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# Planning Committee (North)

**Tuesday, 5th September, 2017 at 5.30 pm**  
**Conference Room, Parkside, Chart Way, Horsham**

Councillors:

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

You are summoned to the meeting to transact the following business

Tom Crowley  
Chief Executive

## Agenda

	<b>Page No.</b>
<b>GUIDANCE ON PLANNING COMMITTEE PROCEDURE</b>	
1. <b>Apologies for absence</b>	
2. <b>Minutes</b>	5 - 10
To approve as correct the minutes of the meeting held on 1 August 2017 <i>(Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to <a href="mailto:committeeservices@horsham.gov.uk">committeeservices@horsham.gov.uk</a> at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)</i>	
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	

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

- |     |   |          |
|-----|---|----------|
| 5.  | <b>Appeals</b>  | 11 - 14  |
|     | Applications for determination by Committee:  |          |
| 6.  | <b>DC/17/1689 - Horsham Park, North Street, Horsham (Ward: Horsham Park) Applicant: Mr Richard Bradley</b>                                      | 15 - 26  |
| 7.  | <b>DC/17/0815 - Land at Church Road, Mannings Heath (Ward: Nuthurst) Applicant: Mr Alexander Ealey</b>  | 27 - 38  |
| 8.  | <b>DC/17/1158 - Former Swallowfields Nursery, Church Road, Mannings Heath (Ward: Nuthurst) Applicant: Bayleaf Homes Ltd</b>                     | 39 - 58  |
| 9.  | <b>DC/17/1528 - Land East of A24, Worthing Road, Horsham (Ward: Denne) Applicant: Miss Lisa Parchment</b>                                       | 59 - 66  |
| 10. | <b>TPO/1500 - Hills Farm Allotment Gardens, Guildford Road, Horsham (Ward: Denne) Applicant: Horsham District Council</b>                       | 67 - 72  |
| 11. | <b>DC/17/0586 - Car Park, Hurst Road, Horsham (Ward: Horsham Park) Applicant: Horsham District Council</b>                                      | 73 - 82  |
| 12. | <b>DC/17/1458 - Vivians, North Heath Lane, Horsham (Ward: Holbrook East) Applicant: Broughtonwood Homes</b>                                     | 83 - 96  |
| 13. | <b>DC/17/0786 - Trinity Hall, Rushams Road, Horsham (Ward: Trafalgar) Applicant: Brix Ltd</b>   | 97 - 108 |
| 14. | <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 |          |

# Agenda Annex

## GUIDANCE ON PLANNING COMMITTEE PROCEDURE

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

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

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

**Planning Committee (North)**  
**1 AUGUST 2017**

Present: Councillors: Liz Kitchen (Chairman), Karen Burgess (Vice-Chairman), John Bailey, Andrew Baldwin, Toni Bradnum, Peter Burgess, John Chidlow, Leonard Crosbie, Billy Greening, Godfrey Newman, Brian O'Connell, Stuart Ritchie, Simon Torn, Claire Vickers and Tricia Youtan

Apologies: Councillors: Alan Britten, Roy Cornell, Christine Costin, Jonathan Dancer, Matthew French, Tony Hogben, Adrian Lee, Christian Mitchell, Josh Murphy, Connor Relleen and David Skipp

PCN/24 **MINUTES**

The minutes of the meeting of the Committee held on 4 July were approved as a correct record and signed by the Chairman.

PCN/25 **DECLARATIONS OF MEMBERS' INTERESTS**

Councillor Liz Kitchen – Personal – DC/17/0587

Councillor Brian O'Connell – Prejudicial – DC/17/0967

PCN/26 **ANNOUNCEMENTS**

There were no announcements.

PCN/27 **APPEALS**

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

PCN/28 **DC/17/0587 - HOLMBUSH FARM, CRAWLEY ROAD, FAYGATE (WARD: RUSPER AND COLGATE) APPLICANT: MR GILES CHATER**

The Head of Development reported that this application sought permission for temporary change of use to allow for 'Tough Mudder' outdoor activity events to be held for up to three days per year. Four weeks of engineering operations prior to the event would be needed to create the obstacle course for the participants, and two weeks after the event to restore the site. The Tough Mudder event therefore required up to eight weeks use of the site, with the event itself lasting three days.

The 2017 event was scheduled for Saturday 16, Saturday 23 and Sunday 24 September. It was anticipated that this annual event would take place up to

and including 2020 when the rental agreement between Tough Mudder and the landowner ended.

The application also included associated car parking west of Holmbush Farm, a base camp providing refreshment and other facilities and camp site. Amplified music would be played at some obstacles and within the base camp.

The application site was located on the westbound side of the A264 between the Kilnwood Vale and Faygate roundabouts and was part of the Holmbush Farm estate. The wider estate included arable land, ancient woodland, forestry and livestock. There were also commercial units on the site and a number of outdoor activities organised by Holmbush Events. The site was within the High Weald Area of Outstanding Natural Beauty (AONB). There were residential properties within the estate, including Holmbush House that contained five flats within a Grade II\* listed building.

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 unless certain concerns were addressed. Twenty-two letters of objection, from 14 households had been received. One of the objections was from the Holmbush House Management Company. There had been three letters of support. Two members of the public spoke in objection to the application.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; its impact on highway safety and transport issues; the amenity of occupiers of neighbouring properties; landscape; heritage assets; and ancient woodland and biodiversity.

Members concluded that subject to officers having further talks with Tough Mudder about screening and zoning issues, and given the reversible nature of the operation and the short duration of the actual event, any identified harm would be very limited and not sufficient to warrant refusal.

RESOLVED

That planning application DC/17/0587 be granted subject to the conditions and reasons as reported.

PCN/29 **DC/17/0486 - UPPER TOTEHILL COTTAGE, FIVE OAKS ROAD, SLINFOLD (WARD: ITCHINGFIELD, SLINFOLD AND WARNHAM) APPLICANT: PATHWAY HEALTHCARE**

The Head of Development reported that this application sought permission for change of use from a dwelling to a seven bedroom residential care home with

one 1-bedroom flat, totalling eight residents. Alterations to elevations including erection of a front porch and rear conservatory were also proposed.

The application site was outside the built-up area south of Five Oaks Road and comprised a vacant two-storey building with parking to the rear, and a number of ancillary buildings. An area of ancient woodland separated the site from two neighbouring properties to the south and west. Broadbridge Heath was just over two kilometres away.

Details of relevant government and council policies, and relevant planning history and previous use of the building, 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 original application and had not commented on subsequent amendments. There had been 36 letters, 18 of which were from one household, objecting to the original application and subsequent amendments. Three members of the public spoke in objection to the application and the applicant's agent addressed the Committee in support of the proposal.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development; its impact on the character and visual amenities of the area; the amenity of neighbours and future occupiers; parking and highway safety; and sustainability.

#### RESOLVED

That planning application DC/17/0486 be granted subject to the conditions and reasons as reported.

PCN/30 **DC/17/0954 - THE OLD SCHOOL, BRIGHTON ROAD, LOWER BEEDING  
(WARD: NUTHURST) APPLICANT: MR & MRS LLOYD**

The Head of Development reported that this application sought permission for the erection of a chalet style L-shaped 3-bedroom dwelling, detached triple garage and a new driveway with hard-standing. The driveway serving the Old School House would be retained and extended to serve the new dwelling.

The application site was located outside the built-up area and comprised the paddock and curtilage of the Old School House. It was close to Lower Beeding on the north side of Brighton Road, in a cluster of dwellings. The site boundaries were densely screened by vegetation.

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 raised no objection to the application. Fourteen letters of support and one of comment had been received. One member of the public, the applicant and the applicant's agent addressed the Committee in support of the proposal. A representative of the Parish Council spoke in support of the application.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the character of the dwelling and the visual amenities of the street scene; the amenity of nearby residents; the amenity of future occupiers; highways; and trees.

#### RESOLVED

That planning application DC/17/0954 be determined by the Head of Development for the framing of conditions. The view of the Committee was that the application should be granted.

PCN/31 **DC/17/0586 - CAR PARK, HURST ROAD, HORSHAM (WARD: HORSHAM PARK) APPLICANT: HORSHAM DISTRICT COUNCIL**

The Head of Development reported that this application sought permission to reconfigure an existing car park to create an additional 37 spaces plus two additional disabled accessible spaces. The reconfiguration would take place in conjunction with the introduction of a ticketless system.

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

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

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

The Parish Council raised no objection to the application. 4 letters of objection had been received. Two members of the public 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: Highways; Character and appearance; Impact on neighbouring amenity.

Members considered aspects of the proposal, in particular the safety of cyclists and pedestrians entering the car park.



Members concluded that until further information could be obtained on the safety of this reconfiguration the application should be deferred.

RESOLVED

That planning application DC/17/0586 be deferred in order to obtain further safety information on the reconfiguration of the car park.

PCN/32 **DC/17/0967 - HORSHAM AMBULANCE STATION, HURST ROAD, HORSHAM (WARD: HORSHAM PARK) APPLICANT: HORSHAM DISTRICT COUNCIL**

The Head of Development reported that this application sought permission for the change of use of an existing building from an Ambulance Station to a D1 use. It was proposed that the building would be used by two theatre groups. Internal changes were proposed to include a rehearsal space, a workshop and storage areas, changing rooms, wardrobes, accessible toilet, changing rooms, kitchen area and toilets.

The application site was located on the south-western side of Hurst Road with the surrounding area predominately consisting of commercial and community services.

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 raised no objection to the application.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: change of use; the effect of the development on the amenities of the occupiers of adjoining properties; the effect of the development on the existing parking and traffic conditions in the area.

RESOLVED

That planning application DC/17/0967 be granted subject to the conditions and reasons as reported.

PCN/33 **DISC/17/0232 - BROADBRIDGE HEATH SPORTS CENTRE, WICKHURST LANE, BROADBRIDGE HEATH (WARD: BROADBRIDGE HEATH) APPLICANT: MR BRIAN ELLIOTT**

The Head of Development reminded Members that in November 2016 the Committee had granted permission DC/16/1844 for the erection of a new two-

storey leisure centre with associated parking, landscaping and facilities (Minute No. DMN/60 (01.11.16) refers). This application sought to agree details of a Construction Environment Management Plan required under Condition 6, and a drainage strategy required under Condition 10.

The application site was within the built-up area of Broadbridge Heath and comprised the Broadbridge Heath Leisure Centre and Multi-Use Games Areas (MUGAs) adjacent to the east. To the south lay land for sports pitches related to the Wickhurst Green development. The Access road to the indoor bowls centre and Tesco car park were to the north, and the bowls centre and A24 to the east.

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

The Parish Council had not commented on the proposal. There had been no other responses to the public consultation.

Members considered the officer's planning assessment and whether the Construction Phase Health & Safety Plan submitted by the applicant satisfied the requirements of Condition 6, and whether the detailed drainage strategy was satisfactory. It was noted that Southern Water had raised no concerns regarding capacity and would be able to agree to the condition once links to the public sewer had been clarified.

RESOLVED

That application DISC/17/0232 for approval of details pursuant to Condition 6 and Condition 10 of DC/16/1844 be approved.

*The meeting closed at 7.32 pm having commenced at 5.30 pm*

CHAIRMAN

## Planning Committee North

Date: 5<sup>th</sup> September 2017

Report on Appeals: 20/07/2017 to 18/08/2017

### 1. Appeals Lodged

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

Ref No.	Site	Date Lodged	Officer Recommendation	Committee Resolution
DC/16/2776	Greenfield Farm House Charlwood Road Ifield Crawley West Sussex RH11 0JZ	25/07/2017	Refuse	-
DC/17/0070	Land To The Rear of 27 Millfield Millfield Southwater West Sussex	25/07/2017	Refuse	-
DC/17/0711	Smithawe Farm Nowhurst Lane Broadbridge Heath Horsham West Sussex RH12 3PJ	26/07/2017	Refuse	-
DC/17/0712	Smithawe Farm Nowhurst Lane Broadbridge Heath Horsham West Sussex RH12 3PJ	26/07/2017	Refuse	-
DC/16/2423	Lyons Farm House Lyons Road Slinfold Horsham West Sussex RH13 0TD	02/08/2017	Refuse	-
EN/16/0435	Redgates Burnthouse Lane Lower Beeding Horsham West Sussex RH13 6NN	10/08/2017	Refuse	-
DC/17/1012	12 Hayes Lane Slinfold Horsham West Sussex RH13 0SQ	10/08/2017	Refuse	-
DC/17/0280	Little Pilfolds Tower Hill Horsham West Sussex RH13 0JZ	12/08/2017	Refuse	-

## 2. Live Appeals

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

Ref No.	Site	Appeal Procedure	Start Date	Officer Recommendation	Committee Resolution
DC/16/2785	Hunters Oak Faygate Lane Faygate Horsham West Sussex RH12 4SJ	Written Reps	08/08/2017	Refuse	-

## 3. Appeal Decisions

HDC 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/16/1717	Redgates Burnthouse Lane Lower Beeding Horsham West Sussex RH13 6NN	Written Reps	Dismissed	Prior Approval Required and Refused	-
DC/16/1016	Park North and North Point North Street Horsham West Sussex RH12 1RG	Written Reps	Allowed	Permit	Application Refused
DC/16/2527	Farm Buildings Hawthorns Bar Lane Southwater West Sussex	Written Reps	Dismissed	Prior Approval Required and Refused	-
DC/16/2284	Guildford Road Rudgwick West Sussex RH12 3JD	Written Reps	Dismissed	Refuse	-
DC/16/2349	Brooke House 46 Comptons Lane Horsham West Sussex RH13 5NY	Written Reps	Dismissed	Refuse	-
DC/16/2350	Brooke House 46 Comptons Lane Horsham West Sussex RH13 5NY	Written Reps	Dismissed	Refuse	-
DC/16/1490	Fairlee Cottage Bucks Green Rudgwick Horsham West Sussex RH12 3JE	Public Inquiry	Withdrawn	Refuse	Application Refused

DC/16/2375	Baynards Motor Company Rowhook Hill Farm Bognor Road Broadbridge Heath Horsham West Sussex RH12 3PS	Written Reps	Dismissed	Refuse	-
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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 05 September 2017

**DEVELOPMENT:** Temporary change of use of existing volleyball court and the erection of a temporary 35(W) x 30(L) x 5.1(H) marquee (housing ice rink, cafe and reception) for 102 days between 20th October 2017 and 28th January 2018. Proposed opening hours of 10am-9pm, 7 days a week, excluding Christmas Day.

**SITE:** Horsham Park North Street Horsham West Sussex

**WARD:** Horsham Park

**APPLICATION:** DC/17/1689

**APPLICANT:** **Name:** Mr Richard Bradley, Horsham Outdoor Events Ltd  
**Address:** Chapel House Jarvis Lane Steyning

**REASON FOR INCLUSION ON THE AGENDA:** More than 8 letters of representation have been received contrary to the Officer's recommendation

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

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

To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

- 1.1 Temporary planning permission is sought for a change of use of the site from an existing outdoor parkland area to an ice skating rink, including the erection of an enclosed marquee hosting the rink, reception area, and bar. The ice skating rink will operate for a total of 102 days between the 20<sup>th</sup> October 2017 to the 28<sup>th</sup> January 2018, running every day from 10am to 9pm, excluding Christmas Day. The proposed enclosed marquee will measure 35m in width, 30m depth and host a pitched roof with an eaves height of 3.2m and a ridge height of 5.2m. It will enclose an area totalling 900m<sup>2</sup>, and will be mounted on a temporary timber platform/frame. The site's use and condition will revert back to public parkland following the event.

#### DESCRIPTION OF THE SITE

- 1.2 The application relates to a volleyball court located within the south-western section of Horsham Park, on a site which formerly comprised a nursery school and associated land. The site is within a wooded area close to the Park House parking area, north of the B2195 (North Street) and south of The Pavilions in the Park. The volleyball court measures

approximately 23m in length by 12m in width, consisting of a sand floor covering, imbedded into the ground, and is surrounded by grass.

## 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:**

NPPF2 - Ensuring the vitality of town centres

NPPF4 - Promoting sustainable transport

NPPF7 - Requiring good design

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

HDPF1 - Strategic Policy: Sustainable Development

HDPF5 - Strategic Policy: Horsham Town

HDPF7 - Strategic Policy: Economic Growth

HDPF9 - Employment Development

HDPF11 - Tourism and Cultural Facilities

HDPF12 - Strategic Policy: Vitality and Viability of Existing Retail Centres

HDPF32 - Strategic Policy: The Quality of New Development

HDPF33 - Development Principles

HDPF34 - Cultural and Heritage Assets

HDPF40 - Sustainable Transport

HDPF41 - Parking

HDPF43 - Community Facilities, Leisure and Recreation

### RELEVANT NEIGHBOURHOOD PLAN

- 2.2 The site is located within the boundary of the Horsham Blueprint Neighbourhood Forum which was confirmed as a designated Neighbourhood Forum area in June 2015. As the Forum is in early stages of producing a Neighbourhood Plan, no weight can be given to this process at this stage in the determination of this application.

### PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/17/1453	Proposed formation of hardstanding and change of use from open space to mixed use recreation and event space	Under Consideration
DC/08/0952	Change of use of land from former nursery back to parkland	Approved 17.06.2008

## 3. OUTCOME OF CONSULTATIONS

### INTERNAL CONSULTATIONS

- 3.1 **Arboricultural Officer** –The height of the proposed marquee in its current position would interfere with a portion of the canopy of the nearby oak tree.
- 3.2 **Conservation Officer** – No objection in principle, due to the temporary nature of the development and subject to conditions and making good of the site following the event.
- 3.3 **Public Health and Licensing** – No objection.



- 3.4 **Strategic Planning** – No objection.
- 3.5 **Town Centres Manager** – Strongly supports this application to bring the previously successful ice skating rink closer to Horsham Town Centre in this location.
- 3.6 **Landscape Architect** – No objection in principle, due to the temporary nature of the development and subject to conditions and making good of the site following the event.
- 3.7 **Parks and Countryside** – No objection, on the grounds that no works are undertaken to any trees surrounding the site.

#### OUTSIDE AGENCIES

- 3.8 **Historic England** – No objection, in principle. Any material impact on the setting and character of the listed building would be transient (on the basis that the site can be appropriately reinstated/restored after the skating event).

#### PUBLIC CONSULTATIONS

- 3.9 **Denne Neighbourhood Council** – Supports the application and therefore has no objection to the proposal. Horsham Denne Neighbourhood Council has taken note of the many concerns and objections expressed, but believe that this application for the temporary ice rink will be of benefit to the community and not harm the Park or cause insurmountable problems.
- 3.10 **Trafalgar Neighbourhood Council** – Objects to the application, as the event would run for an unacceptable amount of time, which would cause harm to the landscape and trees surrounding the site, and would restrict the overall enjoyment of the park.
- 3.11 One hundred and sixty (160) letters of representation have been received within the consultation period, four (4) of which supported the application for the following reasons:
- More appropriate siting than previous event
  - Better transport links from town and surrounding areas
  - Makes use of underused area within the Park
  - Event will attract more people to the town
- 3.12 One hundred and fifty six (156) objected to the proposal on the following grounds:
- Overdevelopment of park resulting in the loss of greenspace.
  - Loss of amenity space for park users.
  - Disuse of volley ball court should not validate a reason for its removal.
  - Negative highway and increased traffic impact on existing parking areas and streets.
  - Increased noise pollution when used.
  - Potential environmental damage.
  - Potential increase in anti-social behaviour.

