



Planning Committee (North)

Tuesday, 3rd July, 2018 at 5.30 pm

Conference Room, Parkside, Chart Way, Horsham

| | | |
|--------------|-----------------------------|--------------------|
| Councillors: | Karen Burgess (Chairman) | |
| | Liz Kitchen (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

Glen Chipp
Chief Executive

Agenda

| | Page No. |
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| GUIDANCE ON PLANNING COMMITTEE PROCEDURE | |
| 1. Apologies for absence | |
| 2. Minutes | 7 - 16 |
| To approve as correct the minutes of the meeting held on 5 June 2018 (Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to committeeservices@horsham.gov.uk at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.) | |
| 3. Declarations of Members' Interests | |
| To receive any declarations of interest from Members of the Committee | |
| 4. Announcements | |
| To receive any announcements from the Chairman of the Committee or the Chief Executive | |

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

5. **Appeals** 17 - 18
- Applications for determination by Committee:
6. **DC/18/0205 - Firtree Plantation, Hyes Woodland, Waterlands Lane, Rowhook** 19 - 30
Ward: Rudgwick
Applicant: Dr Adrian Worrall
7. **DC/18/0612 - Mr Lis Chinese Restaurant, 45 Springfield Road, Horsham** 31 - 40
Ward: Trafalgar
Applicant: Domino's Pizza UK & Ireland plc
8. **DC/18/0751 - 78 Irwin Drive, Horsham** 41 - 48
Ward: Trafalgar
Applicant: Mrs Marilyn Thomas
9. **DC/18/0729 - The corner of Piries and Park Place on the highway adjacent to Piries Place Car Park, Copnall Way, Horsham** 49 - 58
Ward: Denne
Applicant: Kier Construction Southern

ADDENDUM TO ITEMS 6 -9

10. **Urgent Business**
- Items not on the agenda which the Chairman of the meeting is of the opinion should be considered as urgent because of the special circumstances

Agenda Annex

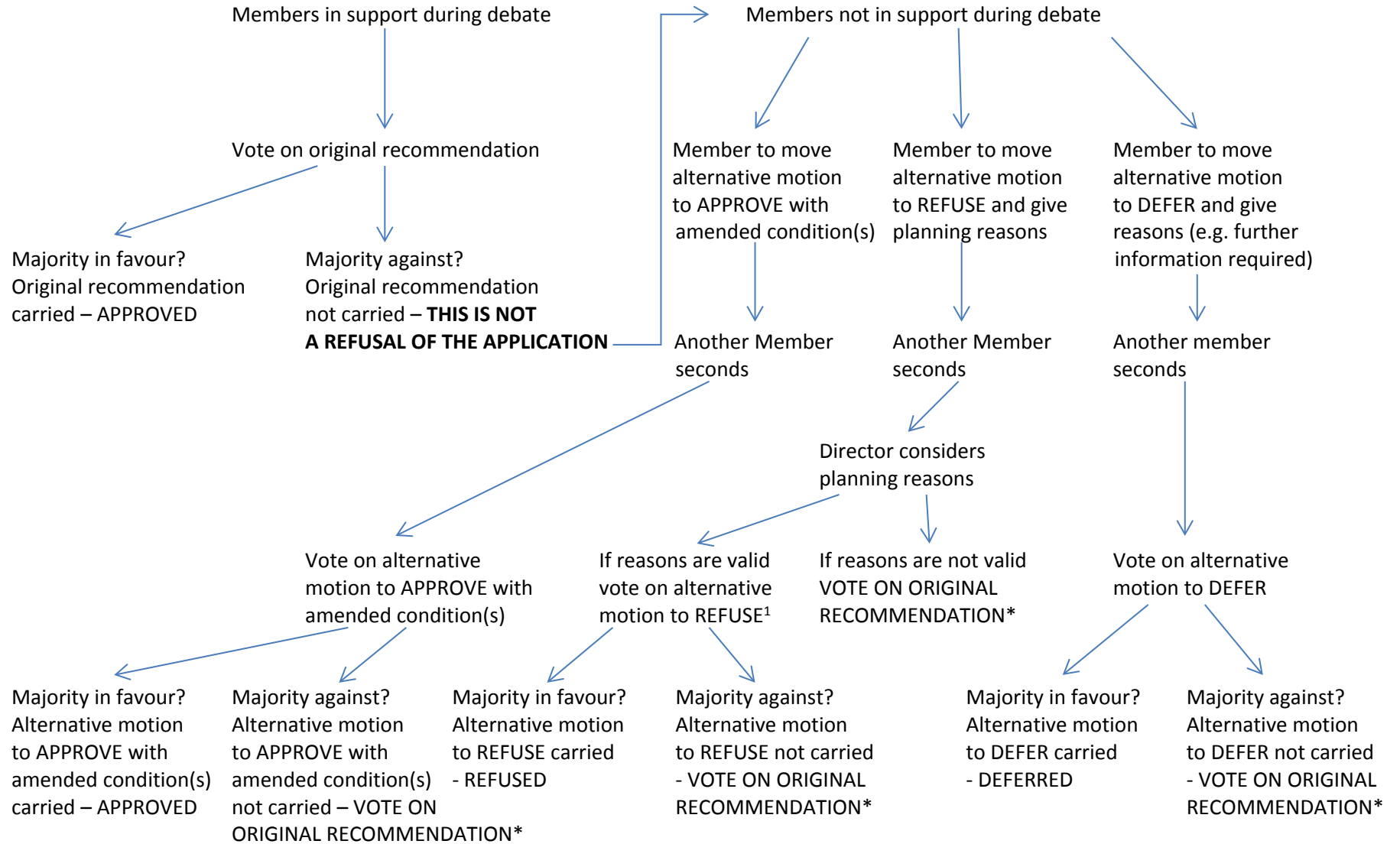
GUIDANCE ON PLANNING COMMITTEE PROCEDURE

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

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

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

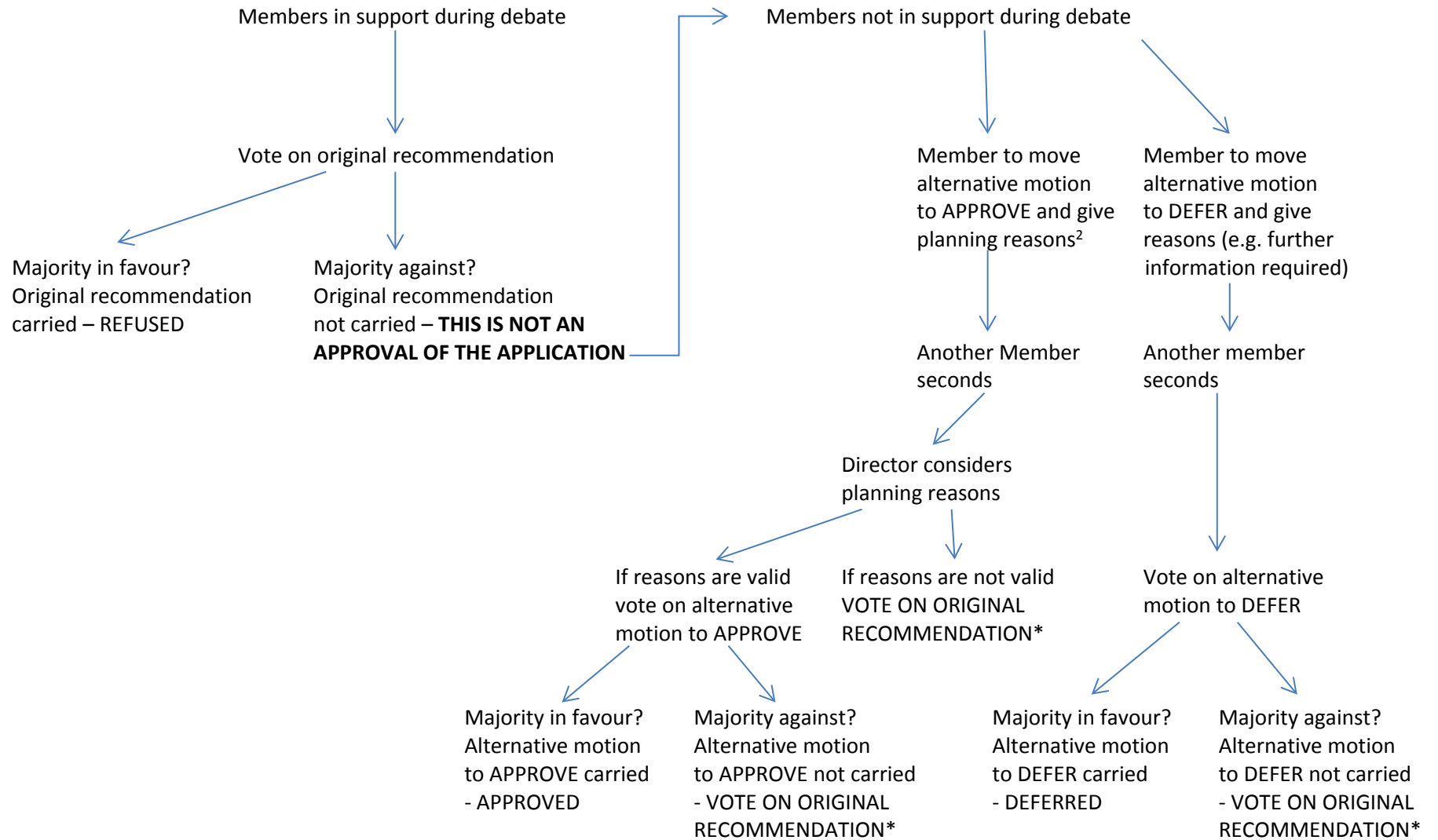
Original recommendation to APPROVE application



*Or further alternative motion moved and procedure repeated

¹ Subject to Director’s power to refer application to Full Council if cost implications are likely.

Original recommendation to REFUSE application



*Or further alternative motion moved and procedure repeated

² Oakley v South Cambridgeshire District Council and another [2017] EWCA Civ 71

Planning Committee (North)
5 JUNE 2018

Present: Councillors: John Bailey, Andrew Baldwin, Toni Bradnum, Alan Britten, Karen Burgess, Peter Burgess, John Chidlow, Roy Cornell, Christine Costin, Leonard Crosbie, Jonathan Dancer, Billy Greening, Tony Hogben, Liz Kitchen, Christian Mitchell, Josh Murphy, Godfrey Newman, Connor Relleen, Stuart Ritchie, David Skipp, Simon Torn, Claire Vickers and Tricia Youtan

Apologies: Councillors: Matthew French and Adrian Lee

Also Present: Councillor Kate Rowbottom

PCN/1 **ELECTION OF CHAIRMAN**

RESOLVED

That Councillor Karen Burgess be elected Chairman of the Committee for the ensuing Council year.

PCN/2 **APPOINTMENT OF VICE-CHAIRMAN**

RESOLVED

That Councillor Liz Kitchen be appointed Vice-Chairman of the Committee for the ensuing Council year.

PCN/3 **TO APPROVE THE TIME OF MEETINGS OF THE COMMITTEE FOR THE ENSUING YEAR**

RESOLVED

That meetings of the Committee be held at 5.30pm for the ensuing Council year.

PCN/4 **MINUTES**

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

PCN/5 **DECLARATIONS OF MEMBERS' INTERESTS**

There were no declarations of interest.

PCN/6 **ANNOUNCEMENTS**

There were no announcements.

PCN/7 **APPEALS**

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

PCN/8 **DC/17/2216 - HAWTHORNS, BAR LANE, SOUTHWATER**

The Head of Development reported that this application sought permission for the provision of four Gypsy and Traveller pitches, each with a utility building and parking space. The existing building would be used for storage by users of the site. Amenity areas and paddock area were included in the proposal. The proposal had originally been for six pitches and a retail unit and, in response to concerns, had been amended to four units.

Members were updated on a number of issues including:

- a correction to the final sentence of paragraph 6.19 of the Officers report which should have referred to 8 Bar Lane and Little Tuckmans;
- that five further letters/emails of objection had been received but that these had not raised any concerns that had not already been summarised in the report;
- that a further email had been received that afternoon which raised concerns with regard to the lack of information submitted in respect of ecology and the potential for determination of the application without due consideration of the impact of the proposal on ecology, and;
- that comments had been received from the Council's Conservation Officer who has agreed that the comments made in the report were an accurate summary of the discussion that has taken place.

The application site was located outside the built-up area boundary southeast of Southwater on the eastern side of Bar Lane and was agricultural land with two barns at the southwest corner. There were open fields to the north, east and south. The hamlet of Copsale was about 600 metres north. The nearest dwelling was about 86 metres to the southwest.

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.

