floor flats.

- 1.5 This application is to be considered in conjunction with two other applications – the proposed demolition of existing garages and the erection of 21 dwellings (16 market dwelling and 5 shared ownership) at Pelham and Waverley Court, Horsham under reference DC/16/2936; and the proposed demolition of existing garages and erection of 9 dwellings (all market dwellings) on land at Sleets Road, Broadbridge Heath under reference DC/16/2934. The total quantum of development over the three sites would comprise 14 affordable units and 25 market dwellings. This results in a 36% affordable housing provision across the three conjoined sites.

#### DESCRIPTION OF THE SITE

- 1.6 The application site is located within the built-up area boundary of Broadbridge Heath, in the eastern part of the village. The site lies to the south of Swan Way and currently comprises a number of garages arranged in two blocks.
- 1.7 The application site lies in an area of prevailing residential character, which comprises a mix of three storey apartment blocks and two storey dwellings. The properties to the immediate west and south of the site are two storey in height, with two three storey blocks to the east of the site and a number of three storey blocks on the opposite side of Swann Way. There is a mixture of designs and styles of properties in the immediate area along with a range of materials, although the prevailing material is brick.

## 2. INTRODUCTION

#### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

#### RELEVANT GOVERNMENT POLICY

- 2.2 **National Planning Policy Framework:**  
 NPPF4 - Promoting sustainable transport  
 NPPF6 - Delivering a wide choice of high quality homes  
 NPPF7 - Requiring good design  
 NPPF14 - Presumption in favour of sustainable development

#### RELEVANT COUNCIL POLICY

- 2.3 **Horsham District Planning Framework (HDPF 2015)**  
 HDPF1 - Strategic Policy: Sustainable Development  
 HDPF2 - Strategic Policy: Strategic Development  
 HDPF 3 - Strategic Policy: Development Hierarchy  
 HDPF15 - Strategic Policy: Housing Provision  
 HDPF16 - Strategic Policy: Meeting Local Housing Needs  
 HDPF24 - Strategic Policy: Environmental Protection  
 HDPF32 - Strategic Policy: The Quality of New Development  
 HDPF33 - Development Principles  
 HDPF35 - Strategic Policy: Climate Change  
 HDPF37 - Sustainable Construction  
 HDPF40 - Sustainable Transport  
 HDPF41 - Parking

#### RELEVANT NEIGHBOURHOOD PLAN

- 2.4 There is no neighbourhood plan for the parish of Broadbridge Heath and no neighbourhood plan designation area application has been submitted.

#### PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.5 There is no recent relevant planning history for the site.

### 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](http://www.horsham.gov.uk).

#### INTERNAL CONSULTATIONS

- 3.2 **Drainage Engineer** – No objection subject to a condition requiring foul and surface water drainage details being agreed
- 3.3 **Housing Services Manager** – No objection
- 3.4 **Environmental Health** – No objection subject to conditions

#### OUTSIDE AGENCIES

- 3.5 **West Sussex County Council Highways** – No objection subject to conditions

#### PARISH COUNCIL

- 3.6 **Broadbridge Heath Parish Council** – Objects to the application on the following grounds:
- Inadequate parking provision for the new dwellings
  - Detrimental effect of the lack of on-street parking are those elderly and disabled residents of Sleets Road and Swann Way
  - Lack of consultation by applicant
  - Loss of privacy and general amenity to local residents

#### MEMBERS COMMENTS

- 3.7 Councillor French has raised concerns in respect of car parking provision and loss of garaging facilities.

#### PUBLIC CONSULTATIONS

- 3.8 5 representations (from 3 households) have been received which raise the following concerns:
- Loss of garage facilities
  - Impact on privacy and amenity of adjacent properties
  - Overdevelopment of the area
  - Lack of parking provision for flats and wider area
  - Congestion/highway safety concerns
  - Safety during demolition and construction phases
  - Noise impact during demolition and construction phases
  - Lack of publicity
  - No existing utilities to the garages (gas, water, electricity)

- Loss of green highway verges

#### 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 key issues for consideration in relation to this proposal are:

- Principle of development
- Housing
- Impact on the character and appearance of the surrounding area
- Impact on the privacy and amenity of neighbouring residential properties
- Highway safety impacts and car parking provision

##### Principle of development

- 6.2 The application seeks full planning permission for the construction of 9 flats comprising a mix of 6 one-bedroom flats and 3 two-bedroom flats, with associated parking and landscaping.
- 6.3 Policies within the HDPF seek to direct new development to the main settlements of the District to ensure that the countryside is protected from inappropriate development. The site is located within the built-up area boundary of Broadbridge Heath, categorised as a 'Small Towns and Larger Villages' in the HDPF and is therefore sited in a settlement that has *"...a good range of services and facilities, strong community networks and local employment provision, together with reasonable rail and/or bus services. The settlements act as hubs for small villages to meet their daily needs, but also have some reliance on larger settlements/each other to meet some of their requirements."* The principle of providing residential accommodation in this location is therefore supported.

##### Housing

- 6.4 Policy 16 of the HDPF states that on sites providing between 5 and 14 dwellings, the Council will require 20% of dwellings to be affordable, or, where on-site provision is not achievable a financial contribution equivalent to the cost of providing the units on site. On sites providing 15 or more dwellings, or on sites over 0.5 hectares, the Council will require 35% of dwellings to be affordable.
- 6.5 This application will deliver 100% affordable units of accommodation and has been put forward in conjunction with two other applications, the proposed demolition of existing garages and the erection of 21 dwellings at Pelham and Waverley Court, Horsham (16 market dwelling and 5 shared ownership) under reference DC/16/2936; and the proposed demolition of existing garages and erection of 9 dwellings on land at Sleets Road, Broadbridge Heath under reference DC/16/2934. The total quantum of development over



the three sites would comprise 14 affordable units and 25 market dwellings. This results in a 36% affordable housing provision across the three conjoined sites.

- 6.6 This approach has been considered by the Council's Housing Manager who has raised no objections to the applications (across the 3 sites), advising that smaller units are in great demand for those in housing need. Further, while the tenure split is 64% in favour of affordable rented accommodation (9 of the 14 units), slightly below the required 70/30 split detailed in the HDPF, this split is acceptable in this instance.
- 6.7 The affordable housing is secured through a s106 agreement which will also address the phasing of development across the three sites. It is considered that the three schemes can be physically constructed simultaneously, but that the units at Pelham and Waverley Court (ref: DC/16/2936) and Sleets Road (ref: DC/16/2934) cannot be occupied until this development, which provides the majority of the affordable housing, has been completed. The development would therefore accord with Policy 16 of the HDPF.

#### Character and appearance

- 6.8 Policies 32 and 33 of the HDPF require developments to be of a high quality and inclusive design based on a clear understanding of the context for development, and recognise any constraints to ensure that the scale, massing and appearance of the development is of a high standard of design and layout, are locally distinctive, favour the retention of important landscape and natural features and create safe environments.
- 6.9 The proposed building would be three storeys in height with a shallow pitched roof. The surrounding area is a mixture of single, two and three storey properties with the application site in the centre of a main settlement where there are a number of three storey blocks in the immediate vicinity. The proposed scale and roof form is therefore considered acceptable and would relate appropriately to surrounding development.
- 6.10 There is a mixture of styles of development in the area as a result of the growth of the area since the 1960's. The design and detailing of the development would comprise a brick finish which would reflect the dominant material of the surrounding area. The scheme would incorporate sufficient articulation, through a central recess and windows / reveals, and this approach coupled with the variation in brick tone would help reduce the apparent mass and bulk of the building.
- 6.11 It is considered that the scale, layout, design and form of the proposed building would sufficiently reflect the design principles established by the nearby development and would not result in any harm to the character or appearance of the locality. The proposal is considered to accord with Policies 32 and 33 of the HDPF.

#### Impact on neighbouring amenity

- 6.12 Policy 33 of the HDPF requires development, amongst other matters, to not cause unacceptable harm to the amenity of surrounding occupiers through overlooking or noise. The Council's design guidance on house extensions sets out that window to window distance between any habitable rooms should be no less than 21 metres and where a black gable is proposed a minimum of 10.5 metres should be provided between the blank gable and any windows serving a habitable room in a neighbouring property.
- 6.13 The proposal is set approximately 6.2 metres from the side elevation of 20 Swann Way; approximately 7.5 metres from the side elevation of 22-44 Swann Way; and, approximately 10 metres from the side elevation of 11 Heath Close. Whilst it is acknowledged that these distances are below those detailed in the Council's design guidance the site is within an

area of Broadbridge Heath that is relatively high density where a degree of mutual impact exists between buildings.

- 6.14 The scheme has been amended to include a hipped roof on the rear off-shoot to limit any overbearing impact on the properties to the rear (11 Heath Close) and windows to the rear of the property have been designed to limit any overlooking of the properties on Heath Close, with views directed south-eastwards over a car parking area and the windows proposed to the side elevations of the first and second floors are also to be obscure glazed. It is therefore considered that the scheme as submitted will not have a significant adverse impact on the privacy and amenity of the occupiers of the neighbouring properties.