#### **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 It is considered that the principle issues in the determination of the application are:

- a) Principle of the Development;
- b) Visual Impact;
- c) Impact on neighbouring Listed Building/Wall;
- d) Impact on neighbouring amenity, and;
- e) Impact on Highways

### Principle of the Development

- 6.2 The application site historically comprised a nursery school before being returned to parkland. The site currently comprises a volleyball court and parkland which policy 43 of the Horsham District Planning Framework (2015) would seek to retain unless equally usable facilities can be conveniently provided nearby. The applicant has advised that the existing volleyball court is currently underused and while there is no intention to temporarily relocate the facility within the park during the life of the event, Horsham Park hosts a variety of outdoor activities, including tennis courts, football / rugby pitches, a bowling club and walking and cycling routes with extensive parkland providing space for other informal recreational activities. The Parks and Countryside team intends to provide an outdoor gym within close proximity to the existing court in the near future. As such, the temporary loss of the volleyball court is not considered detrimental to the community enjoyment of Horsham Park and the proposed hardstanding would facilitate additional and informal public use.
- 6.3 The site has strong connections to the main town, including short bus routes to the centre and surrounding areas, a strong rail link outside of town, and a short walk to the centre of the main town. The proposal would contribute to a strong, responsive, and competitive economy, which would also result in supporting a strong and vibrant community throughout the Christmas period. The development is also expected to promote tourism and enhance local cultural facilities, due to the proximity of the site in relation to the centre of the main town, by attracting business and custom to the town centre and the park. The proposed development would therefore have positive economic and social benefits, and as such the principle of the development is therefore supported, in accordance with Policies 5, 7, 9, 11, and 12 of the Horsham District Planning Framework (2015).

### Visual Impact

- 6.4 In regards to the resulting appearance of the temporary development, policy 33 of the Horsham District Planning Framework states that development proposals should make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape. Development must relate sympathetically to the local landscape and should justify and mitigate against any losses that may occur through the development.
- 6.5 The ice rink would be enclosed within a 900m<sup>2</sup> marquee, measuring a total length of 35m and depth of 30m, including a reception area with café/bar to the eastern side of the site, and the main rink area. The marquee would comprise extensive glazing with a white frame, and a white pitched roof with an eaves height of 3m, and ridge height of 5m. Due to the varying levels of the application site, the marquee would be mounted on a raised block timber frame, which would support the structure and level the surface above ground level.

- 6.6 Whilst large, the marquee would be well accommodated within the curtilage of the site, and within the wider setting of the park. To the north, the site is located adjacent to a public footpath and a wooded area, in which the marquee would be viewed against from the south. Given the temporary nature of the proposal, in which the marquee would be erected for 102 days (excluding assembly and disassembly), coupled with the fact that the site would be reverted back to its main use as an outdoor retail area, and satisfactory distance from the highway and from residential view, the proposal is not considered to negatively impact on the character and setting of the site. Therefore, the development is considered to accord with Policy 33 of the Horsham District Planning Framework in regards to its proposed appearance and visual impact within Horsham Park.
- 6.7 The proposed marquee would be sited within the root protection area and canopy of a nearby oak tree to the south of the site. The proposed frame, which would sit on block joists above ground level, would not interfere with the roots of the trees below ground. However, a section of the ridge of the roof would fall directly within the area of the canopy of the tree, in which the 5m height of the marquee may well impact upon. Following consultation from the Parks and Countryside team, it is considered that some minor pruning to the northerly hanging branches, some of which are affected by chlorosis (discolouring of leaves due to a chemical imbalance), may be acceptable. However, any major lopping or loss of limbs to the tree would be detrimental to the character of the tree and its setting within Horsham Park. It is noted that the applicant states that no works to tree are required, as the layout and footprint of the marquee could be manoeuvred to avoid the overhanging canopy. As such, on balance, no objection is raised in regards to the impact on the surrounding trees in principle, on the grounds that the trees surrounding the site are not affected by the development. An informative is proposed to advise the applicant to contact the Parks and Countryside team if any works to the tree are required.

#### Impact on Neighbouring Listed Building/Wall

- 6.8 Policy 34 of the Horsham District Planning Framework states that the Council will sustain and enhance its historic environment through positive management of development affecting heritage assets, stating that development which would have an adverse impact on the setting or special architectural character or appearance of a listed building/structure will not be permitted.
- 6.9 The application site is located approximately 66m north-east of Park House, a grade II\* listed building, 90m west of 45-47 North Street (grade II) and 51m north of the Park House Estate Wall (grade II). Given the siting and distance of the proposal site in relation to the neighbouring heritage assets, coupled with the temporary nature and use of the development, the proposal would not result in any permanent adverse harm to the setting and special architectural character of the listed buildings/wall over and above the existing arrangement.

#### Impact on Neighbouring Amenity

- 6.10 Policy 33 continues to state that permission will be refused where a development may negatively impact on neighbouring amenity.
- 6.11 Residential representations have been received which referred to the potential impact on neighbouring amenity mainly by way of noise, from users of the ice rink, amplified music, and machinery. The closest residential dwelling to the site is No. 13 Parkside Mews sited approximately 55.5m to the north-east, with other residential dwellings on Parkside Mews set further from the site. Between the site and the neighbouring residential dwellings lies a wooded area.

- 6.12 The event will also require some degree of plant/machinery, such as generators and a refrigeration unit to maintain the ice skating rink. 1 generator will be required, which would generate at a level of 64dB at 10m. The ice skating rink requires an on-site refrigeration unit, which will operate 24 hours, at level of 53dB at 10m. The associated equipment would be sited to the south-west of the site, facing away from any residential neighbours, thus diminishing any perceived harm from the operation of this equipment. Following consultation with Environmental Health, the proposed equipment and siting of the equipment is not considered to detrimentally to cause harm to neighbouring amenity.
- 6.13 Given the siting and orientation of the proposed rink, coupled with the separation distance from any neighbouring dwellings, the proposal is not considered to adversely impact on neighbouring amenity by way of overlooking or overshadowing. With this and the above in mind, the proposal is considered with Policy 33 of the Horsham District Planning Framework in regards to its impact on neighbouring amenity.
- 6.14 With the above in mind, the applicant has satisfactorily demonstrated that no adverse impact to neighbouring amenity by way of overlooking or overshadowing would result from the development, due to the modest height and position/orientation of the proposed structures and equipment, and the proposed noise levels are not considered harmful. The application is therefore considered in accordance with policy 33 of the Horsham District Planning Framework in regards to impact on neighbouring amenity.

#### Impact on Highways

- 6.15 Policies 40 and 41 of the Horsham District Planning Framework relates to transport and parking, and states that more transport choice including community transport where appropriate will be encouraged, as well as a reduction in private car use and greater accessibility to more sustainable modes of transport. The district has a good rail network so the increased use of stations will be encouraged through better pedestrian and cycle links. Adequate parking and facilities must be provided within developments to meet the needs of anticipated users.
- 6.16 The application site is located in close proximity to nearby public car parks and is well served by public transport, in which the development would not arise in any permanent impact on existing parking arrangements or traffic conditions surrounding the site following completion of works. The site also benefits from close walking links to the centre of town and nearby residential areas, as well as cycle routes, in which monitored cycle parking is proposed for the event, and would be close to bus routes on the roads encircling the park and Horsham train station. The proposal is therefore considered to be appropriately sited within the town, which would benefit from nearby public transport routes within and to and from the centre of Horsham.
- 6.17 In regards to parking and footfall, the applicant has stated that no more than 110 people would be using the rink at any one time, in which approximately 25-50 cars would be required for one session. The car parks surrounding the site will adequately serve this, in which a total of approximately 2450 would be available. Details of the public car parks will be advertised when customers book tickets online, thus raising awareness of alternative car parks. With the above in mind, the proposal is not likely to cause material harm to the highway and parking within the town.
- 6.18 It is noted that the redevelopment of the Hurst Road car park would be undertaken at the same time as the assembly of the Ice Rink, in which the development of the car park is expected to take 10-12 weeks. Approximately 20-30 parking spaces will not be operating at any one time as part of the phasing of the development, in which surrounding car parks will be able to account for the loss of these spaces. By the time of the peak period of the event, leading up to Christmas and New Year's Eve, the Hurst Road redevelopment should have

concluded, thus not amounting to any pressures on the parking situation affecting the proposal.

### Conclusion

- 6.19 The proposed temporary ice rink event would not result in any permanent impact on the character and setting of Horsham Park, in which the development would not be of any detriment to highway safety, visual amenity or neighbouring amenity. The application is therefore considered acceptable, and would accord with the relevant policies of the Horsham District Planning Framework.

## **7. RECOMMENDATIONS**

- 7.1 That planning permission be granted, subject to the following conditions:

- 1 A list of the approved plans.
- 2 **Time Condition:** The proposed temporary use of the land for an ice skating rink hereby permitted shall only operate between the dates of 20th October 2017 and 28th January 2018. Thereafter, the use shall be discontinued and the land and existing access paths shall be restored to their original condition.

Reason: The use hereby approved is not considered suitable as a permanent form of development to safeguard neighbouring amenity, and to comply with Policy 33 of the Horsham District Planning Framework (2015).

- 3 **Pre-Commencement Condition:** Notwithstanding previously submitted plans, and prior to the installation of the items listed below shall be submitted to and approved in writing by the Local Planning Authority within one month of the date of this permission hereby permitted:
  - Strategy for vehicular access (construction phase)
  - Strategy for service deliveries during the operation of the event
  - Detailed design of proposed fencing (including any screening treatment)
  - Detailed design of the pathway surfacing for pedestrian access into the marquee

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

- 4 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the submitted plans and applications.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **Regulatory Condition:** The premises shall not be open for trade or business except between the hours of 10:00 and 21:00 Monday to Sunday, and shall not operate on Christmas Day.

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

- 6 **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).

- 7 **Land Reinstatement Condition:** Within one month of the implementation of this permission hereby granted, details of the proposed works (including time scales) for the reinstatement of the land and existing access paths shall be submitted in writing to the Local Planning Authority for its written consideration. The proposed reinstatement works shall be implemented as approved

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

*Informatives*

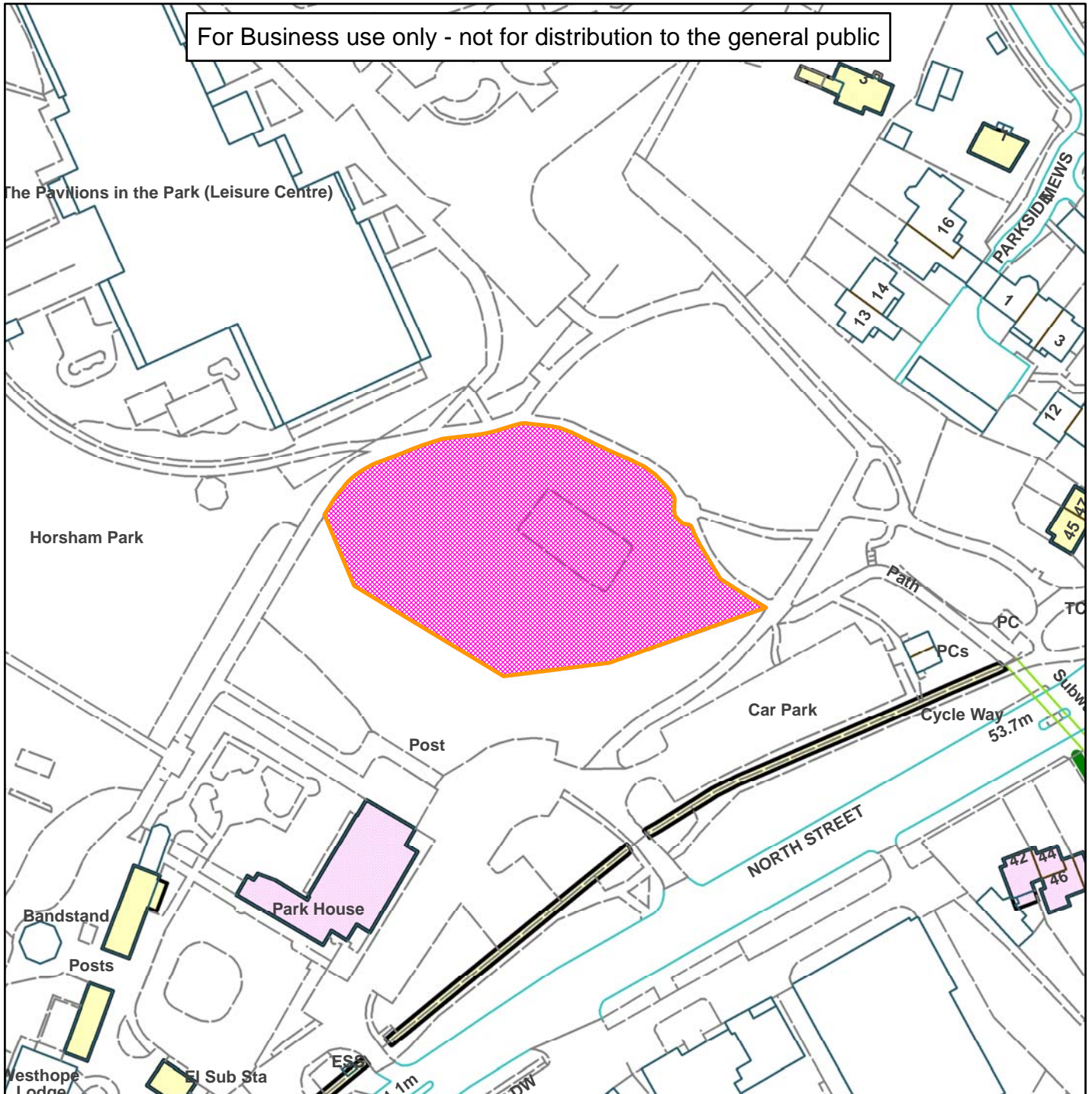
If any works to the trees surrounding the site are required in order to undertake development, the applicant is advised to directly consult with the HDC Parks and Countryside Manager, Evan Giles, who can be contacted on: **01403 215 053**.

Background Papers: DC/17/1689



Horsham Park

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Scale: 1:1,250

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Organisation	Horsham District Council
Department	
Comments	
Date	18/08/2017
BSA Number	100023865

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# Horsham District Council **ADDENDUM TO PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 05 September 2017

**DEVELOPMENT:** Temporary change of use of existing volleyball court and the erection of a temporary 35(W) x 30(L) x 5.1(H) marquee (housing ice rink, cafe and reception) for 102 days between 20th October 2017 and 28th January 2018. Proposed opening hours of 10am-9pm, 7 days a week, excluding Christmas Day.

**SITE:** Horsham Park North Street Horsham West Sussex RH12 2DF

**WARD:** Horsham Park

**APPLICATION:** DC/17/1689

**APPLICANT:** **Name:** Mr Richard Bradley, Horsham Outdoor Events Ltd  
**Address:** Chapel House Jarvis Lane Steyning BN44 3GL

## 1. **OUTCOME OF CONSULTATIONS**

### OUTSIDE AGENCIES

- 1.1 **Historic England** have written to clarify that they consider that the proposal “could” be transient, and not “would”. Final wording to be amended accordingly.
- 1.2 **WSCC Highways** no objection, and are satisfied with the proposal, and the assessed impact on parking. It should be noted that some of the parking demand will be linked trips; i.e. those already travelling to the Town Centre for retail or leisure purposes, and combining a visit to the ice rink, therefore lessening demand for parking above levels that are already occurring at this time of year.

### PUBLIC CONSULTATION

- 1.3 An additional 36 letters of representation have been received since the publishing of the committee report, none of which contribute any additional information as currently published.
- 1.4 1 Letter of objection has been withdrawn

**2. OFFICER COMMENTS**

- 2.1 Paragraph 6.6 relates use and visual impact of the proposal, and incorrectly states that the land will be reverted back to its current “retail” area, which should read “recreation area”
- 2.2 The consultation responses and objections received have raised no further issues to that addressed within the Planning Assessment (paragraphs 6.1 – 6.19) of the Planning Committee Report.



**Horsham  
District  
Council**

# **PLANNING REPORT**

## **COMMITTEE**

**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 05 September 2017

**DEVELOPMENT:** Erection of three two storey detached dwellings with associated garages, provision of vehicular access, and hard and soft landscaping.

**SITE:** Land at Church Road Mannings Heath Horsham West Sussex, RH13 6JE

**WARD:** Nuthurst

**APPLICATION:** DC/17/0815

**APPLICANT:** **Name:** Mr Alexander Ealey **Address:** Land at Church Road Mannings Heath

**REASON FOR INCLUSION ON THE AGENDA:** Referred to Planning Committee (Representations). More than 8 letters of representation contrary to the Officer's recommendation have been received.

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

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

To consider the planning application.

### DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks full planning permission for the erection of 3 x dwellings with associated garages, access, and landscaping. The dwellings would be positioned along a staggered build line and oriented to face north, with the existing access utilised.
- 1.2 House 1 would be positioned to the north-western corner of the site, and would consist of an 'L' shaped two storey dwelling, with additional accommodation built into the roof. The proposed dwelling would extend to a width of 10.6m and a depth of 10.1m, with the addition of a bay window to the front elevation extending an additional 1.1m in depth. The proposal would incorporate a hipped roof, with front gable feature, and would measure to a ridge height of 8.6m, and an eaves height of 5.6m. The proposed dwelling would incorporate a pitched roof dormer to the front elevation and a flat roof dormer to the rear elevation, and would be finished in brick and tile hanging, with clay tiles to the roof. The proposed dwelling would provide a kitchen/dining room, living room, w.c and integral garage to the ground floor, and 5 x bedrooms (two with ensuite) and bathroom to the first floor, with an additional bedroom within the roof space.

- 1.3 House 2 would be positioned centrally within the site, with the front elevation of the dwelling slightly set back from the frontage of House 1. The proposed dwelling would extend over two storeys (with rooms in the roof) and would measure to a width of 9.9m and a depth of 10.8m, incorporating a bay window to the front elevation to a depth of 1m. The dwelling would incorporate a hipped roof with a ridge height of 8.4m and an eaves height of 5.7m, with the provision of 2 x pitched roof dormers to the front elevation and a single flat roof dormer to the rear. A single storey flat roof projection would be positioned to the north-western corner of the dwelling, with the dwelling finished in brick and tile hanging, with clay tiles to the roof. The dwelling would provide a living room, kitchen/dining room, w.c and integral garage to the ground floor, with 5 x bedrooms (one with ensuite) and bathroom to the first floor, with additional bedroom and ensuite within the roof space.
- 1.4 House 3 would be positioned to the south-eastern corner of the site and would consist of an 'L' shaped dwelling that would be oriented to face west. The proposed dwelling would extend over two storeys, and would measure to a depth of 11.7m and a width of 8.7m, with a bay window extending 1.1m from the western elevation. The dwelling would incorporate a hipped roof with a ridge height of 8.8m and an eaves height of 5.4m. The proposed dwelling would be finished in brick and tile hanging, with plain clay tiles to the roof. The dwelling would provide a kitchen/dining room, living room, study, and w.c to the ground floor, and 4 x bedrooms (one with ensuite, and bathroom to the first floor.
- 1.5 A detached 2-bay car port is proposed to House 3, and this would be positioned to the west of the site. The proposed car port would measure to a width of 7.8m and a depth of 7.9m, and would incorporate a hipped roof measuring to a total height of 5.2m. The proposed car port would include an open side to the east, and would be enclosed to the west, with a single window to the rear elevation. The car port would be finished in cladding with a plain clay tile roof.
- 1.6 The proposed development would utilise the existing access, with a shared access drive running along the north of the site. Houses 1 and 2 would incorporate an area of hardstanding along the frontage of the dwellings that would provide space for 2 x vehicles, with hardstanding and a turning area provided to the north-west of House 3. An entrance gate would be provided along the site frontage which would be set 6.3m back from the public highway.