Nuthurst Parish Council and Southwater Parish Council both objected to the application. There had been 86 objections to the original application and a further 33 objections to the amended scheme, making a total of 119 objections from 77 households. Since publication of the report a further six objections had been received including one commenting on the proposal's impact on ecology and the lack of an ecology plan, as outlined above.

Three members of the public spoke in objection to the application and the applicant's agent addressed the Committee in support of the proposal. A representative of Nuthurst Parish Council 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 the landscape character and appearance of the area; the privacy and amenity of neighbouring residents; and highways. It was noted that Condition 6 would address concerns regarding land contamination.

Members were advised that Condition 5 should be amended to require floor plans to be submitted in addition to full details of the proposed structures.

Members were also advised that in respect of ecology, this was addressed at paragraph 6.31 of the Officers report. Officers advised that the Council has a legal duty to consider the conservation of Biodiversity within the District and that there are a number of policies and legislation which enforce this including the Wildlife and Countryside Act 1981, NPPF and the Local Plan. Where a proposal was within or likely to affect a designated site or priority habitat or there is evidence or a reasonable likelihood of the presence of protected or priority species an initial survey would be required. Members were advised that in this instance given the limited part of the site which was proposed to be developed, its distance to any significant vegetation and the characteristics of the area of the site which is proposed to be developed, Officers did not consider that a survey was necessary. However as a precautionary measure and given that the majority of the site was rough grass and that there were ponds in the area, an additional condition was recommended requiring a method of ground clearance to be submitted to and agreed by the Council prior to the commencement of development.

Members considered whether the principle and scale of development would be appropriate in this rural location and after careful consideration concluded that the proposal was acceptable.

RESOLVED

That planning application DC/17/2216 be granted subject to the conditions as reported, to include: an additional condition requiring the details of ground clearance methods to be submitted and agreed by the Local Planning Authority; and an amendment to Condition 5 to require details of proposed floor plans along with full details of the proposed structures to be submitted and approved by the Local Planning Authority.

PCN/9 **DC/17/2636 - 20 ABBOTS LEIGH, SOUTHWATER**

The Head of Development reported that this application sought permission for the erection of an attached two storey 1-bedroom dwelling with its own curtilage. The proposal would include a pitched roof and tile hanging to match that of the existing building. Two car parking spaces would be available for each dwelling.

The application site was located within the built-up area of Southwater, east of Abbots Leigh and north of Turners Close. There was a mix of detached and semi-detached houses in the vicinity.

Details of relevant government and council policies, 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. Members also noted relevant planning history, in particular permission DC/15/1934 for a two-storey side extension.

Members were advised that Conditions 8, 9 and 10, as printed in the report referenced a now superseded plan. The correct reference was Revision E received on 20 April 2018.

The Parish Council objected to the application. There had been 111 objections from 44 households. Three members of the public spoke in objection to the application. The applicant and the applicant's agent both addressed the Committee in support of the proposal. A representative of the Parish Council 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; design and appearance; impact on amenity of neighbouring properties; highways impacts; and landscaping, including the buffer area east of the site, and trees.

Members discussed the material differences between the approved side extension and the proposal for a new dwelling with its own curtilage and parking requirements, and concluded the proposal would lead to a cramped form of development. Concerns regarding encroachment into the landscape buffer were also discussed.

RESOLVED

That planning application DC/17/2636 be refused for the following reasons:

The proposed development, by reason of its nature, scale, and relationship with surrounding residential properties, would have a detrimental impact upon the character of the street scene, resulting

in encroachment of the landscape buffer, and loss of amenity to neighbouring properties.

The proposed development would therefore be contrary to Policies 32 and 33 of the Horsham District Planning Framework (2015).

PCN/10 **DC/18/0294 - 1A CLARENCE ROAD, HORSHAM**

The Head of Development reported that this application sought permission for the demolition of a single storey storage building and the erection of a block of five flats, comprising three 2-bedroom and two 1-bedroom flats, with a maximum ridge height of 10 metres, and associated amenity space. There was no off-street parking provision proposed.

The application site was located close to the town centre of Horsham and was a commercial building that had been used for storage. The site was approximately 70 metres north east of the old Dairy Crest distribution centre, which was currently being developed under permission DC/15/1545. The immediate area was predominantly residential and 46 retirement flats were directly opposite on the other side of Clarence Road.

Details of relevant government and council policies, as contained within the report, were noted by the Committee. Relevant planning history, in particular DC/17/0765 for five flats which had been dismissed at appeal, was noted by the Committee.

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

The Neighbourhood Council objected to the application. Five objections, including one from Horsham District Cycling Forum, had been received. The applicant's agent spoke in support of the proposal.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of development and the recent appeal decision; the character and appearance of the street scene; the privacy and amenities of neighbouring residents; affordable housing; and highway safety and parking.

Members discussed concerns regarding the lack of parking provision and affordable housing contribution in the context of the DC/17/0765 appeal inspector's report and after careful consideration concluded that the proposal was acceptable.

RESOLVED

That planning application DC/18/0294 be granted subject to the conditions and reasons as reported.

PCN/11 **DC/17/1195 - COOMBE COTTAGE, CHURCH ROAD, MANNINGS HEATH**

The Head of Development reported that this application sought permission for the demolition of a timber garage and shed and the erection of a two storey 3-bedroom dwelling, two single garages and a new access and driveway to be shared with Coombe Cottage, the donor dwelling. The existing vehicle access would be retained as a pedestrian access.

The application site was located within the built-up area of Mannings Heath and comprised part of the amenity space of the donor dwelling, which lay to the south. It was surrounded by residential properties and their gardens.

Details of relevant government and council policies and relevant planning history, as contained within the report, were noted by the Committee. The consultation responses from the Highway Authority and Southern Water, as contained within the report, were considered by the Committee.

The Parish Council objected to the application. Eight objections had been received. Two members of the public spoke in objection to the application. Three members of the public, including the architect and the applicant, spoke in support of the proposal. A representative of the Parish Council addressed the Committee in objection to the application.

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

Members discussed the scale and design of the proposal, including the windowless wall facing the adjacent property, and concluded that the resulting cramped form of development had not overcome the reasons for refusing application DC/17/0302.

RESOLVED

That planning application DC/17/1195 be refused for the following reasons:

The proposal, by reason of its scale, siting, design and relationship with surrounding development, would result in a cramped form of development which would appear an incongruous addition to the site and wider surroundings. The proposal would not relate sympathetically with the existing pattern of development, and would result in significant harm to the prevailing character and appearance of the area.

The proposal would therefore be contrary to policies 32 and 33 of the Horsham District Planning Framework (2015) and policy 10 of the Nuthurst Neighbourhood Plan (2015).

PCN/12 **DC/18/0109 - STONEHOUSE FARM, HANDCROSS ROAD, PLUMMERS PLAIN**

The Head of Development reported that this application sought retrospective permission for the temporary change of use until 24 June 2019 of an area of hardstanding to allow it to be used for the storage of full and empty skips and for overnight parking of vehicles. The application was associated with temporary permission DC/16/0702 for an agricultural store until 24 June 2019.

The application site was located in the countryside between Hammerpond Road to the north and Handcross Road to the south, and was a hardstanding area adjacent to a dairy building and land used for grazing by the applicant. The wider area was characterised by open fields with mature tree boundaries. The land was within a Landscape Character Area.

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. Eight objections had been received.

Members considered the officer's planning assessment which indicated that the key issues for consideration in determining the proposal were: the principle of the change of use; its impact on the character and appearance of the area; the amenities of nearby residents; and parking and traffic conditions.

Members noted that West Sussex County Council had confirmed the application site was being used for storage only.

RESOLVED

That planning application DC/18/0109 be granted subject to the conditions and reasons as reported.

PCN/13 **DC/17/2429 - 28 GREENWAY, HORSHAM**

The Head of Development reported that this application sought permission for the erection of a two storey 3-bedroom dwelling in the side garden of 28 Greenway, forming an end of terrace property with a roof designed to match the existing dwelling. A new front access and driveway with off-street parking would serve both properties.

The application site was located within the built up area of Horsham on the north of Greenway and was a corner plot on the junction with Churchill Avenue and Spencers Road. Most of the nearby properties were semi-detached, with some detached and terraced properties.

Details of relevant government and council policies, as contained within the report, were noted by the Committee. The consultation responses from the Highway Authority and Southern Water, as contained within the report, were considered by the Committee.

The Parish Council objected to the application. Fifteen objections, from eleven households, and one representation of support had been received.

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

Members concluded that the proposal would be in keeping with the prevailing character of the street scene.

RESOLVED

That planning application DC/17/2429 be granted subject to the conditions and reasons as reported.

PCN/14 **DC/18/0150 - FARNBRAKES, CHURCH STREET, RUDGWICK**

The Head of Development reported that this application sought retrospective permission for a variation of Condition 1 to permission DC/16/2668 for the demolition of a dwelling and erection of two 4-bedroom houses, garages and parking.

The semi-detached dwellings which had been approved under DC/16/2668 had already been constructed. The variation would allow for alterations to the approved floor and elevation plans, which had led to an increase the ridge height of approximately 0.4 metres when viewed from the access road to the south. Other alterations included minor amendments to the design of the properties, and fencing to the front and rear.

The application site was located within the built-up area of Rudgwick on the eastern side of Church Street and was part of a larger site which had been subdivided for development. There were a number of dwellings to the north, east and south of the site and five Grade II Listed Buildings on the western side of Church Street.

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

consultation response from the Highway Authority, as contained within the report, was considered by the Committee.

The Parish Council objected to the application. Fifteen objections, from twelve households, had been received. Three 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 character of the dwelling and the visual amenities of the street scene; the amenities of neighbouring occupiers; parking and traffic conditions; and the quality of the residential environment for future occupiers.

Members considered the height of the fence to be unacceptable and considered that it should be restored to the height agreed to in the original planning application.

With regards to concerns regarding the perceived height of the dwellings, it was agreed to refer the case to the Building Compliance Team to ensure that the height of the building as built is in accordance with the application plans.

RESOLVED

That planning application DC/18/0150 be determined by the Head of Development with a view to approval, subject to further consideration of the height of the fencing, in consultation with the Local Members, and Chairman and Vice-Chairman of the Committee.

The meeting closed at 9.14 pm having commenced at 5.30 pm

CHAIRMAN

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Planning Committee North

Date: 3rd July 2018

Report on Appeals: 15/05/2018 – 20/06/2018

1. Appeals Lodged

Horsham District Council have received notice from the Planning Inspectorate that the following appeals have been lodged:-

| Ref No. | Site | Date Lodged | Officer Recommendation | Committee Resolution |
|------------|--|-------------|------------------------|----------------------|
| DC/17/2384 | Bilbets Rushams Road Horsham West Sussex | 13/06/2018 | Refuse | |
| DC/17/2195 | Copse Worthing Road Horsham West Sussex RH13 9AT | 19/06/2018 | Refuse | |

2. Live Appeals

The following appeals are now in progress:

| Ref No. | Site | Appeal Procedure | Start Date | Officer Recommendation | Committee Resolution |
|------------|---|------------------|------------|------------------------|----------------------|
| DC/17/2693 | 46 Barnsnap Close Horsham West Sussex RH12 5XY | Fast Track | 22/05/2018 | Refuse | |

3. Appeal Decisions

The following appeals have been determined by the Planning Inspectorate:-

| Ref No. | Site | Appeal Procedure | Decision | Officer Recommendation | Committee Resolution |
|------------|--|------------------------|-----------|------------------------|----------------------|
| DC/17/1923 | SL2 Signs 202 Crawley Road Horsham RH12 4EU | Written Representation | Dismissed | Refuse | |

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 3rd July 2018

DEVELOPMENT: Retrospective application for a 2.4m wide access track, laid with crushed hardcore

SITE: Firtree Plantation, Hyes Woodland, Waterlands Lane, Rowhook

WARD: Rudgwick and Slinfold

APPLICATION: DC/18/0205

APPLICANT: **Name:** Dr Adrian Worrall **Address:** 63 Brixton Water Lane, London, SW2 1PH

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made a written representation, which disclose material considerations, are within the consultation period and are inconsistent with the officer's recommendation.

RECOMMENDATION: To approve planning permission, subject to appropriate conditions.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The proposal seeks retrospective planning permission for the retention of a 598m access track and an adjoining 120m access track recently laid into an area of woodland approximately 1.2km northwest of Clemsfold.
- 1.2 The access track is approximately 2.4m wide and runs east-west with a 120m spur which dissects the Oakesfield and Firtree Plantations. The access track provides vehicle access to the two plantations and enables forestry materials, equipment and new whips (young trees) to be brought in and coppice and cut wood to be brought out. The access track has been constructed of crushed hardcore measuring 0.2m in depth and laid over a geo-textile membrane.