#### Highway considerations

- 6.15 A number of concerns have been raised relating to the perceived under provision of parking for future residents of the development, along with the implications of the loss of garages on the on-street parking provision.
- 6.16 A total of 6 unallocated car parking spaces plus 1 disabled space are proposed for the 9 dwellings which WSCC highways have advised meets the anticipated demand allocated in the parking demand calculator. A further 4 spaces are proposed at the Sleets Road site (DC/16/2934).
- 6.17 The development would result in the loss of 24 garages on the site which are currently used for a mixture of parking and informal storage. To assess the impact of this loss of parking the applicant undertook an overnight and daytime parking survey of capacity within a 250 metre radius of the site. The survey found that at times of peak parking stress there were still between 25 and 28 parking spaces available within 200m of the site. It is considered that potential overspill parking resulting from the proposal, and that at Sleets Road (ref: DC/16/2934), could be accommodated in the surrounding area without detriment to neighbouring amenity or highway safety. The methodology and results of the parking survey have been accepted by the Highway Authority and it is therefore considered that a refusal of permission on highway / safety grounds would not be warranted.
- 6.18 It is proposed that a section of public highway bounding Swann Way will be absorbed within the site boundary, i.e. it will no longer be public highway, and this would be subject to a formal stopping up process.

#### Contributions

- 6.19 Policy 39 of the HDPF requires new development to meet its infrastructure needs. For this development, contributions would be required towards health provision, sports provision, community facilities, libraries, education, fire and rescue and transport infrastructure. In addition the provision of affordable housing needs to be secured through a legal agreement.
- 6.20 The developer contributions, secured in the event that planning permission is granted, would be allocated towards improvements within the local area, to ensure they benefit future residents of the development. The provision of a commuted sum for specific local projects is considered a fair approach to deal with the cumulative pressure of additional residents on existing qualitative and quantitative deficiencies in the District and in this case, to enhance existing sport, recreation and community facilities in the local area.

#### Other considerations

- 6.21 The Council's Environmental Health Team have commented that the submitted phase one and two site investigations identified some risks to future occupiers of the site but did not

include the footprint of the garages, which will also need to be investigated, and therefore a condition is recommended requiring the submission of a scheme dealing with components of land contamination to be submitted and approved by the Local Planning Authority prior to commencement of works. This would include a preliminary risk assessment and a site investigation report. Subject to this condition, the scheme is considered to be in accordance with Policy 24.

- 6.22 The site is located within Flood Zone 1 where there is a low probability of flooding and where residential development is considered acceptable by the NPPF. Southern Water and the Council's Drainage Engineer have all raised no objection to this proposal, a condition is included in this recommendation requiring the submission and approval of details relating to the proposed means of foul and surface water drainage for the site. Subject to this condition, the scheme is in accordance with Policy 38 of the HDPF.

### Conclusions

- 6.23 Taking all matters into account, the proposal is considered an acceptable form of development. The scheme would result in an appropriate development in accordance with the requirements of the strategic and locational strategy policies of the HDPF. The scheme is considered to be in accordance with the requirements of the HDPF and NPPF and would result in a sustainable form of development. The proposal is also considered appropriate with respect to its impact on demand for travel and highway considerations, trees, sustainability, ecology and flooding.

## **7. RECOMMENDATIONS**

- 7.1 It is recommended that planning permission is granted 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-Commencement Condition:** No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for, but not be limited to:
  - a. an indicative programme for carrying out of the works;
  - b. the arrangements for public consultation and liaison during the construction works;
  - c. the parking of vehicles of site operatives, contractors and visitors;
  - d. loading and unloading of vehicles, plant and materials;
  - e. storage of plant and materials and the siting of temporary buildings/structures used in and/or during constructing the development;
  - f. the erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
  - g. the provision of wheel washing facilities if necessary;
  - h. measures to control the emission of dust and dirt during construction;
  - i. a scheme for recycling/disposing of waste resulting from demolition and construction works including any hazardous waste;
  - j. details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;

- k. measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s)

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of residents of the neighbouring properties during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 4 **Pre-Commencement Condition:** No development shall commence until precise details of the existing and proposed finished floor levels of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **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 within the Arboricultural Appraisal Report, 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).

- 6 **Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

- 7 **Pre-Commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

- (a) A preliminary risk assessment which has identified:
- all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) - (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

- (b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
- (c) The intrusive site investigation results following (b) and, based on these, a detailed method statement, giving full details of the remediation measures required and how they are to be undertaken.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The development shall thereafter be carried out in accordance with the approved details. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

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

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

- 9 **Pre-Commencement Condition:** Prior to first occupation of the hereby approved development maximum visibility splays at all site access points shall be provided, by the cutting back of vegetation adjacent to the site access, in accordance with a plan to be submitted to and approved in writing by the Local Planning Authority. The visibility splays shall be provided in accordance with the agreed details prior to the first occupation of the development. Once provided the splays shall thereafter be maintained and kept free of all obstructions over the height of 0.6m above adjoining carriageway level or otherwise agreed.

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

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

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

- 11 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, a landscape management plan (including long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility) for all communal landscape areas shall be submitted to and approved in writing by the Local Planning Authority. The landscape areas shall thereafter be managed and maintained in accordance with the approved details.

Reason: To ensure a satisfactory development and in the interests of visual amenity and nature conservation in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 12 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied (or use hereby permitted commenced) unless and until provision for the storage of refuse/recycling has been made for that dwelling (or use) in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for use at all times.

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

- 13 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, details of all boundary walls and/or fences shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied (or use hereby permitted commenced) until the boundary treatments associated with that dwelling (or use) have been implemented as approved. The boundary treatments shall thereafter be maintained in accordance with the approved details.

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

- 14 **Pre-Occupation Condition:** The building hereby permitted shall not be occupied until the windows shown to be obscure glazed on drawing no's PL-005 and PL-006 have been fitted with obscured glazing. The windows shall be fixed shut/non-openable. Once installed the obscured glazing shall be retained permanently and the window fixed shut/non-openable thereafter.

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

- 15 **Pre-Occupation Condition:** No part of the development shall be first occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing.

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

- 16 **Pre-Occupation Condition:** No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with Policy 41 of the Horsham District Planning Framework (2015)

- 17 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, details of secure (and covered) cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the approved cycle parking facilities associated with that dwelling or use have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

Background Papers: DC/16/2935, DC/16/2934 & DC/16/2936

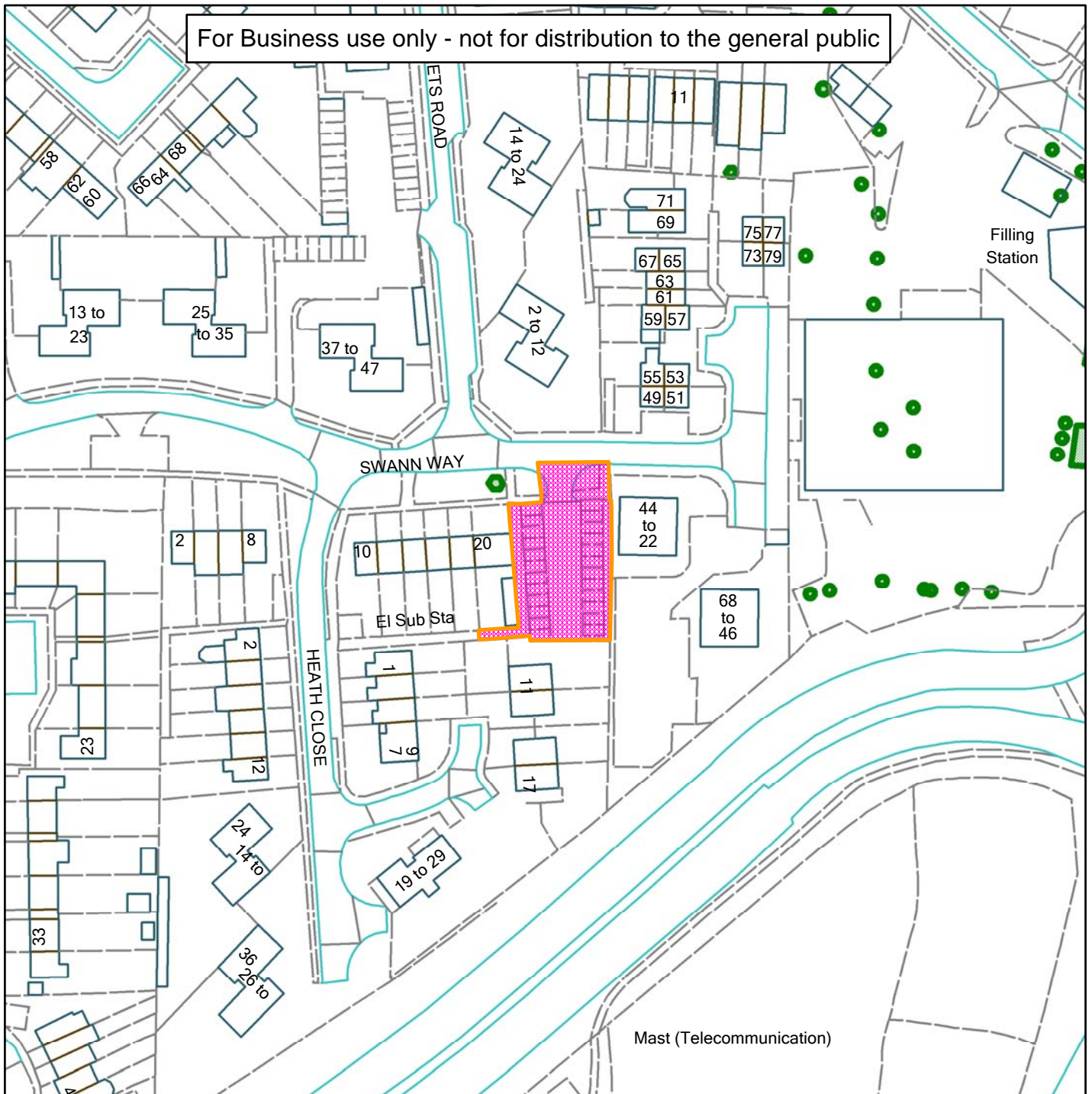
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Garage Block Swann Way