#### DESCRIPTION OF THE SITE

- 1.7 The application site is positioned to the south-east of Church Road, within the designated built-up area of Mannings Heath. It currently consists of enclosed woodland, however it was noted at the site visit that a number of trees have been cleared from the site.
- 1.8 The site consists of flat land in a triangular plot bound by Church Road to the north-west and A281 Brighton Road bounding the site to the south. The surroundings are characterised by residential development to the north and west, with open countryside to the south and east.
- 1.9 The direct neighbours of Bush House, Larries, and The Nook are positioned to the north of Church Road, adjacent to the site, with the residential curtilage of 6 and 7 Swallowfield Close adjoining the site to the north-east. These properties are of varying scale and appearance, primarily of single storey chalet bungalow form, all of which are positioned within reasonable sized plots.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

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

#### 2.2 **National Planning Policy Framework:**

- NPPF1 - Building a strong, competitive economy
- NPPF3 - Supporting a prosperous rural economy
- NPPF6 - Delivering a wide choice of high quality homes
- NPPF7 - Requiring good design
- NPPF8 - Promoting healthy communities
- NPPF11 - Conserving and enhancing the natural environment
- NPPF14 - Presumption in favour of sustainable development

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

- HDPF1 - Strategic Policy: Sustainable Development
- HDPF2 - Strategic Policy: Strategic Development
- HDPF3 - Strategic Policy: Development Hierarchy
- 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
- HDPF40 - Sustainable Transport
- HDPF41 - Parking

### RELEVANT NEIGHBOURHOOD PLAN

#### 2.4 **Nuthurst Neighbourhood Development Plan 2015 – 2032**

- Policy 1 – A Spatial Plan
- Policy 10 – Housing Design
- Policy 14 – Green Infrastructure and Biodiversity

### PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/06/1473                  Erection of 2 x 3 bed bungalows (Outline)

Application Refused on  
28.09.2006

## 3. OUTCOME OF CONSULTATIONS

### INTERNAL CONSULTATIONS

- 3.1 **Aboricultural Officer:** No objection, subject to condition.

### OUTSIDE AGENCIES

- 3.2 **Southern Water:** No comment.

3.3 **West Sussex County Highways:** No objection.

#### PUBLIC CONSULTATIONS

3.4 **Nuthurst Parish Council:** Object on the following grounds:

- Unnecessary housing that does not support the local needs of the Parish
- Over-intensive development of the site resulting in large dwellings within small plots
- Contrary to policies within the Neighbourhood Development Plan and Parish Design Statement
- Unacceptable access point given proximity to bus stop
- Not adequate for emergency vehicles and other large vehicles to turn on site
- Inadequate off road parking provision
- Limited amenity spaces
- Full ecological survey required

3.5 135 letters of objection have been received from 68 separate households, and these can be summarised as follows:

- Site is not allocated within the Nuthurst Neighbourhood Plan
- Overdevelopment of site
- Inappropriate type of development
- Out of character with surrounding development
- Dangerous access and increased traffic activity and movements
- Limited level of amenity space to dwellings
- Overlooking , loss of light and loss of privacy to neighbouring properties
- Risk to trees subject of Preservation Orders
- Conflict with the Nuthurst Parish Design Statement
- Loss of trees and impact on wildlife

#### **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 application seeks full planning permission for the erection of 3 x dwellings, associated access, garaging and landscaping.

##### **Principle of Development**

6.2 Policy 3 of the Horsham District Planning Framework (HDPF) states that development will be permitted within towns and villages which have defined built-up areas. Any infilling will be required to demonstrate that it is of an appropriate nature and scale to maintain characteristics and function of the settlement, in accordance with the settlement hierarchy.

- 6.3 The majority of objections received make reference to the adopted Nuthurst Neighbourhood Development Plan (NPNP), and the non-allocated nature of the application site within it. As stated within Policy 1 of the Nuthurst Neighbourhood Development Plan 2015 – 2032, development proposals within the built-up area boundary of Mannings Heath will be permitted, provided they accord with the other provisions of the NPNP and Horsham District Council's adopted development plan.
- 6.4 The application site lies within the designated built-up area of Mannings Heath, categorised as a "Smaller Village" within Policy 3 of the HDPF. There is a presumption in favour of sustainable development within the built-up area, and as such, the proposal is considered acceptable in principle, subject to all other material considerations.

#### **Character of the dwellings and visual amenities of the street scene**

- 6.5 Policies 32 and 33 promote development which is of high quality and design, and is sympathetic to the distinctiveness of the dwelling and surroundings. In addition, Policy 10 of the NPNP states that the scale, density, height, layout and materials will be required to reflect the architectural character and scale of the surrounding buildings.
- 6.6 The wider surroundings are characterised by an eclectic array of properties, primarily set back from the public highway, and positioned within reasonable plots. Whilst the direct neighbours to the north and west primarily consist of chalet bungalows, there are examples of two storey detached dwellings within the wider vicinity. Given the irregular layout and siting of the surrounding dwellings, it is considered that there is no definable character; although the built form of the surrounding properties are semi-rural in character.
- 6.7 The proposed dwellings would be positioned along a staggered build line, defined by the access driveway that would run from the west of the site to the east. Each dwelling would have an approximate ground floor area of 105sqm, within a curtilage of between 440sqm and 515sqm. Whilst it is noted that the proposed plots would be slightly smaller than others within the direct vicinity, it is acknowledged that examples of similar size plots do exist within the settlement of Mannings Heath, with the dwellings to the north of Swallowfield Close of particular note.
- 6.8 This part of Mannings Heath consists of development built along Church Road, with secondary roads extending from the main thoroughfare consisting of a varied build pattern set back from the road. The proposed dwellings seek to reflect this build pattern, with the proposed buildings positioned along a relatively continuous build line to the south of the access road.
- 6.9 Whilst the proposed dwellings would result in marginally shallower plots than some other examples within the street scene; given the varied form of surrounding development, it is not considered that this aspect of the scheme is so uncharacteristic as to warrant a refusal on these grounds.
- 6.10 The proposed layout is therefore considered to relate sympathetically with the layout and build pattern of the surroundings and would not result in harm to the semi-rural character of the site and surroundings.
- 6.11 The proposed dwellings would extend over two storeys (with rooms in the roof) and would be built of local Sussex vernacular, including a material palette consisting of facing brick, tile hanging and clay roof tiles. It is noted that the wider surroundings consist of single storey and two storey dwellings, built in various styles, and finished in brick and tile hanging, with examples of concrete and clay tiles to the roof.

- 6.12 The proposed finish and appearance of the dwellings is considered to be of a high quality, with the overall design and appearance considered to complement the character of the surroundings.
- 6.13 The proposed development is considered to be of a scale, massing and appearance that would relate sympathetically with the semi-rural character of the surroundings. Given the nature and form of the built surroundings, the proposed plot size and layout of the dwellings are considered to be reflective of similar development within the area, with the proposal considered to maintain the characteristics of the surrounding build pattern, in accordance with Policies 25, 32 and 33 of the Horsham District Planning Framework (2015) and Policy 10 of the Nuthurst Neighbourhood Development Plan.

#### **Amenities of the occupiers of adjoining properties**

- 6.14 Policy 33 states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.15 The application site lies to the south of the residential properties of Mannings Heath, and is bound to the north and east by the rear gardens of neighbouring properties. The site is screened to all sides by mature hedging, with the surrounding properties positioned between approximately 15m and 20m from the site, and built on level ground.
- 6.16 A number of objections raised concern with the level of development on the site, and the potential loss of amenities to the neighbouring properties. Whilst the development would result in the addition of 3 x dwellings, it is considered that the distance between and relationship with the neighbouring properties would limit potential harm to neighbouring amenities.
- 6.17 The proposed dwellings would be positioned in excess of 20m from the neighbouring properties, with the mature screening retained along the boundaries. As such, the dwellings are considered to be sited at an appropriate distance to reduce potential overlooking and loss of privacy. In addition, it is considered that the windows of the proposed dwellings have been positioned and oriented to limit potential overlooking to the neighbouring dwellings on the site and surrounding, with the size of the openings considered reasonable to allow a sufficient amount of natural light.
- 6.18 Given the context of the site, and its relationship with the neighbouring properties, it is considered that the proposed development would result in limited harm to the amenities of the neighbouring properties on and off the site. Whilst soft landscaping such as hedging cannot be relied upon to make development acceptable, the mature screening along the boundaries would go some way to reduce the physical and visual impact on the adjacent properties.
- 6.19 The proposed development is not considered to result in material harm to the amenities and sensitivities of neighbouring properties, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

#### **Existing Parking and Traffic Conditions**

- 6.20 Policy 41 states that development should provide safe and adequate access and parking, suitable for all users. Policy 10 of the NPNP also states that residential development should include adequate off-street parking so as to minimise any need for on-street parking.
- 6.21 The proposed access would utilise the existing access to the north-western corner of the site. The access drive would extend to the south-east, with each dwelling benefiting from an area of hardstanding along the frontage. Each dwelling would benefit from 2 x parking spaces, with additional hardstanding for parking and manoeuvring.



- 6.22 The proposed parking is considered suitable for vehicles, with adequate allocation provided within the development. Whilst a number of objections have been received raising concerns with the anticipated level and frequency of traffic, WSCC Highways consider that the proposed works to the access on Church Road would be appropriate to ensure the safe function of access into and out of the site.
- 6.23 The proposed development is therefore not considered to result in a significant increase in movements or result in harm to highway safety. The proposed access is therefore considered to accord with Policies 40 and 41 of the Horsham District Planning Framework (2015).

### **Conclusion**

- 6.24 The proposed dwellings are considered to be of a scale, design and form that would be sympathetic to the character and distinctiveness of the site and wider landscape, whilst of a siting and orientation that would not materially harm the amenities of neighbouring properties. In addition, the proposal is considered to provide sufficient parking and turning space on site, and would not result in 'severe' harm to the function of the public highway network. As such, the proposal is considered to accord with policies 3, 25, 32, 33, and 41 of the Horsham District Planning Framework (2015).

## **7. RECOMMENDATIONS**

It is recommended that planning permission is granted, subject to the following conditions.

- 1 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 (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).

- 4 **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).

- 5 **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).

- 6 **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).

- 7 **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).

- 8 **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).

- 9 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, details of the parking turning and access facilities shall be submitted to and approved by the Local Planning Authority in writing. The building/dwelling shall not be occupied until the approved parking, turning and access facilities have been fully implemented. The parking turning and access facilities shall thereafter be retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development 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, the hard and soft landscaping shall be implemented in accordance with the approved details as shown on plan reference SK04 rev. A received on 03.08.2017 and shall be thereafter retained as such.

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, the drainage connection shall be implemented in accordance with the approved details as shown on plan reference SK03 rev. A received on 07.04.2017 and shall be thereafter retained as such.

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).

- 12 **Regulatory Condition:** The development hereby permitted shall strictly accord with the recommendation as set out within the Arboricultural Survey and Planning Integration Report received 17.07.2017. The development shall be implemented strictly in accordance with these agreed details.

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).

Background Papers: DC/17/0815

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Land at Church Road

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Scale: 1:1,250

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Organisation	Horsham District Council
Department	
Comments	
Date	18/08/2017
MSA Number	100023865

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**Horsham  
District  
Council**

## **PLANNING REPORT**

### **COMMITTEE**

**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 05 September 2017

**DEVELOPMENT:** Outline application (all matters reserved except for access) for proposed residential development of 4 dwellings and associated works.

**SITE:** Former Swallowfields Nursery Church Road Mannings Heath West Sussex RH13 6HY

**WARD:** Nuthurst

**APPLICATION:** DC/17/1158

**APPLICANT:** **Name:** Bayleaf Homes Ltd **Address:** c/o Agent, 63A Ship Street, Brighton

**REASON FOR INCLUSION ON THE AGENDA:** Referred to Planning Committee (Representations). More than 8 letters of representation contrary to the Officer's recommendation have been received.

**RECOMMENDATION:** Grant planning permission, subject to conditions.

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

To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

- 1.1 The application is made in outline with access for consideration now. Matters of appearance, landscaping, layout and scale are reserved for later consideration. The application proposes the erection of 4 x dwellings, new vehicular access, and associated works.
- 1.2 The proposal would utilise the existing private access track which extends from the west of Church Road. It is proposed to widen the existing driveway at the junction with Church Road, with the driveway widened to 4.8m along a 6m stretch of the drive to provide a passing lane. A 1.4m wide footway would also be provided along the northern section of the modified access drive.
- 1.3 As the application is made in outline, details of the layout, scale and appearance are reserved for later consideration. However, the applicant has provided illustrative drawings that indicate the applicant's expectations for the development. These show detached dwellings positioned to the east and west of the site, with the shared access to the properties provided centrally. The indicative site layout suggests that each plot would benefit from either a detached or attached double garage.

## DESCRIPTION OF THE SITE

- 1.4 The application site consists of an overgrown area of open space positioned to the west of Church Lane, within the designated built-up area of Mannings Heath.
- 1.5 The site is accessed via a private drive serving 3 x properties, with the main residential development of Mannings Heath positioned to the north of site. The direct surroundings are characterised by open countryside and woodland, with the High Weald Area of Outstanding Natural Beauty positioned approximately 150m to the west.
- 1.6 The neighbouring properties are located to the north and south of the site, with a number of agricultural buildings positioned directly adjacent to the north-eastern boundary. These properties are separated by the existing access drive, and benefit from formal landscaped gardens.
- 1.7 The site includes a pond to the north-western corner, with a number of trees subject to Tree Preservation Orders positioned around its perimeter. The boundary of the site consists of a mix of hedging and mature trees which screen the site from the wider landscape.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

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

#### 2.2 **National Planning Policy Framework:**

- NPPF1 - Building a strong, competitive economy
- NPPF4 - Promoting sustainable transport
- NPPF6 - Delivering a wide choice of high quality homes
- NPPF7 - Requiring good design
- NPPF12 - Conserving and enhancing the historic environment
- NPPF14 - Presumption in favour of sustainable development

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

- HDPF1 - Strategic Policy: Sustainable Development
- HDPF2 - Strategic Policy: Strategic Development
- HDPF3 - Strategic Policy: Development Hierarchy
- HDPF15 - Strategic Policy: Housing Provision
- HDPF16 - Strategic Policy: Meeting Local Housing Needs
- HDPF24 - Strategic Policy: Environmental Protection
- HDPF25 - Strategic Policy: The Natural Environment and Landscape Character
- HDPF30 - Protected Landscapes
- HDPF31 - Green Infrastructure and Biodiversity
- HDPF32 - Strategic Policy: The Quality of New Development
- HDPF33 - Development Principles
- HDPF34 - Cultural and Heritage Assets
- HDPF40 - Sustainable Transport
- HDPF41 - Parking

### RELEVANT NEIGHBOURHOOD PLAN



- 2.4 **Nuthurst Neighbourhood Development Plan**  
 Policy 1 – A Spatial Plan  
 Policy 2 – Land at Swallowfield Nursery, Mannings Heath  
 Policy 10 – Housing Design  
 Policy 14 – Green Infrastructure and Biodiversity

PLANNING HISTORY AND RELEVANT APPLICATIONS

- 2.5
- |            |   |                                      |
|------------|---|--------------------------------------|
| N/41/97    | Erection of 1 residential dwelling (outline)<br>Site: Swallowfield Nursery Church Road Mannings Heath | Application Refused on<br>04.11.1997 |
| DC/14/2755 | Outline application for the proposed residential development of 4 dwellings and associated works      |                                      |

3. **OUTCOME OF CONSULTATIONS**

INTERNAL CONSULTATIONS

- 3.1 **Aboricultural Officer:** No objection
- 3.2 **Public Health and Licensing (Env. Health):** No comments.
- 3.3 **Landscape Architect Officer:** No objection subject to relevant conditions relating to provision of landscaping.
- 3.4 **Strategic and Community Planning:** No objection.
- 3.5 **Design and Conservation Officer:** No objection subject to considerations of scale, design and landscaping to lessen the prominence of the development within the setting of the non-designated heritage asset and its parkland.
- 3.6 **Housing Department:** No comments.

OUTSIDE AGENCIES

- 3.7 **County Council Ecology:** No objection, subject to conditions.
- 3.8 **Southern Water:** No objection.

PUBLIC CONSULTATIONS

- 3.9 Nuthurst **Parish Council:** Objection on the grounds that the proposed development does not comply with criteria 2 (i) of the made Nuthurst Neighbourhood Development Plan.
- 3.10 35 letters of objection have been received from 23 households, and these can be summarised as follows:
- No justification for housing on the site
  - Housing density inappropriate
  - Not in accordance with the Neighbourhood Plan
  - Size and type of housing is inappropriate
  - Dwellings would appear dominant within the context of the surroundings
  - Unsustainable location
  - Development would harm the rural character of the site

- Impact on the non-designated heritage asset of Swallowfield House
- Impact on the character and context of the historic parkland
- Increased traffic
- Danger of access
- Ecological impacts
- Impact on drainage
- Impact on neighbouring property
- Loss of trees and hedging

3.11 5 letters of support have been received from 4 households, and these can be summarised as follows:

- Ideal site to develop
- Close to facilities and services
- Additional homes to meet the needs of the Parish

#### **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 application proposes the erection of 4 x dwellings and associated works. The application is made in outline, with all matters except access reserved.

##### **Principle of Development**

6.2 Policy 3 of the Horsham District Planning Framework (2015) states that development will be permitted within towns and villages that have defined built-up areas, with any infilling and redevelopment required to be of an appropriate nature and scale to maintain characteristics and function of the settlement.

6.3 In addition, Policy 2 of the made Nuthurst Neighbourhood Development Plan relates specifically to the residential development of Swallowfield Nursery. Development will be permitted provided that:

- i) the scheme comprises primarily 2/3 bedroom semi-detached houses or bungalows
- ii) access is by way of the lane between Church Road to Windyridge; and includes visibility splays, the widening of the access, the provision of passing bays, and turning on site.
- iii) the scheme retains the trees and bushes on the boundaries with the access lane; protects any wildlife and biodiversity; retains and renovates the pond; and retains appropriate mature trees
- iv) the scheme pays due regard to the proximity of the undesignated heritage asset of Swallowfield House and its parkland setting;

- v) the transport assessment has full regard to extending the existing pavement on Church Road to the entrance to the development.
- 6.4 The application site is located within the built-up area of Mannings Heath, categorised as a “Smaller Village” under the settlement hierarchy of Policy 3. This is a settlement with limited services, facilities, social networks, but good accessibility to larger settlements or settlements with some employment but limited services, facilities or accessibility.
- 6.5 It is noted that a number of objections from both the Parish and neighbouring properties have been received stating that the proposed development does not comply with the criteria within Policy 2 of the made Nuthurst Neighbourhood Development Plan (NPNP). Specifically, the objections relate to the number of dwellings proposed and the type of housing as stipulated within the policy criteria.
- 6.6 The application is made in outline with access for consideration now. Matters of appearance, layout and scale are reserved for later consideration. The application proposes the erection of 4 x dwellings, with the indicative plan illustrating that these will be positioned within relatively large plots.
- 6.7 Whilst objections have been raised in respect of the size and type of residential development proposed, it is noted that the surrounding development is primarily characterised by detached dwellings positioned within relatively large plots.
- 6.8 The application is in outline form, with the design, layout, and scale reserved for later consideration; notwithstanding this, the number of dwellings as suggested by the indicative site plan are considered to sit appropriately within the context of the site. The indicative layout is considered to reflect similar development within the vicinity, with the proposal considered to incorporate a layout and number of dwelling that would be appropriate given the size of the application site.
- 6.9 The application site consists of a large plot of approximately 0.6ha. The site is considered to be of an appropriate size to accommodate the proposed development, with the number of dwellings considered to maintain the characteristics and function of the settlement. The proposal is therefore considered acceptable in principle, subject to all other material considerations.