DESCRIPTION OF THE SITE

- 1.3 The application site comprises a parcel of land, set in a forested area of Rowhook. The main access track which is approximately 598m in length plus the 120m spur runs south of Oakesfield Plantation and Firtree Plantation, arching northwards to finish at a timber-clad barn which serves Firtree Plantation. The smaller track spurs north eastwards between the two plantations. Along this section of the track and part of the track that runs along the bottom

of the plantation is Public Right of Way 1402. Approximately 245m of the PRow has been laid with crushed hardcore.

- 1.4 The site lies approximately 700m to the south east of the unclassified settlement of Rowhook, 3.6km to the west of the built-up area of Warnham, 2.2km to the north of the built-up area of Slinfold and 3.5km to the north west of the built-up area of Broadbridge Heath. The site therefore lies within a rural area in terms of planning policies. It should be noted that the access track lies wholly within the Parish of Rudgwick, however access to the track leads from the Parish of Slinfold and the wider area known as the Roman Woods lies in both parishes.
- 1.5 The grade II listed Burnt House is sited approximately 500m to the north east and the grade II listed Waterland Farm lies approximately 530m to the south east. To the south of Oakesfield Plantation and part of Firtree Plantation is an area of Ancient Woodland. The access track lies immediately adjacent to the south - but outside of - an area of ancient woodland. On the land itself there are no other designations in terms of heritage interest or protected trees.

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

Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 24 - Strategic Policy: Environmental Protection

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 26 - Strategic Policy: Countryside Protection

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 40 - Sustainable Transport

RELEVANT NEIGHBOURHOOD PLAN

Rudgwick Parish has formed as a Neighbourhood Development Plan but the Plan is at an early stage.

PLANNING HISTORY AND RELEVANT APPLICATIONS

| | | |
|------------|--|--|
| DC/17/2760 | Prior notification for the creation of agricultural access tracks | Application withdrawn on 09.01.2018 |
| DC/08/1257 | Access track to Firtree Plantation (Agricultural Prior Notification) | Prior Approval Not Required issued on 23.06.2008 |

| | | |
|------------|---|-------------------------------------|
| DC/05/1707 | Erection of building for use in association with Forestry business (Prior Notification) | Application permitted on 12.12.2005 |
| RW/81/03 | Prior notification to erect a single-storey timber building | Application refused on 03.10.2003 |

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.
- 3.2 It should be noted that the summarised consultation responses below includes comments from the initial round of consultations and comments received in response to the re-consultation that took place upon receipt of new information.

INTERNAL CONSULTATIONS

3.3 HDC Arboricultural: No Objection

- The Forestry Commission's UK Forestry Standard sets out the government's approach to sustainable forestry. This includes the drive to improve UK woodlands, many of which have suffered in recent years from neglect and an absence of management. Such improvement of woodland cannot be achieved without access via internal rides and trackways linking the site to the local road network. A minimum impact approach is desirable, allowing access whilst minimising damage to woodland soils. In this regard, the upgrading of existing tracks is always preferable to the construction of new ones.
- This application refers to the already completed upgrading of what appears to have been an existing trackway, and is stated to be required to "*enable forestry materials, equipment and new whips (young trees) to be brought in, and coppice and cut wood to be brought out. In this way, the woodland will be managed more effectively*". The upgrading of the track for this reason appears justified.
- The sectional drawing ('*Section Through Track*') submitted in support of the application indicates its construction to a maximum depth of 200mm into the woodland floor, across a breadth of no more than 2.4m. In terms of likely damage to the root systems of adjacent trees, and overall damage to the woodland floor, this appears reasonable and acceptable within a woodland context.
- The Officer noted that the trackway had already been installed, this being a retrospective application. Enforcement action to remove the hardcore and base would be counter-productive, as whatever damage has been done – the Officer believes little – cannot now be undone; and moreover the removal of the surfacing would likely cause further damage. The Officer concluded that the track is better left in situ.
- Following re-consultation regarding the addition of a wearing course to the public right of way, the Officer registered no objection again, commenting that damage to the rooting structure of the number of trees that might have roots under the course of the trackway can be caused by the act of compaction, but as the trackway is already in place I am not of the view that any further damage is likely, or likely to cause serious harm to rooting structures.

3.4 **HDC Ecology:** Comment

- Following review of the available information, the Ecology Consultant advised that the woodlands through which the track passes are a UK Priority Habitat, protected under the NERC Act (2006). In addition, the area to the south of the site comprises 'Ancient and semi-natural woodland' and 'Ancient replanted woodland', which are an irreplaceable resource, protected within the National Planning Policy Framework.
- The Ecology Consultant supports the response from the Arboricultural Officer highlighting that the removal of the surface would likely cause further damage.
- However, the Consultant has advised that if further works are required then an Ecological Appraisal would be recommended. This Appraisal should be completed by a suitably qualified Ecologist.
- Following re-consultation after receipt of the Construction Detail and Preliminary Ecological Appraisal, the Ecology Consultant recommended conditions should further works be necessary and in the case that not further works are necessary a condition to undertake the works as suggested the Preliminary Ecological Appraisal submitted by The Ecology Co-op on 26th April 2018.

3.5 **HDC Landscape:** Comment

- The Landscape Architect agrees with the comments of the Arboricultural Officer and the Ecological Consultant in that removal of the track would be more harmful and the footpath should be left in situ
- The Landscape Architect acknowledged the comments of the Public Rights of Way Officer in that the surface does not meet the standard bridleway surfacing detail.
- It is recommended that a construction detail is submitted for approval prior to the determination of the application and should be based on a 'no-dig' method of construction. The Construction Details should also be informed by baseline ecology information, as recommended by the Ecologist.
- Following re-consultation after receipt of the Construction Detail and Preliminary Ecological Appraisal the Landscape Architect noted that the ecology report suggested further works are not desirable. In the absence of the response (at the time) of comments from WSCC Public Rights of Way team, it was queried whether WSCC would, in this instance, allow a departure from their usual standards. In any case, it is advised that the Arboriculturalist advises whether the works will damage the tree roots.

OUTSIDE AGENCIES

3.6 **WSCC Highways:** Comment

- The principle of this application does not seek vehicular intensification of use and works have not been undertaken on land considered to be publicly maintained highway (not including any Public Right of Way).
- No highways safety or capacity concerns are raised in response to this application

3.7 **WSCC Rights of Way:** Comment Initial comments 5 March 2018

- Public Rights of Way Bridleway 1392 and Footpath 1402 run across the land indicated by the Applicant.
- It was first brought to the attention of the Public Rights of Way Team on 20/07/2017 that hardcore had been deposited on the surface of Footpath 1402. This was inspected on the 26/10/17 during the routine maintenance inspection of the parish. This has been recorded as Issue 17028 as indicated by the map submitted by the PRow team.
- The PRow Officer highlighted that the material extends beyond the Right of Way, but was only concerned with the PRow. During the inspection the Officer had been advised by local dog walkers that when the material had been freshly laid, injuries had occurred to dogs' paws. At the time of the inspection, no sharp objects, ceramics or glass were noted within the material
- It is a criminal offence to deposit material on the highway without the lawful consent of the Highway Authority. No such consent has been sought or given by the Public Rights of Way Team.
- The Officer has advised that the surface of the footpath is unacceptable in its current condition and therefore raises an objection to the application.
- The Officer advised that the applicant should remove the material that has been unlawfully deposited on the highway in its entirety.
- The Officer concluded that he would consider withdrawing the objection if the applicant submits an acceptable proposal to top the hardcore material with a suitable wearing course and advised it would be necessary for the applicant to submit a proposed specification to the PRow team for approval. The Officer further advised that typically, a suitable wearing course would be a minimum depth of 100mm of 'clean' (must contain no plastic, glass, ceramics, metal or other sharp objects) Type 1 material with plenty of fines to be laid in two courses (each having a minimum depth of 50mm) , with each layer being compacted well between courses. The exact detail would need to be agreed with the PRow Team.

Subsequent comments 11 June 2018

- Following re-consultation after receipt of the Construction Detail and Preliminary Ecological Appraisal the PRow Officer noted that the proposed material is not suitable for surfacing public rights of way and the methodology is required to create a wearing course that is compacted well, in two layers with each layer having a depth of 50mm. If the Local Planning Authority is minded to approve the application, the materials and Method Statement can be required by condition and in this instance, the Officer is able to drop his objection.

PUBLIC CONSULTATIONS

3.8 **Rudgwick Parish Council:** No Objection

- No objection to track resurfacing for forestry purposes. However, the Parish Council also highlighted that attention had been drawn to the potential planning breaches in the area which may be exacerbated by this application.

3.9 **Slinfold Parish Council:** No Objection

- Responded on 23rd February 2018 stating that the Parish Council feels it has to object to this application. The Parish Council considers the application to be

ambiguous and is inappropriate in this location. It has also been noted that there are 10 structures on site and would like the Compliance team to investigate.

- Slinfold Parish Council also responded on 14 March following re-consultation regarding the change in description and registered No Objection, although highlighted that there is concern that there is possible unlawful development in the woodland. The Parish Council are also concerned that the hardcore surfacing could lead to a tarmacked road which in turn may facilitate the buildings in the woodland being inhabited. Again the Parish Council highlighted the Compliance Team should investigate current and possible future use of the woodland.

3.10 To date, 16 letters of representation have been received from 13 households, objecting to the proposal on the following grounds.

- Hardcore access track has been laid with no regard to the planning process or the local area and ecology
- Approval of the application could set a precedent for future applications
- Alleged unauthorised dwellings (10 structures) and activities
- Access track has been laid for financial gain as the woodland and associated structure are currently being offered for sale
- Damage to the ancient woodland
- Concern regarding the level of activity in the woodland
- Concern that the hardcore has been laid over part of the public right of way without the correct permissions
- The track is unfriendly to walkers, runners, children and animals as it has been laid with hardcore that includes glass, metal and plastic
- Trees have been felled along this path without the authorisation of the Council's Arboriculturalist
- The public footpath should be re-instated and the areas outside of the footpath should be re-instated as woodland

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

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

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

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

6. PLANNING ASSESSMENTS

6.1 The main considerations in the determination of this application is whether the access track is acceptable in principal and serves a forestry purpose, its impact on the rural character of the area together with the impact of its construction and removal on the ecology and biodiversity.

Background:

6.2 The application site forms a small plantation and is part of the Roman Woods. The woods cover an area of approximately 95 hectares and originally formed part of the Hyes Estate. According to investigation undertaken by the Planning Compliance team, Woodlands for Sale have since split the land originally associated with the Hyes Estate and has advertised them

for sale as smaller plots. The land has been sold and registered with Land Registry as approximately 35 smaller plots with individual landowners.

- 6.3 The timber clad building on Firtree Plantation was granted consent in 2005 under application reference DC/05/1707 for use in connection with a forestry business under the prior notification procedure. This provided confirmation that the building applied for meets the necessary criteria to qualify as permitted development, not requiring an application for planning permission, after the Council was satisfied that it was reasonably necessary for the purposes of forestry within the site.
- 6.4 Similarly, prior notification was sought for an access track to Firtree Plantation under application reference DC/08/1257. Prior approval was not required and it was determined that the access track met the necessary criteria to qualify as permitted development. Again, the Council was satisfied that the track was reasonably necessary for the purposes of forestry within the site.
- 6.5 The access track met the requirements of permitted development as set out in Class A, Part 7 of the Town and Country Planning General Permitted Development Order 1995, as amended (which was the legislation at the time). However, to meet the criteria the development must have been carried out within a period of five years.
- 6.6 The development should have been carried out by 23rd June 2013 but this did not happen and has since been carried out in 2017, outside of the maximum time limit of 5 years.
- 6.7 The Council's Planning Compliance team received a complaint in July 2017 concerning the laying of hardcore. The landowner was advised that a breach of planning control had been identified but as the work to lay the hardcore had been done, the prior notification procedure could not be used and therefore planning permission was now required for the works.
- 6.8 It is acknowledged that a number of the representations have raised concern about the level of activity and the number of structures that are in the Roman Woods. The Planning Compliance team are aware of this and this situation has been the subject of a separate investigation. It should be noted however, that the assessment of this application can only consider the planning merits of the access track and it cannot take into consideration the other activity that is alleged to have taken place in the Roman Woods.