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Scale: 1:1,250

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Organisation	Horsham District Council
Department	
Comments	
Date	23/03/2017
SA Number	100023865

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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Development Manager

**DATE:** 4 April 2017

**DEVELOPMENT:** Proposed demolition of existing garages, and erection of 9 No. dwellings, and associated landscaping and parking

**SITE:** Garage Block Sleets Road Broadbridge Heath West Sussex

**WARD:** Broadbridge Heath

**APPLICATION:** DC/16/2934

**APPLICANT:** Saxon Weald

**REASON FOR INCLUSION ON THE AGENDA:** At the request of Councillor French.

**RECOMMENDATION:** That delegated powers be granted to the Development Manager to approve the application subject to conditions and the completion of a section 106 legal agreement to secure contributions towards infrastructure and linking this application to applications DC/16/2935 and DC/16/2936 to ensure that the appropriate affordable housing provision and mix is provided across the three sites

### **1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

- 1.2 The application seeks full planning permission for the construction of 9 flats, comprising a mix of 6 one-bedroom flats and 3 two-bedroom flats, with associated parking and landscaping.
- 1.3 The proposal consists of a three storey block with each floor providing 2 one-bedroom flats and 1 two-bedroom flats. The building would comprise three colours of bricks – a light coloured brick to the main building, a slightly darker brick beneath windows, and a blue grey coloured brick to a central recess, and a red coloured brick to the rear section of the scheme. A slate tile is proposed for the roof. Grey windows and doors are proposed with black uPVC bargeboards.
- 1.4 A total of 16 car parking spaces are proposed, four of which will be made available to occupiers of the development proposed at Swann Way under reference DC/16/2935 (considered also on this agenda). A fully enclosed, secure and lit cycle store will be provided with one space being provided per flat. Refuse stores are to be provided at the front of the building and incorporated in the boundary wall. Ground floor flats facing the

street will have self-contained storage provision within the front garden areas. Ground floor flats will also benefit from private garden areas. The front boundary is to be defined with a 0.9m high brick wall with 0.45m high metal railings on top and the rear boundary is to be defined with a 1.8m high fence with a trellis on top.

- 1.5 This application is to be considered in conjunction with two other applications – the proposed demolition of existing garages and the erection of 21 dwellings at Pelham and Waverley Court, Horsham (16 market dwelling and 5 shared ownership) under reference DC/16/2936; and the proposed demolition of existing garages and erection of 9 affordable dwellings on land at Swann Way, Broadbridge Heath under reference DC/16/2935. The total quantum of development over the three sites would comprise 14 affordable units and 25 market dwellings. This results in a 36% affordable housing provision across the three linked sites.

#### DESCRIPTION OF THE SITE

- 1.6 The application site is located within the built-up area boundary of Broadbridge Heath, in the eastern part of the village. The site lies to the west of Sleets Road and currently comprises a number of garages arranged in two blocks.
- 1.7 The application site lies in an area of prevailing residential character, which comprises a mix of three storey apartment blocks, two storey dwellings and bungalows. The properties to the immediate north of the site are single storey, with the properties to the west of the site being two storey. The remainder of the site is surrounded by three storey blocks of flats. There is a mixture of designs and styles of properties in the immediate area along with a range of materials, although the prevailing material is brick.

## 2. INTRODUCTION

#### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

#### RELEVANT GOVERNMENT POLICY

- 2.2 **National Planning Policy Framework:**  
 NPPF4 - Promoting sustainable transport  
 NPPF6 - Delivering a wide choice of high quality homes  
 NPPF7 - Requiring good design  
 NPPF14 - Presumption in favour of sustainable development

#### RELEVANT COUNCIL POLICY

- 2.3 **Horsham District Planning Framework (HDPF 2015)**  
 HDPF1 - Strategic Policy: Sustainable Development  
 HDPF2 - Strategic Policy: Strategic Development  
 HDPF 3 - Strategic Policy: Development Hierarchy  
 HDPF15 - Strategic Policy: Housing Provision  
 HDPF16 - Strategic Policy: Meeting Local Housing Needs  
 HDPF24 - Strategic Policy: Environmental Protection  
 HDPF32 - Strategic Policy: The Quality of New Development  
 HDPF33 - Development Principles  
 HDPF35 - Strategic Policy: Climate Change  
 HDPF37 - Sustainable Construction  
 HDPF40 - Sustainable Transport

HDPF41 - Parking

#### RELEVANT NEIGHBOURHOOD PLAN

- 2.3 There is no neighbourhood plan for the parish of Broadbridge Heath and no neighbourhood plan designation area application has been submitted.

#### PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.4 There is no recent relevant planning history for the site.

### 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](http://www.horsham.gov.uk).

#### INTERNAL CONSULTATIONS

- 3.2 **Drainage Engineer** – No objection subject to a condition requiring foul and surface water drainage details being agreed.
- 3.3 **Housing Services Manager** – No objection.
- 3.4 **Environmental Health** – No objection subject to conditions.

#### OUTSIDE AGENCIES

- 3.5 **Southern Water** – Formal applications for sewer diversion will be required to abandon/divert any public sewer and for a connection to the foul and surface water sewer. Recommends conditions/informatives
- 3.6 **West Sussex County Council Highways** – No objection subject to conditions

#### PARISH COUNCIL

- 3.7 **Broadbridge Heath Parish Council** – Objects to the application on the following grounds:
- Inadequate parking provision for the new dwellings
  - Detrimental effect of the lack of on-street parking are those elderly and disabled residents of Sleets Road and Swann Way
  - Lack of consultation by applicant
  - Loss of privacy and general amenity to local residents

#### MEMBERS COMMENTS

- 3.8 Councillor French has raised concerns in respect of car parking provision and loss of garaging facilities.

#### PUBLIC CONSULTATIONS

- 3.9 4 representations have been received which raise the following concerns:
- Loss of privacy and amenity
  - Concerns with safety of existing alleyway between Sleets Road and Sullington Way
  - Lack of parking provision for flats and wider area

- Loss of garage facilities
- No existing utilities to the garages (gas, water, electricity)
- Loss of green highway verges
- Congestion/highway safety concerns

#### **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 key issues for consideration in relation to this proposal are:

- Principle of development
- Housing
- Impact on the character and appearance of the surrounding area
- Impact on the privacy and amenity of neighbouring residential properties
- Highway safety impacts and car parking provision

##### Principle of development

- 6.2 The application seeks full planning permission for the construction of 9 flats comprising a mix of 6 one-bedroom flats and 3 two-bedroom flats, with associated parking and landscaping.
- 6.3 Policies within the HDPF seek to direct new development to the main settlements of the District to ensure that the countryside is protected from inappropriate development. The site is located within the built-up area boundary of Broadbridge Heath, categorised as a 'Small Towns and Larger Villages' in the HDPF, and therefore a settlement that has "*...a good range of services and facilities, strong community networks and local employment provision, together with reasonable rail and/or bus services. The settlements act as hubs for small villages to meet their daily needs, but also have some reliance on larger settlements/each other to meet some of their requirements.*" The principle of providing residential accommodation in this location is therefore supported.

##### Housing

- 6.4 Policy 16 of the HDPF states that on sites providing between 5 and 14 dwellings, the Council will require 20% of dwellings to be affordable, or, where on-site provision is not achievable a financial contribution equivalent to the cost of providing the units on site. On sites providing 15 or more dwellings, or on sites over 0.5 hectares, the Council will require 35% of dwellings to be affordable.
- 6.5 Whilst this proposal would deliver no affordable units of accommodation the application has been put forward in conjunction with two other applications. The proposed erection of 21 dwellings (16 market dwelling and 5 shared ownership) at Pelham and Waverley Court,

Horsham (ref. DC/16/2936); and, the proposed erection of 9 dwellings (all affordable rent) on land at Swann Way, Broadbridge Heath (ref: DC/16/2935). The total quantum of development over the three sites would comprise 14 affordable units and 25 market dwellings. This results in a 36% affordable housing provision across the three conjoined sites.

- 6.6 This approach has been considered by the Council's Housing Manager who has raised no objections to the applications (across the 3 sites), advising that smaller units are in great demand for those in housing need. Further, while the tenure split is 64% in favour of affordable rented accommodation (9 of the 14 units), slightly below the required 70/30 split detailed in the HDPF, this split is acceptable in this instance.
- 6.7 The affordable housing is to be secured through a s106 agreement which will also address the phasing of development across the three sites. It is considered that the three schemes can be physically constructed simultaneously, but that the units subject of this application and at Pelham and Waverley Court (ref: DC/16/2936) cannot be occupied until the Swann Way development (ref: DC/16/2935) is completed, with the Swan Way development providing the majority of the affordable dwellings. The development, would therefore accord with Policy 16 of the HDPF.