#### **Character of the site and visual amenities of the street scene**

- 6.10 Policies 25, 32 and 33 of the Horsham District Planning Framework (2015) (HDPF) promotes development which is of high quality and design, and is sympathetic to the distinctiveness of the dwelling and surroundings. Development should protect, conserve and enhance the landscape character, taking account of the nature environment, landscape and landform pattern to which it forms a part.
- 6.11 Criteria i. of the Nuthurst Parish Neighbourhood Plan states that residential development will be permitted provided that *“the scheme comprises 2/3 bedroom semi-detached houses or bungalows”*.
- 6.12 The indicative plans submitted show that the dwellings will consist of detached properties within spacious plots, separated by landscaping. The dwellings will be positioned to the east and west of the site, with the shared access drive extending centrally through the site.
- 6.13 Objections have been raised in respect of the nature and type of residential development proposed, it is emphasised that the application is in outline form. The final dimensions, design, and layout of the dwellings would be subject to an application for reserved matters where the details would be subject to further assessment.

- 6.14 The indicative plan suggests that the proposed development will consist of detached dwellings, positioned centrally within large plots. Whilst this does not accord with criteria i. of the Neighbourhood Plan, it is noted that section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *“the determination shall be made in accordance with the plan unless material considerations indicate otherwise”*. The wider area is characterised by detached dwellings and bungalows built within spacious plots. This definable character is a material consideration of significant weight, and given the context of the site and surrounding development, it is considered that the provision of detached dwellings will relate sympathetically to the character and context of the wider built surroundings.
- 6.15 The application is in outline form, with the design, layout, and scale reserved for later consideration. Although the submitted plan is indicative of the proposed dwellings only, it is considered that the 4 x dwellings, in the layout proposed, could be built on the site without adversely impacting the semi-rural character of the site and surroundings.

### **Amenities of the occupiers of adjoining properties**

- 6.16 Policy 33 of the Horsham District Planning Framework (2015) states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.17 The indicative plan submitted shows the built form of the 4 x dwellings to be positioned to the east and west of the site, with the 3 x dwellings to the west positioned along a staggered build line. The dwellings to the west will be positioned within 4m of each other, with the neighbouring properties positioned between approximately 12m and 20m from the application site.
- 6.18 It is noted that objections have been raised in respect of potential harm caused to the amenities of neighbouring properties through outlook and loss of privacy to Swallowfield House.
- 6.19 However the indicative plan suggests that the dwellings will be positioned approximately 25m from the northern elevation of Swallowfield House, with the boundary trees and hedging retained. Given the considerable distance between the proposed development and Swallowfield House, it is considered that there will be no loss of outlook or privacy to this property.
- 6.20 The application is in outline form, with the design, layout, scale and landscaping reserved for later consideration. Although the submitted plan is indicative of the proposed dwellings only, it is considered that the plan demonstrates that the proposed 4 x dwellings could be built on the site without adversely impacting the privacy and amenity of the occupiers of neighbouring properties.

### **Access and Traffic Conditions**

- 6.21 Policies 40 and 41 of the Horsham District Planning Framework state that development should provide a safe and adequate access, suitable for all users.
- 6.22 Criteria ii. of the Nuthurst Parish Neighbourhood Plan states that development will be permitted provided that *“access is by way of the lane between Church Road to Windyridge. The transport assessment of the scheme has full regard to ensuring the safety of the nearby junction of the A281 with Church Road and includes the provision of visibility splays at the junction to ensure safe egress for vehicles; the widening of the lane to allow for safe shared use by vehicles and pedestrians; and the provision of passing bays, sufficient to avoid the need for vehicles to reverse into Church Road”*.

- 6.23 The proposed access to the site will utilise the existing private access drive extending from the west of Church Road to the northern boundary of the site. As part of the proposed development, the access will be widened to 4.8m along a 6m stretch of the drive to provide a passing lane, with a 1.4m wide footway also provided along the northern section of the modified access drive.
- 6.24 Following consultation with the Highways Authority, the proposed works to the access on Church Road, as well as the proposed alterations to the private drive, are considered appropriate to ensure the safe function of access into and out of the site. The proposed development is therefore not considered to result in a significant increase in movements or result in harm to highway safety. The proposed access is therefore considered to accord with Policies 40 and 41 of the Horsham District Planning Framework (2015) and Policy 2 of the Nuthurst Parish Neighbourhood Plan.

### **Ecology**

- 6.25 Policy 31 of the HDPF states that development proposals will be required to contribute to the enhancement of existing biodiversity, and should create and manage new habitats where appropriate. Development that retains and/or enhances significant features of nature conservation on development sites will be supported, with development which makes a positive contribution to biodiversity also supported.
- 6.26 The presence of protected species is a material consideration when assessing development proposals that, if carried out, would be likely to result in harm to the species or its habitat. It is therefore essential that the presence or otherwise of protected species, and the extent that the species are affected by the proposed development, is established before the planning permission is granted.
- 6.27 It is noted that a number of objections have been received which relate to potential impact on biodiversity, with evidence submitted indicating that a range of species, including great crested newts, barn owls, and badgers move through the site.
- 6.28 The applicant has submitted an Ecological Appraisal and outline report which details the presence of certain protected species on the site, with avoidance, mitigation and enhancement measures proposed. This seeks to ensure that the action authorised will not be detrimental to the maintenance of the population of the species concerned.
- 6.29 Following consultation with the Council's Ecologist, a number of conditions have been proposed to ensure that appropriate ecological mitigation and management is undertaken on the site to support the species on the site. Subject to these conditions, no objections on policy grounds are raised.
- 6.30 The application is made in outline with access for consideration now. Matters of appearance, landscaping, layout and scale are reserved for later consideration. Subject to appropriate mitigation and management of the biodiversity on the site, details of which would be submitted and considered at reserved matters stage, no objections are raised at this time.

### **Impact on setting of non-designated heritage asset**

- 6.31 Criteria iv. of Policy 2 of the adopted Nuthurst Neighbourhood Development Plan states that *"the scheme pays due regard to the proximity of the undesignated heritage asset of Swallowfield House and its parkland setting"*.
- 6.32 The application site lies to the south-west of Swallowfield House. The site itself occupies land which is considered to have formerly fallen within the curtilage of the house, and within its parkland setting. Whilst the application site is informal in character and appearance, it is

considered that the former parkland positively contributes to the setting of the non-designated heritage asset, informing the historic development of the locality, and giving a sense of place to the large country house.

- 6.33 Following consultation with the Design and Conservation Officer, concern is raised in respect of the impact the proposed 4 x dwellings could have on the parkland setting of the non-designated heritage asset. In particular, it is considered that the proposal could potentially urbanise the setting of the principal house, and detract from the character of the parkland setting and rural sense of place. As such, it is noted that the detailed design of the scheme would be important to ensure that there would be sufficient mitigation levels to soften the presence of the development within the sensitive setting.
- 6.34 The application is in outline form, where the details of scale, layout, appearance and landscaping have been reserved for later consideration. Whilst the addition of built form in the rural setting is considered acceptable, it is highlighted that the detailed design of the dwellings should consider the scale and visual massing of the dwellings to ensure they relate sympathetically to the character and setting of the non-designated heritage setting.

### **Existing Trees and Landscaping**

- 6.35 Policies 31 and 33 of the HDPF states that development should presume in favour of the retention of existing important landscape and natural features, and must relate sympathetically to the local landscape. Development will be supported where it can demonstrate that it maintains or enhances the existing network of green infrastructure, with the loss resisted unless it can be demonstrated that new opportunities will be provided that mitigates or compensates for this loss.
- 6.36 Criteria iii. of Policy 2 of the Nuthurst Parish Neighbourhood Plan states that *“the scheme layout and landscape proposals retains the trees and bushes on the boundaries with the access land, with the adjacent Swallowfield House and with the lane leading to Swallowfield House...protects any wildlife and biodiversity interests on the site; retains and renovates the pond in the corner of the site to provide a feature for the development; and retains appropriate mature trees close to the pond and elsewhere on the site.”*
- 6.37 It is noted that a number of objections have been raised in respect of the proposal's accordance with this criteria of Policy 2. The submitted site plan is indicative, but nonetheless illustrates that the boundary hedging would be retained to the north and east, with a number of trees retained in the site, and particularly along the southern and western boundaries. The existing pond in the north-western corner of the site would also be retained, with landscaping provided along the boundary of the access drive.
- 6.38 The application is made in outline form, with details of layout and landscaping reserved for later consideration. Although the submitted plan is indicative, it is considered that the submitted indicative landscape masterplan demonstrates that trees and bushes would be retained on the site, with capacity for appropriate landscaping measures.

### **Conclusion**

- 6.39 The proposed development is considered acceptable in principle, subject to all other material considerations. As the application is made in outline, details of the layout, scale and appearance are reserved for later consideration.

## **7. RECOMMENDATIONS**

It is recommended that the application be approved, subject to the following conditions.

1 Approved plans

2 **Standard Time Condition:**

- (a) Approval of the details of the layout of the development, the scale of each building, the appearance of each building, access to and within the site and the landscaping of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
- (b) Plans and particulars of the reserved matters referred to in condition (a) above, relating to the layout of the development, the scale of each building, the appearance of each building, access to and within the site and the landscaping of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
- (c) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.
- (d) The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990.

3 **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).

4 **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).

5 **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).

- 6 **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).

- 7 **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).

- 8 **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).

- 9 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, details of the parking turning and access facilities shall be submitted to and approved by the Local Planning Authority in writing. The building/dwelling shall not be occupied until the approved parking, turning and access facilities have been fully implemented. The parking turning and access facilities shall thereafter be retained as such.

Reason: To ensure adequate parking, turning and access facilities are available to serve the development 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, 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).

- 11 **Regulatory Condition:** To support the Reserved Matters application, an Ecological Mitigation and Management Plan (EMMP) shall be submitted and agreed in writing by the Local Planning Authority. This will include details of habitat protection for surrounding trees and hedgerows, and avoidance measures with regards to protected and notable species. The EMMP will build upon any new survey information, and information already provided within the ecology letters and reports from The Ecology Partnership. Pre-works, during works and post-works measures (e.g. to allow ongoing management of the hedgerows and ponds) should be included. Any such measures shall thereafter be implemented in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

Reasons: To provide ecological protection and enhancement in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), NPPF 118 and Policy 31 of the Horsham District Planning Framework.

- 12 **Regulatory Condition:** To support the Reserved Matters application, a lighting strategy to reduce impacts on foraging and commuting bats shall be prepared through consultation with the applicant's ecologist for approval by the Local Planning Authority.

Reasons: To provide ecological protection and enhancement in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), NPPF 118 and Policy 31 of the Horsham District Planning Framework.

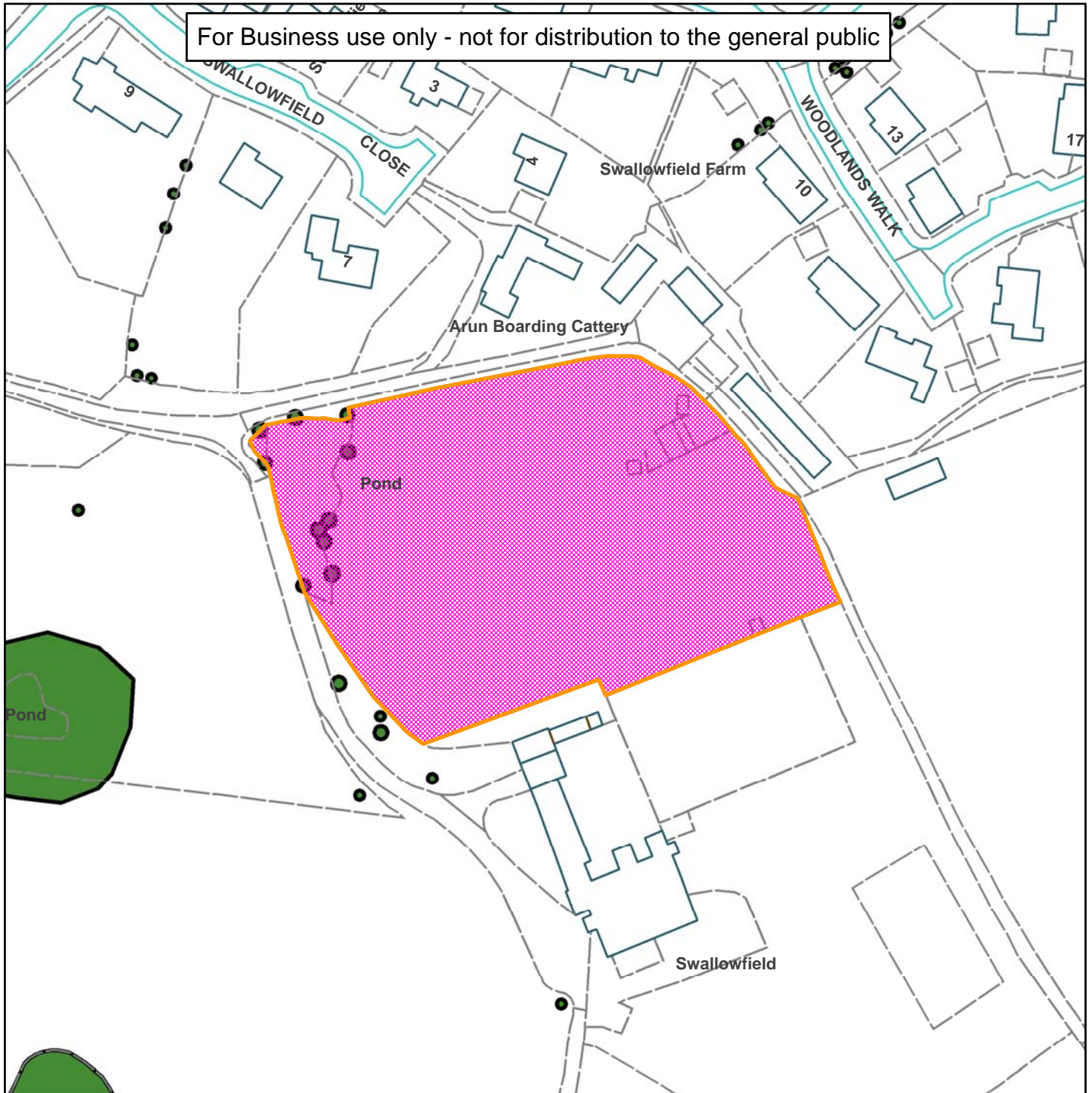
Background Papers: DC/17/1158

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Former Swallowfields Nursery

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Scale: 1:1,250

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Organisation	Horsham District Council
Department	
Comments	
Date	18/08/2017
SA Number	100023865

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# ADDENDUM TO PLANNING COMMITTEE REPORT

**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 05 September 2017

**DEVELOPMENT:** Outline application (all matters reserved except for access) for proposed residential development of 4 dwellings and associated works.

**SITE:** Former Swallowfields Nursery Church Road Mannings Heath West Sussex RH13 6HY

**WARD:** Nuthurst

**APPLICATION:** DC/17/1158

**APPLICANT:** **Name:** Bayleaf Homes Ltd **Address:** c/o Agent, 63A Ship Street, Brighton, BN1 1AE

## 1. PURPOSE OF THIS ADDENDUM

To provide an update following receipt of additional objection letters and consultation responses. This addendum should be read in conjunction with the Planning Committee Report.

## 2. OUTCOME OF CONSULTATIONS

### INTERNAL CONSULTATIONS

2.1 **WSCC Highways:** No Objection, subject to imposition of conditions relating to vehicle parking and turning, access, visibility splays, safety audit recommendations, and Construction Management Plan.

2.2 **Environmental Health and Licensing:** No Objection, subject to imposition of condition in respect of contamination.

2.3 **Ecology:** No Objection

### OUTSIDE AGENCIES

2.4 **Natural England:** No Objection

### PUBLIC CONSULTATION

- 2.5 **Nuthurst Parish Council:** Following the receipt of additional comments, no objection is raised.
- 2.6 An additional 3 letters of objection have been received from two separate households, and these can be summarised as follows:
- Poor location for residential development
  - Development would result in suburbanisation of the rural area
  - Layout of the site does not consider ecological corridors
  - Proposal fails to give adequate protection to existing trees and woodland
  - Housing size is inappropriate and does not meet local need
  - Access arrangements are inadequate
  - Insufficient ecology reports have been submitted which have been undertaken at a sub-optimal survey season and are incomplete
  - Illustrative plan suggest significant site clearance with limited space left for compensatory planting
  - Queries raised whether refuse vehicles can utilise the access driveway, particularly when meeting other vehicles in the passing lane
  - Overlooking from plot 3 to Swallowfield House, and additional air and noise pollution caused by cars and garages
  - Drainage issues caused by position of foul sewer drain serving Swallowfield House

### 3. **OFFICER COMMENTS**

- 3.1 The application is in outline form, with the design, layout, scale and landscaping reserved for later consideration.
- 3.2 The consultation responses and objections received have raised no further issues to that addressed within the Planning Assessment (paragraphs 6.1 – 6.39) of the Planning Committee Report.
- 3.3 The updated consultation response from WSCC Highways has suggested a number of conditions in respect of the access, and it is considered that these are reasonable and necessary to support the proposed development.
- 3.4 The consultation response from Environmental Health has also suggested a contamination condition to investigate and remediate potential contamination. It is considered that this is reasonable and necessary to support the proposed development.

#### 4. **ADDITIONAL CONDITIONS**

- 1 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 41 of the Horsham District Planning Framework (2015).

- 2 No part of the development shall be first occupied until visibility splays of 2.4 metres by 30 metres south and 2.4 metres by 59m north have been provided at the site vehicular access onto Church Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and in accordance with Policy 41 of the Horsham District Planning Framework (2015).

- 3 No development shall commence until such time as revised plans and details incorporating the recommendations given in the Stage 1 Road Safety Audit and accepted in the Designers Response have been submitted to and 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 41 of the Horsham District Planning Framework (2015).

- 4 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,

- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- measures to control the emission of dust and dirt during demolition and construction, lighting for construction and security,
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the surrounding area in accordance with Policies 33 and 41 of the Horsham District Planning Framework (2015).

5 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).

- 6 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: As this matter is fundamental to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

- 7 No excavated soils shall be re-utilised within the development site until the developer has submitted details of the chemical testing and assessment of the soils which demonstrates the suitability of the soils for re-use. The assessment shall be undertaken by a suitably qualified and competent person and full details shall be submitted to and approved in writing by the local planning authority

Reason: As this matter is fundamental to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

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**Horsham  
District  
Council**

# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 05 September 2017

**DEVELOPMENT:** Variation to condition 1 of previously approved application DC/11/1100 (The use of a dwelling, its plot and associated land (which formed part of the approved application DC/10/0006) to be used as a sales and marketing suite with associated car park for a temporary period of 3 years.) Proposed extension of period of use to 29th December 2018, following approval of extension previously granted under DC/14/2306.