Principle of Development

- 6.9 Through the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 the government has specified certain types of development that, in principle, are considered to be acceptable. Under the current legislation, Class E of Part 6, Schedule 2 of the legislation states that operations on forestry land to obtain the materials required for the purposes of forestry, including afforestation, can include the formation, alteration or maintenance of ways (tracks/roads).
- 6.10 Moreover, the Council's Arboriculturalist, in his consultation response of 23rd February 2018, states that *"The Forestry Commission's UK Forestry Standard sets out the government's approach to sustainable forestry. This includes the drive to improve UK woodlands, many of which have suffered in recent years from neglect and absence of management. Such improvement of woodland cannot be achieved with access via internal rides and trackways lining the site to the local road network."*
- 6.11 Further to this, Policy 26 of the Horsham District Planning Framework is a strategic policy for the protection of the countryside. The Policy states that outside built-up area boundaries, the rural character and undeveloped nature of the countryside will be protected against

inappropriate development. Any proposal must be essential to its countryside location, and in addition meet one of the following criteria:

1. Support the needs of agriculture or forestry;
2. Enable the extraction of minerals or the disposal of waste;
3. Provide for quiet informal recreational use; or
4. Enable the sustainable development of rural areas

- 6.12 The application site has a history of development in relation to forestry activity including prior notification applications for an access track in 2008 and prior notification applications for a timber building in 2003 and 2005.
- 6.13 It is acknowledged that the application site is currently being marketed for sale with an estate agent as a parcel of amenity woodland with a timber-framed forestry barn, for sale as a whole or as two lots. The timber building itself appears to have been locked up and unused for some time. However, there is no evidence to suggest that the land and associated building has been used for purposes other than forestry.
- 6.14 It is therefore concluded that the principle of development for the laying of an access track in this location and in relation to forestry activities is acceptable.

Appearance and Ecological Considerations:

- 6.15 The application is retrospective as the works were completed in 2017. The access track has been constructed of crushed hardcore measuring 0.2m in depth and laid over a geo-textile membrane. From the consultation responses submitted there is concern regarding the quality of the material that has been laid. The length of the access track is long at 718m in total and the appearance of the track does differ along its length.
- 6.16 The case officer walked the length of this track and observed that some areas had blended well with the forest scene, with natural forestry material overlaying the track effectively and other parts not so well, with poor quality hardcore material in evidence. Representees have highlighted that due to the poor quality of the hardcore material that has been laid, there is concern that this poses harm to walkers, cyclists, children and animals.
- 6.17 The WSCC Public Rights of Way Officer highlighted in his initial response that it is a criminal offence to deposit material on the highway without the lawful consent of the Highway Authority. The Officer objected to the application and requested that the applicant removes the material that had been unlawfully deposited on the public right of way.
- 6.18 As the access track has been laid already and this is a retrospective application, significant concern was raised by the Ecologist and the Arboriculturalist if enforcement action is taken to remove the hardcore and base with additional concern that this would likely cause further damage to the woodlands which is a UK Priority Habitat.
- 6.19 With the conflicting positions from an Ecology and Arboricultural perspective who wish to avoid further damage to the woodland and ecology through the removal of the material and the position of the PRow Officer who wished the unlawful and substandard material to be removed from the public right of way, it was decided that a solution should be sought.
- 6.20 With an understanding of the ecological considerations and the aesthetic condition of the track, the Council's Landscape Architect was consulted and has advised that a Construction Detail be submitted along with the baseline ecology survey that the Ecologist recommended in the event that further works are required. The Landscape Architect advised that the Construction Details should include a 'no-dig' method of construction to avoid further root severance or compaction and a further geo-textile membrane be laid over the existing sub-base to stop fines getting into the sub-base.

- 6.21 A Preliminary Ecological Appraisal and further construction details have been submitted as requested and re-consultation issued. The PRoW Officer has noted that the materials proposed for the wearing course are not suitable for public rights of way, however, the Officer is satisfied that if the local planning authority is happy to require the suitable materials and a method statement by condition is required he can remove his objection.
- 6.22 The Ecologist has not raised an objection to the proposed remedy and has recommended suitable conditions to control this work. The Council's Arboriculturalist has similarly raised no objection, commenting that damage to the rooting structure of the number of trees that might have roots under the course of the trackway can be caused by the act of compaction, but as the trackway is already in place he is not of the view that any further damage is likely or likely to cause serious harm to rooting structures.

Conclusions and Planning Balance:

- 6.23 It is acknowledged that the planning application for the track is retrospective as the track has already been laid. Whilst the access track could originally have been laid under the powers granted by government through the permitted development route, the works have been undertaken outside of the requisite 5 years of the prior notification application. In any case, as the track crosses a public right of way, a formal application should have been made to West Sussex County Council to undertake works to the public right of way.
- 6.24 Despite this, the purpose of planning enforcement is not punitive but to enforce and resolve breaches in planning control which cause harm to public amenity and the environment, the powers are discretionary and it does not follow that a breach of control would result in formal action being pursued.
- 6.25 In this instance, Planning Compliance has investigated the laying of the track following a complaint and in recognising that the track did meet permitted development but should have been completed inside 5 years from the date of the issue of the prior notification, have recommended a full planning application be made to the local planning authority.
- 6.26 It is concluded that the principle of development is acceptable in this location and in relation to this application site. The proposal accords with the countryside policies of the Horsham District Planning Framework, in particular Policy 26 which recognises that development should be essential to its countryside location and support the needs of forestry.
- 6.27 It is accepted that the material that has been laid is not the best quality and this is regrettable. However, an agreeable solution that protects the visual amenity of the route along the public right of way and the safety and comfort of walkers, cyclists and animals using the route, whilst also preserving the ecology and woodland surrounding the site and limiting any further harm, has been reached and approval is recommended.

7. RECOMMENDATIONS

- 7.1 The application is recommended for approval, subject to the following conditions;

Conditions:

- 1 List of approved plans.
- 2 **Regulatory Condition:** Within four months of the date of this permission, a Method Statement detailing a suitable wearing course for the length of track that forms part of the Public Right of Way shall have been submitted and approved in writing by the Local Planning Authority. The wearing course shall have a minimum depth of 100mm of Type 1 material with plenty of fines and shall be laid in two courses, each having a minimum depth

of 50mm. Each layer shall be compacted well between the courses and a geo-textile membrane added to prevent fines getting in to the sub-base.

Within four months of the date of the written approval by the Local Planning Authority of the Method Statement, the wearing course shall have been laid strictly in accordance with the approved Method Statement and be retained as such thereafter.

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

- 3 **Regulatory Condition:** Within four months of the date of this permission, an Ecological Construction Methodology Plan (ECMP) shall have been submitted to and approved in writing by the Local Planning Authority. The ECMP shall incorporate all measures proposed within the *Preliminary Ecological Appraisal* and shall include details of habitat protection for adjacent habitats, avoidance measures with regards to protected and notable species and enhancement measures for biodiversity. The measures outlined in Section 4.11 of the *Preliminary Ecological Appraisal* by The Ecology Co-op dated 26th April 2018 should be adhered to, to prevent impacts to protected species and damage to adjacent habitats. The approved provisions shall be implemented before the works to lay the wearing course commences and shall thereafter be retained and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide ecological protection and enhancement in accordance with Policy 31 of the Horsham District Planning Framework (2015).

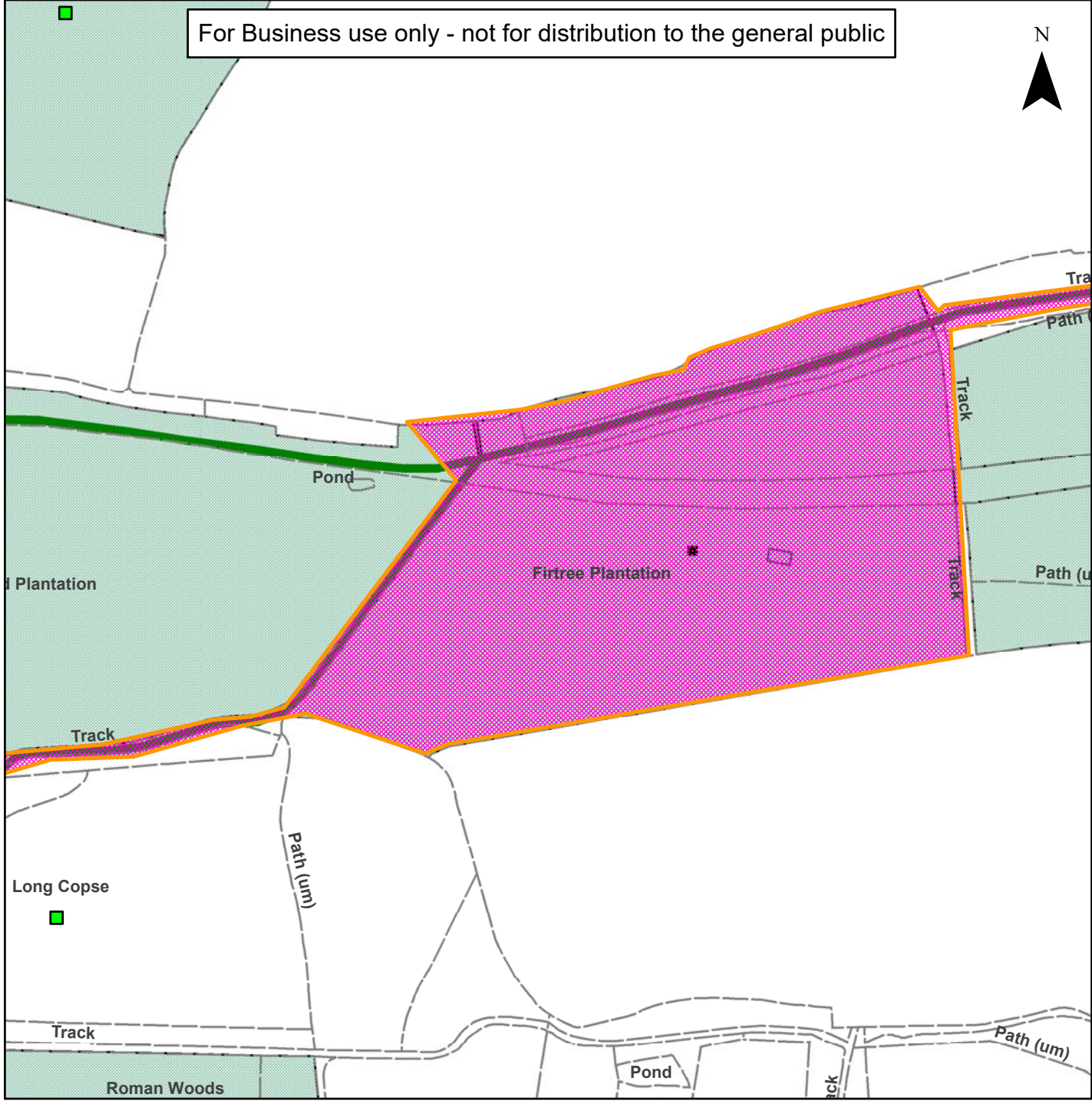
Background Papers: DC/18/0205

DC/08/1257 – Prior notification for an access track to Firtree Plantation



Not Set

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Scale: 1:2,500

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| Organisation | Horsham District Council |
| Department | |
| Comments | Not Set |
| Date | 21/06/2018 |
| MSA Number | 100023865 |

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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 3rd July 2018

DEVELOPMENT: Change of use from a restaurant (Class A3) to a hot food takeaway (Class A5); installation of extraction/ventilation equipment; and other external alterations.

SITE: Mr Lis Chinese Restaurant 45 Springfield Road Horsham West Sussex RH12 2PG

WARD: Trafalgar

APPLICATION: DC/18/0612

APPLICANT: **Name:** Domino's Pizza UK & Ireland Plc **Address:** c/o Agent

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made a written representation, which disclose material considerations, are within the consultation period and are inconsistent with the officer's recommendation.

RECOMMENDATION: To approve planning permission subject to appropriate 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 change of use of the existing commercial premises from A3 restaurant use to A5 hot food takeaway use. The proposed change of use would allow for Domino's Pizza who currently occupy 41 Springfield Road to relocate to this premises. As part of the proposed change of use, various external and internal alterations are proposed including; the installation of new extraction equipment which would rise up through the roof at the rear of the building, a new shop front incorporating a new main entrance and secondary entrance, revised fenestration works to the side and rear and the installation of cold room compressor unit. The plans also indicate new signage however this would be subject to advertisement consent and is not considered under this change of use application.
- 1.2 Internally, partition walls would be removed and added as well as the creation of new cooking facilities to meet the potential users' needs and the creation of a front counter and serving area. The proposed extraction ducting would also follow the same internal route as the

existing ducting to be replaced. The proposed A5 use would occupy a floor area of approximately 152sqm GIA.