#### Character and appearance

- 6.8 Policies 32 and 33 of the HDPF require developments to be of a high quality and inclusive design based on a clear understanding of the context for development, and recognise any constraints to ensure that the scale, massing and appearance of the development is of a high standard of design and layout, are locally distinctive, favour the retention of important landscape and natural features and create safe environments.
- 6.9 The proposed building would be three storeys in height with a shallow pitched roof. The surrounding area is a mixture of single, two and three storey properties with the application site in the centre of a main settlement where there are a number of three storey blocks in the immediate vicinity. While a single-storey bungalow adjoins to the north there is considerable separation between the buildings which would ensure the transition in height causes no harm to the wider street scene. The proposed scale and roof form is therefore considered acceptable and would relate appropriately to surrounding development.
- 6.10 There is a mixture of styles of development in the area as a result of the growth of the area since the 1960's. The design and detailing of the development would comprise a brick finish which reflects the dominant material of the surrounding area. The scheme would incorporate sufficient articulation, through a central recess and windows / reveals, and this approach coupled with the variation in brick tone would help reduce the apparent mass and bulk of the building.
- 6.11 It is considered that the scale, layout, design and form of the proposed building would sufficiently reflect the design principles established by the nearby development and would not result in any harm to the character or appearance of the locality. The proposal is considered to accord with Policies 32 and 33 of the HDPF.

#### Impact on neighbouring amenity

- 6.12 Policy 33 of the HDPF requires development, amongst other matters, to not cause unacceptable harm to the amenity of surrounding occupiers through overlooking or noise. The Council's design guidance on house extensions sets out that window to window distance between any habitable rooms should be no less than 21 metres and where a black gable is proposed a minimum of 10.5 metres should be provided between the blank gable and any windows serving a habitable room in a neighbouring property.

- 6.13 The proposal is set approximately 21 metres from the bungalow to the north at its closet point; approximately 18.6 metres from the adjacent three storey block of flats to the south; and, approximately 23.9 metres from the rear of 72 Sullington Way (and 3.3 metres from the shared boundary with this property). While the proposed development would be visible from these neighbouring properties the separation distances, coupled with the mature planting along the rear of the site with properties on Sullington Way, is sufficient to ensure no harmful loss of light or outlook for adjoining residents.
- 6.14 The internal layout has been designed to prevent window openings to habitable rooms directly overlooking adjoining properties, with the windows to the rear elevation relating to bathrooms and being obscurely glazed. This arrangement would prevent any harmful downward overlooking for adjoining residents.

#### Highway considerations

- 6.15 A number of concerns have been raised relating to the perceived under provision of parking for future residents of the development, along with the implications of the loss of garages on the on-street parking provision.
- 6.16 A total of 12 unallocated car parking spaces are proposed for the 9 dwellings which the Highway Authority has advised meets the anticipated demand allocated in the parking demand calculator, which is accepted.
- 6.17 The development would result in the loss of 29 garages on the site which are currently used for a mixture of parking and informal storage. To assess the impact of this loss of parking the applicant undertook an overnight and daytime parking survey of capacity within a 250 metre radius of the site. The survey found that at times of peak parking stress there were still between 25 and 28 parking spaces available within 200m of the site. It is considered that potential overspill parking resulting from the proposal, and that at Swan Way (ref: DC/16/2935), could be accommodated in the surrounding area without detriment to neighbouring amenity or highway safety. The methodology and results of the parking survey have been accepted by the Highway Authority and it is therefore considered that a refusal of permission on highway / safety grounds would not be warranted.
- 6.18 The site currently benefits from 2 access points, one onto Sleets Road and one onto Swann Way. It is proposed for the existing access to Swann Way to remain unchanged to serve the 8 parking spaces proposed for the southern parking area. A new access onto Sleets Road is proposed at the sites north-eastern corner to provide access to 8 new parking spaces in the northern parking area. The existing vehicular access onto Sleets Road is to be closed to vehicular traffic and to be used as a cycle/pedestrian only access. It has been stated in the Transport Statement that the redesign of the access is to include the continuation of the footway however no detail plans of the redesign have been provided. A condition is therefore recommended to secure details of the access redesign.

#### **Contributions**

- 6.19 Policy 39 of the HDPF requires new development to meet its infrastructure needs. For this development, contributions would be required towards health provision, sports provision, community facilities, libraries, education, fire and rescue and transport infrastructure. In addition the provision of affordable housing needs to be secured through a legal agreement.
- 6.20 The developer contributions, secured in the event that planning permission is granted, would be allocated towards improvements within the local area, to ensure they benefit future residents of the development. The provision of a commuted sum for specific local



projects is considered a fair approach to deal with the cumulative pressure of additional residents on existing qualitative and quantitative deficiencies in the District and in this case, to enhance existing sport, recreation and community facilities in the local area.

### Other considerations

- 6.21 The Council's Environmental Health Team have commented that the submitted phase one and two site investigations identified some risks to future occupiers of the site but did not include the footprint of the garages, which will also need to be investigated. A condition is recommended requiring the submission of a scheme dealing with components of land contamination to be submitted and approved by the Local Planning Authority prior to commencement of works. This would include a preliminary risk assessment and a site investigation report.
- 6.22 The site is located within Flood Zone 1 where there is a low probability of flooding and where residential development is considered acceptable by the NPPF. Southern Water and the Council's Drainage Engineer have all raised no objection to this proposal, a condition is included on this recommendation requiring the submission and approval of details relating to the proposed means of foul and surface water drainage for the site. Subject to this condition, the scheme is in accordance with Policy 38 of the HDPF.

### Conclusions

- 6.23 Taking all matters into account, the proposal is considered an acceptable form of development. The scheme would result in an appropriate development in accordance with the requirements of the strategic and locational strategy policies of the HDPF. The scheme is considered to be in accordance with the requirements of the HDPF and NPPF and would result in a sustainable form of development. The proposal is also considered appropriate with respect to its impact on demand for travel and highway considerations, trees, sustainability, ecology and flooding.

## 7. RECOMMENDATIONS

- 7.1 It is recommended that planning permission is granted 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-Commencement Condition:** No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for, but not be limited to:
  - a. an indicative programme for carrying out of the works;
  - b. the arrangements for public consultation and liaison during the construction works;
  - c. the parking of vehicles of site operatives, contractors and visitors;
  - d. loading and unloading of vehicles, plant and materials;
  - e. storage of plant and materials and the siting of temporary buildings/structures used in and/or during constructing the development;

- f. the erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
- g. the provision of wheel washing facilities if necessary;
- h. measures to control the emission of dust and dirt during construction;
- i. a scheme for recycling/disposing of waste resulting from demolition and construction works including any hazardous waste;
- j. details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- k. measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s)

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of residents of the neighbouring properties during construction and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 4 **Pre-Commencement Condition:** No development shall commence until precise details of the existing and proposed finished floor levels of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **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 within the Arboricultural Appraisal Report, 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).

- 6 **Pre-Commencement Condition:** No development shall commence until a drainage strategy detailing the proposed means of foul and surface water disposal has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: As this matter is fundamental to ensure that the development is properly drained and to comply with Policy 38 of the Horsham District Planning Framework (2015).

- 7 **Pre-Commencement Condition:** No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site be submitted to and approved, in writing, by the local planning authority:

- (a) A preliminary risk assessment which has identified:
- all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - Potentially unacceptable risks arising from contamination at the site.

The following aspects (b) - (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

- (b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.
- (c) The intrusive site investigation results following (b) and, based on these, a detailed method statement, giving full details of the remediation measures required and how they are to be undertaken.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The development shall thereafter be carried out in accordance with the approved details. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

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

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

- 9 **Pre-Occupation Condition:** Prior to first occupation of the hereby approved development maximum visibility splays at all site access points shall be provided, by the cutting back of vegetation adjacent to the site access, in accordance with a plan to be submitted to and approved in writing by the Local Planning Authority. The

visibility splays shall be provided in accordance with the agreed details prior to the first occupation of the development. Once provided the splays shall thereafter be maintained and kept free of all obstructions over the height of 0.6m above adjoining carriageway level or otherwise agreed.

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

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

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

- 11 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, a landscape management plan (including long term design objectives, management responsibilities, a description of landscape components, management prescriptions, maintenance schedules and accompanying plan delineating areas of responsibility) for all communal landscape areas shall be submitted to and approved in writing by the Local Planning Authority. The landscape areas shall thereafter be managed and maintained in accordance with the approved details.

Reason: To ensure a satisfactory development and in the interests of visual amenity and nature conservation in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 12 **Pre-Occupation Condition:** No dwelling hereby permitted shall be occupied (or use hereby permitted commenced) unless and until provision for the storage of refuse/recycling has been made for that dwelling (or use) in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for use at all times.

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

- 13 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, details of all boundary walls and/or fences shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied (or use hereby permitted commenced) until the boundary treatments associated with that dwelling (or use) have been implemented as approved. The boundary treatments shall thereafter be maintained in accordance with the approved details.

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

- 14 **Pre-Occupation Condition:** The building hereby permitted shall not be occupied until the windows shown to be obscure glazed on drawing no's PL-005 and PL-006 have been fitted with obscured glazing.

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

- 15 **Pre-Occupation Condition:** No part of the development shall be first occupied until such time as the existing vehicular access onto Sleets Road has been closed to vehicular traffic and redesigned and constructed in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority.