**SITE:** Land East of A24 Worthing Road Horsham West Sussex, RH12 1EP

**WARD:** Denne

**APPLICATION:** DC/17/1528

**APPLICANT:** **Name:** Miss Lisa Parchment **Address:** Berkeley House Bay Tree Avenue Leatherhead Surrey

**REASON FOR INCLUSION ON THE AGENDA:** This application was called to committee by a councillor regarding highway safety concerns.

**RECOMMENDATION:** Grant permission

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

To consider the planning application.

### DESCRIPTION OF THE APPLICATION

- 1.1 The proposal is for an extension to the previously granted temporary use of a residential unit, its plot and surrounding, as a sales and marketing suite with associated car parking for 8 cars. The previous consent for the site expired on 1st January 2017. This application seeks to retain the sales and marketing suite until 29th December 2018.

### DESCRIPTION OF THE SITE

- 1.2 The site is within the Berkeley Homes 'Highwood' site approved under outline application DC/09/2138. The plot and the associated car park are located immediately on the right when entering the site from Hills Farm Lane, within Phase 1 of the development. The details of which were approved as part of Reserved Matters application DC/10/0006.

## **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:**

- NPPF1 - Building a strong, competitive economy
- NPPF7 - Requiring good design
- NPPF14 - Presumption in favour of sustainable development

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

- HDPF33 - Development Principles
- HDPF32 - Strategic Policy: The Quality of New Development

RELEVANT NEIGHBOURHOOD PLAN

Horsham Blueprint Neighbourhood Forum has been designated as a Neighbourhood Development Plan Area but does not yet have an adopted Neighbourhood Development Plan.

PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/11/1100	The use of a dwelling, its plot and associated land (which formed part of the approved application DC/10/0006) to be used as a sales and marketing suite with associated car park for a temporary period of 3 years.	Application Permitted on 11.08.2011
DC/10/0006	Erection of 196 dwellings, comprising phase 1 of the comprehensive development of Land East of A24, West Horsham, for primarily residential purposes. Creation of a new vehicular/pedestrian/cycle access from Hills Farm Lane, together with the internal highway network, footpaths and drainage works. Formation of the related landscaping, open space and recreation facilities, including additional facilities for Tanbridge House School	Application Permitted on 10.01.2011
DC/14/2306	Variation of condition no 1 attached to DC/11/1100 to allow the use of a dwelling, its plot and associated land as a sales and marketing suite with associated car park up until 1st January 2017	Application Permitted on 15.12.2014

**3. OUTCOME OF CONSULTATIONS**

INTERNAL CONSULTATIONS

3.1 None.

OUTSIDE AGENCIES

3.2 **West Sussex County Council (WSSC):** No highway objections. This is a minor application for an extension of time to allow the continued use of the existing Berkeley marketing suite and is not an application that the highway authority would usually be consulted on. The highway issues raised are related to the continued use of the bridge from Hills Farm Lane. There are current proposals to close this to vehicular traffic and downgrade the bridge for pedestrian, cycle and emergency vehicle use only. This is a requirement of the S106 agreement which can be enforced by Horsham District Council.

The internal estate roads are not yet adopted by WSCC so they are not publicly maintained highway and, as such, they are still within Berkeley's ownership and control.

- 3.3 **Denne Neighbourhood Council:** raised no objection to the extension of time specified.

#### MEMBER COMMENTS

- 3.4 This application was called to committee by Councillor Lee who considers that there to be significant road safety issues associated with the continuation of its use which need to be addressed by the planning committee.

#### PUBLIC CONSULTATIONS

- 3.5 One joint letter of representation was received signed by three households. This can be summarised as follows:
- When moving in to Highwood in November 2012, the Berkeley Homes Marketing Team said that the marketing suite and access bridge from Hills Farm Lane would be closed within 18 months.
  - Numbers of people living on the site have increased. This is presenting a road safety problem due to increased vehicular and pedestrian movements across the bridge and on to The Boulevard.
  - The increase in traffic is bringing associated noise, congestion, pollution and road safety issues.
  - This is exacerbated by vehicles visiting the marketing suite which have to decelerate to enable them to turn right into the car park.
  - There is also frequent parking on the roadway in front of the Marketing Suite, whether the marketing suite is full or empty.

#### 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 This proposal is for an extension of time to the previously granted temporary use of a residential unit as a sales and marketing suite with associated car parking for 8 cars. The previous consent for the site expired on 1<sup>st</sup> January 2017. This application seeks to secure the continued use of the plot as a sales and marketing suite until 29th December 2018.
- 6.2 This application has been called to committee due to concerns regarding highway safety. In particular concerns have been raised in relation to the continued use of the Hills Farm Lane access bridge which was permitted as a temporary access point under outline application DC/09/2138. Written representations received in relation to this application raise concerns over the safety of the continued use of this access and its ability to cope with the increasing levels of traffic, associated with the rising rate of occupation across the site. Additionally, concerns have been raised over the safety of the access into the

marketing suite itself from Hills Farm Lane and the impact of vehicles parking on the roadway in front of the marketing suite.

- 6.3 West Sussex County Council Highways has been consulted on this application and have raised no objection to the proposed extension of time, and the continued use of the plot as a marketing suite. A safe access is provided into the site from The Boulevard and sufficient on plot parking for 8 cars is provided. In light of this consultation response it can be concluded that there are no significant highway concerns associated with the continued use of this plot as a sales and marketing suite and therefore an objection on highways grounds cannot be sustained.
- 6.4 There are separate Obligations within the S106 Legal Agreement associated with the outline consent and the reserved matters consent for Phase 1 of the development. This will ensure that the bridge is downgraded on the occupation of the 470<sup>th</sup> dwelling. It is understood that detailed design work is underway and works are scheduled to take place in the coming months. Berkeley Homes have advised they will contact residents when a date has been confirmed. However this process falls outside of the scope of this application and is secured by previous consents on this wider development site.
- 6.11 In conclusion the extension of the temporary use of this residential property as a sales and marketing suite until 29<sup>th</sup> December 2018 would not have a harmful impact on the character and appearance of the area nor would it have a significant impact on highway safety which would warrant an objection of the application in planning terms. The proposal is therefore acceptable subject to the imposition of conditions requiring the retention of the parking, turning and access facilities, the external lighting scheme, the landscaping scheme and the boundary treatment as approved by the previous application. When the permission has expired the scheme shall revert to the details as approved by the permission and conditions for application DC/10/0006 as required by the previous application.

## 7. RECOMMENDATIONS

- 7.1 To grant planning permission subject to the following conditions.

### Conditions:

1. Condition listing approved plans
2. The use of the land and buildings hereby permitted shall be permanently discontinued and shall revert to the use as a Class C3 dwelling house as approved under planning consent DC/10/0006 on or before 30<sup>th</sup> December 2018.

**Reason:** The proposed development is not considered satisfactory as a permanent measure.

3. The boundary treatment details shall be maintained in accordance with drawing number S782-PH1-1015 and agreed by the Local Planning Authority on 14.02.2013 until the cessation of this permission.

**Reason:** In the interest of amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015)

4. The parking, turning and access details as shown on drawing number S782-PH1-1015 and agreed by the Local Planning Authority on 14.02.2013 shall be retained solely for that purpose until the cessation of this permission.

**Reason:** To ensure adequate parking, turning and access facilities are available to service the development in accordance with policy 41 of the Horsham District Planning Framework (2015)

5. The external lighting as shown on drawing number s782-PH1-1012 and within the associated specification as agreed by the Local Planning Authority on 24.04.2012 shall be retained until the cessation of this permission.

**Reason:** In the interests of amenity and the character of the area in accordance with Policy 33 of the Horsham district Planning Framework.

6. The landscaping works shown on drawing numbers 1271/013/E and 1271/007 Rev C and agreed by the Local Planning Authority on 14.02.2013 shall be retained until the cessation of this permission.

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

7. The use of the land and building hereby permitted shall be used for a sales and marketing suite and for no other purpose (including any other purpose in Class A2 of the Schedule to the Town and Country Planning (Use classes) order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification.

**Reason:** Changes of use as permitted by the Town and Country Planning (general Permitted Development) Order 1995 are not considered appropriate in this case under Policy 33 of the Horsham District Planning Framework (2015).

8. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 Part 42 Classes A and C or Orders amending or revoking and re-enacting the same, no extension or alteration to the building or hard surfacing within its curtilage shall be constructed without the prior permission of the Local Planning Authority pursuant to an application for the purpose.

**Reason:** To protect the amenities of adjoining residential properties and the character of the area in accordance with policy 33 of the Horsham District Planning Framework (2015).

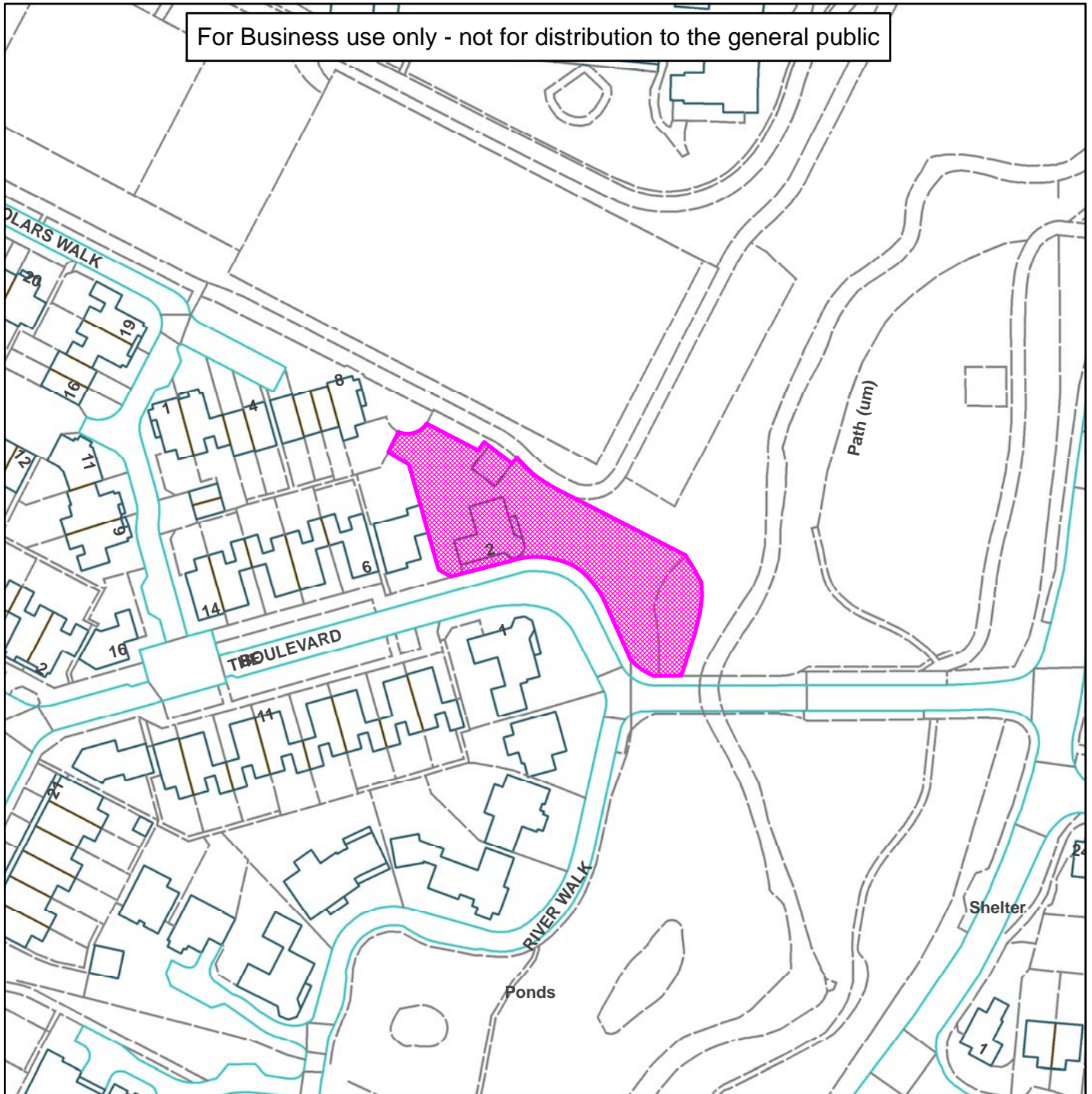
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Land East of A24

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**Horsham  
District  
Council**

**PLANNING COMMITTEE  
REPORT**

**TO:** Planning Committee North  
**BY:** Head of Development  
**DATE:** 05 September 2017  
**SITE:** Hills Farm Allotment Gardens, Guildford Road, Horsham  
**WARD:** Denne  
**APPLICATION:** Tree Preservation Order No. 1500

**REASON FOR INCLUSION ON AGENDA:** Objection to a tree preservation order.

**RECOMMENDATION:** To confirm Tree Preservation Order 1500 as served.

**1. THE PURPOSE OF THIS REPORT**

To consider whether Tree Preservation Order 1500 should be confirmed as served.

**DESCRIPTION OF THE ORDER**

- 1.1 Provisional Tree Preservation Order 1500, Hills Farm Allotment Gardens, Guildford Road, Horsham, was served on the 15<sup>th</sup> March 2017 on one sycamore and three lime trees under the provisions of the Town and Country Planning (Tree Preservation) (England) Regulations 2012. Under these Regulations, the trees included within the Order benefited from immediate protection.
- 1.2 The statutory consultation period for the receipt of representations has now expired, enabling the order to be confirmed.

**DESCRIPTION OF THE SITE**

- 1.3 The four trees are sited within a strip of land to the immediate east of the south-east corner of the Hills Farm Cemetery and Allotments site, to the west of the properties 58 to 66 (evens) Hillside, Horsham.

**PLANNING HISTORY**

- 1.4 None.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 Section 198(1) of the **Town & Country Planning Act 1990** places an obligation on Local Planning Authorities to make a TPO if it appears to them to be "*expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area*".

## 3. OUTCOME OF CONSULTATIONS

### PUBLIC CONSULTATIONS

- 3.1 Three letters of objection have been received in regard to the inclusion of T4, a lime tree, within the order, on the following grounds:
- That the tree is very tall, and may fall over. Should it do so, it is attested that it could land upon the closest dwelling-houses to it (in Wakehurst Mews, to the south).
  - That it casts a heavy shade (especially when in leaf) over the parcel of land immediately beneath it (recently disposed of in favour of 66 Hillside), compromising the growing of vegetables and other recreational uses.
  - That the tree has low amenity value, as it is "*tucked away in a corner totally away from any roadside*".
- 3.2 No comments or objections have been received in regard to the inclusion of trees T1, T2 or T3 within the order.

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

Article 8 (Right to respect of a Private and Family Life) of the Human Rights act 1998 is relevant to this application. Human rights issues form part of the planning assessment below.

## 5. PLANNING ASSESSMENT

- 5.1 All of the four trees the subject of this order are large specimens in semi-maturity. It is considered that they all have the requisite level of public amenity value to justify formal protection by a tree preservation order.
- 5.2 Tree T4 is a large lime tree, and in terms of size, physical appearance, health, and amenity value is possibly the best of the four trees selected for protection. At around 24m in height, it is no taller than average for a semi-mature specimen of this species. An absence of management in recent years has left it heavily infested with ivy, but this is not as yet adversely affecting its health, and could readily be removed; it has already been severed at its base, and is dying off. The basal and rooting parts of the tree appear free of serious defect, and there are no reasons to suspect any compromise to its structural integrity. Overall, the tree appears to be in excellent health and condition.
- 5.3 It is acknowledged that all trees have the capacity for failure; however save for the presence of evidence suggesting some compromise to a specimen's structural integrity, such failure is rare and within accepted parameters of public safety. The closest dwelling-houses (to the south, in Wakehurst Mews) are approximately 22m from the tree and hence should the tree fail in this direction (less-than-likely given the direction of the prevailing winds) it is accepted that the high tips of the tree would foul these closest houses. However, no evidence has been found suggesting any defect or compromise to the tree's rootplate, its trunk, or its overall structural integrity.

- 5.4 It is accepted that the tree casts a heavy shade over the part of the strip of land transferred into the ownership of 66 Hillside, and that this could compromise the new owners' ability to successfully grow vegetables and pursue other leisure pursuits thereon. But it is considered that the tree is an important visual amenity feature, and has been present for many years on the plot prior to its transferral of ownership. No. 66 Hillside has a large area of garden, including areas out-of-range of the shading pattern of this tree. The suggestion that an application be submitted for the trimming of lower branches of the tree, to improve the degree of sunshine that might illuminate the plot under the canopy, has to-date not been taken up.
- 5.5 The attestation that this tree has low amenity value is considered to be inaccurate. The tree can be seen above the houses from Hillside, to the east; similarly from Wakehurst Mews and Hazelhurst Crescent, to the south and south-west; and from the north and east, bounding the public area of the allotments and the cemetery, it is prominent and visible from a considerable distance. The tree adds a definition to the south-east corner of the cemetery site, as well as a maturity consistent with the many other large old trees around the peripheries of this publically-accessible area.

## 6. **RECOMMENDATIONS**

It is recommended that Tree Preservation Order 1500, Hills Farm Allotment Gardens, Guildford Road, Horsham, is confirmed as served, to include the lime tree, T4.

Background Papers:

- Tree Preservation Order: 1500.

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TREES SPECIFIED INDIVIDUALLY:  
(encircled in black on the map)

- T1: Sycamore
- T2: Lime
- T3: Lime
- T4: Lime

THIS IS THE PLAN REFERRED TO IN THE  
HORSHAM DISTRICT COUNCIL

Hills Farm Allotment Gardens  
Guildford Road  
Horsham

515947E 130498N

TREE PRESERVATION ORDER 2017

Reference No : TPO1500

Date : 15/03/2017

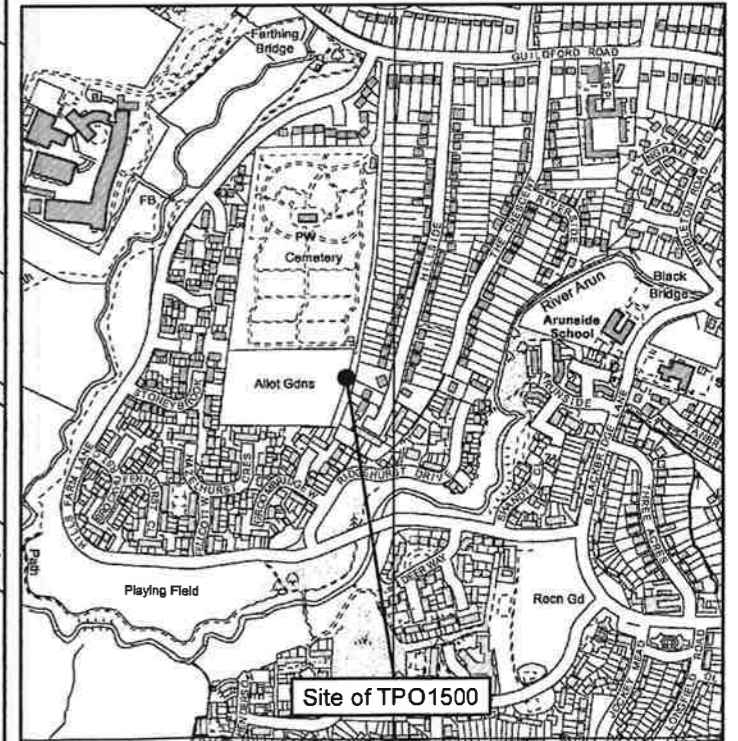
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Drawn : KA

Checked : WJ

Drawing No :

Revisions :



**Horsham District Council**

Parkside, Chart Way, Horsham  
West Sussex RH12 1RL.