DESCRIPTION OF THE SITE

- 1.3 The application site relates to an existing A3 commercial unit of Mr Li's Chinese Restaurant located at the end of a row of commercial premises on the western side of Springfield Road within the built up area and town centre of Horsham. The existing building consists of the main A3 use at ground floor level with residential accommodation above (two flats access via a separate rear staircase). The premises are located within a secondary retail frontage area as designated by the Horsham District Planning Framework (HDPF). To the rear is a service area which services the existing business on site as well as the other business along the row. To the north of the application is the Potters Place development of retirement properties with other commercial units located to the east and south, moving towards the central area of the town centre. The neighbouring commercial units within the parade also have residential units above. The residential development of Springfield Park Gate is also located in close proximity to the rear/west of the application site

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

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

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

Policy 7 - Strategic Policy: Economic Growth

Policy 9 - Employment Development

Policy 12 - Strategic Policy: Vitality and Viability of Existing Retail Centres

Policy 13 - Town Centre Uses

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

Policy 40 - Sustainable Transport

Policy 41 – Parking

Supplementary Planning Guidance:

Horsham Town Design Statement

RELEVANT NEIGHBOURHOOD PLAN

- 2.2 Horsham District Council has approved the designation of Horsham Blueprint as a Neighbourhood Forum as of June 2015.

PLANNING HISTORY AND RELEVANT APPLICATIONS

HU/226/84

Alterations and installation of new shop front
(From old Planning History)

Application Permitted on
28.09.1984

| | | |
|-----------|--|--|
| HU/266/85 | C/u of shop to restaurant (From old Planning History) | Application Permitted on 09.12.1985 |
| HU/276/84 | Erection of sun blind (From old Planning History) | Application Permitted on 05.11.1984 |

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

3.2 **Parish Council Consultation:** No Comments received.

INTERNAL CONSULTATIONS

3.3 **HDC Environmental Health:** Comment.

Ventilation and extraction equipment proposed considered to be acceptable. Maintenance Plan should be adhered to and controlled via recommended conditions.

OUTSIDE AGENCIES

3.4 **WSCC Highways:** No Objection.

The site is located in a highly sustainable town centre location. The LHA has no evidence to conclude that the proposed use will create a significant increase in parking demand over the existing use which could result in a highway safety issue.

Given the existing use of the site and taking into account the town centre location, the LHA does not consider that the proposal would have a 'severe' impact on the operation of the highway network, therefore the proposal would not be contrary to paragraph 32 of the NPPF. There are no transport grounds to resist the application

PUBLIC CONSULTATIONS

3.5 23 letters of objection were received from 22 separate households/bodies. The nature of these objections can be summarised as follows -

- Proposal would result in too many A5 uses in this area
- Detrimental Impact on neighbouring amenity regarding noise and smells
- Detrimental impact on highway, additional cars parking on pavement and highway illegally

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

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

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

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

6. PLANNING ASSESSMENTS

- 6.1 The main issues are the principle of the development in the location and the effect of the development on:
- The character of the development and the visual amenities of the street scene
 - The amenities of the occupiers of adjoining properties
 - The existing parking and traffic conditions in the area

Principle

- 6.2 Policy 13 of the Horsham District Planning Framework advises that main town centre uses will be encouraged within the defined areas of town and village centres. Town and Village Centre boundaries, Primary Shopping Area and Primary and Secondary Retail Frontages have been identified for large town and village centres in the District to reinforce the vitality, viability and character of the centre.
- 6.5 It is considered that the existing commercial unit is adequately sized and is situated within a suitable location within the town centre of Horsham. The make-up of the western side of Springfield Road in this location consists of mixture of A1, A3, A4, A5 and D1 uses as well as B1 office uses on the eastern side of Springfield Road. It is noted that Policy 13 of the HDPF states that a minimum of 50% of the commercial frontage (length) in a secondary retail frontage area must be made up of A1 uses. However, in this instance the site is currently in use as A3 restaurant and would not result in the loss of any A1 retail floorspace. Therefore, it is considered that the proposal would not be contrary to Policy 13 of the Horsham District Framework in this regard.
- 6.6 It is considered that the proposed A5 use would maintain the vitality and viability of this commercial area located within the town centre boundary of Horsham, as the nature of the use would entail continuous activity to and from the premises by customers on a regular basis, similar to the existing A3 use. As such, the proposal would adhere to the council's "Town Centres First" strategy and overall, the principle of the use of the commercial unit in question as an A5 use is considered to be acceptable.

Appearance & Visual Amenities of the Street scene

- 6.7 Policy 33 of the Horsham District Planning Framework requires proposals to be of a high standard of design, relate sympathetically with the built surroundings and character of the surrounding area; also of particular relevance in respect of the development would be its impact upon both private neighbour amenities and the visual amenities of the area and to have appropriate access and parking arrangements.
- 6.8 As detailed above, various external alterations are proposed as part of the change of use of the host premises. An existing external extraction duct would be replaced with new extraction ducting to be positioned in the same location to the rear roof slope of the building. The proposed extraction ducting would be set away from the principal elevation of the premises and would be set behind an existing chimney stack. It is noted that there are other examples of extraction equipment within the rear area of the commercial unit given the surrounding uses. As such, it is considered that the proposed replacement extraction ducting would not appear as a prominent addition and would not have a detrimental impact on the surrounding area.
- 6.9 The proposed alterations to the shop front would introduce a predominantly glazed front entrance to the premises with an aluminium frame, low level stall risers and glazed aluminium access doors. The right side of the shop front when looking from Springfield Road will include obscure film to the glazing. Taking into account the varying nature of the shop-fronts in the vicinity the proposals, including the film to the glazing, are considered to be acceptable. The proposed fenestration changes which include the blocking up of a number of windows to the

side and rear of the premises with matching materials and the installation of a condenser unit to serve a new internal cold room to the rear are also considered to be acceptable. Overall, the proposed external alterations would not have a detrimental impact on the existing building or the surrounding area, in accordance with policies 32 and 33 of the HDPF.

The effect of the development on the amenity of adjoining properties

- 6.10 The Potters Place retirement home development is located directly to the north of the application site and there are also residential properties located above the application site at first floor level and above the other commercial premises to the south, as well as to the rear/west at Springfield Park Gate. The details submitted with the application indicate that there would not be an increase in staff numbers for the premises following the change of use of the premises/relocation of Domino's Pizza.
- 6.11 As amended, the proposed operational hours are proposed as follows:-
- 1100 - 2300 daily including Bank Holidays for counter sales,
 - 1100 - 0000 Monday – Thursday, 1100 – 0100 Friday and Saturday and 1100 - 0000 Sundays and Bank Holidays for pizza/takeaway deliveries; and
 - 0800 – 1800 Monday to Saturdays and 1000 – 1600 on Sundays and Bank Holidays for stock deliveries to the premises.

These business hours have been stipulated by the applicant and would match the existing closing hours of the existing Domino's Pizza business two units along at 41 Springfield Road. The Council's Environmental Health Team have commented there have been no relevant complaints made against the existing Domino's Pizza at 41 Springfield Road in recent history.

- 6.11 It is noted that there are residential properties located to the north of the site, within the Potters Place retirement home development, above the commercial premises at first floor level and to the rear/west at Springfield Park Gate. Given the nature of the proposed use, and taking into account the existing use and the presence of Domino's at no.41 closer to the properties on Springfield Park Gate, it is considered that there would not be an adverse impact on neighbouring amenity with regards to opening hours beyond that of the existing business. Given that the Swan Walk car park is only a two minute walk away from the site and operates on a 24 hour basis and taking into account the Town Centre location, it is considered that the opening times would be not be out of keeping with the existing businesses along the row and the nature of activity already taking place in the area. Notwithstanding the above, it is considered appropriate to attach a condition with regards to opening hours relating to the proposed use.
- 6.12 Having fully considered this matter Officers consider the proposed hours of operation and those for deliveries are appropriate given the commercial A5 nature of the proposed use, the controls proposed as conditions as part of this report and considering the existing opening hours of the A3 restaurant on site (12pm – 11pm). Furthermore the proposed hours would be in line with the existing takeaway unit within the same parade which is relocating to this site.
- 6.13 In addition to the opening hours of the proposed use, potential noise and odours produced by the business must also be taken into account. Additional and amended information has been submitted pertaining to the proposed ventilation and extraction method for the proposed use, which would largely replicate the position of the existing. HDC's Environmental Health Team have confirmed that the proposed ventilation and extraction equipment would be appropriate for the proposed A5 use, subject to the management and maintenance plan being adhered to at all times. This requirement will be controlled via a suitable condition. Overall, given the nature of the business and its location within the

commercial centre of Horsham, it is considered that the proposal would not have a detrimental upon neighbouring amenity or the wider area.

The effect of the development on existing parking and traffic conditions in the area

- 6.14 The application site is in close proximity to public transport links including buses and trains from points nearby. As stated above the Swan Walk car park as well as other pay and display car parks are available within walking distance of the application site with limited parking available to the front of the site. The application site is also within walk-able distance to properties located within the centre Horsham.
- 6.15 It is noted that a number of objections have been raised with regards delivery drivers and customers parking illegally and that any increase in the size of Domino's Pizza business could result in an increase of this. The business would like to move to the larger unit at 45 Springfield Road to allow for additional space to operate the business more effectively. No increases in staff are proposed as detailed above. WSCC Highways team have been consulted on this proposal and have confirmed that there are no set parking standards for A5 uses and that access and service requirements would be similar to that of an A3 use. They have also confirmed that they have no evidence to suggest that the proposed use would result in an increase in parking demand or result in any highway safety issues and have raised no objections. As such, it is considered that there would not be any parking or highways safety concerns associated with the change of use of this premises to A5 use.

Conclusion

- 6.16 Overall, subject to the recommended conditions the proposal would comply with the relevant policies of the HDPF and would not have a detrimental impact on the make-up of the existing premises or the visual amenities of the street scene. The proposals would not result in any harmful impact on neighbouring amenity beyond that of the existing use of the site and are considered to be acceptable on parking and highway safety grounds. The application is therefore recommended for approval.

7. RECOMMENDATIONS

- 7.1 It is recommended that planning permission is granted subject to the following conditions -

- 1 **Plans list**
- 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 **Regulatory Condition:** Prior to the commencement of the A5 use hereby permitted the ventilation and extraction equipment shall be installed and fully operational in accordance with the submitted details. The ventilation and extraction equipment shall thereafter be maintained in strict accordance with the approved details.

Reason: In the interests of the amenities of neighbouring properties and in accordance with Policy 33 of the Horsham District Planning Framework (2015).
- 4 **Regulatory Condition:** The premises hereby permitted to A5 use as a hot food takeaway shall not operate a counter sales service except between the hours of 1100 – 2300 daily including Bank Holidays.

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

- 5 **Regulatory Condition:** The premises hereby permitted to A5 use as a hot food takeaway shall not operate a takeaway delivery service except between the hours of 1100 - 0000 Monday – Thursday, 1100 – 0100 Friday and Saturday and 1100 - 0000 Sundays and Bank Holidays

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

- 6 **Regulatory Condition:** No deliveries shall take place to the premises hereby approved for A5 use as a hot food takeaway except between the hours of 0800 – 1800 Monday to Saturdays and 1000 – 1600 on Sundays and Bank Holidays.

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

- 7 **Regulatory Condition:** The materials to be used for the external works permitted shall strictly accord with those indicated on the drawing numbers C5173-A5-04 and C5173-A5-03 REV B.

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).