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

- 16 **Pre-Occupation Condition:** No part of the development shall be first occupied until such time as the Sleets Road vehicular access serving the development has been constructed in accordance with the approved drawing.

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

- 17 **Pre-Occupation Condition:** No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with Policy 41 of the Horsham District Planning Framework (2015)

- 18 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, details of secure (and covered) cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied or use hereby permitted commenced until the approved cycle parking facilities associated with that dwelling or use have been fully implemented and made available for use. The provision for cycle parking shall thereafter be retained for use at all times.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

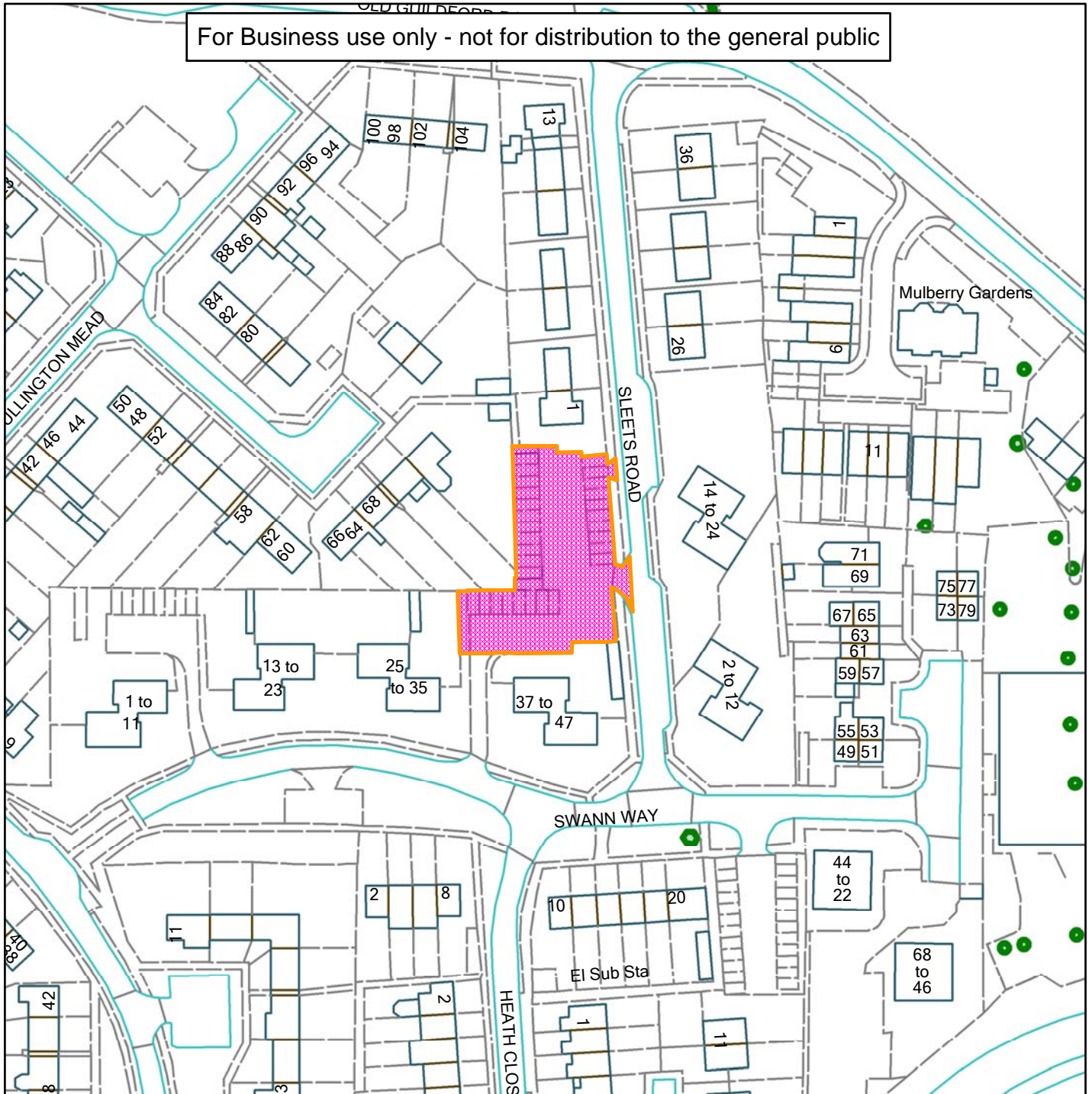
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Garage Block Sleets Road

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**Horsham  
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Council**

# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North  
**BY:** Development Manager  
**DATE:** 4 April 2017  
**DEVELOPMENT:** Retrospective application for the tarmacking of existing hardstanding area between stream and highway to front of site  
**SITE:** Twigs Bashurst Hill Itchingfield Horsham  
**WARD:** Itchingfield, Slinfold and Warnham  
**APPLICATION:** DC/16/2568  
**APPLICANT:** Mr Duncan Jagger

**REASON FOR INCLUSION ON THE AGENDA:** More than 8 representations have been received of a contrary view to the Officer recommendation and at the request of Councillor Youtan.

**RECOMMENDATION:** To grant planning permission subject to conditions

## **1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

### DESCRIPTION OF THE APPLICATION

1.2 The application seeks retrospective planning permission for the tarmacking of an area of land to the front of Twigs.

1.3 The application as originally submitted included an area measuring some 50 sqm however as a result on discussions with West Sussex County Council this has been reduced to some 17 sqm, with an amended plan submitted on 06.03.2017

1.4 The area of tarmac now provides a widened access into/out of the site rather than the provision of parking as previously proposed.

### DESCRIPTION OF THE SITE

1.5 The application site comprises a square-shaped residential plot, on which a two storey property has recently been constructed following the demolition of a bungalow that previously existed on the site. The plot is located on the west side of Bashurst Hill in a countryside location. Bashurst Hill is characterised by large detached dwellings set in very generous plots.

- 1.6 An area of land between a stream that runs to the front of the site and the highway and to the north of the existing vehicular crossover forms the site of this application.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT GOVERNMENT POLICY

- 2.2 **National Planning Policy Framework:**

NPPF7 - Requiring good design

NPPF11 - Conserving and enhancing the natural environment

NPPF14 - Presumption in favour of sustainable development

### RELEVANT COUNCIL POLICY

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

HDPF1 - Strategic Policy: Sustainable Development

HDPF2 - Strategic Policy: Strategic Development

HDPF25 - Strategic Policy: The Natural Environment and Landscape Character

HDPF26 - Strategic Policy: Countryside Protection

HDPF32 - Strategic Policy: The Quality of New Development

HDPF33 - Development Principles

HDPF40 - Sustainable Transport

HDPF41 - Parking

### RELEVANT NEIGHBOURHOOD PLAN

- 2.4 The Parish of Itchingfield was designated as a Neighbourhood Development Plan Area on 1 September 2015.

- 2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/08/1523	Demolition of existing bungalow and erection of a 3-bed dwelling and detached garage	Application Permitted on 05.09.2008
DC/11/0682	Renewal of unimplemented permission Ref DC/08/1523 (Demolition of existing bungalow and erection of a 3-bed dwelling and detached garage)	Application Permitted on 09.06.2011
DC/13/2058	Replacement of existing bungalow with chalet dwelling and detached garage	Application Permitted on 23.12.2013
DC/14/0626	Non-Material amendment to previously approved DC/13/2058 (Replacement of existing bungalow with chalet dwelling and detached garage) comprising alterations to windows, roof and minor design changes	Application Permitted on 28.08.2014
DC/14/2285	Material amendment to planning permission DC/13/2058 comprising of alterations to the roof	Application Permitted on 06.01.2015
DC/15/0989	Variation of plans compliance condition on DC/14/2285 to amend the siting and design of the proposed garage, including the installation of 2 x air source heat pumps on south east elevation and the siting of the cycle storage	Application Permitted on 09.08.2016

DC/15/1888	shed Retrospective application for the erection of a four bed chalet bungalow together with the erection of a detached garage with accommodation above and external air source heat pumps and erection of a cycle store.	Application Permitted on 09.08.2016
DC/16/2370	Removal of condition 14 following approval of application DC/15/1888 Relating to changing an opaque window to a transparent window.	Application Refused on 13.01.2017
DC/16/2567	Retrospective application for the erection of an oak framed pergola to the southern elevation of the property, black painted metal fencing and gates to the front of the property, and formation of earth bund adjacent to stream at front of the site	To be considered elsewhere on this Agenda

### 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](http://www.horsham.gov.uk).

#### OUTSIDE AGENCIES

- 3.2 **WSCC Highways** – No objection.
- 3.3 **Itchingfield Parish Council** – Objects to the application and requests that the driveway entrance is returned to the size and shape shown in the previous and now superseded plan

#### MEMBERS COMMENTS

- 3.4 **Councillor Youtan** – Requests that the application is brought before Committee due to the ongoing concerns regarding the applicant's non-compliance and disregard for what he has been told he should do

#### PUBLIC CONSULTATIONS

- 3.5 11 representations (from 9 households) were received to the scheme as originally submitted, objecting for the following reasons:-
- The applicant does not own the land the subject of the application
  - Inappropriate development for a country lane
  - No other properties park on Bashurst Hill
  - Sufficient parking within site
  - Adverse impact on character and appearance of Bashurst Hill
  - Precedent for other residents to do the same
  - Highway safety concerns
  - No license has been granted by WSCC
  - Condition 6 attached to DC/13/2058 required all parking to be within the site
- 3.6 In response to the amended plans a further 4 representations (from 3 households) were received, objecting for the following reasons:-
- Land ownership issues
  - Highway safety concerns

- Undesirable precedent

#### **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 key issues for consideration in relation to this proposal are:

- Impact on the character and appearance of the surrounding area
- Highway impacts

##### Character and appearance

- 6.2 Policies 32 and 33 of the HDPPF seek to ensure that development is of a high quality which makes efficient use of land and ensures that the scale, massing and appearance of development relates sympathetically with the built surroundings and is locally distinctive in character and represents the character of the surrounding area.
- 6.3 The application seeks retrospective planning permission for the tarmacking of an area of land to the front of Twigs. The application as originally submitted included an area measuring approximately 50sqm; however, following discussions with the Highway Authority this has been reduced to approximately 18sqm. The proposed area of tarmac now provides a widened access into / out of the site rather than the provision of parking as was originally proposed. It is considered that the amended plan significantly lessens the impact on the character and appearance of the site and wider streetscene, with the resulting visual impact considered acceptable.