Chris Lyons : Director of Planning, Economic Development & Property

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**Horsham  
District  
Council**

# **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 05 September 2017

**DEVELOPMENT:** Reconfiguration of existing car park layout, with the addition of 33 new parking spaces. Installation of entry and exit barriers as part of a new ticketless automatic number plate recognition and improved car park lighting.

**SITE:** Car Park Hurst Road Horsham West Sussex RH12 1RN

**WARD:** Horsham Park

**APPLICATION:** DC/17/0586

**APPLICANT:** **Name:** Horsham District Council **Address:** Parkside, Chartway, Horsham

**REASON FOR INCLUSION ON THE AGENDA:** The applicant is Horsham District Council

**RECOMMENDATION:** Grant Planning Permission

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

- 1.1 This application was originally considered at Planning Committee North on 1 August 2017. At the committee meeting Members deferred determining the application to allow for further consultation and consideration on the safety of the reconfigured car park.
- 1.2 The previous committee report is appended to this report.

## **2. PLANNING ASSESSMENTS**

- 2.1 Following the last Planning Committee North meeting the proposed car park layout has been revisited and amended. The key amendments are set out below:-
  - The central footway has been increased in width to 3 metres;
  - Additional replacement planting either side of the footway is proposed;
  - Further planting is proposed to the periphery of the site.
- 2.2 To facilitate the above amendments the application proposes 4 fewer spaces than previously proposed, creating 33 new spaces. The amended drawings also allow for an additional 28 cycle parking spaces, creating 56 in total.
- 2.3 It is considered that the proposed amendments would allow for improved access through the site with no conflict between parked vehicles and pedestrians envisaged. The previous comments of the Local Highway Authority remain relevant and there are no transport

objections to the scheme, which is considered to accord with policies 40 and 41 of the Horsham District Planning Framework (HDPF).

- 2.4 The additional landscaping, particularly to the central footway, is a positive amendment which would ensure that the proposed reconfiguration preserves the existing character and appearance of the site and immediate surroundings. A condition (no. 4) is recommended to secure details of an appropriate scheme.
- 2.5 The reconfiguration of the existing car park would provide additional capacity without detriment to highway safety, visual amenity or neighbouring amenity. The application is therefore considered acceptable, subject to conditions, and would accord with the relevant policies of the HDPF.

### **3. RECOMMENDATION**

- 3.1 That the application is approved subject to the conditions set out in the previous Planning Committee report (as attached to this report).

Background Papers: DC/17/0586



**TO:** Planning Committee North

**BY:** Development Manager

**DATE:** 1 August 2017

**DEVELOPMENT:** Reconfiguration of existing car park layout, with the addition of 37 new parking spaces. Installation of entry and exit barriers as part of a new ticketless automatic number plate recognition and improved car park lighting

**SITE:** Car Park Hurst Road Horsham West Sussex RH12 1RN

**WARD:** Horsham Park

**APPLICATION:** DC/17/0586

**APPLICANT:** **Name:** Horsham District Council **Address:** Parkside, Chartway, Horsham, RH12 1RL

**REASON FOR INCLUSION ON THE AGENDA:** The applicant is Horsham District Council

**RECOMMENDATION:** Grant Planning Permission

**1. THE PURPOSE OF THIS REPORT**

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks permission for reconfiguration of the existing car park to create an additional 37 spaces plus 2 additional disabled accessible spaces. The additional spaces would be created in the south-eastern corner of the car park in place of an existing grassed and planted area, and in place of the central landscaped area. The proposed layout would also provide a free 15-minute drive through period to allow drop-offs and collections. The reconfiguration would take place in conjunction with the introduction of a ticketless system which would bring the site in line with other town centre car parks.

DESCRIPTION OF THE SITE

1.3 The application relates to a Horsham District Council owned car park on the southern side of Hurst Road. The car park is closely associated with The Pavilions leisure centre and Horsham Park, providing a car parking facility for both. The existing car park provides 208 spaces, 5 of which are disabled accessible, with the layout including a central area of landscaping which provides pedestrian access to a crossing point leading to the Pavilions.

## 2. INTRODUCTION

### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

### RELEVANT PLANNING POLICIES

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

#### **National Planning Policy Framework:**

NPPF4 - Promoting sustainable transport

NPPF7 - Requiring good design

NPPF14 - Presumption in favour of sustainable development

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

HDPF1 - Strategic Policy: Sustainable Development

HDPF3 - Strategic Policy: Development Hierarchy

HDPF5 - Strategic Policy: Horsham Town

HDPF32 - Strategic Policy: The Quality of New Development

HDPF33 - Development Principles

HDPF40 - Sustainable Transport

HDPF41 - Parking

### RELEVANT NEIGHBOURHOOD PLAN

- 2.3 Denne NC is part of the Horsham Blueprint which has been designated as a Neighbourhood Plan area.

### PLANNING HISTORY AND RELEVANT APPLICATIONS

HU/349/99	Erection of a new swimming pool with gymnasium facility and fitness suite alterations to access and car parking	Application Permitted on 14.04.2000
HU/50/97	25 metre 8 lane swimming pool with leisure waters, gymnastics training building, remodelling of car park & playground (outline)	Application Permitted on 10.04.1997
HU/187/80	Covered swimming pool	Application Permitted on 03.09.1980

## 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 None

### OUTSIDE AGENCIES

- 3.3 Denne NC: Supports the application. The Pavilions Leisure Centre and Horsham Park are important, much valued and well used community facilities. The existing car park is often full and the community will benefit from additional parking spaces. The need and design of

the proposal outweighs the loss of the currently unremarkable landscaping. The needs of users, including pedestrians and cyclists, have been reasonably and safely facilitated in the revised plans.

- 3.4 West Sussex County Council – Highways: No objection to the principle of the development.

#### PUBLIC CONSULTATIONS

- 3.5 4 representations have been received objecting to the application for the following reasons:-

- Loss of landscaping;
- The Council should be encouraging walking and cycling rather than cars;
- Increased queues at the entry barrier;
- Inadequate access arrangements for pedestrians and cyclists;
- The access routes through the site would be confusing;
- There should be more cycle and motorcycle spaces;
- Question what will happen to existing fittings / street furniture.

- 3.6 Horsham Society: Object. The current car park presents an attractive entrance and a generous and family friendly layout. The proposal would lose significant areas of attractive landscaping for a marginal gain in parking spaces. The proposal provides inadequate access arrangements and question whether the proposal is cost effective.

- 3.7 Horsham District Cycling Forum: Object due to inadequate safety, access and provision for cyclists and pedestrians.

#### **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 of consideration in the determination of this application relate to the impact of the proposal on highway safety, and visual and neighbouring amenity.

##### Highways

- 6.2 The proposal would provide increased capacity for parking at the site which would support the continued vitality of the adjoining leisure facility and park. A Road Safety Audit of the proposal has been carried out and this identified a number of minor issues relating to the car park access and exit arrangements, the siting of bays in relation to pedestrian crossing points, and the presence of road markings and street furniture (i.e. recycling bins). These points have been resolved through minor revisions to the proposed layout which addresses the issues raised in the Audit. There is no evidence to suggest that the revised ticketless

entry system, which reflects other car parks in the town centre, would result in vehicles queuing onto and obstructing Hurst Road, and no such concerns have been raised by the Highway Authority.

- 6.3 It is therefore considered that the resulting proposal would not result in a significant or harmful increase in trips to or from the site and no safety hazard would result from the scheme through conflict between vehicles, cyclists or pedestrians.
- 6.3 In respect of cycling, the existing arrangement, which utilises the main vehicular routes, would not be altered with uncontrolled entry and exit maintained for cycles. The existing cycle parking provision, which has recently been upgraded, would be retained with additional spaces created as part of the reconfiguration. Further details of the additional cycle parking spaces are required through condition.
- 6.4 On this basis there are no transport objections to the scheme which is considered to accord with policies 40 and 41 of the Horsham District Planning Framework (HDPF).

#### Character and appearance

- 6.5 The proposal would result in the loss of some soft landscaping which currently provides an attractive pedestrian route through the car park to pedestrian crossing points; a large proportion of this landscaping was secured as part of the original planning permission for a leisure facility and car park on the site (planning application ref: HU/349/99). The proposed layout would, however, retain as much of this planting as possible with the new spaces primarily affecting small trees, hedges and grassed areas. The planting which would be lost is not formally protected in its own right comprising relatively young tree specimens and shrubs.
- 6.6 It is considered that the proposed layout, in the context of immediately surrounding development, would not appear incongruous or out of keeping. The car park would continue to be viewed in connection with the immediately adjoining leisure facility with the resulting arrangement commonplace for such town centre uses. There is considerable scope for replacement planting in and around the car park, and this approach would soften the appearance of the car park when viewed from the surrounding area and mitigate the loss of the landscaped area to be removed. A condition is recommended to secure details of an appropriate landscaping scheme, and its subsequent implementation. It is considered that this approach would mitigate the visual impact of the proposal such that no significant visual harm would result from the proposal. On this basis the proposal would accord with policies 32 and 33 of the HDPF.

#### Impact on neighbouring amenity

- 6.7 The nearest noise sensitive premises are a considerable distance from the additional parking spaces. It is considered that any increase in the level of activity on the site would be screened by existing background noise levels, which are dominated by vehicular movements along Hurst Road. The additional parking spaces would not therefore be expected to generate harmful levels of noise or disturbance for occupants of adjoining properties.
- 6.8 The proposed layout makes provision for additional lighting columns designed to focus light onto the ground surface. The nature of the lighting coupled with the separation from adjoining residential properties would be sufficient to prevent any light nuisance resulting from the proposal. It is noted that representations have been received querying what will happen to existing fittings and street furniture when removed from the site and the applicant has advised that where possible these will be reused. While some wastage is inevitable this would not be sound reason to refuse the application.

## Conclusion

- 6.10 The reconfiguration of the existing car park would provide additional capacity without detriment to highway safety, visual amenity or neighbouring amenity. The application is therefore considered acceptable, subject to conditions, and would accord with the relevant policies of the HDPF.

## **7. RECOMMENDATIONS**

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

### 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 commence until a Method Statement detailing measures to protect existing planting to be retained on site has been submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be implemented prior to the commencement of works and shall be retained throughout the duration of construction works.

Reason: As this matter is fundamental to ensure the successful and satisfactory retention of important trees and hedgerows on the site in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 4 **Pre-Occupation Condition:** Prior to the first use of the additional car parking spaces 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).

- 5 **Pre-Occupation Condition:** Prior to the first use of the additional car parking spaces details of secure cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The additional car parking spaces shall not be brought into use until the cycle parking facilities 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).

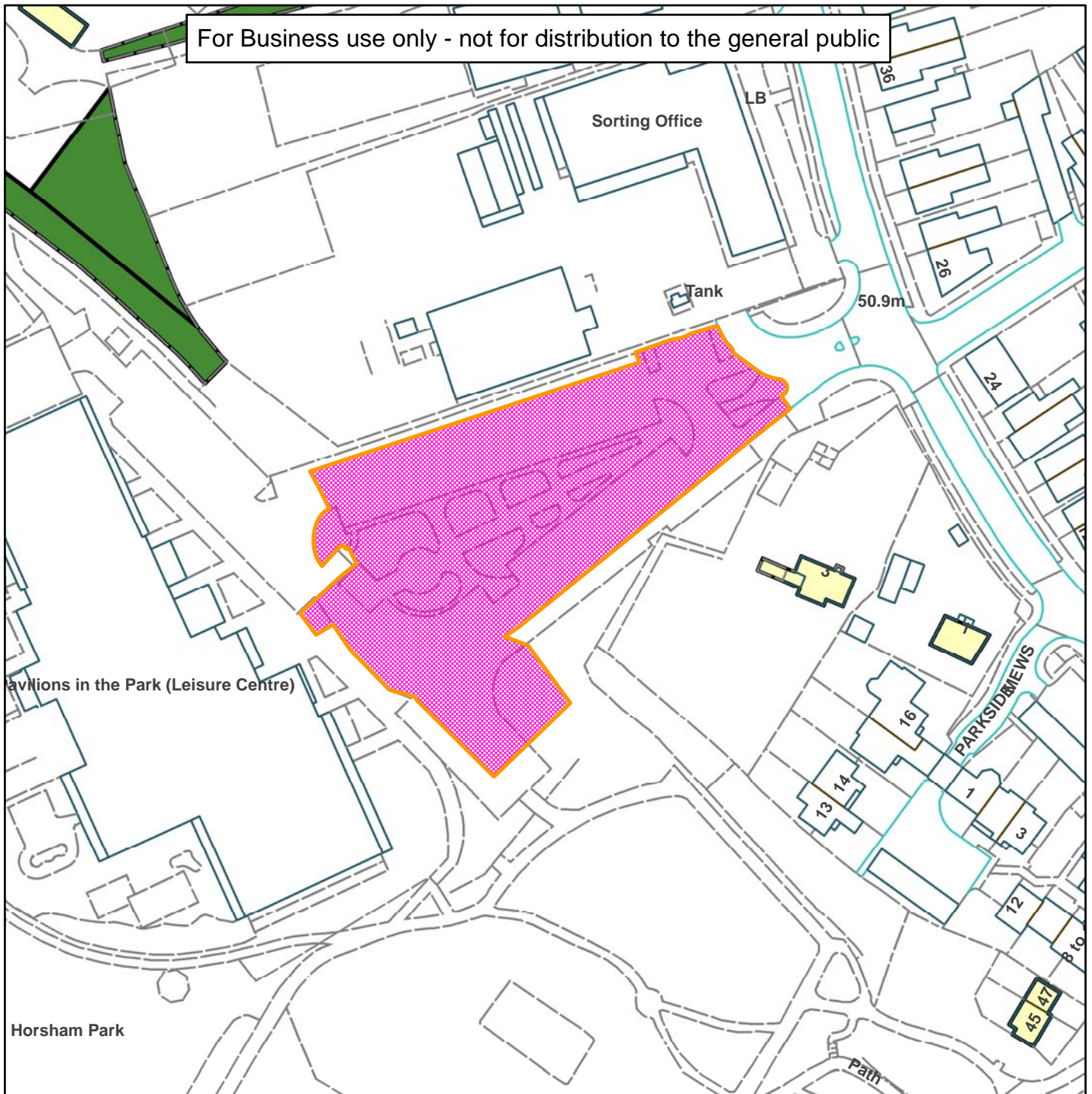
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Car Park, Hurst Road

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Organisation	Horsham District Council
Department	
Comments	
Date	18/08/2017
SA Number	100023865

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**Horsham  
District  
Council**

## **PLANNING COMMITTEE REPORT**

**TO:** Planning Committee

**BY:** Head of Development

**DATE:** 05 September 2017

**DEVELOPMENT:** Erection of 2 x two storey, 1 x single storey dwellings and detached single garage with associated parking/hardstanding (involving demolition of existing bungalow).

**SITE:** Vivians North Heath Lane Horsham West Sussex RH12 5PQ

**WARD:** Holbrook East

**APPLICATION:** DC/17/1458

**APPLICANT:** **Name:** Broughtonwood Homes **Address:** c/o OSP Architecture, Broadmeade House, Farnham Business Park, Weydon Lane, Farnham

**REASON FOR INCLUSION ON THE AGENDA:** More than 8 letters of representation have been received contrary to the Officer's recommendation.

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

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

To consider the planning application.

#### DESCRIPTION OF THE APPLICATION

- 1.1 Planning permission is sought for the erection of three new dwellings, comprising two detached four bedroom two-storey dwellings and one detached two bedroom bungalow (involving the demolition of the existing detached bungalow). Plot 1 would include an attached garage to the northern side elevation of the dwelling, and would be served by a new access from North Heath Lane. Plot 2 would include an attached garage to the southern elevation; plot 3 would include a detached hipped roof single garage to the west of the site – both sites would be served by the existing access, and access to neighbouring properties to the rear would be maintained.

#### DESCRIPTION OF THE SITE

- 1.2 The application relates to a generous plot on the south-eastern side of North Heath Lane, hosting a detached bungalow to the north-east of the site and a shared access to Honor Oak and Grey Walls. The site is raised slightly above street level, sloping down to the street, and up to the boundary to the north-east, and is bound by foliage to the boundary to the street, including a mix of timber fence and hedging to the sides. The surrounding area is predominantly suburban in character, composed of a mix of detached and terraced dwellings of varying ages and styles.

## 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

NPPF7 - Requiring good design

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

HDPF15 - Housing Provision

HDPF16 - Meeting Local Housing Needs

HDPF32 - Strategic Policy: The Quality of New Development

HDPF33 - Development Principles

HDPF40 - Sustainable Transport

HDPF41 - Parking

### RELEVANT NEIGHBOURHOOD PLAN

#### 2.2 North Horsham Neighbourhood Planning Document (Regulation 5 and 6)

### PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/12/0650	Erection of a detached dwelling	Application Refused on 31.05.2012 (DISMISSED ON APPEAL)
DC/11/2482	Erection of a detached dwelling	Application Refused on 20.01.2012 (DISMISSED ON APPEAL)
NH/175/98	Retention of fence Site: Vivians North Heath Lane Horsham	Application Permitted on 08.12.1998
HR/185/68	Garage. (From old Planning History)	Application Permitted on 29.11.1968
HR/194/65	Renewal of permission for concrete garage. (From old Planning History)	Application Permitted on 14.01.1966
HR/146/64	Attic store room, and entrance hall. (From old Planning History)	Application Permitted on 16.10.1964
HR/73/63	Proposed erection of concrete garage. (From old Planning History)	Application Permitted on 14.06.1963
HR/64/60	Erection of one bungalow. (From old Planning History)	Application Permitted on 13.06.1960

## 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 **Arboricultural Officer** – The proposed garage and drive way would be within the root protection area of the nearby sycamore tree (protected by TPO), in which the current level of submitted information would not make it possible to support the application.

## OUTSIDE AGENCIES

- 3.3 **WSCC Highways** – No objection. The Local Highway Authority does not consider that the proposal would have a 'severe' impact on the operation of the highway network, and that there are no transport grounds to resist the proposal.
- 3.4 **Southern Water** – No objection.