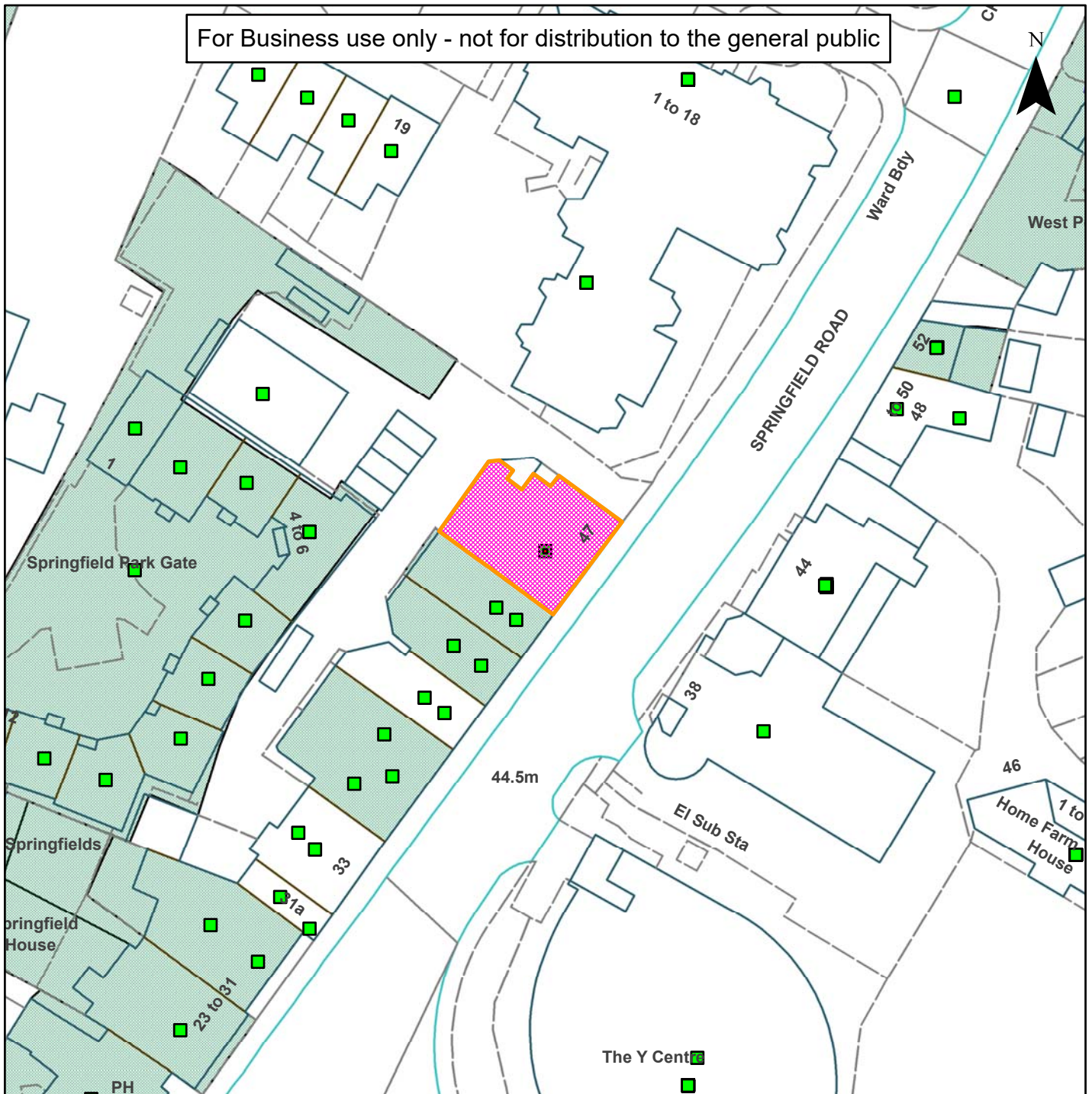
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| Department | |
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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 03 July 2018

DEVELOPMENT: Demolition of existing garage and store, erection of a two storey side extension with garage and single storey rear extension

SITE: 78 Irwin Drive Horsham West Sussex RH12 1NJ

WARD: Trafalgar

APPLICATION: DC/18/0751

APPLICANT: **Name:** Mrs Marilyn Thomas **Address:** 78 Irwin Drive Horsham West Sussex RH12 1NJ

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

RECOMMENDATION: That the application be approved.

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 a two storey side extension, a single storey rear extension and a pitched roof over the existing front projection. The proposed two storey side extension would project from the existing eastern facing side wall of the host property by 3.8m and would have an overall depth of 8.3m at first floor level and 6.3m at first floor level, extending no further to the rear than the existing first floor rear elevation. The side extension would project to the front of the property to be in line with an existing front projection. The proposed two storey side extension would be set back from the principal elevation and set down from the ridge height of the host building.
- 1.2 The proposed single storey rear extension would be positioned broadly to the centre of the extended rear elevation. It would project to a depth of 3.5m and would have a width of 4.4m and a maximum height of 3.5m. The proposed rear extension would incorporate a pitched roof design.
- 1.3 The existing front single storey projection currently has a flat roof design. As part of the proposed two storey extension and forward set garage at ground floor level, a pitched roof would be added which would be positioned over the new garage and the front projection.
- 1.4 It is noted that a two storey side extension of a similar design was previously permitted under planning reference DC/12/1664, however this permission has now lapsed. Subsequent to this a larger single storey side garage with a pitched roof over the existing front projection

and rear extension were also previously permitted under planning reference DC/15/1938. This permission remains extant. It is also noted that following a case officer site visit it was evident that works to construct extensions to the property had commenced on site.

- 1.5 During the course of the application amendments have been received to reflect the fact that the rear extension being constructed has a depth of 3.5m. Amendments to the eaves of the proposed two storey side extension have also been received to ensure that all of the works are contained within the application site and do not overhang onto the neighbouring property at 80 Irwin Drive.

DESCRIPTION OF THE SITE

- 1.6 The application site relates to a detached two-storey dwelling sited on the southern side of Irwin Drive, Horsham. The site is composed of a stock brick facing to all elevations as well as hanging tiles and white render to the front elevation, UPVC fenestration and tiled roof. The area is characterised by dwellings of a similar proportion and style to the proposal site and benefits from considerable grounds to the rear. It is noted that there are other examples within the vicinity of two storey side extensions to neighbouring properties.

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

Horsham District Planning Framework (HDPF 2015)

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

RELEVANT NEIGHBOURHOOD PLAN

- 2.2 Status - Horsham District Council has approved the designation of Horsham Blueprint as a Neighbourhood Forum as of June 2015.

PLANNING HISTORY AND RELEVANT APPLICATIONS

| | | |
|------------|--|-------------------------------------|
| DC/12/1664 | Two storey side extension | Application Permitted on 25.01.2013 |
| DC/15/1938 | Creation of enlarged garage and erection of single storey rear extension | Application Permitted on 09.12.2015 |

3. OUTCOME OF CONSULTATIONS

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

PUBLIC CONSULTATIONS

3.2 2 letters of objection have been received from 1 household. The nature of these objections can be summarised as follows –

- Extension should not be built along boundary, extension does not accord with design guidance which requires a 1m gap
- Extension extends beyond the front elevation, 1m gap should be maintained to the boundary and set back should be more significant
- The proposed extensions would give rise to overlooking, overshadowing and overbearing, creating a 'boxing in' effect
- Close proximity to boundary, potential overhanging of eaves of two storey extension.
- Detrimental impact on the streetscene.
- The proposal does not bear relation to what has been allowed when works commenced under DC/15/1938, and for which a Part Wall agreement had been obtained. Works should be finished in accordance with this permission.
- Southern Water have not been consulted over the building over the drain to the public sewer.

MEMBER COMMENTS

3.3 Cllr Costin requested that the application be called to committee due to potential impact on neighbouring property at 80 Irwin Drive.

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

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

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

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

6. PLANNING ASSESSMENTS

6.1 The main issues are the principle of the development in the location and the effect of the development on:

- The principal of development
- The character of the dwelling and the visual amenities of the street scene
- The amenities of the occupiers of adjoining properties

Principle

6.2 Policy 3 of the HPDF states that development will be permitted within towns and villages which have defined built-up areas. The application site is within Horsham where the principle of development would be supported by this policy, subject to detailed considerations.

6.3 Planning permission was previously granted in January 2013 for the erection of a two-storey side extension to the dwelling (ref: DC/12/1664). While this permission was not implemented and has since expired it remains of some relevance to the consideration of the current application.

Design and Appearance

- 6.4 The proposed extensions would facilitate the creation of an enlarged garage, utility room and enlarged kitchen at ground floor level and an additional en-suite bedroom at first floor level.
- 6.5 The proposed two storey side extension would be appropriate in scale to the size of the host property and be set down from the ridge height slightly and set back from the principal elevation at first floor level. As such it is considered that the proposal would appear as a subservient addition to the property and is considered acceptable in this regard. The proposal would reflect the form, scale and detailing of the existing building and would appear a coherent and sympathetic addition. Whilst the proposed extension would be positioned in close proximity to the eastern boundary of the site, a suitable distance would be maintained to the neighbouring property at 80 Irwin Drive, thereby retaining the sense of separation between dwellings in the street. Suitable access to the rear would be maintained through the property as well as via a side access on the western side of the property.
- 6.6 The proposed single storey rear extension is considered to be a modest addition to the rear and would be appropriately situated within the large curtilage of the application site. This extension would also appear as a subservient addition and would be in keeping with the host property.
- 6.7 The proposed pitched roof addition to the front of the property is also considered to be a modest addition and would be more in keeping with the design and appearance of the existing dwellinghouse when compared to the existing flat roof design. This addition is considered to be acceptable.
- 6.8 The proposed external materials to be used for the extensions would match those currently present on site, resulting in a coherent appearance to the extended dwellinghouse.

Impact on Amenity

- 6.9 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. The two storey side extension would sit in line with the front and rear elevations to no.80 adjacent to the east, and as such would not result in loss of light, privacy or outlook to this property. No 80 has no principal windows to its facing side elevation that would be impacted. Similarly, the single storey rear extension would not have a harmful impact on no.80 given its separation from the boundary. The single storey front addition housing the garage would also not impact on light or outlook. It is also noted that the proposed extensions would also adhere to the 45 degree and 60 degree rules respectively, both from the front and rear perspectives. As such the proposed extensions would not harm neighbouring amenity, in accordance with Policy 33.

Other Matters

- 6.10 It is noted that objections have been raised regarding the closeness of the proposed two storey side extension to the eastern side boundary of the site. The proposed extension would run along the boundary and any issues of access for the construction of the extension and other such associated matters are covered under the Party Wall Act and not planning legislation. It is also noted that amended plans have been received and confirmation has been sought from the applicants detailing that all of the works would be contained within the application site and within the ownership area of the applicant. The application is therefore considered to comply with these technical matters. In respect of the extension sitting over a public sewer, this is a matter controlled separately under the Building Regulations.

Conclusion

- 6.11 Overall, the proposed extensions and alterations are considered appropriately designed and scaled in relation to the main dwellinghouse, are sited appropriately within the curtilage of the site. Although visible from a public vantage point, taking into account the size of the site, it is considered that the proposed extensions would be seen as a subservient additions and

as such, would not have a detrimental effect on the appearance of the dwellinghouse or the wider area. The proposals are also considered to be acceptable on amenity grounds and as such, the application is considered to be in accordance in accordance with Policy 32 and 33 of the Horsham District Planning Framework.

7. RECOMMENDATIONS

7.1 It is recommended that planning permission is granted subject to the following conditions -

1 **Plans List**

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 **Regulatory Condition:** The materials to be used in the development hereby permitted shall strictly accord with those indicated on the application form and drawing number 01.

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).

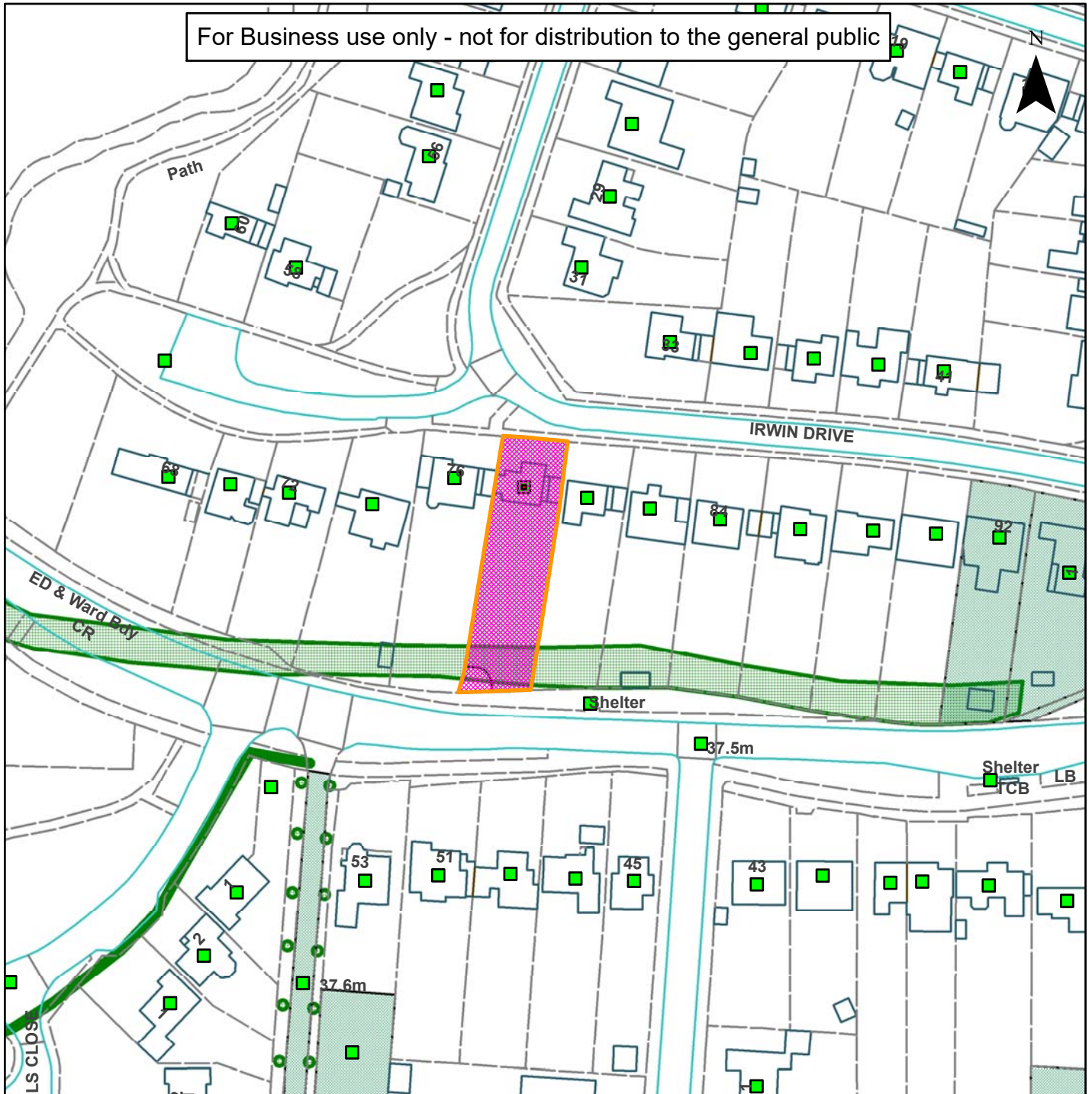
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**Horsham
District
Council**