##### Highways

- 6.4 The Highway Authority has raised no concerns in respect of the amended proposal, and there are no highway safety or capacity concerns. The works require further consent from the Highway Authority and this is a separate, non-planning, matter which would not be a reason to oppose the planning application.

### Other considerations

- 6.5 A number of local residents have advised that the approval of the hardstanding area at the front of Twigs would set a precedent for other properties on Bashurst Hill to undertake similar works. It should be noted that planning applications are considered on their own merits and if similar applications were submitted by neighbouring residents it would need to be shown that they were acceptable in terms of highway safety and the impact on the character and appearance of the area. This proposal, for the reasons outlined, is considered acceptable in respect of visual and highways impacts and as such any concerns regarding a precedent would not constitute a reason for refusal.
- 6.6 Concern has been raised by neighbours in respect of the site being on land not within the ownership of the applicant. WSCC Highways have advised that the site falls within publically maintained highway but not land within the ownership of WSCC. Notwithstanding this advice, landownership issues are not a material planning consideration and notice has been served on WSCC highways despite them advising that they are not the land owner.
- 6.7 In conclusion, subject to a condition requiring the land to be restored in accordance with details to be agreed, it is recommended that planning permission is approved.

## **7. RECOMMENDATIONS**

- 7.1 It is recommended that planning permission is granted subject to the following condition:
1. A list of the approved plans
  2. **Regulatory Condition:** Within one month of the date of this permission, details outlining the removal of the tarmacked area and the restoration of the affected land to grass verge, as indicated on the approved site layout plan received 3 March 2017, shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out within 2 months of the date of approval of the details and retained thereafter.

Reason: In the interests of the visual amenity of the area in accordance with policies 32 and 33 of the Horsham District Planning Framework (2015).

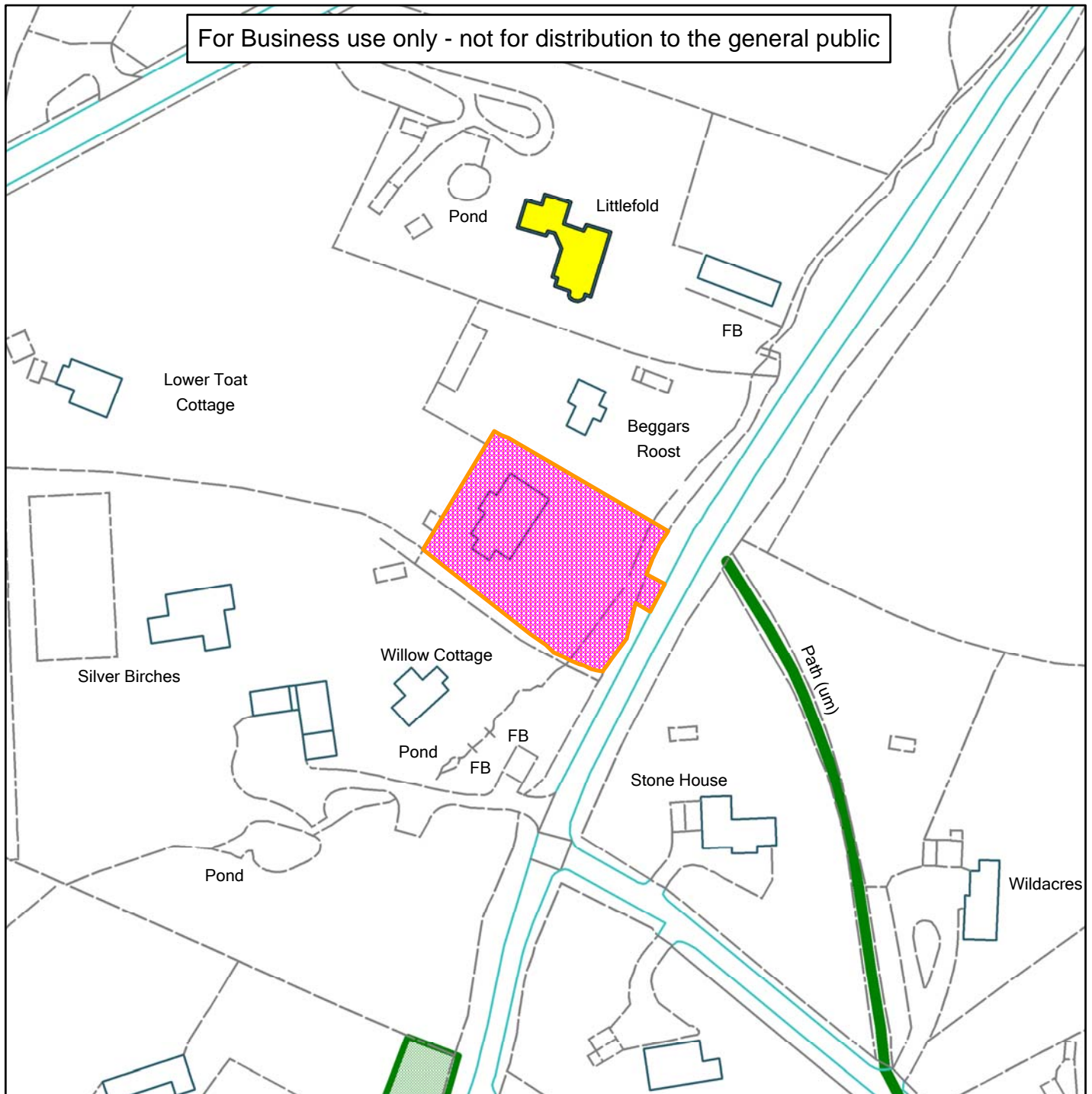
Background Papers: DC/13/2058, DC/14/0626, DC/14/2285, DC/15/0989 and DC/15/1888

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Twigs

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**Horsham  
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# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Development Manager

**DATE:** 4 April 2017

**DEVELOPMENT:** Retrospective application for the erection of an oak framed pergola to the southern elevation of the property, black painted metal fencing and gates to the front of the property, and formation of earth bund adjacent to stream at front of the site

**SITE:** Twigs Bashurst Hill Itchingfield Horsham

**WARD:** Itchingfield, Slinfold and Warnham

**APPLICATION:** DC/16/2567

**APPLICANT:** Mr Duncan Jagger

**REASON FOR INCLUSION ON THE AGENDA:** More than 8 representations have been received of a contrary view to the Officer recommendation and at the request of Councillor Youtan

**RECOMMENDATION:** To grant planning permission subject to conditions

## **1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

### DESCRIPTION OF THE APPLICATION

1.2 The application seeks retrospective application for the erection of an oak framed pergola to the southern elevation of the property, black painted metal fencing and gates to the front of the property, and formation of earth bund adjacent to stream at front of the site.

1.3 The proposal was amended as part of the application process to reduce the extent of fencing to the south and north of the existing access and to omit an earth bund previously proposed to the front of the site.

1.4 The proposal requires planning permission as permitted development rights for outbuildings and fencing were removed by condition (nos. 3 and 4) of an earlier planning permission on the site.

### DESCRIPTION OF THE SITE

1.5 The application site comprises a square-shaped residential plot, on which a two storey property has recently been constructed following the demolition of the bungalow that

existed on the site. The plot is located on the west side of Bashurst Hill in a countryside location. Bashurst Hill is characterised by large detached dwellings set in very generous plots.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT GOVERNMENT POLICY

- 2.2 **National Planning Policy Framework:**  
 NPPF7 - Requiring good design  
 NPPF11 - Conserving and enhancing the natural environment  
 NPPF14 - Presumption in favour of sustainable development

### RELEVANT COUNCIL POLICY

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

HDPF1 - Strategic Policy: Sustainable Development  
 HDPF2 - Strategic Policy: Strategic Development  
 HDPF25 - Strategic Policy: The Natural Environment and Landscape Character  
 HDPF26 - Strategic Policy: Countryside Protection  
 HDPF32 - Strategic Policy: The Quality of New Development  
 HDPF33 - Development Principles  
 HDPF40 - Sustainable Transport  
 HDPF41 - Parking

### RELEVANT NEIGHBOURHOOD PLAN

- 2.4 The Parish of Itchingfield was designated as a Neighbourhood Development Plan Area on 1 September 2015.