## PUBLIC CONSULTATIONS

- 3.5 **North Horsham Parish Council** - Objection on the grounds of unsafe access with insufficient sight lines which could lead to other highways issues. The Committee considers that there is insufficient detail on the levels surrounding the property and the effect they will have on the site and neighbouring properties.
- 3.6 Eleven letters of representation have been received objecting to the proposal on the following grounds:
- Inappropriate design
  - Unsafe (new) access to Plot 1
  - Increased traffic following completion of the development
  - Overdevelopment on site
  - Loss of privacy
  - Loss of light
  - Adverse impact on trees and vegetation on the site
  - Increased noise and smells from neighbours

## 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 It is considered that the principle issues in the determination of the application are:
- a) Principle of the Development
  - b) Visual Impact and Appearance
  - c) Impact on Neighbouring Amenity
  - d) Highways and Parking

### Principle of the Development

- 6.2 Policies 3 and 4 of the Horsham District Planning Framework state that the district has a distinctive settlement pattern, which the framework seeks to retain and enhance. Development within the build-up area boundaries is accepted in principle, and that appropriate development, including infilling, within the built-up areas will be prioritised. Horsham, as the main town within the district, has a large range of services and facilities, strong community networks including local employment provision, and good rail/bus services. The scale of the development is appropriate to the scale and character of the settlement and is therefore acceptable in principle, subject to detailed considerations.
- 6.3 It is noted that the site has a history of failed attempts for the erection of a new dwelling to the southern boundary of the site, both applications of which were subsequently dismissed at appeal. The refused schemes included the erection of a four bedroom two-storey detached dwelling in a similar location to the proposed bungalow, and were dismissed for a tightly confined site on backland, which was poorly located, cramped, un-coordinated, and would have had a detrimental impact on neighbouring amenity. Whilst the applications were both dismissed for the above reasons, the principle of the proposal was not resisted, in which the visual impact and impact on neighbouring amenity will be assessed for the current proposal. The current scheme proposes to demolish the existing dwelling on site and redevelop a larger area, thus accommodating the additional two dwellings and providing a more suitable arrangement. In addition to this, the siting of the previously proposed two-storey dwelling (referenced under DC/12/0650 and DC/11/2482) has been significantly reduced in scale to a bungalow, thus reducing any perceived bulk to the site on the boundary, and overcoming and previous impact of overlooking from first floor accommodation.

### Visual Impact and Appearance

- 6.4 Policy 32 of the Horsham District Planning Framework states that good design is a key element in sustainable development, and seeks to ensure that development promotes a high standard of urban design, architecture and landscape. Policy 33 of the Horsham District Planning Framework states that development proposals should make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape.
- 6.5 The application proposes the erection of three new dwellings on the site in place of a detached bungalow on a generous plot. The dwellings would be formed of two detached four bedroom two-storey dwellings, and one detached two bedroom bungalow. The existing access to the site would be maintained as the access to plot 2 and 3, and for the neighbouring dwellings to the rear of the site, and a new access would be created for plot 1, which would open on to North Heath Lane. The proposed dwellings would be sited 6-16m from the boundary to the highway, and would be separated adequately between each other, and at least 14m from the nearest existing residential dwellings.
- 6.6 The proposed built form would be noticeably increased from the existing arrangement on the site, in which the proposed dwellings would feature a contemporary Sussex design with a mix of pitched and half-hipped roofs, with tile hanging and open gables. The surrounding area is composed of detached and terraced dwellings of varying design and styling of a mid-twentieth century vernacular – whilst the proposal does not attempt to directly replicate this style, the submitted design detail cohabit with the variation within the wider surrounding area. The layout of the scheme attempts to reflect the neighbouring built pattern, which would be sufficiently set back from the road with soft landscaping, and the retention of the green boundary along the frontage. Overall, this approach is considered broadly acceptable and would not conflict with policies 32 and 33 of the Horsham District Planning Framework.

### Impact on Neighbouring Amenity

- 6.7 Policy 33 of the Horsham District Planning Framework states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.
- 6.8 The proposed dwellings would be sited in a parallel fashion perpendicular to North Heath Lane, in which plots 1 and 2 would be separated at a distance of 2.5m from each other, and plots 2 and 3 separated at 7m. The proposed window arrangement to each dwelling would be sympathetic with this arrangement, in which windows to the side elevations of the dwellings serve a first floor bathroom (plot 1), which would likely be obscurely glazed, and a window serving a garage at ground floor level (plot 2). Given the proposed building line, there would be a degree of mutual overlooking, mainly to plots 1 and 2, which would be expected for residential development within the built up area. Each plot would also have reasonable grounds to the front and rear curtilage to serve as private amenity space.
- 6.9 In regards to the impact on existing neighbouring dwellings; plot 1 would be sited approximately 1m further to the north than the existing arrangement, set at a distance of 14m to the nearest neighbours at Nos. 6 and 7 Wain End. The northern elevation of the proposed dwelling would not include any windows at first or ground floor level, with the exception of one window serving the dining room of a rear projection, set further from the neighbour. To the rear, facing Honor Oak, windows serving the living areas and bedrooms would face the neighbouring property at 17.5m at ground floor level and 20.5m at first floor. Given the absence of windows to the northern elevation, coupled with the separation distance to the neighbour to the rear, the proposed arrangement would not adversely impact on neighbours by way of overlooking. Further to this, given the separation distance to the existing neighbouring dwellings, and despite the increase in height compared to the existing bungalow, the proposed dwelling would not adversely impact on neighbours by way of overshadowing.
- 6.10 Plot 2 would be set some 2.1m from the side elevation of the nearest neighbouring dwelling, Honor Oak, in which the rear elevation facing the neighbour would host two bedroom windows and a window serving the landing. Given the separation distance to the neighbour to the rear, the proposed arrangement would not adversely impact on neighbours by way of overlooking. Further to this, given the separation distance to the existing neighbouring dwellings, the proposed dwelling would not adversely impact on neighbours by way of overshadowing.
- 6.11 Plot 3 would be sited in a similar location of the previously refused scheme. The dwelling would be set some 14.5m from the rear elevation of No. 1 Allcard Close, 19m from No. 2, and 19m from No. 8. Whilst the location of the proposed dwelling is similar to previous proposals, the proposed dwelling will comprise a bungalow, thus lacking any outlook from first floor windows. Any outlook from the proposed ground floor windows would be obscured by the shared boundary to the neighbours, and outlook to the garden curtilage would be mutual. Whilst there is currently no built form to this part of the site already, in which views from the neighbours are limited to Vivians, the presence of the views to the bungalow roof from the neighbours would not be considered detrimental to neighbouring visual amenities. Further to this, given the separation distance to the existing neighbouring dwellings, the proposed dwelling would not adversely impact on neighbours by way of overshadowing.
- 6.12 No impact by way of overshadowing or overlooking is expected from the proposed dwellings in relation to the neighbouring terrace (Nos. 1-17 North Heath Lane) given the generous separation distance in excess of 27.5m.
- 6.13 Notwithstanding the above considerations, a condition is proposed to be attached to any grant of planning permission; removing the dwellings' permitted development rights relating



to Classes B and C (roof alterations). This will control any potential future development of the proposed dwellings, as any further development without the Local Planning Authority's Control may lead to an adverse impact on neighbouring amenity. With this and the above in mind, the proposed dwellings are not considered to adversely impact on neighbouring amenity, and is therefore considered in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 6.14 It is noted that one neighbour objected on the grounds of smells omitting from the kitchen of the proposed bungalow (plot 3). Given the setting of the existing and proposed dwellings within an established residential area, the siting of the bungalow in relation to its neighbours is not considered to adversely impact on neighbouring residential amenity on these grounds.

#### Highways and Parking

- 6.15 Policy 40 of the Horsham District Planning Framework states that transport access and ease of movement is a key factor in the performance of the local economy. The need for sustainable transport and safe access is vital to improve development across the district. Policy 41 of the Horsham District Planning Framework states that development that involved the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere. Adequate parking facilities must be provided within the developments to meet the needs of the anticipated users.
- 6.16 Visibility from both accesses appears sufficient to serve the proposed dwellings. Consideration is given to the low vehicular speeds in this location, the presence of a school safety zone to the north of the accesses lowers the speed limit to 20mph during school peak hours. This, along with the road layout, seeks to ensure vehicular speeds are low at times when there is a higher pedestrian presence along this road. Once implemented, both accesses are required to be kept free of obstructions within the visibility splays which exceed 0.6m in height, this is in order to maximise visibility for both cars and pedestrians.
- 6.17 The existing access to the site will be widened to 4.1m in order to allow two vehicles to pass into/out of the site without causing traffic to queue on the street. The parking allocation is in accordance with the demand from the West Sussex County Council PDC (Parking Demand Calculator) in which the car parking provision is anticipated to satisfy the likely demands. The proposed parking layout for this development is considered acceptable, and would suitably cater for an average size vehicle. The proposed garage spaces allows space for cycle parking to be incorporated within the garage and promotes a more sustainable method of transportation for shorter journeys. Space is available within the site for vehicles to turn and egress the site in a forward gear. There are no known capacity and congestion issues within the immediate vicinity of the site. From a capacity perspective, proposal for an additional two dwellings will not have a severe residual impact.
- 6.18 The proposed dwellings are situated within walking distance of a regular bus service which calls along North Heath Road; these allow travel to Gatwick Airport and into Horsham. Horsham railway station is situated an 18 minute walk from the development and provides connections to London and Brighton for commuters. Cycle parking can be accommodated for within the garage spaces provided and offer an alternative method of transportation for commuters. Shops and Amenities are situated within Horsham centre and are reachable by the above modes of transportation. With this and the above in mind, the proposal is considered to accord with Policies 40 and 41 of the Horsham District Planning Framework.

#### Other Issues

- 6.19 It is noted that the proposed garage and driveway serving the proposed bungalow (plot 3) would be within the root protection area of the adjacent sycamore tree close to the boundary of the site, which is protected by TPO (TPO/1438). The Arboricultural Officer's



comments are acknowledged; however, the construction of the bungalow itself is not considered to result in any detrimental harm to the tree. With regards to the garage and drive, it is considered that further detail relating to their construction would likely overcome in material issues regarding any perceived harm to the protected trees – as such, a condition is attached to ensure that further information is submitted prior to the commencement of development.

### Conclusion

- 6.20 The proposed dwellings are considered acceptable in principle, which would be of an adequate scale and design for the proposal site and the wider surrounding area. The dwellings would not amount to any adverse impact on neighbouring amenity, detrimental to the enjoyment of the existing arrangement, and would not cause any material harm to the highway. As such, the proposal is considered in accordance with the Horsham District Planning Framework, subject to the attached conditions and informative.

## 7. RECOMMENDATIONS

- 7.1 That the application be approved, subject to the following conditions:

- 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 be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors' buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access.

- 4 **Pre-Commencement Condition:** No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved planning drawing.

Reason: In the interests of road safety.

- 5 **Pre-Commencement Condition:** No part of the development shall be first occupied until the road(s), footways, and casual parking areas serving the development have been constructed, surfaced and drained in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development.

- 6 **Pre-Commencement Condition:** No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the development.

- 7 **Pre-Commencement Condition:** Within six months of the implementation of the development, maximum achievable visibility splays shall be provided at both of the site accesses onto North Heath Lane in accordance with a plan to be submitted to and approved by the planning authority. These splays shall thereafter be kept clear of all obstructions to visibility above a height of one metre above the adjoining road level.

Reason: In the interests of road safety.

- 8 **Pre-Commencement Condition:** Notwithstanding previously submitted drawings, prior to the commencement of the construction of the proposed bungalow and the associated drive and detached garage (plot 3), detailed drawings of their foundations and footings below ground level shall be submitted to and approved in writing by the Local Planning Authority, and shall be undertaken in accordance with the approved details.

Reason: to protect the future health and amenity of the adjoining trees.

- 9 **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).

- 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:** The dwelling hereby permitted shall not be occupied until the windows at first floor level serving the bathrooms/WC and En Suite(s) to the south and east elevations on Plan P103 have been fitted with obscured glazing. No part of the windows that are less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing and non-openable parts of those windows shall be retained permanently thereafter.

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

- 12 **Pre-Occupation Condition:** The dwelling hereby permitted shall not be occupied until the windows at first floor level serving the bathrooms/WC and En Suite(s) to the west elevation on Plan P106 have been fitted with obscured glazing. No part of the windows that are less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing and non-openable parts of those windows shall be retained permanently thereafter.

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

- 13 **Pre-Occupation Condition:** The dwelling hereby permitted shall not be occupied until the windows at ground floor level serving the bathrooms/WC and En Suite(s) to the west and east elevations on Plan P109 have been fitted with obscured glazing. No part of the windows that are less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing and non-openable parts of those windows shall be retained permanently thereafter.

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

- 14 **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).

- 15 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order no development falling within Classes B and C of Part 1 of Schedule 2 (amend classes and schedule as necessary) of the order shall be erected, constructed or placed within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

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

#### INFORMATIVES:

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.co.uk/planning/applications/paperforms](http://www.planningportal.co.uk/planning/applications/paperforms)

*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 identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

*Minor Highway Works*

The applicant is advised to contact the Highway Licensing team (01243 642105) to obtain formal approval from the highway authority to carry out the site access works on the public highway.

*Southern Water*

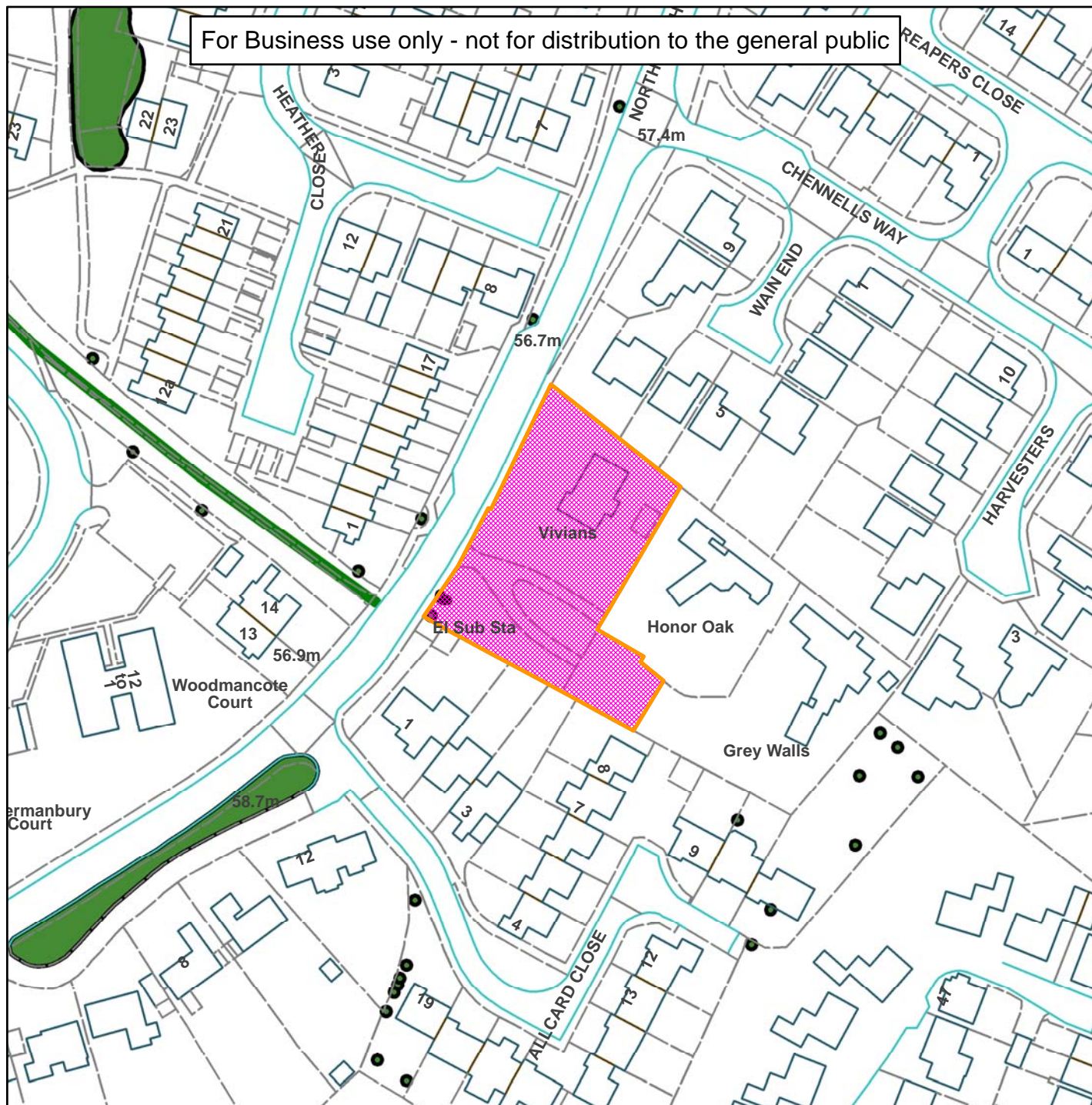
A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

Background Papers: DC/17/1458



Vivians, North Heath Lane

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Organisation	Horsham District Council
Department	
Comments	
Date	22/08/2017
MSA Number	100023865

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Horsham  
District  
Council

# ADDENDUM TO PLANNING COMMITTEE REPORT

**TO:** Planning Committee

**BY:** Head of Development

**DATE:** 05 September 2017

**DEVELOPMENT:** Erection of 2 x two storey, 1 x single storey dwellings and detached single garage with associated parking/hardstanding (involving demolition of existing bungalow).

**SITE:** Vivians North Heath Lane Horsham West Sussex RH12 5PQ

**WARD:** Holbrook East

**APPLICATION:** DC/17/1458

**APPLICANT:** **Name:** Broughtonwood Homes **Address:** c/o OSP Architecture, Broadmede House, Farnham Business Park, Weydon Lane, Farnham, GU9 8QT

## 1. OUTCOME OF CONSULTATIONS

### INTERNAL CONSULTATIONS

- 1.1 **Arboricultural Officer** comments amended following the receipt of additional and revised material (which omits the proposed garage to plot 3) and therefore no longer objects to the siting of the garage within the protected tree's root protection area. The additional information confirmed that the drive would be of a no dig construction, thus overcoming comments relating to levels and siting for the drive. Objection is sustained regarding to the potential future residential development pressures to the protected tree.

## 2. OFFICER COMMENTS

- 2.1 Paragraph 6.10, relating to Plot 2's siting in relation to neighbouring dwellings, states that the new dwelling would be sited 2.1m from the neighbours, which should read 21m.

- 2.2 Paragraph 6.19, relating to issues with the protected tree, to be re-worded to reflect the Arboricultural Officer's comments following the submission of the revised and additional detail.
- 2.3 Updated plans list to include the revised site layout plan, which excludes the garage, and the additional plan detailing the proposed land level

### 3. RE-WORDED CONDITIONS

- 3.1 (8) **Pre-Commencement Condition:** Notwithstanding previously submitted drawings, prior to the commencement of the construction of the proposed bungalow and the associated drive (plot 3), detailed drawings of their foundations and footings below ground level shall be submitted to and approved in writing by the Local Planning Authority, and shall be undertaken in accordance with the approved details.

Reason: to protect the future health and amenity of the adjoining trees.

- 3.2 (15) **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order no development falling within Classes B, C and F of Part 1 of Schedule 2 (amend classes and schedule as necessary) of the order shall be erected, constructed or placed within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

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





**Horsham  
District  
Council**

**PLANNING COMMITTEE  
REPORT**

**TO:** Planning Committee North

**BY:** Head of Development

**DATE:** 05 September 2017

**DEVELOPMENT:** Demolition of existing B1 (Business) / B8 (Storage) use building and erection of 2 No. semi-detached two storey dwellings (with rooms in roof) with associated parking.

**SITE:** Trinity Hall Rushams Road Horsham West Sussex, RH12 2NU

**WARD:** Trafalgar

**APPLICATION:** DC/17/0786

**APPLICANT:** Brix Ltd, Unit 11, Bramley Business Park, Bramley, Guildford

**REASON FOR INCLUSION ON THE AGENDA:** Referred to Planning Committee (Representations). More than 8 letters of representation contrary to the Officer's recommendation have been received.