PLANNING COMMITTEE REPORT

TO: Planning Committee North

BY: Head of Development

DATE: 03 July 2018

DEVELOPMENT: Temporary welfare and management facilities (including site hoarding with local information signage) associated with, and for the duration of, the construction activities in relation to previously approved application DC/17/2511

SITE: The Corner of Piries and Park Place On The Highway Adjacent To Piries Place Car Park Copnall Way Horsham West Sussex

WARD: Denne

APPLICATION: DC/18/0729

APPLICANT: **Name:** Kier Construction Southern **Address:** House, Sussex Manor Business Park Gatwick Road Crawley RH10 9NH

REASON FOR INCLUSION ON THE AGENDA: Planning application made on behalf of the Council

RECOMMENDATION: To approve planning permission, subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

1.1 To consider the planning application.

DESCRIPTION OF THE APPLICATION

1.2 The application seeks approval for the temporary erection of welfare / management offices, and site hoarding associated with the construction activities in relation to the demolition and rebuild of the Piries Place car park. It is proposed that the facilities are required for a 14 month period from June 2018 to August 2019 when the car park works are due to be completed.

1.3 The application proposes the siting of four site huts/containers to provide temporary worker welfare and management accommodation to include site offices, canteen facilities and a drying room. The proposed huts would be located in Park Place opposite retail units at Nos. 6-12, and would require the extension of the permitted car park construction site boundary by approximately 5m into Park Place. The containers themselves would be located just outside the original site boundary, with access to the containers provided for within the extra land. Each of the huts proposed would measure 7.3m wide x 2.8m deep and 2.4m high. The huts would be double-stacked in two 'blocks', therefore the overall height of each block would be approximately 5.3m from ground floor level. Each of the two blocks would include an enclosed external staircase at the front elevation (1.3m wide) for access to the upper units. The huts would all feature windows at each of the side elevations (with 'privacy film' at first floor to obscure views), and an access door at the front

elevation (facing the shops). The rear elevation (facing the car park site) would have no openings.

- 1.4 Site hoarding is proposed around the application site and would link to the hoarding to be erected around the car park (associated with the planning approval under DC/17/2511). The proposed 2m high hoarding would allow for a minimum 1.2m wide pedestrian access along Park Place, as required by WSCC. Existing street lighting and bollards would be retained. An information board and local shop signage is proposed to be erected on the hoarding on the approach from Park Place.

DESCRIPTION OF THE SITE

- 1.5 The application site is located in Park Place which is sited to the south of the existing Piries Place car park in Horsham town centre. The main access into Park Place is via East Street, and currently enables vehicles and pedestrians to access retail units at Nos. 1 - 12 Park Place. Currently vehicles are also able to turn left from Park Place to access informal parking along the south-west boundary of Piries Place car park. At the car park end of Park Place, pedestrians are able to turn right at Burtons Court onto Park Way.
- 1.6 The majority of Park Place is located within the Horsham Conservation Area, and the application site straddles land within and outside of the Conservation Area. There are no listed buildings in close proximity to the application site. Street furniture including decorative lighting columns and bollards, as well as block paving feature along Park Place.
- 1.7 Park Place is land owned by WSCC Highways, and is largely defined by a mix of 'A' use retail units to the ground floor, and residential units to the upper floors. Parkway House is located close to the application site, and provides 7x residential flats at first floor level. Burtons Court is located adjacent to the existing car park, and also accommodates residential flats. The existing Piries Place car park is located immediately to the north of the site, and planning permission has recently been granted for the demolition and replacement of the existing car park – hence the reason for this application.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.

2.2 RELEVANT PLANNING POLICIES

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

The National Planning Policy Framework (2012)

Horsham District Planning Framework (2015):

Policy 1 - Strategic Policy: Sustainable Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 12 - Strategic Policy: Vitality and Viability of Existing Retail Centres

Policy 13 - Town Centre Uses

Policy 14 - Shop Fronts and Advertisements

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

Policy 37 - Sustainable Construction

2.3 SUPPLEMENTARY PLANNING GUIDANCE

Community Infrastructure Levy (CIL) Charging Schedule (2017)

Horsham Town Plan SPD (2007)

2.4 RELEVANT NEIGHBOURHOOD PLAN

Denne Neighbourhood Council forms part of the Horsham Blueprint Business Neighbourhood Forum which is the designated body of the un-parished area of Horsham Town. The Forum area was formally designated in June 2015 and comprises representatives from Denne Neighbourhood Council, Forest Neighbourhood Council and Trafalgar Neighbourhood Council. The Forum have not reached Regulation 14 draft plan stage yet, therefore the weight that can be afforded to the Neighbourhood Planning process in this location at present is very limited.

2.5 PLANNING HISTORY AND RELEVANT APPLICATIONS

| | | |
|------------|---|-------------------------------------|
| DC/18/0843 | Non-material amendment to previously permitted application DC/17/2511 (Demolition of existing split-level car park deck and replacement with new Ground floor + 4 deck (G+4) level open sided, naturally ventilated public car park structure incorporating new lighting, electrical services and new public conveniences. Parking spaces totalling 531no. including Accessible Bays, Parent and Child Bays and provision for future Electric Vehicle charging). Revision to the orientation of stair core 2 including the position of egress doors, signage and landscaping and omission of egress routes from Burtons Court through the Car Park. | Application Permitted on 05.06.2018 |
| DC/17/2511 | Demolition of existing car park deck and replacement with new Ground floor + 4 deck (G+4) public car park incorporating new lighting, electrical services and new public conveniences. Parking spaces totalling 517no. including Accessible Bays, Parent and Child Bays and Electric Vehicle charging bays. (Regulation 3 Application) | Application Permitted on 07.02.2018 |

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

3.2 INTERNAL CONSULTATIONS

HDC Environmental Health: Comment

Upper floors should be used for offices only, no mess room or toilets to be located on upper levels. Are the cabins going to be used by security staff overnight - if so how will they manage impacts? Exterior lighting should be limited to that necessary for safety and security purposes only.

3.3 OUTSIDE AGENCIES

WSCC Highways: No Objection

No objection is raised to the proposals however the applicant should ensure all relevant licenses are in place.

Parish Council: Comment

Horsham Denne Neighbourhood Council recognises the necessity for these facilities & considers that the location although not ideal is the best possible solution. However we are concerned about the proximity to premises in Park Place, potential overlooking & a negative effect on trade for the adjacent businesses. HDNC has no objection if the following conditions can be secured:

- 1) That any windows overlooking Park Place will have obscured glazing
- 2) That the signage denoting that existing shops in Park Place are open for business are of sufficient size & angle so that they are clearly visible from the East Street junction.

3.4 PUBLIC CONSULTATIONS

One letter of objection was received from a resident of Parkway House, regarding the blocking of vehicular access along Park Place (as a result of the hoarding), and the subsequent inability to access an area of informal car parking on private land.

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

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

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

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

6. PLANNING ASSESSMENTS

The Principle of the Development:

- 6.1 In accordance with the Council's local development strategy, it is generally considered acceptable in principle for development to take place within the defined built up area boundaries of the Horsham District. Given the application site is in Horsham town centre; development in this location is, in principle considered to be acceptable.
- 6.2 Due to the constrained nature of the site, the applicant has undertaken a feasibility study with the aim of determining the most appropriate location for the siting of the required welfare units. Alternative locations were explored including the utilisation of an existing empty shop unit (12 Park Place), locating the units on land forward of Fillipos Restaurant, and sharing existing office space with the adjacent developer in the main Piries Place shopping area. The 12 Park Place option was discounted due to being unavailable for rent, and the insufficient space it offered. The Fillipos option was also discounted due to the conflict/obstruction of the units with underground drainage and surfacing works, in addition to the inability to access this area due to the position of the site hoarding, skips and mobile cranes from the construction works at the Piries Place development site adjacent. Sharing existing site offices with the adjacent developer (Gilbert-Ash) was also not an option, as relevant parties were not able to reach agreements.
- 6.3 The option proposed in this application is therefore considered to be the most suitable option available to locate the required construction management and welfare offices. Given that the development proposed is temporary in nature (14 months), and is in direct relation to associated and permitted development of the car park site adjacent; the principle of the erection of temporary construction site offices in this location (and associated hoarding and advertising) is considered to be acceptable.

Design and Appearance:

6.4 The proposed units are basic in appearance and are generally typical of welfare units on construction sites. Precise details of materials and colours to be used have not been provided at this stage, but these will be required to be submitted by condition prior to their erection on site. It is acknowledged that the location of this development straddles the Horsham Conservation Area, therefore it is accepted that the structures would have some harm to the setting and appearance of the special character of this part of the town. However, given the temporary and functional nature of the units', coupled with their position on the fringe of the Conservation Area, and a lack of alternative options; means that the benefits the development would bring are considered, on balance, to outweigh any temporary harm to the character of the Conservation Area. In addition to the impact of this development on the surrounding character; the scale and positioning of the containers form an important consideration with regard to impact on neighbouring commercial and residential amenity, and this is discussed further in the next section of this assessment.

Amenity and Trade Impacts:

6.5 The position of the proposed double-stacked welfare cabins (including the external enclosed staircases to each of the front elevations), would be set back from the shop fronts along Park Place by approximately 3m opposite Nos. 6-10, and 4m opposite No. 12. The proposed 2m hoarding would leave a minimum 1.2m pedestrian walkway fronting Nos. 6-12 (which is required by WSCC). The position of the hoarding is proposed to be angled so the pedestrian walkway widens from 1.2m opposite No. 10, to 2m opposite No. 6. At this point the hoarding cuts a corner to further increase the visibility of the shop units when approaching from Park Place.

6.6 Whilst it is acknowledged that the erection and proximity of 2m hoarding opposite the shop fronts may obscure views of the four commercial units at Nos. 6-12 Park Place, it is considered that the hoarding has been designed to enable the most open views possible, given the constrained nature of the site. It is proposed that a local information board is installed on the hoarding fronting Park Place, and individual local shop signage will also feature (details of which will be secured by condition). It is acknowledged that as a result of this development there may be some impact on passing trade to these units during the proposed 14-month period of construction, but given the temporary nature of the proposal, in addition to local signage proposed on the hoarding, it is considered on balance to be an acceptable impact on trade.

6.7 The four welfare cabins are proposed to be double-stacked to create two blocks at 5.3m in height. The impact of the two ground floor units is considered to be minimal as they will largely be obscured by the site hoarding, but the external staircases and upper floor units are considered to have a greater potential impact on the first floor flats above Nos. 6, 8 and 10 Park Place, and Flat 1 Parkway House (sited above the retail unit at No. 12 Park Place). The separation distance between the proposed staircases and first floor units is approximately 3m opposite Nos. 6-10, and 4m opposite No. 12. The staircases and entry doors are proposed to be enclosed therefore there will be no overlooking potential from the front elevation of the units. The side elevations are proposed to include windows which although would not face directly towards the upper floor flats, would enable some overlooking due to their height and proximity. These first floor windows will therefore be required to include a privacy film to obscure the glazing. It is considered that with obscured glazing and an enclosed staircase, the impact on amenity of residential flats in Park Place would be acceptable.

6.8 Other considerations with regard to neighbouring amenity include the potential impact of noise and external lighting emanating from the site. The plans submitted do not indicate that any external lighting is proposed on this site, therefore it is assumed that none is required. Notwithstanding this, a condition will be imposed to restrict the use of any external lighting, unless permission is expressly given by the Local Planning Authority. In

addition, a condition to restrict hours of use to coincide with the construction hours at the car park site is suggested to ensure that any noise emanating from the welfare units is contained to the controlled hours of working (i.e. 8-1pm Monday to Friday, and 8-1pm on Saturdays, with an additional 30-minute 'grace period' either side of these hours to allow for the set-up and close-down of the site).