- 2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/08/1523	Demolition of existing bungalow and erection of a 3-bed dwelling and detached garage	Application Permitted on 05.09.2008
DC/11/0682	Renewal of unimplemented permission Ref DC/08/1523 (Demolition of existing bungalow and erection of a 3-bed dwelling and detached garage)	Application Permitted on 09.06.2011
DC/13/2058	Replacement of existing bungalow with chalet dwelling and detached garage	Application Permitted on 23.12.2013
DC/14/0626	Non-Material amendment to previously approved DC/13/2058 (Replacement of existing bungalow with chalet dwelling and detached garage) comprising alterations to windows, roof and minor design changes	Application Permitted on 28.08.2014
DC/14/2285	Material amendment to planning permission DC/13/2058 comprising of alterations to the roof	Application Permitted on 06.01.2015
DC/15/0989	Variation of plans compliance condition on	Application Permitted

	DC/14/2285 to amend the siting and design of the proposed garage, including the installation of 2 x air source heat pumps on south east elevation and the siting of the cycle storage shed	on 09.08.2016
DC/15/1888	Retrospective application for the erection of a four bed chalet bungalow together with the erection of a detached garage with accommodation above and external air source heat pumps and erection of a cycle store.	Application Permitted on 09.08.2016
DC/16/2370	Removal of condition 14 following approval of application DC/15/1888 Relating to changing an opaque window to a transparent window.	Application Refused on 13.01.2017
DC/16/2568	Retrospective application for the tarmacking of existing hardstanding area between stream and highway to front of site	To be considered elsewhere on this Agenda

### 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](http://www.horsham.gov.uk).

#### OUTSIDE AGENCIES

- 3.2 **WSCC Highways** – No objection
- 3.3 **Itchingfield Parish Council** – Objects to the application and requests that bund is removed and the driveway entrance is returned to the size and shape shown in the previous and now superseded plan

#### MEMBERS COMMENTS

- 3.4 **Councillor Youtan** – Requests that the application is brought before Committee due to the ongoing concerns regarding the applicant's non-compliance and disregard for what he has been told he should do

#### PUBLIC CONSULTATIONS

- 3.5 9 representations (from 7 households) were received to the scheme as originally submitted, objecting for the following reasons:-
- The applicant does not own the land the subject of the application
  - Inappropriate development for a country lane
  - Adverse impact on character and appearance of Bashurst Hill
  - Precedent for other residents to do the same
  - Highway safety concerns
  - Condition 6 attached to DC/13/2058 required all parking to be within the site
- 3.6 In response to the amended plans a further 3 representations (from 2 households) were received, objecting for the following reasons:-
- Land ownership issues

#### **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 key issues for consideration in relation to this proposal are:

- Impact on the character and appearance of the surrounding area
- Impact on the privacy and amenity of occupiers of neighbouring properties

##### Character and appearance

- 6.2 Policies 32 and 33 of the HDPF seek to ensure that development is of a high quality which makes efficient use of land and ensures that the scale, massing and appearance of development relates sympathetically with the built surroundings and is locally distinctive in character and represents the character of the surrounding area.

- 6.3 As part of the application process amended plans were received. The plans reduce the extent of fencing proposed to the south of the access by 4.5 metres, with a reduction of 2 metres to the northern side of the access, and omit the earth bund to the frontage of the site. While concerns have been received the proposed style of fencing is commonly seen in rural locations and is often used to define country estates and parkland boundaries. The fencing represents a lightweight structure, is visually unobtrusive, and has been reduced in its extent from that originally proposed and installed. For these reasons the fencing is considered to be appropriate in this location and does not result in harm to the character or appearance of the site or surroundings.

- 6.4 The pergola to the south of the dwelling is of oak framed construction with a footprint measuring approximately 3 metres by 5 metres rising to a height of approximately 2.4 metres. The pergola is of simple form and design, appears clearly secondary in scale to the main dwelling and is not unduly prominent in views from the public realm. As such the pergola has no detrimental impact on the character or appearance of the site or surroundings.

##### Impact on neighbouring amenity

- 6.5 The siting and nature of the proposed pergola and fencing would not result in any adverse impact by way of loss of light, privacy or outlook for neighbouring residents.

##### Other considerations

- 6.6 Concern has been raised by neighbours in respect of the site being on land not within the ownership of the applicant. WSCC Highways have advised that the site falls within publically maintained highway but not land within the ownership of WSCC. Notwithstanding this advice, land ownership issues are not a material planning consideration and notice has been served on WSCC highways despite them advising that

they are not the land owner. Following the submission of the amended plan, WSCC Highways are satisfied that the railings no longer enclose land considered to be publically maintained highway and that the position of the fence does not interfere with visibility at the access point and therefore there would be no highways ground to resist this aspect of the proposal.

- 6.7 A previously proposed bund has been omitted from the plans and no longer forms part of the application. Any concerns relating to this element of the scheme have therefore been overcome.
- 6.7 A number of local residents have advised that the approval of fencing would set a precedent for other properties on Bashurst Hill to undertake similar works. It should be noted that planning applications are considered on their own merits and if similar applications were submitted by neighbouring residents it would need to be shown that they were acceptable in terms of highway safety and the impact on the character and appearance of the area. This proposal, for the reasons outlined, is considered acceptable and as such any concerns regarding a precedent would not constitute a reason for refusal.

#### Conclusion

- 6.6 In conclusion, subject to conditions requiring the bund and sections of the fencing shown to be removed being removed and the land being restored to its previous condition, it is recommended that planning permission is approved.

## **7. RECOMMENDATIONS**

- 7.1 It is recommended that planning permission is granted subject to the following condition and informative:
1. A list of the approved plans

#### **NOTE TO APPLICANT**

It is noted that works have been undertaken on the site over and above that forming part of this application, namely the earth bund and additional length of railings either side of the access. The applicant is advised that the Compliance Team will be investigating these works and are likely to require their removal within 2 months of the date of this permission.

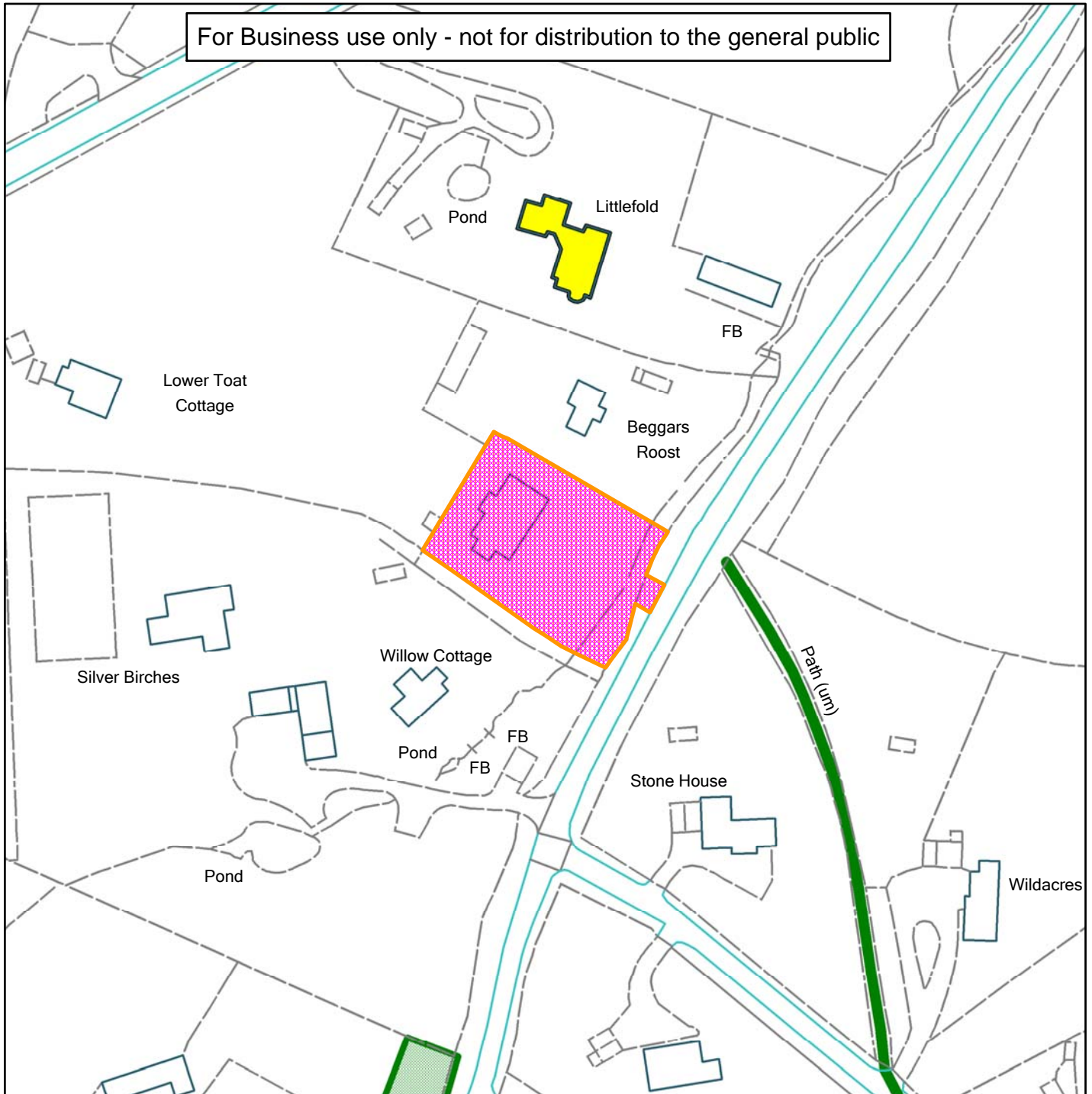
Background Papers: DC/13/2058, DC/14/0626, DC/14/2285, DC/15/0989 and DC/15/1888