**RECOMMENDATION:** Application Permitted, subject to conditions.

**1. THE PURPOSE OF THIS REPORT**

To consider the planning application.

**DESCRIPTION OF THE APPLICATION**

- 1.1 The application seeks full planning permission for the demolition of the existing building and the erection of 2 x semi-detached dwellings.
- 1.2 The proposed dwellings would be positioned centrally within the site, and would be accessed from the public footpath. The dwellings would include separate vehicle access with parking provided adjacent to the boundary, with the entrance to the properties provided on the front elevation.
- 1.3 The built form would measure to a total width of 13.2m and a total depth of 10.4m, with an overall ground floor footprint of approximately 130sqm. The proposed dwellings would extend over three storeys, incorporating a hipped roof extending to a total height of 8.2m. Each dwelling would incorporate a ground floor bay window, with Plot 1 including a dormer window within the roof, and Plot 2 including a gable feature to the front.
- 1.4 Each dwelling would provide a kitchen/dining room, living room, and w.c to the ground floor, with 4 x bedrooms (3 with ensembles) spread across the first and second floor.

- 1.5 Amenity space would be provided to the rear of each dwelling, with Plot 1 comprising an area of approximately 54sqm, and Plot 2 measuring approximately 60sqm. Tandem parking for 2 vehicles would be provided to the side of each dwelling adjacent to the boundary, with these spaces measuring to a width of between 2.6m and 2.9m.

#### DESCRIPTION OF THE SITE

- 1.6 The application site consists of a single storey red brick building which has been extended to the east to incorporate a flat roof addition and pitched roof extension. The site lies to the south of Rushams Road within the designated built up area of Horsham, and is surrounded by a number of properties, primarily of residential use.
- 1.7 The application site is bound by a three storey dwelling to the west which includes an external staircase positioned directly adjacent to the shared boundary. This provides external access to the flat above, with a first floor side door serving as the primary access. The neighbouring property to the east is oriented at 90 degrees to the site and consists of a single storey detached bungalow, and includes a number of window openings along the western elevation.
- 1.8 The wider street scene is characterised by residential dwellings of semi-detached and terraced properties, most of which extend to two and three storeys.

## 2. INTRODUCTION

#### STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

#### RELEVANT PLANNING POLICIES

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

- 2.2 **National Planning Policy Framework:**  
NPPF1 - Building a strong, competitive economy  
NPPF4 - Promoting sustainable transport  
NPPF6 - Delivering a wide choice of high quality homes  
NPPF7 - Requiring good design  
NPPF14 - Presumption in favour of sustainable development
- 2.3 **Horsham District Planning Framework (HDPF 2015)**  
HDPF1 - Strategic Policy: Sustainable Development  
HDPF2 - Strategic Policy: Strategic Development  
HDPF3 - Strategic Policy: Development Hierarchy  
HDPF7 - Strategic Policy: Economic Growth  
HDPF9 - Employment Development  
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  
HDPF41 - Parking

#### RELEVANT NEIGHBOURHOOD PLAN

- 2.4 *Horsham Blueprint Neighbourhood Forum* - Designated (Regulation 10) – June 2015

## PLANNING HISTORY AND RELEVANT APPLICATIONS

HU/137/65	Nursery school (From old Planning History)	Application Permitted on 25.05.1965
HU/41/74	Change of use to red cross society (From old Planning History)	Application Permitted on 19.12.1974
HU/225/85	Extension to form entrance hall (From old Planning History)	Application Permitted on 30.10.1985

### 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 N/A

#### OUTSIDE AGENCIES

- 3.3 **West Sussex County Council ( WSCC) – Highways:** No objection, but request further information in respect of pedestrian visibility splays.
- 3.4 **Southern Water:** No objection.

#### PUBLIC CONSULTATIONS

- 3.5 **Trafalgar Neighbourhood Council:** Object on the following grounds:
- Design of the proposed development is out of keeping with the surrounding properties
  - The building is too high
  - Insufficient parking
  - Overdevelopment of the site
- 3.6 **The Horsham Society:** Object to the scheme on the grounds that the proposal would result in overdevelopment of the site; increased parking pressure; and the scale and mass which would be overbearing in the context of the surroundings.
- 3.7 A total of 20 objections have been received from 12 households, and these can be summarised as follows:
- Height of proposed development not in keeping with neighbouring properties
  - Parking provision on site and its impact upon the restricted parking situation
  - Scale and massing in context of neighbouring property to west
  - Inadequate visibility from proposed driveway entrances
  - Overlooking and loss of privacy to neighbouring properties
  - Overdevelopment of the site
  - Out of keeping with the character of the surrounding properties
  - Loss of light to neighbouring residents
  - Loss of a distinctive building
  - Loss of community facility

#### **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 application seeks full planning permission for the demolition of the existing building currently under B1/B8 (office/storage) use, and the erection of a pair of semi-detached dwellings.

##### **Principle of Development**

- 6.2 Policy 3 of the Horsham District Planning Framework (HDPF) states that development will be permitted within towns and villages that have defined built-up areas. Any infilling will be required to demonstrate that it is of an appropriate nature and scale to maintain characteristics and function of the settlement, in accordance with the settlement hierarchy. In addition, Policy 9 of the HDPF states that redevelopment of employment sites and premises outside of Key Employment Areas must demonstrate that the site is no longer needed, and/or viable for employment use.
- 6.3 The building is currently under B1/B8 Use following the relocation of the main Red Cross services to other parts of the county. The planning history of the site indicates that the building was previously used as a Dial-a-Ride Office (permitted under planning approval HU/16/99) with approximately 22sqm used for office floor space, and approximately 20sqm used for storage purposes.
- 6.4 A number of representations have queried the use of the building, with evidence submitted that the building has also been used historically as a community hall. However, the planning history of the site indicates that the authorised use of the building has been for office and storage (B1/B8), with the applicant submitting the deeds of the building, which includes a covenant which specifies that the building should not be used for community events. It is therefore considered that whilst the building may have been used as a community hall, this was not the primary use of the building, and was more than likely undertaken on an informal and irregular basis. For this reason, the authorised use of the building is considered to be B1/B8, as suggested by the planning history and evidence submitted by the applicant.
- 6.5 The applicant has provided marketing details stating that the property provides a mixture of open plan and cellular accommodation across a reception area, two offices, and a lock-up garage with further storage space. The property was indicated as having a floor area of 166.11sqm, and was offered for sale with the benefit of vacant possession. The site was bought by the applicant in May 2017 following a number of unsuccessful offers, all of which were conditional on planning approval for non-office use.
- 6.6 The applicant states that the existing layout is unsatisfactory for office use, with the building requiring substantial improvement works in order to provide a satisfactory working environment. The existing building has little insulation and poor energy performance, with

areas of the building, including the main hall and garage unsuitable for habitable accommodation.

- 6.7 Whilst the proposal would result in the loss of employment space, it is noted that the current state of the building and accommodation provided is limited, with substantive works required to improve the quality of the building. It is therefore considered that the applicant has appropriately demonstrated that the building is no longer viable for employment use, in accordance with Policy 9 of the Horsham District Planning Framework.
- 6.8 The application site is located within the built-up area of Horsham which is categorised as a “Main Town” within the settlement hierarchy. There is a presumption in favour of sustainable development within the defined built-up area, and as such residential development on the site is considered acceptable in principle.
- 6.9 Whilst the proposed re-development would result in the loss of employment space, the proposed residential development is considered to be of an appropriate nature and scale to maintain the characteristics and function of the settlement, in accordance with Policies 3 and 9 of the HDPF.

#### **Character of the dwellings and visual amenities of the street scene**

- 6.10 Policies 32 and 33 promote development which is of high quality and design, and is sympathetic to the distinctiveness of the dwelling and surroundings.
- 6.11 The total built form of the dwellings would measure 10.4m (depth) and 13.2m (width), with each individual dwelling extending to a width of approximately 6m and a depth of between 9.3m and 10.5m. The proposed dwellings would incorporate a hipped roof extending to an overall height of 8.2m, with a pitched roof dormer to the front elevation of Plot 1 and a gable feature to Plot 2. The dwellings would be finished in facing brick and vertical tile hanging, with residential amenity space positioned to the south of the dwellings.
- 6.12 The surrounding area is characterised by residential dwellings of predominantly two storeys (with additional accommodation within the roof), most of which are semi-detached or terraced, with examples of detached properties within the wider street scene. The built pattern is predominantly narrow, rectangular, elongated plots, with larger dwellings in wider plots positioned to the south-east of the site. The majority of the dwellings are finished in red brick, with examples of render and tile hanging within the wider street scene.
- 6.13 The proposed dwellings would extend to a height of 8.2m, approximately 0.5m higher than the neighbouring dwelling to the west, and 3.5m above the single storey dwelling to the east. The proposed dwellings would form the end of a continuous line of residential dwellings built along Rushams Road, with the layout of the proposed development reflecting this. Whilst the proposed dwellings would extend above the single storey bungalow to the east, given this property’s siting and orientation at the corner of Blunts Way, it is not considered to read in the context of the linear development to the west. Although the scale and massing of the proposed development would juxtapose the adjacent property to the west, given the context and built pattern of the majority of surrounding properties, the proposal is considered to reasonably reflect the prevailing character and pattern of the built surroundings.
- 6.14 It is noted that a number of objections have been raised to the scale and appearance of the proposed development, which is considered to be out of keeping with the character of the wider street scene. Following amendments the proposed built form would consist of a pair of semi-detached dwellings, with a gable feature to the front and a hipped roof form. The proposed development would sit at a similar height to the surrounding buildings, and is considered to be of a form and vernacular that would reflect the character and appearance of surrounding properties.

- 6.15 The dwellings would provide 4 x bedrooms, and would measure to a total floor area of between 139sqm and 153sqm, with rear amenity space of between 54sqm and 60sqm. Whilst the surrounding properties include narrow, elongated rear gardens, it is noted that the properties to the north, particularly along Blunts Way, include rear gardens of similar size and extent to that proposed. The plot size of each dwelling is therefore considered to provide a sufficient amount of amenity space that would be reflective of the built surroundings and pattern of development. In addition, the position of the built form centrally within the site would retain a level of openness between the surrounding properties, allowing a form of visual relief when viewed from the street.
- 6.16 The proposed layout of the site is considered to reflect the pattern of the built surroundings, with the proposed form and appearance considered to reflect the overall character and vernacular of the surrounding properties. The proposed plot size and layout are considered to be reflective of similar development within the area, with the proposal considered to maintain the characteristics of the surrounding built pattern, in accordance with Policies 32 and 33 of the Horsham District Planning Framework (2015).

#### **Amenities of the occupiers of adjoining properties**

- 6.17 Policy 33 states that development should consider the scale, massing and orientation between buildings, respecting the amenities and sensitivities of neighbouring properties.
- 6.18 The application site is surrounded by properties of both single and two storeys, most of which are built along a continuous build line adjacent to the public highway. The neighbouring property to the west consists of a single storey property oriented at 90 degrees to the proposed development, with a number of window openings within the western elevation. The neighbouring property to the east is a three storey dwelling which includes a side first floor opening to the flat above.
- 6.19 It is noted that a number of objections have been raised on the grounds of residential amenity, and in particular the loss of light and privacy to the neighbouring property to the east. Following initial concerns raised, the development has been amended to increase the physical gap to the shared boundary, with the provision of a single opening to a non-habitable room to the eastern elevation.
- 6.20 The neighbouring property to the east consists of a single storey bungalow, oriented at 90 degrees to the application site so that the dwelling faces east/west. The residential amenity space of the bungalow is positioned to the north and south of the dwelling, with a number of windows positioned along the western elevation opening to habitable rooms. The site is bound by a 1.8m high fence to all boundaries.
- 6.21 The existing garage on the application site forms part of the shared boundary, with the proposed development seeking to offset the built form on the site so that the parking area for Plot 1 would be positioned directly adjacent to the shared boundary with the bungalow to the east. The built form of the semi-detached dwellings would be built along the frontage of the site, so that the rear elevation of the proposed dwellings would be approximately 4.5m from the northern elevation of the neighbouring property.
- 6.22 Whilst noted that the scale and massing of the built form would visually compete with the neighbouring bungalow, it is considered that the proposed development, set at a distance of approximately 7.6m from the neighbouring bungalow to the east, would be positioned at sufficient distance from this property to limit potential amenity impact. The existing bungalow would be offset from direct view, with any potential views from the first and second floor limited. Therefore, whilst the proposal would increase the perception of overlooking, it is considered that the angle of degree would provide limited views into the neighbouring site.

- 6.23 The position of the proposed dwellings along the site frontage is considered to negate the prominence of the dwellings when viewed from the neighbouring bungalow, with the limited opening to habitable rooms along the eastern elevation considered to restrict potential overlooking. Given the relationship between the proposed development and the existing bungalow it is considered that only oblique views of this neighbouring property would be possible. As such, it is considered that the impact upon the neighbouring properties through overshadowing, loss of light and privacy would be limited. As such, it is not considered that material harm would be caused by the development, in accordance with policy 33 of the Horsham District Planning Framework (2015).

### **Existing Parking and Traffic Conditions**

- 6.24 Policy 41 states that development should provide safe and adequate access and parking, suitable for all users.
- 6.25 Each dwelling would incorporate tandem parking for 2 x vehicles positioned to the side of the dwelling, with access provided directly from Rushams Road. Each parking area would measure to a total width of 2.6m and a depth of 9.6m.
- 6.26 A number of objections have been raised on the grounds that the development would result in an increased pressure on the already restricted parking in the locality, with the access into the site potentially causing harm to the function and safety of Rushams Road.
- 6.27 It is noted from comments provided by WSCC Highways that there would be a shortfall of 1 parking space for the proposed dwellings. However, given the proximity to and frequency of local public transport links, the level of parking provided is considered acceptable. In addition, whilst noted that further information in the form of pedestrian visibility splays would be beneficial, these could be provided as part of an appropriately worded condition.
- 6.28 It is considered that the proposed development would provide sufficient parking, with the proposed access considered reasonable, subject to condition. It is therefore considered that the proposal is considered to provide adequate parking, and is not considered to result in harm to the function or public safety of the highway, in accordance with policy 41 of the Horsham District Planning Framework (2015).

### **Conclusion**

- 6.29 The proposed dwellings are considered to be of a scale, design and form that would be sympathetic to the character and distinctiveness of the site and wider townscape, whilst of a siting and orientation that would not materially harm the amenities of neighbouring properties. In addition, the proposal is considered to provide sufficient parking and turning space on site, with the increased level of activity not considered to result in 'severe' harm to the function of the public highway network. As such, the proposal is considered to accord with policies 3, 9, 25, 32, 33, and 41 of the Horsham District Planning Framework (2015).

## **7. RECOMMENDATIONS**

- 7.1 It is recommended that planning permission be granted subject to the following conditions:
- 1 Approved Plan
  - 2 **Standard Time Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 3 **Pre-Commencement Condition:** No development shall commence 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).

- 4 **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).

- 6 **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).

- 7 **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).

- 8 **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, details of the parking turning and access facilities shall be submitted to and approved by the Local Planning Authority in writing. The building/dwelling shall not be occupied until the approved parking, turning and access facilities have been fully implemented. The parking turning and access facilities shall thereafter be retained as such.



Reason: To ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 9 **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).

- 10 **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).

#### NOTE TO APPLICANT

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

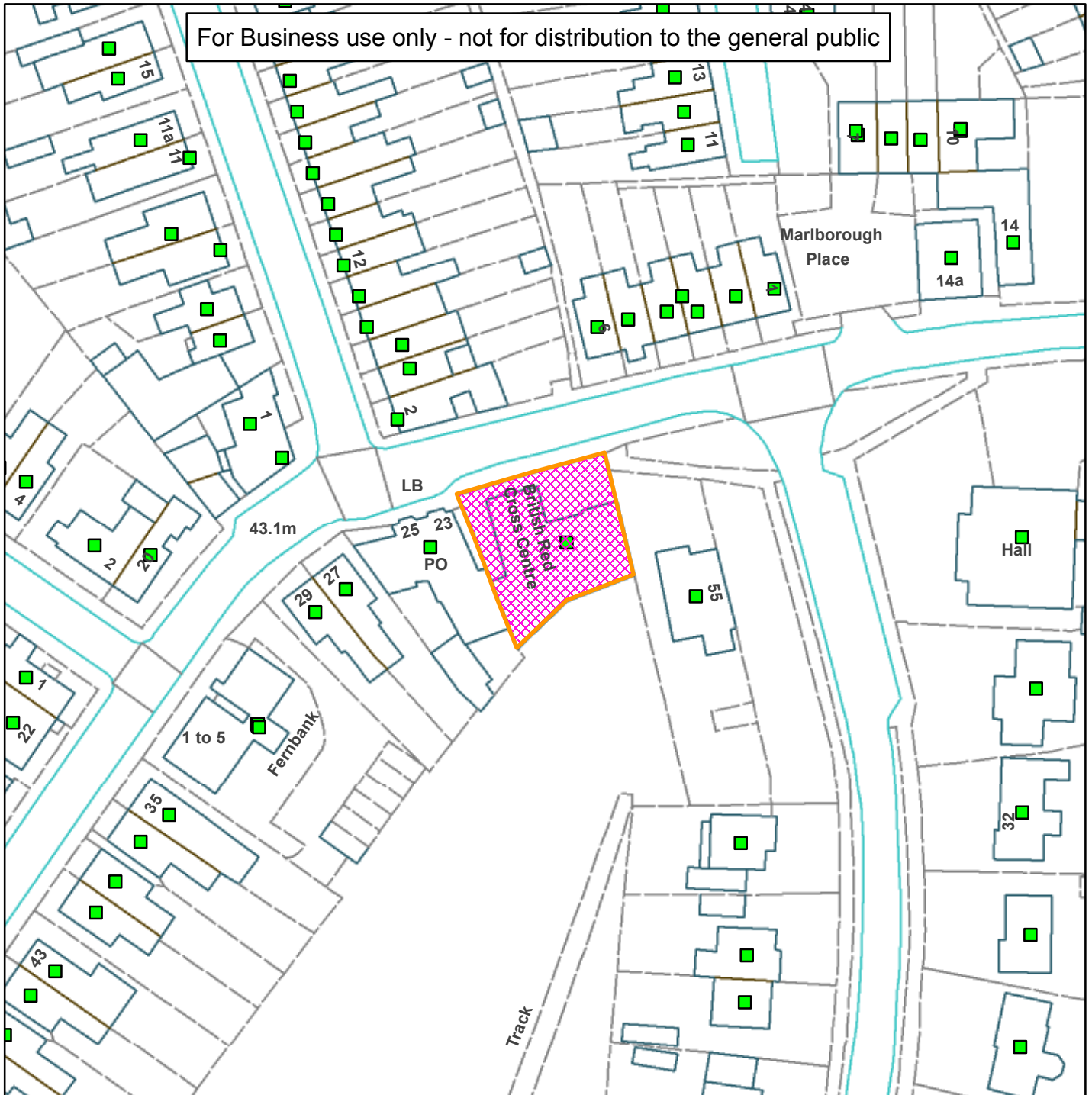
Background Papers: DC/17/0786

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Trinity Hall Rushams Road

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Organisation	Horsham District Council
Department	
Comments	Not Set
Date	23/08/2017
MA Number	100023865

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