Highways Impacts:

- 6.9 Consultation with WSCC Highways has confirmed that no highways issues are anticipated as a result of this temporary development. Notwithstanding this, vehicular access to a small area of private land (adjacent to the pedestrian entrance to Parkway House) will be obstructed by the proposed development, thereby blocking existing access for cars to be parked. This is considered to be a civil matter between the private land owner and WSCC (who own Park Place), and has no bearing on the planning merits of the proposed development.

Conclusions and Planning Balance:

- 6.10 Given the proximity to nearby commercial and domestic units, it is acknowledged that the proposed location for the required construction welfare offices and associated site hoarding is not ideal. However, it is considered that the applicant has satisfactorily explored all other available options, and the reasons for discounting the alternatives and proposing this location is accepted. The location of the double-stacked cabins is considered to have been proposed in the best possible location within the site, as far from the shop fronts as possible. The units will not allow for any overlooking at the front elevations due to the enclosed staircase and absence of windows. The upper floor side windows will be required by condition to have obscured glazing to further protect the amenity of residents in Park Place, and this is considered to be acceptable. In addition, any external lighting will require express consent, and hours of use will be controlled to coincide with permitted construction hours for the adjacent car park development.
- 6.11 The site hoarding has been proposed to accord with the minimum required pathway width of 1.2m, and this width increases to 2m to improve the visibility of the ground floor shop units when viewed from Park Place. Whilst it is accepted that the existing shops at Nos. 6-12 Park Place will suffer from some level of obstruction as a result of this temporary development, local shop information and advertisements on the site hoarding will help to identify these shops and direct customers to them. It is noted that none of the commercial units or residential dwellings affected by this proposal have objected to the scheme.
- 6.12 In summary, whilst some harm to neighbouring amenity has been identified, the proposed temporary development is considered on balance to be acceptable. It is considered that the necessity to site the required cabins in this location coupled with the mitigation measures proposed to protect amenity and promote the commercial units, results in a development that (subject to conditions listed below) would be acceptable for a 14-month period. It is therefore recommended to Members that this temporary development is approved.

7. RECOMMENDATIONS

Conditions:

- 1 **Plans List**
- 2 **Standard Time Condition:** The buildings and hoardings hereby permitted shall be removed, and the land restored to its former condition, on or before 14 (fourteen) calendar months from the date of issue of this permission.

Reason: The proposed development is not considered satisfactory as a permanent measure in accordance with Policy 33 of the Horsham District Planning Framework (2015)

- 2 **Pre-Commencement Condition:** No development shall commence until a schedule of materials (including colours) to be used for external walls and staircase enclosures of the approved welfare units has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the units 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)

- 3 **Pre-Commencement Condition:** No development shall commence until precise details (including appearance and size) of the hoarding information board (as indicated on plan reference 1751-HNW-00-ZZ-DR-A-W901) have been submitted to and approved by the Local Planning Authority in writing. The approved signage shall be installed upon erection of the site hoarding, and maintained as approved in accordance with the time limitations of this permission.

Reason: To ensure the development satisfactorily promotes the presence of existing local shop premises in Park Place that would be affected by the development hereby approved

- 4 **Pre-Occupation Condition:** The buildings hereby permitted shall not be occupied until the first-floor windows on each of the side elevations have been fitted with obscured glazing. Once installed the obscured glazing shall be retained permanently thereafter.

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

- 5 **Regulatory Condition:** No external lighting or floodlighting shall be installed without express planning consent from the Local Planning Authority first being obtained.

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

- 6 **Regulatory Condition:** No occupation or use of the welfare units hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays (with an additional 30-minute 'grace period' either side of these hours), nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the amenities of neighbouring residential and commercial occupants in accordance with Policy 33 of the Horsham District Planning Framework (2015). The 'grace period' is to allow for set-up and close-down of the site.

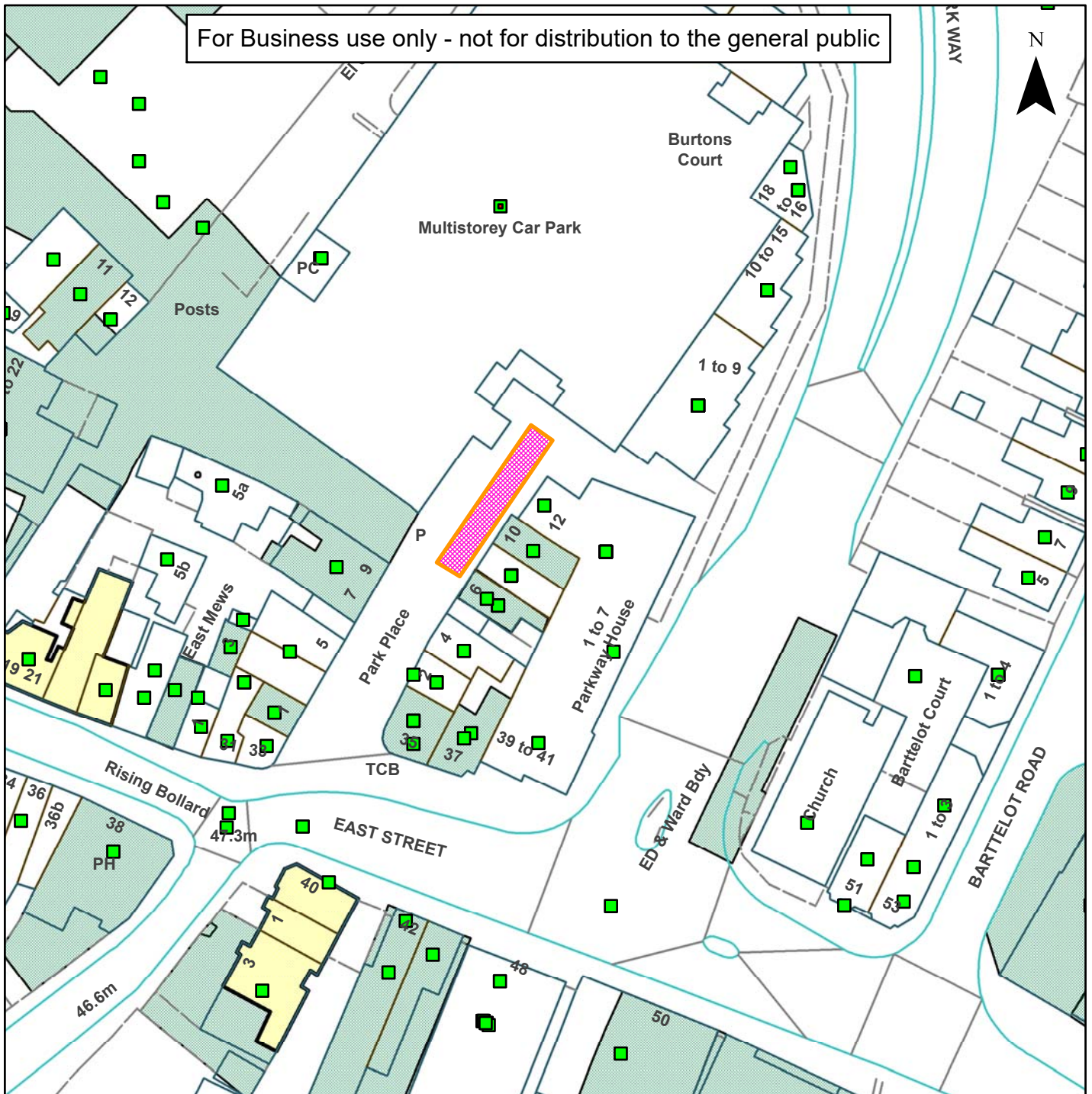
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| Organisation | Horsham District Council |
| Department | |
| Comments | Not Set |
| Date | 21/06/2018 |
| MSA Number | 100023865 |

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Horsham
District
Council

ADDENDUM

Planning Committee North – 3 July 2018

AGENDA ITEM 6 - DC/18/0205

Firtree Plantation, Hyes Woodland, Waterlands Lane, Rowhook

Additional representations:

Two additional letters of objection have been received since the committee report was published, stating:

- Retrospective development in ancient woodland should not have been allowed
- The northern track spur on the public right of way was not part of the 2008 Prior Approval and should be removed as it has not been demonstrated to be necessary. The Criminal Offence of depositing unauthorised materials onto this part of the footpath is therefore not in any way mitigated by any Prior Approval.
- The hardcore base to the northern spur should be removed
- The track should be permitted with a condition requiring use for forestry purposes only.

Officer comment:

Firtree Plantation does not comprise Ancient Woodland, with the nearest Ancient Woodland lying adjacent to the south of the track.

The Council's Arboriculturalist, Landscape Architect and Ecology Consultant have advised that the northern spur be retained to avoid further damage to tree roots and ecology that would arise from its removal. The Public Right of Way officer has stated that his objection is withdrawn provided his requirements for the materials and methodology for the wearing course are secured. A condition requiring the details of the wearing course is conditioned accordingly.

A condition to restrict use to forestry purposes is not considered to meet the test of a condition in that it is not considered reasonable, necessary or enforceable. The track is not being proposed for any use other than to access the land for forestry purposes and any alternative use of the land (and track by association) would require planning permission in its own right.

Continued/...

AGENDA ITEM 7 - DC/18/0612

Mr Lis Chinese Restaurant 45 Springfield Road Horsham

Additional representation:

One additional letter of objection has been received raising the following issues:

1. The report does not mention comments from the Environmental Health officer requesting that delivery vehicles do not use the service road to the side and are parked away from the closest residential properties, and no such conditions are proposed.
2. No information has been submitted to verify that there would be no increase in staff following the re-location of Dominos
3. No mention is made of the industrial nature of the delivery operations forming a sui generis use rather than an A5 use. A condition should be imposed limiting the number of delivery drivers
4. No mention is made of a number of complaints to Environmental Health officers and Compliance officers regarding overflowing bins and rats
5. No mention is made of the objections that the proposed 2x 660litre or 2x 1100 litre bins are insufficient to cater for the needs of the development given the current operation uses 3x 1100 litre bins.
6. Use of Swan Walk car park by customers is unrealistic

Officer comment:

1. The service road does not fall under the applicant's ownership and is used by many of the units and flats along the parade, as well as by a business to the rear. As such it would not be possible to impose planning conditions restricting its potential use. To help minimise the impact of late night movements **a new condition is recommended** requiring a Delivery Service Management Plan for the takeout delivery service to be agreed and implemented.
No takeout deliveries shall take place until a Delivery Service Management Plan has been submitted to and been approved in writing by the Local Planning Authority. All takeout deliveries from the premises shall take place in full accordance with the Delivery Service Management Plan thereafter.
Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).
2. The applicant confirmed to Officers by email that the relocation of Dominos is not anticipated to result in additional staff or delivery drivers. Nevertheless the application is considered on the basis of being an A5 use regardless of end occupier and their particular staffing requirements.
3. The proposed use is considered to form an A5 use which allows for a mix of customer pick-up and delivery services. Limiting the number of delivery drivers would not meet the tests of a condition of being reasonable, necessary or enforceable.

Continued/...

4. Environmental Health officers have clarified that no complaints have been received relating to noise disturbance or odour. The matter of vermin in the rear service road and bin stores is being investigated under separate legislation and is not directly related to any one user.
5. Officers consider the proposed 2x 660 litre bins sufficient. The applicant has clarified that the proposed bin storage would be enclosed and collected more frequently than existing (3 times a week), with capacity inside the building for recyclables to be relocated should the need arise. The enclosed bin store will help prevent other occupiers using Dominos bins as currently happens. Environmental Health officers have confirmed that they have powers under separate public health legislation to ensure businesses provide sufficient refuse storage.
6. WSCC Highways officers have not raised objection based on highway safety, parking demand and existing on-street/paid parking provision.

AGENDA ITEM 8 - DC/18/0751

78 Irwin Drive, Horsham

Correction:

Please note an error in Paragraph 1.1 of the Committee Report. The two storey side extension would have a depth of 8.3m at ground floor level, not first floor level.

AGENDA ITEM 9 - DC/18/0729

The Corner of Piries and Park Place on the Highway adjacent to Piries Place Car Park, Copnall Way, Horsham

Correction:

Please note an error in Paragraph 6.8 of the Committee Report which describes the hours of working during the construction phase of the development. Paragraph 6.8 incorrectly states '8-1pm Monday to Friday'. This should be corrected to read '8am-6pm Monday to Friday' as per condition 6 of the recommendation.

End

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