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Twigs

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**Horsham  
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# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Development Manager

**DATE:** 4 April 2017

**DEVELOPMENT:** Surgery to 1 x ash tree

**SITE:** Land east of Woodlands Walk, Mannings Heath

**WARD:** Nuthurst

**APPLICATION:** DC/16/2618

**APPLICANT:** Horsham District Council

**REASON FOR INCLUSION ON THE AGENDA:** Application from Horsham District Council.

**RECOMMENDATION:** To grant consent

## **1. THE PURPOSE OF THIS REPORT**

1.1 To consider the application.

### DESCRIPTION OF THE APPLICATION

1.2 The application proposes surgery to an ash tree.

### DESCRIPTION OF THE SITE

1.3 The tree is sited within a wooded strip to the east of 23 Woodlands Walk.

### PLANNING HISTORY

1.4 The tree is protected under individual Tree Preservation Order (TPO) No. 947, confirmed on 24<sup>th</sup> August 1998. It is designated as T23.

1.5 Previous applications for surgery have been approved at *DC/07/2363* and *DC/11/1382*.

## **2. INTRODUCTION**

### STATUTORY BACKGROUND

2.1 As a tree subject to a TPO, it is a legal requirement that any person wishing to undertake works to any live part make an application to the Local Planning Authority under the **Town & Country Planning (Tree Preservation) (England) Regulations 2012**.

## RELEVANT GOVERNMENT POLICY

- 2.2 Members are advised of the principles of good practice set out in the on-line publication **Tree Preservation Orders and trees in conservation areas** (<http://planningguidance.planningportal.gov.uk/>, dated 06 03 2014).

## 3. OUTCOME OF CONSULTATIONS

- 3.1 Nuthurst Parish Council has stated no objection to the proposal.

## 4. HOW THE PROPOSED COURSE OF ACTION PROMOTES HUMAN RIGHTS

Article 8 of the Human Rights Act 1998 is relevant to this application. Human rights issues form part of the planning assessment below.

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

Not applicable in this case.

## 6. PLANNING ASSESSMENT

- 6.1 The tree in question is a large semi-mature ash sited on land owned by Horsham District Council. It has relatively moderate amenity value in the local landscape only.
- 6.2 Subsequent to various limb failures an aerial inspection was undertaken by the Council's appointed arboricultural contractors on 7<sup>th</sup> November 2016 to evaluate the condition of the branch junctions situated directly adjacent to the large historic wound located at 5m above ground level on the south-west side of the trunk. On further inspection, extensive decay was identified in the vicinity of the wound, in places extending into the upper canopy.
- 6.3 In regard to this decay colonisation, the Council's Trees and Woodlands Officer considers it prudent to reduce the mechanical loading on this potentially weakened area by reducing the canopy overall by up to 30%.
- 6.4 In regard to the moderate amenity value of this tree, it is not considered that the works will result in any harm to the character and amenities of the area. The work is compliant with **BS 3998 'Tree Work - Recommendations' (2010)** and appears justified and prudent.

## 7. RECOMMENDATIONS

It is recommended that the application be granted, subject to the following conditions:

1. TR2 - Time limit.  
The tree work to which this consent relates shall be carried out within two calendar years of the date of this consent.  
  
Reason: To enable the Local Planning Authority to review the need for the works in the event of this consent not being implemented.
2. TR3 - Treeworks limit.  
The tree work to which this consent relates shall be limited to:

- (a) Carry out surgery works exactly as specified within schedule of proposed works submitted with application.

Reason: For the avoidance of doubt.

3. TR4 - Surgery standards.

The surgery to which this consent relates shall be carried out in accordance with BS 3998 'Recommendations for Tree Work' (2010). Where applicable, retained side shoots intended to form the new dominant shoot must be at least 30% of the diameter of the parent branch.

Reason: To ensure that the surgery is carried out in accordance with best arboricultural practice.

Notes to Applicant

TINF1 - Works limitations

The applicant is strongly advised to ensure that the contractor carrying out the work is made aware of the above conditions. Should the works carried out exceed that which is permitted then it may be open to the Local Planning Authority to take prosecution action against the owner of the tree(s) and the contractor. If the applicant is unclear about any aspect of the specification for works, they are strongly advised to contact the Council's Arboricultural Officer on 01403 215515 prior to the commencement of the works.

TINF2 - Wildlife protection

The applicants attention is drawn to the provisions of both the Wildlife and Countryside Act 1981, and the Countryside & Rights of Way Act 2000. Under the 2000 Act, it is an offence both to intentionally or recklessly destroy a bat roost, regardless of whether the bat is in the roost at the time of inspection. All trees should therefore be thoroughly checked for the existence of bat roosts prior to any works taking place. If in doubt, the applicant is advised to contact the Bat Conservation Trust at Quadrant House, 250 Kennington Lane, London, SE11 5RD. Details: Tel: 0345 1300 228; E-mail: [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk)

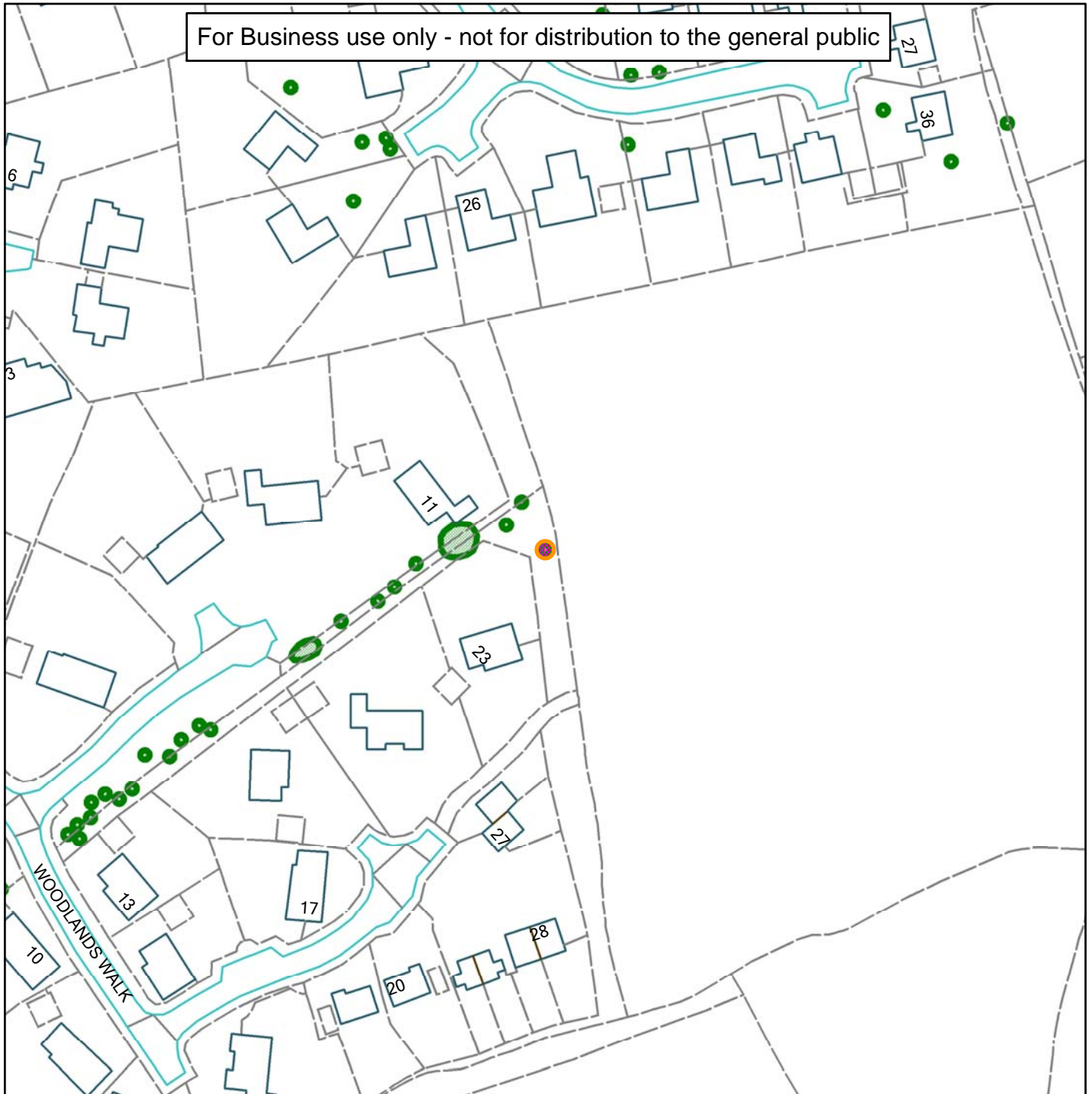
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Land East of Woodlands Walk

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